Appendices to Final Report

Effectiveness of self- and co-regulation in the context of implementing the AVMS Directive
This study was carried out for the European Commission by

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1.1 Austria

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<thead>
<tr>
<th>Country</th>
<th>Austria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Advertising Industry Ethics Code</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Ethik-Kodex der Werbewirtschaft</td>
</tr>
</tbody>
</table>

Name of the organisation in own language

<table>
<thead>
<tr>
<th>Name of the organisation in own language</th>
<th>Österreichischer Werberat</th>
</tr>
</thead>
</table>

Name of the organisation in English

<table>
<thead>
<tr>
<th>Name of the organisation in English</th>
<th>The Austrian Advertising Council</th>
</tr>
</thead>
</table>

Year the scheme came into force

<table>
<thead>
<tr>
<th>Year the scheme came into force</th>
<th>1974 (The Austrian Advertising Council was founded in 1974 and since then some form of the Advertising Industry Ethics Code has been in force)</th>
</tr>
</thead>
</table>

Media covered

<table>
<thead>
<tr>
<th>Media covered</th>
<th>Television broadcast On-demand audiovisual media service Print, postcards, banner, catalogues, leaflets/brochures/flyers, posters, direct mail, CD-Covers, DVDs, internet/e-mail, radio, telephone, cell-phone, packaging</th>
</tr>
</thead>
</table>

Primary focus

<table>
<thead>
<tr>
<th>Primary focus</th>
<th>Commercial communication</th>
</tr>
</thead>
</table>

Specific products covered?

<table>
<thead>
<tr>
<th>Specific products covered?</th>
<th>A distinction is made between general rules of conducts and specific rules of conduct. The latter includes among others: specific rules on addictive substances (alcohol, tobacco) and on automotive vehicles.</th>
</tr>
</thead>
</table>

1. Conception

1.1. Participants

The code was developed in 1974. Little information is available on the first development of the code in 1974. In further development rounds in 2009 and 2012, participants included government, the media sector, the business sector, the legal sector, trade unions and representatives of various interest groups.

The code owner is the Austrian Advertising Council. Examples of organisations involved were the Austrian Broadcasting Corporation, the Association for Austrian Private Broadcasters, the Vienna Children’s and Young Persons’ Representative, The Viennese Women's Shelters. This shows that a wide group of actors was involved in the development of the code.

1.2. Openness

A large number of stakeholders was consulted and involved in the development of the code. However, the process was not generally open to the public.

The government, the media sector, the business sector, and the legal sector were involved when further developing the code in 2009 and 2012 as well.

1.3. Good Faith

The code was already established in 1974 and major revisions were made in 2009 and 2012 where a lot of the same stakeholders mentioned above were involved. However, little information is available about process at the time when the code was initially developed, and the extent to which the
participants felt respected. If the code needs to be adapted, the various stakeholders are invited to participate in the discussion by for instance, the organisation of workshops, see below under item: Iterative improvements. All in all this suggests a sound level of good faith.

<table>
<thead>
<tr>
<th>1.4. Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>- List objectives</td>
</tr>
<tr>
<td>- Analysis for criterion</td>
</tr>
</tbody>
</table>

The aim of the code is to establish a self-disciplinary mechanism for the advertising industry, to monitor and correct erroneous publications and anticipate developments in advance regarding the boundaries of the legal regulations. The code focusses on areas of ethics and morals, because the national laws on commercial communications and consumer protection are quite comprehensive.

The code is owned by the Austrian Advertising Council. The objectives of the Council are:

- Developing and advancing self-regulation in line with ethical and moral criteria,
- Developing and advancing the complaint management system in particular,
- Continuously developing and advancing rules of conduct in the Advertising Industry Ethics Code (in line with societal developments),
- Promote the self-worth of the commercial industry in Austria,
- Promote communication in economic and societal change processes,
- Strengthening the presence of the Advertising Council as an independent authority on the Austrian market,
- Strengthening the function of the Council as a voice and connection within the international network,
- Promote communication between different industries,
- Protecting the freedom of lawful, non-offensive, honest advertising,
- Avoiding governmental advertising restrictions in close cooperation and coordination with the enterprise representatives concerned, the major communication associations in Austria as well as in dialogue with different interest groups.

There are no specific objectives for the code, only for the code owner. The objectives do not include targets and no indicators were defined to measure and monitor the performance of the code.

<table>
<thead>
<tr>
<th>1.5. Legal Compliance</th>
</tr>
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</table>

The code is not related to any national laws. Since the relevant legislation is comprehensive, the code focusses on ethical and moral issues.
### 2. Implementation

#### 2.1. Iterative improvements

The reiterative process takes place every three years and is based on an analysis of complaints, continuous communication with stakeholders, working groups on specific topic, and on discussions with members of the Advertising Council. A meeting with the members is organised twice a year. Since 2007 there have been two major revisions of the Advertising Industry Ethics Code, namely in 2009 and 2012, as well as some amendments in 2014. When the code is adapted the interest groups (representing for example, children, women, consumers in general, and enterprises), and experts from the respective areas are invited to participate in working groups to discuss the latest developments in their fields. After gaining input and expertise from these interest groups and experts, further internal discussions concerning the applicability within the advertising industry take place in the Advertising Council with members of the Advertising Council as well as lawyers. The guidelines are then adopted by the members (including the largest communication associations in Austria). The final decision on guidelines to be included in the Ethics Code is made by the Advertising Council.

#### 2.2. Monitoring

- **Statement on whether stated objectives are monitored.**
- **Analysis of monitoring process.**

The Austrian Advertising Council continuously monitors the code with workshops, discussions with members, etc., to identify areas of improvement. There are no indicators set to monitor the performance and the implementation of the code and there is no formalised monitoring process.

#### 2.3. Evaluation

No evaluation has taken place nor is one planned. In the course of the reiterative feedback processes the Ethics Code was revised several times (see section “Implementation - Iterative improvements”), however an external evaluation has not yet been considered.

#### 2.4. Resolving disagreements

- **Internal disagreements between participants of the scheme.**
- **External disagreements are covered in section 3 on Complaint handling and enforcement.**

There are no procedures for resolving internal disputes between actors involved with the self- or co-regulatory scheme. For external complaints: see below.

#### 2.5. Financing

The major part of the financing comes from fees and contributions from members. The precise amount was not disclosed. In addition, since 2009 there is a fund that supports self-regulatory organisations in the area of commercial communications (the fund is financed by television fees and is regulated in the KommAustria Act). The Austrian Advertising Council applied for subsidies from this fund and received 50,000 euro per year.
3. Complaint handling and enforcement

3.1. Functioning of complaint resolution mechanism

The Austrian Advertising Council is the deciding body which considers whether commercials are in line with the guidelines stated in the code or not. Anyone can file a complaint to the Austrian Advertising Council via an online form. The procedure for handling complaints is described in detail by the Advertising Council. All the parties concerned are informed of the decision by the decision-making committee via e-mail. At the same time, the decision is also published on the website of the Advertising Council. If the decision of the Austrian Advertising Council is not respected yet and no objection against the decision is made, the executive board can decide to inform the general public (by media or press campaign) about the uncooperative behaviour of the responsible company.

3.2. Outcome

The total number of complaints in recent years was as follows: 205 in 2015, 640 in 2014, 209 in 2013 and 346 in 2012. By far the most complaints concern the areas of “gender discrimination” as well as “ethics and morals” (on average over 100 complaints for each area per year between 2012 and 2015) followed by “endangering children and young people”, (on average about 50 complaints per year between 2012 and 2015). In 2015, the Austrian Advertising Council decided that in around 30 % of all the cases there was “no reason to intervene”. For these cases the complainants might not have felt that their complaints were resolved in a satisfactory manner. Additionally, in about 30 % of the cases the Austrian Advertising Council decided to recommend stopping the advertising campaign in question, awareness-raising measures, or that the company stop the campaign immediately after first contact with the Advertising Council. In these cases it can be assumed that the complaints were generally resolved in a satisfactory manner from the perspective of the actors making the complaint. (In the rest of the cases the Austrian Advertising Council was either not responsible for handling the complaint or the procedure was not possible)

3.3. Sanctions

According to the Austrian Advertising Council the “soft sanction measures” (faming, shaming and blaming) have turned out to be quite effective. Most of the companies stop the advertising campaign after first contact with the Advertising Council. Furthermore, the negative effects of media and press campaigns that can be launched by the Austrian Advertising Council caused the uncooperative companies to make more socially acceptable advertising campaigns in the future. The Austrian Advertising Council has developed a procedure for handling complaints allowing immediate reaction to commercial campaigns that violate the Ethics Code (namely, within 6 working days). This is particularly important as commercial campaigns usually change very fast. Experts claim that the soft sanction measures such as press campaigns are not effective enough to enforce the scheme and thus consider the Austrian Advertising Council as “toothless”.

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</tr>
</tbody>
</table>
Cases have been reported where companies did not stop their advertising campaigns despite the "stop-decisions" by the Advertising Council, or launched similar campaigns that again caused a "stop-decision" by the Advertising Council (e.g. in the case of sexist commercials).

The system is very much dependent on consumer interest groups (including the local "commercial watch groups") submitting complaints and on well informed citizens that are aware of and also use the possibility to file complaints to the Advertising Council. Although there is regular press coverage of the Austrian Advertising Council, experts claim, that the Council is not known well enough amongst the public.

<table>
<thead>
<tr>
<th>4. Best practice criteria</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.1. Reach</strong></td>
<td>All relevant stakeholders were involved in the development of the code and in adaptation if needed. Through the participation, the advertisement branch is reached.</td>
</tr>
<tr>
<td><strong>4.2. Accessibility</strong></td>
<td>There seem to be no major accessibility issues. All relevant stakeholders can be involved and follow the code.</td>
</tr>
<tr>
<td><strong>4.3. Effectiveness/impact</strong></td>
<td>Since no evaluation has been carried out little information is available on the effectiveness and impact of the code. The system however, seems to be quite effective in achieving the general objectives of advancing self-regulation in line with ethical and moral criteria. The Austrian Advertising Council has established well working, transparent structures and measures that allow immediate reaction to commercial campaigns that violate the Ethics Code (within 6 working days). It continuously advances and improves its complaint management system and introduces new guidelines that become necessary due to societal changes. Based on the data which have been collected, it can be concluded, that the enforcement seems to be effective in achieving the objectives of the self-regulatory scheme of anticipating developments in the advertising industry in most of the cases. On the other hand – considering that the general policy goals of the scheme comprise correction of erroneous publications and advertising trends (including sexist commercials or commercial representing violence, etc.) – it is claimed (for instance, by advertising watch groups, consumer interest groups, independent experts) that the Austrian Advertising Council is not effective enough due to lack of severe penalties (some companies do not cooperate and continue commercial campaigns violating the Ethics Code). Some organisations demand legal regulations in the area of sexist commercials, such as a legal definition of the term &quot;sexist&quot;, and sanctions that make it unprofitable, especially for larger enterprises, to continue running sexist commercial campaigns. The system is strongly dependent on consumer interest groups (including the local &quot;commercial watch groups&quot;) submitting complaints, and on well informed citizens that are aware of and also use the possibility to file complaints to the Advertising Council. Although there are regular articles in the press on the</td>
</tr>
</tbody>
</table>
Austrian Advertising Council, experts claim that the Council is not known well enough amongst the public.

The strengths of the practice are:
- Fast, transparent processes,
- Easily accessible possibilities for complaints submission by individuals,
- The Ethics Code is designed as a dynamic system that can adapt to societal chances,
- The Advertising Council provides a platform for cooperation/discussion and encourages continuous communication/exchange with stakeholders,
- Awareness-raising measures, the Advertising Council also provides e.g. possibilities to „pre-check“ a commercial campaign.

The weaknesses of the practice are:
- Lack of severe penalty measures,
- Dependence on well informed citizens and consumer interest groups to submit complaints.

Aspects that make the practice successful are:
- Good cooperation between different industries and associations (media, advertising industry, clients of the advertising industry, different interest groups, etc.),
- Fast, easily accessible, transparent complaint procedures,
- Complaint management and feed-back processes that allow continuous adaption to societal changes.

| 4.4. Efficiency | No information is available on the budget of the code and how it is spent. Therefore no indication can be given as to the efficiency of the scheme. The Code is considered to be quite efficient by stakeholders. The Council has established well working, transparent structures and measures that allow immediate reactions to commercial campaigns (within 6 working days). The independent decision-making committee (160 experts) of the Advertising Council works on a voluntary basis. The Austrian Advertising Council was also selected as a best practice example for its efficient complaint management structures by the European Advertising Standards Alliance. |
| 4.5. Evaluation | No evaluation or review has been carried nor is one planned. In the course of the reiterative feedback processes the Ethics Code was revised several times (see section “Implementation - Iterative improvements”), however an external evaluation has not yet been considered. |
| 4.6. Implementation issues/administrative burden | The only issues related to implementation are the lack of severe penalty measures (only soft sanctions - „faming, shaming, blaming“), and the dependence on well informed citizens and on consumer interest groups to submit complaints. No information is available on the administrative burden related to the implementation of the code and the submission of complaints. Everybody can file a complaint to the Austrian Advertising Council via an online form. The administrative burden for submission of complaints can therefore be considered to be low. |
4.7. Transferability

The system is considered very easily transferable. Similar systems already exist in other countries. An important condition is that the advertisement sector involved, is willing to set up a self-regulatory body, and to develop a code. In addition, the sector must be willing to take this responsibility and comply with the code. Austria is a small country and the advertising market can be considered as “small”, which means that the players cannot take the risk of endangering their position on the market.

<table>
<thead>
<tr>
<th>Country</th>
<th>Austria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Annex to the Advertising Industry Ethics Code: Code of conduct of the Austrian broadcaster regarding inappropriate audiovisual commercial communication in connection with children’s programmes and food</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Anhang zum Ethik-Kodex der Werbewirtschaft: Verhaltenskodex der österreichischen Rundfunkveranstalter hinsichtlich unangebrachter audiovisueller kommerzieller Kommunikation in Zusammenhang mit Kindersendungen und Lebensmittel</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Der Fachverband für Telekommunikations- und Rundfunkunternehmungen, der Österreichische Rundfunk (ORF) und der Verband Österreichischer Privatsender (VÖP)</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>The Austrian association of telecom-broadcasting, the Austrian Broadcasting Corporation (ORF) and the Austrian Association of Private Broadcasters (VÖP)</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>2010</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast, On-demand audiovisual media service</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td>HFSS (high in fat, salt or sugar) food products</td>
</tr>
</tbody>
</table>

1. Conception

1.1. Participants

The Austrian Broadcasting Corporation (ORF), the association of telecom-broadcasting within the Austrian Economic Chambers, the Association of the Advertising and Market Communication Industry within the Austrian Economic Chambers, the Austrian Association of Private Broadcasters (VÖP), and the Association of food and beverage industries within the Austrian Economic Chambers were involved in the development of the Code. Not all private broadcasters signed the agreement. Stakeholders not involved included consumer and civil society organisations as well as public authorities and regulators.

1.2. Openness

There was a more or less closed group involved in the scheme.

1.3. Good Faith

There is no evidence to suggest that the parties involved in the development of the scheme did not feel respected.
1.4. Objectives
- List objectives
- Analysis for criterion

The general policy goal is to prevent children from seeing commercial communications concerning HFSS food products that may have a negative effect on their dietary habits. The objective of the Code is as follows: As regards the special worthiness of the protection of children the organisations mentioned subscribe to the voluntary self-limitation in relation to audiovisual commercial communications accompanying or included in children’s programmes regarding foods and beverages which contain nutrients and substances with a nutritional or physiological effect.

The objectives seem to be coherent with the policy goals. No targets or indicators have been defined for the objectives however.

1.5. Legal Compliance

The Code is related to the ORF Act and the Audiovisual Media Services Act.

2. Implementation

2.1. Iterative improvements

There are no reiterative or specific feedback processes in place for this annex. Revisions to the Code follow the general feedback procedures of the Austrian Industries Ethics Code.

2.2. Monitoring
- Statement on whether stated objectives are monitored.
- Analysis of monitoring process

There is no monitoring mechanism in place.

2.3. Evaluation

No external evaluation has been considered so far.

2.4. Resolving disagreements
- Internal disagreements between participants of the scheme
- External disagreements are covered in section 3 on Complaint handling and enforcement

There are no procedures in place for resolving internal disputes between actors involved with the self- or co-regulatory scheme. External complaints: see below

2.5. Financing

The major part of the financing comes from fees and contributions from members. The amount was not disclosed.

3. Complaint handling and enforcement

3.1. Functioning of complaint resolution mechanism

Complaints regarding the Code are submitted to the Austrian Advertising Council. All external complaints can be filed to the Austrian Advertising Council. The description of the complaints procedure is described within the code and is accessible online.

3.2. Outcome

So far, no external complaints have been received concerning this self-regulation scheme. However, the procedure for handling complaints within the Austrian Advertising Council Code of Ethics is also applied for this Code of Conduct. This system has been shown to be quite effective.

3.3. Sanctions

Faming, shaming and blaming is the type of enforcement used.

4. Best practice criteria

4.1. Reach

The Annex to the Code of Ethics targets private broadcasters in Austria, but not all private broadcasters signed the agreement. Furthermore the annex targets the food and beverages industry.
to ensure compliant advertising of food aimed at children. The associations of food and beverages industries and the association of broadcasters suggest a good coverage of the relevant sectors being reached by the annex to the Code, the Code of Conduct. However the extent of the reach is difficult to determine without insight into the full size of these industries in Austria.

### 4.2. Accessibility

The evidence collected does not point to any major accessibility issues.

### 4.3. Effectiveness/impact

In general, it can be assumed that those broadcasters signing the self-regulation also commit to it. So far, no external complaints have been received concerning this self-regulation agreement. However despite the possibility for submitting external complaints, there is no continuous mechanism monitoring the compliance with the self-regulation scheme. Despite the fact that broadcasters signing the agreement in general seem to comply with the regulations, it is claimed that the self-regulation scheme does not cover all important areas in order to protect minors from audiovisual commercial communications for HFSS (high in fat, salt or sugar) food products. Since broadcasters singing the code do so on a voluntary basis, they usually also agree with the goals of the self-regulation scheme and commit to it. However, when considering the viewing habits of children the regulation only covers a part of the programmes and the media consumed by children. Not all broadcasters signed the agreement.

### 4.4. Efficiency

The code is considered quite effective. After the development of the self-regulation code there have been almost no additional costs involved. The external complaint management system already exists in the well working and efficient structures of the Austrian Advertising Council that are used.

### 4.5. Evaluation

No external evaluation has been considered so far.

### 4.6. Implementation issues/administrative burden

The evidence collected does not show any issues regarding implementation.

### 4.7. Transferability

The Code is considered to be very easy transferable, as there are no barriers identified for transferability to other Member states.
<table>
<thead>
<tr>
<th>Country</th>
<th>Austria</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Country</strong></td>
<td><strong>Austria</strong></td>
</tr>
<tr>
<td><strong>Code name ENG</strong></td>
<td>Annex to the Advertising Industry Ethics Code: Communication Code of the Austrian Brewing Industry</td>
</tr>
<tr>
<td><strong>Code name NATIONAL</strong></td>
<td>Anhang zum Ethik-Kodex der Werbewirtschaft: Kommunikationskodex der österreichischen Brauwirtschaft</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Verband der Brauereien Österreichs</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>The Austrian Brewers Association’s</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>2007</td>
</tr>
</tbody>
</table>
| Media covered | Television broadcast  
On-demand audiovisual media service  
Print, postcards, banner, catalogues, leaflets/brochures/flyers, posters, direct mail, CD-Covers, DVDs, internet/e-mail, radio, telephone, cell-phone, packaging |
| Primary focus | Commercial communication |
| Specific products covered? | Beer products |

### 1. Conception

1.1. **Participants**

The Austrian Brewers Association (representing the interests of its members – all Austrian brewers - within the framework of the Professional Association of food and beverage industries in the Austrian Economic Chambers) took the initiative to develop their own self-regulation. This was done in close cooperation with the Austrian Advertising Council and the Professional Association of Advertising and Market Communication Industry, within the Austrian Economic Chambers.

Within the Austrian Brewers Association there is a working group responsible for public relations consisting of a committee of marketing experts from 12 different Austrian Brewers which worked on the development of the scheme. The involvement of member companies (brewers) during the early stages of development for the scheme was seen as an important step to ensuring the industry identification and compliance with the scheme when it came into force.

The Code was also presented at the annual plenary meeting to inform and explain the Code to all Austrian Brewers.

The Code was introduced as an Annex to the general Advertising Industry Ethics Code. Consumer organisations were not directly involved in the development process, but within the framework of the Advertising Council different consumer organisations, such as the Austrian Chamber of Labour, are consulted on a regular basis.

1.2. **Openness**

There was more or less a closed group involved in the scheme.
1.3. **Good Faith**  
There is no evidence to suggest that the parties involved in the development of the scheme did not feel respected or involved in the process.

1.4. **Objectives**  
- List objectives  
- Analysis for criterion

The general goal of the Code is to promote responsible and moderate consumption of beer products. Objectives of the code include preventing commercial communications for beer from including representations or statements of misuse or harmful consumption, or that commercial communication for beer appeal to children or young people.

Further objectives or general principles include:  
- Bearing social responsibility and considering the rights, interests and feelings of individuals as well as groups of people in commercial communications;  
- Marketing and information from the Austrian Brewers should not discriminate based on sex, religion or ethnicity, age, personal peculiarity or political opinion;  
- Beer commercials should support the responsible handling of alcoholic beverages and should not represent abstinence or moderation in a pejorative way.

The objectives are clear and seem to be coherent with the overall policy goal. The objectives however do not include measurable targets and no indicators were defined to monitor the performance of the Code.

1.5. **Legal Compliance**  
The scheme is not based on any national law.

2. **Implementation**

2.1. **Iterative improvements**  
There are no reiterative or specific feedback processes in place for this Annex. They follow the general feedback procedures used for the Austrian Advertising Industries Ethics Code (continuous analysis of complaints, exchange with relevant stakeholders).

There have been no adjustments since the introduction of the scheme in 2007. There are however plans to adapt the Code and to explicitly include the area of social media. For this adaption another consultation of members, as well as further cooperation with the Austrian Advertising Council is planned.

2.2. **Monitoring**  
- Statement on whether stated objectives are monitored.  
- Analysis of monitoring process

Besides the possibility of receiving external complaints and the reiterative feedback processes in place, there is no formalised monitoring mechanism in place within the general framework of the Austrian Advertising Council.

2.3. **Evaluation**  
Since its establishment in 2007 the Code has not been evaluated. No external evaluation has been considered so far.

2.4. **Resolving disagreements**  
- Internal disagreements between participants

There are no formalised procedures in place for resolving internal disputes.

External complaints: see below.
1. Functioning of complaint resolution mechanism

All external complaints can be filed to the Austrian Advertising Council. For the description of the complaint procedure, please see description of the Austrian Advertising Ethics Code.

2. Outcome

The number of complaints on alcohol advertising was 9 in 2012, 2 in 2013, 4 in 2014 and 1 in 2015. These are all the complaints received for the category “alcohol”. Complaints which concern the Communication Code of the Austrian Brewers Industry cannot be differentiated from the other complaints received for the “alcohol” alcohol Category. In 2015, none of the “alcohol” complaints referred to beer. Most complaints concerned issues of sexism in alcohol commercials. The decision for each complaint received is published on the Austrian Advertising Council website, and as such, all complaints received are solved.

3. Sanctions

The Austrian Advertising Council is responsible for enforcing the scheme. The decision of the Council can be that:
- the Austrian Advertising Council is not responsible for handling the compliant or a procedure was not possible (the Advertising Council is only responsible for commercial advertising);
- awareness-raising measures;
- no reason to intervene;
- a ‘stop-decision” is required (request to immediately stop the campaign);
- the company stopped the campaign immediately.
As a sanction the Council can use faming, shaming and blaming.

4. Best practice criteria

4.1. Reach

The Austrian Brewers Association, as well as their members (all Austrian brewers), are the principle target group of the Code. They developed the code in close cooperation with the Austrian Advertising Council and with the Professional Association of Advertising and Market Communication Industry, within the Austrian Economic Chambers.

4.2. Accessibility

The scheme is easily accessible on the website of the Austrian Advertising Council. Any individual can submit complaints easily.

4.3. Effectiveness/impact

Since no evaluations are carried out and no concrete targets or indicators were defined either, there is little systematic monitoring information available on the effectiveness and impact of the scheme.
impact of the Code. However, the procedure for handling complaints within the Austrian Advertising Council, which is also applied for this self-regulation scheme, has been shown to be quite effective.

Only very view complaints were received on this specific Code (not a single complaint in 2015) which can be interpreted as a good sign regarding the compliance among the industry. However the lack of complaints but may also be explained by a lack of awareness and engagement from consumers in reporting potential violations.

Strengths of the code include:
- Fast, transparent processes,
- Easily accessible possibilities for complaints by individuals,
- A platform for cooperation/exchange/discussion provided by the Austrian Advertising Council,
- Awareness-raising measures, including the possibility to “pre-check” a commercial campaign,
- Good industry coverage,
- The Code is available to all stakeholders and consumers and can be downloaded freely from the Austrian Advertising Council’s website,
- The Code allowed for sensitisation among the members of the Austrian Brewers Association and many companies have their advertising campaigns checked before launching them,
- Involvement of some of the members (12) when developing the scheme also enhances the identification and compliance with the developed rules.

Weaknesses of the practice are:
- Lack of severe penalty measures,
- Dependency on well informed citizens and consumer interest groups to submit complaints.

<p>| 4.4. Efficiency | Since no evaluation is carried out and there is no specific information available regarding the budget of this Code, it is difficult to assess the efficiency of the Code. However, the procedure for handling complaints within the Austrian Advertising Council, which is also applied for this Code, has been shown to be quite effective. Furthermore the additional costs are limited. |
| 4.5. Evaluation | Since its establishment in 2007 the Code has not been revised. No external evaluation has been considered so far. |
| 4.6. Implementation issues/ administrative burden | There seems to be no implementation issues and no administrative burdens. |
| 4.7. Transferability | The scheme is very easily transferable to other countries. No barriers have been identified. Similar systems already exist in other countries. |</p>
<table>
<thead>
<tr>
<th><strong>Country</strong></th>
<th>Austria</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Code name ENG</strong></td>
<td>Self-commitment declaration: Resignation of private broadcasters to broadcast commercials interrupting children’s programmes</td>
</tr>
<tr>
<td><strong>Code name NATIONAL</strong></td>
<td>Selbstverpflichtungserklärung: Verzicht von Privatsendern auf Unterbrecherwerbung in Kinderprogrammen</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Der Fachverband für Telekommunikations- und Rundfunkunternehmungen und der Verband Österreichischer Privatsender (VÖP)</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>The Austrian association of telecom-broadcasting and the Austrian Association of Private Broadcasters (VÖP)</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>2009</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast On-demand audiovisual media service</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td></td>
</tr>
</tbody>
</table>

### 1. Conception

#### 1.1. Participants

The only two participants in developing the scheme were the Austrian association of telecom-broadcasting (trade association) and the Austrian Association of Private Broadcasters (VÖP). Two-thirds of the national private broadcasters are members of the Austrian Association of Private Broadcasters, and signed the agreement.

#### 1.2. Openness

No consumer groups or civil interest group, or public authorities were involved, suggesting a relatively closed development process.

#### 1.3. Good Faith

There was little information available on the degrees to which each of the developing parties was involved in the conception of the scheme. However the interests involved are primarily private interests involved in a voluntary scheme development, suggesting a certain level of good faith. The lack of public or civil interests however, suggest that on a broader societal level, the scheme may carry less good faith.

#### 1.4. Objectives

- List objectives
- Analysis for criterion

The protection of children holds a special importance and salience within political discussions on regulating commercials interrupting children’s programmes. Therefore, the Austrian association of telecom-broadcasting and the Austrian Association of Private Broadcasters admit to the voluntary self-limitation regarding the advertisements aired around children’s programmes. All the members of the Austrian Association of Private Broadcasters and the Austrian association of telecom-broadcasting subscribing to the regulation commit themselves to ban voluntarily and regardless of other obligations commercial breaks during children’s programmes. All the members of the Austrian Association of Private Broadcasters and the Austrian association of telecom-broadcasting, as well as both of the associations thus commit explicitly to the protection of children and young people in children’s programmes.
The evidence collected indicates that there are no operationalised objectives, only an overall objective. Moreover, no targets or indicators are defined.

### 1.5. Legal Compliance

The Audiovisual Media Services Act, Art.44(3) states that children’s programmes can be interrupted by commercials once in a programmed period of at least 30 minutes. By signing the commitment to the self-regulation the private broadcasters renounce making any interruption of children’s programmes by commercials. The self-regulation thus goes beyond the legal requirements.

### 2. Implementation

#### 2.1. Iterative improvements

There are no reiterative or feedback processes in place.

#### 2.2. Monitoring

- Statement on whether stated objectives are monitored.
- Analysis of monitoring process

No monitoring is carried out. Besides the possibility of making external complaints, there is no continuous control mechanism monitoring the compliance with the self-regulation scheme.

#### 2.3. Evaluation

No external evaluation has been considered so far

#### 2.4. Resolving disagreements

- Internal disagreements between participants of the scheme
- External disagreements are covered in section 3 on Complaint handling and enforcement

There are no procedures for resolving internal disputes between actors involved.

External complaints: see below

#### 2.5. Financing

There is currently little insight into the financing system and budget for this scheme.

### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

The Austrian Advertising Council performs the complaint handling activities. All external complaints can be filed to the Austrian Advertising Council. For descriptions of the complaint procedure, please see the description of the Austrian Advertising Ethics Code.

#### 3.2. Outcome

So far, no external complaints have been received concerning this self-regulation scheme. (However, the procedure for handling complaints within the Austrian Advertising Council, which is applied also for this self-regulation scheme, has shown to be quite effective.)

#### 3.3. Sanctions

The type of enforcement used is faming, shaming and blaming.

### 4. Best practice criteria

#### 4.1. Reach

It is not known whether the declaration results in a high reach of the target group or a large output. Two-thirds of the national private broadcasters that are members of the Austrian Association of Private Broadcasters signed the agreement.

#### 4.2. Accessibility

There appear to be no major issues regarding accessibility.

#### 4.3. Effectiveness/impact

In general, it can be assumed that those broadcasters signing the self-regulation also commit to it. Furthermore, no external complaints have been received so far concerning this self-
regulation agreement. However besides the possibility of external complaints there is no continuous control mechanism monitoring the compliance with the self-regulation scheme.

4.4. Efficiency

After implementation there have been almost no additional costs involved. For external complaint management the Austrian Advertising Council’s pre-existing, well working and efficient complaints system is used.

4.5. Evaluation

No external evaluation has been considered so far.

4.6. Implementation issues/administrative burden

Evidence has not provided any indication of administrative burden or implementation issues.

4.7. Transferability

The declaration is considered to be easily transferable. No barriers for transferring it to other Member States have been identified.

1.2 Belgium

<table>
<thead>
<tr>
<th>Country</th>
<th>Belgium</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Advertising Code of the Advertising Council</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Reclamecode van de Raad voor de Reclame; Code de la publicité du Conseil pour la Publicité</td>
</tr>
<tr>
<td>Specific or thematic codes under general code</td>
<td>Sector codes:</td>
</tr>
<tr>
<td></td>
<td>• Covenant on advertising and marketing of alcoholic beverages</td>
</tr>
<tr>
<td></td>
<td>• Advertising code for foods (Fevia)</td>
</tr>
<tr>
<td></td>
<td>• Code of Advertising for motor vehicles, their parts and accessories (Feibac)</td>
</tr>
<tr>
<td></td>
<td>• Advertising code for cosmetics and hygiene products (Detic)</td>
</tr>
<tr>
<td></td>
<td>• Code of Ethics in Fundraising (VEF)</td>
</tr>
<tr>
<td></td>
<td>• Code of Ethical and Responsible Advertising for companies that organise lottery games</td>
</tr>
<tr>
<td></td>
<td>• GOF - Guidelines for SMS / MMS / LBS services</td>
</tr>
<tr>
<td></td>
<td>Inter sector codes:</td>
</tr>
<tr>
<td></td>
<td>• Environmental Advertising code</td>
</tr>
<tr>
<td></td>
<td>Rules and recommendations:</td>
</tr>
<tr>
<td></td>
<td>• Rules on the image of men</td>
</tr>
<tr>
<td></td>
<td>• Rules for humour in advertising</td>
</tr>
<tr>
<td></td>
<td>• Recommendations on the promotion of children's festivals (Sinterklaas, Christmas, Easter)</td>
</tr>
<tr>
<td></td>
<td>• Rules on advertising on isolation, heating fuels and energies</td>
</tr>
<tr>
<td></td>
<td>• Rules on medical references in advertising for bedding</td>
</tr>
<tr>
<td></td>
<td>• Rules applicable to non-commercial advertising</td>
</tr>
<tr>
<td></td>
<td>• Rules on advertising of slimming products</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Raad voor de Reclame, Conseil pour la Publicité</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Advertising Council</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>1967</td>
</tr>
</tbody>
</table>
| Media covered | Television broadcast  
|               | On-demand audiovisual media service  
|               | All other media  |
| Primary focus | Commercial communication  |
| Specific products covered? | General code for advertising, specific codes for specific products: see before.  |

### 1. Conception

#### 1.1. Participants

The code of the Belgian Advertising Council (Raad voor de Reclame) follows the International Chamber of Commerce (ICC) Consolidated Code on Advertising and Marketing Practice. The Council was set up in 1967 by associations representing the advertisement sector. The members cover more than 80% of the advertisement sector in Belgium, and include:
- Unie Van Belgische Adverteerders (UBA),
- Association of Communication Companies (ACC),
- Belgian News Media,
- Federatie van de Belgische Magazines (FEBELMAG)
- Vereniging van de Uitgevers van Gratis Pers (FREE PRESS),
- Unie Der Uitgevers van de Periodiek Pers (UPP),
- Associatie van Exploitanten van Aanplakborden (AEA),
- Belgische Vereniging voor Audiovisuele Media (BVAM),
- Interactive Advertising Bureau (IAB).

For the specific codes trade organisations are also involved, such as the Belgian Federation of Wine and Spirits, the Belgian Brewers Federation, COMEOS (representatives of the Belgian trade and services), industry the Federation of the Food Industry (FEVIA), etc.

### 1.2. Openness

Representatives of the advertising sector and relevant trade organisations are involved in the scheme. Neither consumers’ organisations nor public authorities were invited to the development initiative.

### 1.3. Good Faith

The initiative was taken by the advertisers’ association, advertising agencies associations, and media associations. The scheme has subsequently been transferred to the authority of the Belgian Advertising Council which is currently in charge of it.

### 1.4. Objectives

- **List objectives**
- **Analysis for criterion**

The general Code aims to achieve the following objectives:
- Showing responsibility and good practice in advertising and marketing all over the world;
- Improving the overall consumer confidence in marketing, respecting the privacy and preferences of consumers and ensuring special responsibility when it comes to marketing communication and children and young people;
- Protecting the freedom of expression of those who are working with marketing;
- Providing effective practical and flexible solutions, minimising the need for detailed public or inter-governmental legislation or regulations.

The specific codes have more specific objectives focussed on their subject area and target group.

No targets were set for the objectives and no indicators were
developed to monitor and assess whether the objectives are reached.

### 1.5. Legal Compliance

The Code complies with all national laws related to commercial communications, but it is an industry initiative that does not refer to any specific law.

### 2. Implementation

#### 2.1. Iterative improvements

The general code of the Belgian Advertising Council follows the ICC code. The ICC code provides the basis for national self-regulating authorities who can apply the code as a basis for their own self-regulatory schemes. The ICC code was revised in 2011 to implement guidelines for online advertising. For the specific sub-codes there are no systems for iterative improvements in place. Initiatives to improve the scheme can be proposed by the president of the Jury of JEP based on evidence regarding complaints received regarding the self-regulatory code.

#### 2.2. Monitoring

The Advertising Council set up the Jury for Ethical Advertising Practice (JEP), which handles the complaints for the general and all other relevant codes related to advertisement activities. The JEP makes an annual report about the complaints received, classifies them by topic, and by industry. No other monitoring activities are in place.

#### 2.3. Evaluation

The code is not evaluated. However, the ICC code is regularly evaluated to see whether it still meets the current state of the media and advertising trends. For instance, whether it is compatible with new technologies, platforms and instruments in the media. Moreover, the ICC process ensures that the code remains relevant for the dynamics of the judicial and social environment as well.

The JEP only draws up annual evaluation reports for the food code and the alcohol code.

#### 2.4. Resolving disagreements

No procedures exist to resolve internal disagreements. The JEP only accepts complaints from consumers, consumers' organisations, government authorities, and equal opportunity associations. Any potential dispute among competitors or industry players have to be resolved through the standard judiciary channels (e.g. courts).

#### 2.5. Financing

The Belgian Council for Advertising is financed by the associations representing the media sector: advertising firms, communication bureaus, and the advertising media. Every year the budget is adapted to the reality of the needs of the organisation. The main driver behind the yearly budget updating is inflation.
### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

The JEP handles the complaints for this code. Only individual consumers, consumers’ organisations, government authorities and equal opportunities organisations are entitled to bring complaints to the attention of JEP. The JEP will then first contact the advertiser who is addressed in the complaint. The JEP provides the advertiser with the opportunity to reply to the complaint. Ultimately, the Jury of the JEP will decide if the advertisement is in accordance with the law, the relevant regulations and codes of protection for consumers and children. The Jury therefore decides if the advertisement should be banned from the media or not. Half of the members of the jury are industry representatives and the other half are representatives from consumers’ organisations, academics, and equal opportunities organisations.

#### 3.2. Outcome

During 2012-2014, the following number of complaints were received, as retrieved from JEP’s annual report:
- 2012: 339
- 2013: 235
- 2014: 136

The following number of complaints were resolved between 2012 and 2014:
- 2012: 163
- 2013: 122
- 2014: 82

The complaints are not always resolved in a satisfactory manner. This is mainly due to the nature of the complaints. Some complaints are not well-justified and therefore the JEP cannot make any comments on the complaint and the complaint will not be resolved. It seems that the public is more aware about the existence of general ethical principles promoted by JEP for advertising practices than the existence of the Code. However, it has been noted that the number of complaints over the years has decreased, and the percentage of resolved complaints has risen over the years.

#### 3.3. Sanctions

In case the advertiser is not willing to adapt the advertisement, the JEP will approach the relevant media platform with the request to remove the advertisement. However, a sanctioning mechanism does not exist. Media incompliances are reported to the respective federal broadcasting authorities in Flanders and Wallonia, who will then act accordingly. No monetary sanctions are foreseen, but any decision of the Jury is reported in the media and on JEP’s website in order to undermine the infringer’s reputation.
## 4. Best practice criteria

<table>
<thead>
<tr>
<th>4.1. Reach</th>
<th>The code is published on the website of JEP, so all advertising firms, communication bureaus and the advertising media can find it and apply it. The members cover more than 80% of the advertisement spread in Belgium. However, it seems that the Code is not well known outside the industry and the main stakeholders involved. The general public appears to be familiar with JEP but not with Code (evidence confirmed by the nature of the complaints received).</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2. Accessibility</td>
<td>The code is relatively easy to access as it is displayed on the website of JEP. The ICC is internationally recognised which raises the accessibility.</td>
</tr>
<tr>
<td>4.3. Effectiveness/impact</td>
<td>The ICC code has been applied by independent self-regulatory bodies approximately 70 years. The code is recognised and accepted as ‘the best practice’ of the industry and as an accepted way of providing consumer protection. Even though the members of UBA have to sign an agreement in which they swear to comply with any decision made by the JEP, it is difficult to monitor whether the actors actually comply with the decisions given that there is no monitoring system in place. The JEP activity is only based on complaints and consequently, a code infringement may pass unnoticed unless somebody reports it. In addition, it appears that the code is not known outside the industry players.</td>
</tr>
<tr>
<td>4.4. Efficiency</td>
<td>The industry incurs all the costs rather than the state or the tax payers, which is considered efficient both from the perspective of the government, as well as the industry and consumer organisations. There have been no administrative burdens identified in the implementation of this scheme. Consumers, consumers’ organisations, government authorities, and equal opportunity organisations can submit complaints to the attention of JEP free of charge. However, the same “alternative disputes resolution” mechanism is not in place for competitors and other industry players, which have to apply to courts. The industry sector can ask for advice before an advertisement is published. This consulting service is not free of charge.</td>
</tr>
<tr>
<td>4.5. Evaluation</td>
<td>The code is not evaluated. However, the ICC code on which the Belgian Code is based, is evaluated to see whether it still meets the current state of the media. For instance, to ensure that it remains compatible with new technologies, platforms and instruments in the media. Initiatives to improve the scheme can be proposed by the president of the jury of the JEP based on evidence from the complaints received. The JEP only draws up annual evaluation reports for the food and alcohol codes.</td>
</tr>
<tr>
<td>4.6. Implementation issues/ administrative burden</td>
<td>The code is available on the website of JEP. The Code sets principles that signatories agreed to comply with. It is not considered too technical so that its compliance does not lead to extra administrative burden for the enterprises.</td>
</tr>
</tbody>
</table>
The complaint system is straightforward; complaints can be submitted via an on-line form.

**4.7. Transferability**

The Belgian code is based on the ICC code which is a globally used scheme, which makes it applicable to almost every country in the world. More specifically, the ICC enhances harmonisation and coherence when applied in various countries, yet it is flexible enough to accommodate differences in culture and societal rules. This makes the code easily transferable.

<table>
<thead>
<tr>
<th>Country</th>
<th>Belgium</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>The Belgium Pledge</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>The Belgium Pledge</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>FEVIA (de Federatie van de Voedingsindustrie), COMEOS (vertegenwoordiger van de Belgische handel en diensten) en UBA (Unie van Belgische Adverteerders) FEVIA (la Fédération de l’industrie alimentaire), COMEOS (représentant du commerce et des services en Belgique) en UBA (Union Belge des Annonceurs)</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>FEVIA (the Federation of the Food Industry), COMEOS (representatives of the Belgian trade and services industry) and UBA (the Union of Belgian Advertisers)</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>2012</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast On-demand audiovisual media service All other media</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td>Food and drink</td>
</tr>
</tbody>
</table>

**1. Conception**

**1.1. Participants**

The Belgian Pledge is a joint initiative from FEVIA, the Federation of the Food Industry, COMEOS, representatives of the Belgian trade and services industry, and the UBA, the Union of Belgian Advertisers. The Pledge is based on the European Pledge and has the aim of promoting responsible advertising of food and drinks when aimed at children under 12 years of age.

**1.2. Openness**

The three organisations that initiated the pledge represent a relative part of the market and through these organisations the relevant industries contribute indirectly to the establishment of the pledge. The three initiating organisations express the aim of further expanding the signatories of the Pledge to cover as much of the relevant market as possible. The Federal Ministry of Health supported the initiative and took part in the launch of the Pledge. No consumers’ organisations were invited to participate at its development.

**1.3. Good Faith**

The UBA took the initiative to set up the Belgian Pledge. Its development was carried out in cooperation with FEVIA and COMEOS which currently manage the initiative. The voluntary nature of the Belgian Pledge also suggests that
signatories do so out of a commitment and good faith regarding the requirements of the Pledge and what it aims to achieve.

### 1.4. Objectives

- **List objectives**
- **Analysis for criterion**

The goal of the Belgian Pledge is to give the relevant industry the opportunity to promote responsible behaviour in advertisements aimed at children younger than 12 years. The Belgian Pledge consists of two main commitments. Firstly, advertising about food and drinks aimed at children under 12 years on television, radio, press and internet (except for products which meet specific nutrition requirements) is prohibited. Secondly, no communication about food and drink product (except products which meet a specific nutritional standard) at elementary schools (except when the director asks for it or when it serves for educational purposes) is allowed. No targets are set in the objectives but the degree of conformity in TV, schools and internet is monitored as an indicator.

### 1.5. Legal Compliance

The Pledge complies with all national laws related to commercial communications, but it is an industry initiative that does not refer to any specific law as its basis.

### 2. Implementation

#### 2.1. Iterative improvements

The compliance with the Pledge is monitored every year. There is no system for reviewing it or for identifying areas of improvement.

#### 2.2. Monitoring

The Belgian Pledge is monitored on an annual base by an independent party with the required expertise. This party writes an independent report on whether the Belgian Pledge achieved its objectives. Last year, the report on schools was prepared by the Gent University. The monitoring report for television advertisements was written by MindshareMonitoring. The JEP (Jury d’Ethique Publicitaire) monitored the compliance rate of the signatory members in their company websites.

#### 2.3. Evaluation

The monitoring report is carried by independent organisations on an annual basis.

#### 2.4. Resolving disagreements

There do not appear to be any procedures in place. The Pledge is a voluntary commitment.

#### 2.5. Financing

The sources of financing are provided by FEVIA, COMEOS and UBA members.

### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

The enterprises voluntarily declare that they will commit to the Pledge. There does not appear to be a complaint system in place for either internal disagreements amongst signatories, nor external complaints from consumers.

#### 3.2. Outcome

The compliance rates are 99.4% for television and 97.5% for schools, respectively. Given that there do not appear to be any complaints resolution mechanisms, there are no concrete outcomes listed for complaints resolution mechanisms specifically.

#### 3.3. Sanctions

The Belgian Pledge is a voluntary commitment and no sanctions are set in case of non-compliance.

### 4. Best practice criteria

#### 4.1. Reach

All relevant enterprises can commit to the Pledge. The Pledge is published at the website of the Belgium Pledge.
Pledge is expanding its reach, with an increase in signatories from 32 companies in 2012 to 41 companies in 2015 (an increase of 28%).

<table>
<thead>
<tr>
<th>4.2. Accessibility</th>
<th>The code appears relatively straightforward to access and to comply with.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.3. Effectiveness/impact</strong></td>
<td>The compliance rates are 99.4% for television and 97.5% for schools respectively. This indicates that the members of the Belgian Pledge take their commitment seriously. Their attitude regarding the Pledge can be seen as responsible. It is evident that, at least on television, hardly any food advertisement is aimed at children below twelve years old. However, there is still room for improvement regarding schools. Although the long run effect is not known yet, it has not been proven whether this Pledge lowered child obesity in Belgium. Further research is necessary to study the long run implications. The annual monitoring by independent bodies has the objective of stimulating the companies who signed the Pledge to maintain a high level quality of advertising each year. Moreover, the voluntary basis of the Pledge is considered to be a strength. Companies who sign it on a voluntary basis have a better incentive to obey the engagements as compared to an obligatory treaty. This is also one of the explanations of the high compliance rates. A point of improvement would be that the introduction of sanctions if companies do not obey the rules. This is especially the case where schools are concerned, where the compliance score is relatively low compared to television.</td>
</tr>
<tr>
<td><strong>4.4. Efficiency</strong></td>
<td>The industry incurs all the costs rather than the state or tax payers which is considered efficient both from the perspective of the statutory regulator, as well as the industry and the consumer organisations. There has been no administrative burden identified in the implementation of the Pledge. The available information points to efficiency of the scheme.</td>
</tr>
<tr>
<td><strong>4.5. Evaluation</strong></td>
<td>The monitoring report is carried out by independent organisations on an annual basis.</td>
</tr>
<tr>
<td><strong>4.6. Implementation issues/administrative burden</strong></td>
<td>The code is available on the website of the Belgium Pledge and compliance does not appear to lead to extra administrative burden for the enterprises. Besides the website and the arrangement of the annual monitoring reports, the burden for the organisations responsible is also low.</td>
</tr>
<tr>
<td><strong>4.7. Transferability</strong></td>
<td>The scheme is easily transferable to other countries and it is based on the European Pledge. The relevant organisations of the industry involved should be willing to introduce it in their country.</td>
</tr>
</tbody>
</table>
### 1.3 Bulgaria

<table>
<thead>
<tr>
<th>Country</th>
<th>Bulgaria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>National Ethics Rules For Advertising and Commercial</td>
</tr>
<tr>
<td></td>
<td>Communication In Bulgaria</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>НАЦИОНАЛНИ ЕТИЧНИ ПРАВИЛА ЗА РЕКЛАМА И ТЪРГОВСКА КОМУНИКАЦИЯ В Р БЪЛГАРИЯ</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>НАЦИОНАЛЕН СЪВЕТ ЗА САМОРЕГУЛАЦИЯ</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>National Council for Self-regulation (NCSR)</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>2009</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast</td>
</tr>
<tr>
<td></td>
<td>On-demand audiovisual media service</td>
</tr>
<tr>
<td></td>
<td>All other media relevant to commercial communications, radio,</td>
</tr>
<tr>
<td></td>
<td>press, digital marketing, packaging etc.</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td>Frameworks for food and drink, alcoholic beverages, gambling etc. within the general code.</td>
</tr>
</tbody>
</table>

### 1. Conception

#### 1.1. Participants

The organisations involved include trade organisations, enterprises and consumer organisations. Founders of the NCSR were the following trade associations: the Bulgarian Association of Advertisers (BAA), the Association of the Advertising Agencies - Bulgaria (ARA), and the Association of the Bulgarian Radio- and TV-Operators (ABBRO). The evidence collected indicates that all relevant stakeholders were included in the development process. No public authorities were involved.

#### 1.2. Openness

The Code was developed in 2009 based on the International Chamber of Commerce (ICC) Consolidated Code of Advertising and Marketing Communications Practice, taking into account the specifics of the advertising industry in Bulgaria and the recommendations of the national advertisers, advertising agencies and media service providers. In 2009 the Code was presented to relevant business associations, namely, employers’ organisations and branch associations. The content of the Code was consulted on with all relevant state authorities, including the CEM (the regulatory authority) and the SACP (the state agency for child protection). Meetings and public events for the presentation of the Code were also carried out, including meetings and presentations with specialised parliamentary committees, the CEM, and the Commission for Consumer Protection. A media campaign was also carried out. All relevant documents were available on the internet on the NCSR website.

#### 1.3. Good Faith

The collected evidence indicates that all participants were taken into account when designing the actions in the Code. All revisions of the Code are adopted after consultation with all relevant stakeholders. All NCSR documents (the Code, the Rules for Procedures, Decisions, and Annual reports) are publicly...
The NCSR issues Annual reports and presents these to the key stakeholders. Though it is difficult to assess whether the participants represent different size and types, it appears all stakeholders were and continue to be able to contribute to the process, since the information is shared and decisions are taken in consultation with relevant stakeholders.

**1.4. Objectives**
- List objectives
- Analysis for criterion

The Code is intended to achieve the following objectives:

- to demonstrate responsibility and good practice in advertising and marketing communication in Bulgaria;
- to enhance overall public confidence in marketing communication;
- to respect privacy and consumer preferences;
- to ensure special responsibility as regards marketing communication, and children and young people;
- to safeguard the freedom of expression of those engaged in marketing communications;
- to safeguard the principles of fair competition;
- to provide practical and flexible solutions;
- to minimise the need for detailed governmental and/or inter-governmental legislation or regulations.

The objectives are clear, yet they do leave room for discussion. Moreover, no baselines, targets or indicators have been defined to measure the progress being made towards these objectives.

**1.5. Legal Compliance**

The NCSR is related to the Radio and Television Act (SG 138/24.1.1998, last amended SG 107/24.12.2014). The assumption is that the NCSR is designed in compliance with applicable law.

**2. Implementation**

**2.1. Iterative improvements**

The NCSR regularly reviews the Code’s provisions to ensure that they reflect the latest developments in new marketing techniques and communication technologies. The Code was adopted in September 2009 and by September 2015 it had undergone six revisions. Overall, amendments to the main Code have been small so far, since it is based on the ICC recommendations. The amendments are mainly focused on adding new detailed provisions (such as rules for online behavioural advertising). The amendments reflect lessons learned during the implementation of the Code, the changing marketing and communications context, and new European initiatives.

**2.2. Monitoring**

- Statement on whether stated objectives are monitored.
- Analysis of monitoring process

The Committee for Post-monitoring (CPM) is responsible for monitoring the Code. It has two main functions:

- Monitoring the execution of the acts issued by the Ethical Committee (EtC) or Appeal Committee (AC);
- Monitoring advertising and commercial communications – at its own discretion or on request of the Board of NCSR.

The scheme is subject to internal monitoring only. Due to the limited financial resources of the NCSR the monitoring is limited in scope and coverage.

**2.3. Evaluation**

There are no provisions for external evaluation in the design of the scheme. No evaluation by other bodies has been carried out.
<table>
<thead>
<tr>
<th>2.4. Resolving disagreements</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Internal disagreements between participants of the scheme</td>
</tr>
<tr>
<td>- External disagreements are covered in section 3 on Complaint handling and enforcement</td>
</tr>
<tr>
<td>There is no difference between external and internal complaints: see below.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.5. Financing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nearly 95% of the funding in the period 2012-2014 came from contributions from the members. The annual budget is approximately: €15,000. This budget is very low, which prevents active public promotion of the Code and detailed monitoring. The budget of the scheme is constrained by the limited financial resources of the founding members.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Complaint handling and enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1. Functioning of complaint resolution mechanism</td>
</tr>
<tr>
<td>The procedures for external and internal complaints are the same. Every individual, legal entity, or state organisation can submit a complaint to the NCSR. The NCSR has an online complaints facility. The complaints are reviewed by the Ethical Committee no later than 1 month after the complaint registration. This deadline may be extended by one month, in case of a factual complexity, or when the nature of the case requires more time for the collection of evidence. All decisions or adjudications by the Ethical Committee are available online with a link to the advertisement. The services are free of charge for the claimants.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3.2. Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>The number of complaints shows a decreasing trend: 88 in 2012, 60 in 2013, and 42 in 2014. The established procedure seems to ensure the satisfactory handling of and resolution of complaints. More than 90% of the complaints are handled within 30 days. Only two appeals were filed in the last 2 years, indicating that the EtC works effectively.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3.3. Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>According to the NCSR statutes, the decisions by the EtC or AC are binding for the NCSR members. EtC or AC decisions are not binding for representatives of the advertising industry which are not members of the NCSR. The Board of the NCSR may advise non-members to voluntarily discontinue their violation of the Code. The Board may decide to publish a newsletter, press release or another form of announcement related to the decision made regarding a commercial communication. If a member or non-member fails to comply with the EtC or AC decision, the Board informs all NCSR members, NGOs, the relevant regulating authorities, and attaches a copy of the decision and the related evidence. The national regulatory authority CEM may impose financial sanctions in case of non-compliance with the decisions by the EtC or AC related to audiovisual and radio commercial communications.</td>
</tr>
</tbody>
</table>
The enforcement appears to have been effective. The targeted industries tend to comply with decisions of the EtC or AC. Since the start of the implementation of the scheme there has been only two cases of non-compliance with the decision by the EtC.

4. Best practice criteria

4.1. Reach

The evidence collected indicates that all relevant stakeholders were included in the Code, suggesting a high reach of the target group.

4.2. Accessibility

There do not appear to be any accessibility issues. The NCSR has different levels of membership which impact the access and role of stakeholders in developing and adjusting the code. Indeed, the NCSR has regular and associated members. Regular members are trade associations with a substantial share in the industry. They participate in the work of the General assembly and have voting rights. The associated members are legal entities and individuals, who share the aims of NCSR, accept its statutes, declare willingness to work towards the achievements of its objectives, and which pay a membership fee; they participate in the General Assembly but do not have voting rights. Moreover, there are honorary members as well who are invited for their noticeable contribution and support to the achievement of the objectives of the Council.

4.3. Effectiveness/impact

The scheme is effective in raising professional standard of the industry. The decisions issued by the EtC on the submitted claims contain a detailed interpretation of the relevant standards, which raises awareness. The detailed guidelines on specific issues (for example sexual stereotyping), also contribute to raising industry standards and the prevention of communications that violate the interests of consumers. An important factor in ensuring compliance with the standards is the Copy Advice service. There is a clear trend of a reduction in the number of claims, which relates to improved knowledge on standards and improved Copy Advice services. According to research conducted for this scheme, there is a noticeable progression in reducing the appeals regarding alcohol advertisements, reducing appeals regarding misleading communications, and improvements in taste and decency standards.

The main strengths are as follows:

- Effective complaints handling system: everyone can file free complaints online, by mail or by fax;
- Pace of decision making: in 90% of the cases less than 30 days are needed to issue a decision of the EtC;
- Targeting of all forms of commercial communications ensures coverage of new technologies and ways of marketing;
- Flexibility of amendment of Code provisions and rules of procedure: the procedure allows for the prompt inclusion of new provisions or detailed guidelines;
- The Pro-active approach of the NCSR is also a strength. Based on the analyses of reviewed complaints, or the monitoring of the industry developments, the NCSR issues
detailed guidelines on specific issues. The Code is driven by practitioners and responds fast to new technologies (for example online behavioural advertising).

- Broad coverage of all relevant market players. The founding members of the NCSR are trade associations, which cover over 200 companies (advertisers, advertising agencies, media) with the largest market share. Members of the ABBRO are almost all national, regional and local audiovisual commercial media service providers.
- Independence and professionalism of the EtC which increases credibility of the scheme and creates a stimulus for compliance.
- Active co-operation with all relevant state authorities and NGOs: the NCSR cooperates with the CEM, the SACP, the Ministry of Health, the Gambling Agency, the Competition Protection Commission, and the Consumer Protection Commission. In 2014 about 40% of all complaints were submitted by state authorities.
- Independence of the EtC or AC and their impartiality, which is assured by the rules of the scheme.
- The legal framework requiring all audiovisual media service operators to comply with the Code and provisions for sanctions in case of non-compliance.

4.4. Efficiency

As explained the scheme is fully funded by the contributions of the founding members of the NCSR. The costs of running the scheme are quite low, which partly relates to the failure to execute broad promotion, monitoring and evaluation of the effects of the scheme.

The efficiency is boosted by the fast review of the claims, which would not be achieved through legal procedures. Another factor contributing to the efficiency of the scheme is the flexibility in making amendments, which allows for a faster response to changes in the technologies and practices.

4.5. Evaluation

There are no provisions for external evaluations in the design of the scheme. No evaluation by other bodies have been carried out nor are any planned.

4.6. Implementation issues/administrative burden

The main issue concerning implementation is that the annual budget of the NCSR is very low, which prevents active public promotion and monitoring. The budget of the scheme is constrained by the limited financial resources of the founding members, which are the main contributors to the budget.

4.7. Transferability

The NCSR code is considered easily transferable. The scheme is based on the ICC Code and on the EASA Alliance’s Advertising self-regulatory charter and Best practice recommendations. Similar schemes are applied in the majority of EU member states.

The main barriers for transferring this code to other Member States are a possible lack of recognition of the role and effectiveness of self-regulation, lack of regulatory traditions, inappropriate legislative frameworks, and a lack of strong trade associations.
1.4 Croatia

<table>
<thead>
<tr>
<th>Country</th>
<th>Croatia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>HURA’s Advertising Code</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>HURA Kodeks oglasiavanja i tržišnog komuniciranja</td>
</tr>
</tbody>
</table>

| Name of the organisation in own language | HURA - Hrvatska udruga reklamnih agencija |
| Name of the organisation in English | HURA - Croatian Association of Communication Agencies |
| Year the scheme came into force | 2010 |
| Media covered | Television broadcast |
| | On-demand audiovisual media service |
| | All media (internet, print, etc.) |
| Primary focus | Commercial communication |
| Specific products covered? | - |

1. Conception

1.1. Participants

A series of different organisations were involved. Trade organisations (HGK – Croatian Chamber of Commerce, ICC – International Chamber of Commerce in Croatia), consumer organisations, enterprises, other interest groups, public authorities, and legislators are all involved in the development of the Code. The HURA, the Croatian Association of Communications agencies took the initiative to develop the Code.

Collected evidence indicates all relevant stakeholders were involved.

1.2. Openness

There was relatively closed group involved in the conception of the scheme.

1.3. Good Faith

Given that a diverse range of stakeholders was involved in developing the scheme, the inference can be made that there is a sound level of good faith. However the exact contributions of the different organisations are unknown.

1.4. Objectives

The Code has the following objectives:

- demonstrate responsibility and good practice in advertising and marketing communications
- increase public confidence in market communication, respecting the privacy and consumer wishes
- ensure accountability of marketing communications when aimed at children and young people
- safeguard the freedom of expression of participants in marketing communications (in accordance with Article 19th International Agreement on Civil and Political Rights of the United Nations)
- offer effective, practical and customised solutions that minimize the need to regulate.

No targets have been defined. There are no specific indicators.
defined besides reporting to the general assembly about the HURA’s annual activities.

1.5. Legal Compliance

Related laws are: the Electronic Media Act; the Media Act; the Croatian Radio Television Act; the Food Act; and the Consumer Protection Act.

The private sector is not specifically regulated, but it is included in the existing regulatory framework and self-regulatory standards. The self-regulatory schemes further elaborate different areas of relevant national laws.

There is no evidence to suggest any conflicts between the Code and the legal regulations.

2. Implementation

2.1. Iterative improvements

There is a process in place for feedback regarding the Code. Once every three years the Code is reviewed and, if necessary, adjusted. The last adjustment was in 2014. Following the developments of the marketing communications industry new standards are incorporated into the Code.

2.2. Monitoring

- Statement on whether stated objectives are monitored.
- Analysis of monitoring process

There are no specific objectives in place, only general principles. There are no targets or specific indicators defined for these general principles. There is no monitoring of the Code besides reporting to the general assembly about the HURA’s annual activities.

2.3. Evaluation

The last evaluation and revision of the Code was in 2014. The content and scope of the evaluation however is not known.

2.4. Resolving disagreements

- Internal disagreements between participants of the scheme
- External disagreements are covered in section 3 on Complaint handling and enforcement

The procedures for internal disputes are included in the rules (rule book) of work of the body that supervises the Code (the Assembly of the HURA). In case of an internal dispute, all stakeholders are involved in the debate.

External complaint handling: see below.

2.5. Financing

The annual budget is between € 2,000 - € 3,000. The distribution of the financing is as follows:
- 75% - membership fees
- 25% - case fees

3. Complaint handling and enforcement

3.1. Functioning of complaint resolution mechanism

HURA’s Court of Honor is responsible for the complaint handling. It makes decisions and propose sanctions. The Court considers each inquiry and assesses if it is of common interest and should that be the case, the Court of Honor’s ruling is free of charge.

3.2. Outcome

Most complaints are comments on the content of messages, commercial advertisements, and marketing campaigns, on the violation of the rights of minors, deceiving customers, and on unfair competition.

During recent years the number of complaints received were as follows:
2012: 10
2013: 12
2014: 14
2015: 15

All received complaints were solved. Mostly actors making the complaint were satisfied because the complaints were solved in accordance with the Code’s standards and best practices.

3.3. Sanctions

The HURA, is responsible for enforcing the scheme. The types of enforcement used are: faming, shaming and blaming, the withdrawal of the disputed posts, or public fines. As a rule, sanctioned parties implement the decisions of the body imposing the sanction which is the Court of Honour within the HURA. However, the sanctions seem of limited effectiveness. In some cases there is an inability to implement decisions due to the nature of advertising dynamics. The number of cases is relatively small compared to the total number of commercial communications being circulated in the market.

4. Best practice criteria

4.1. Reach

Evidence indicates that all relevant stakeholders were involved in developing the Code. However the degree to which all members of the target group are reached is unclear.

4.2. Accessibility

There is no evidence to suggest that the Code is inaccessible to its immediate target group, namely the advertising industry. The HURA receives complaints which are generally resolved, suggesting a certain level of public accessibility.

4.3. Effectiveness/impact

In general the Code seems to be quite effective. However, there are cases where Code is not always effective. For instance, it is quite often not possible to implement decisions because of the nature of advertising in general. Non-compliance is caused by the advertising dynamics on one the one hand, and by the speed of conclusions made and decisions adopted on the other hand.

The strength of the practice is the high impact on the correction of commercial messages and advertising campaigns. Specific success factors of the Code include the professional aspect and the correction of controversial commercial messages. From a social perspective, a success factor is the strengthening of the role of marketing communications and the development of good practice in the advertising sector. The inconsistency between the advertising dynamics and the processes of the scheme can be considered a weakness.

4.4. Efficiency

The scheme is considered to be relatively efficient. The budget is small and complaints received are handled in a satisfactory manner. Given the processes in place and the low budget, the Code is considered to be relatively efficient.

4.5. Evaluation

The last evaluation and adjustment was in 2014. The content and scope of the evaluation however is not known.

4.6. Implementation issues/

One of the implementation issues the scheme faces is that the general public is not familiar with the development of the self-
administrative burden

regulatory scheme because it is not communicated through the media and the discussion was limited to a short period of time.

4.7. Transferability

The scheme is considered easily transferable. The main barrier for implementation in other Member States would be the market and cultural differences and different levels of development across communications markets.

1.5 Cyprus

<table>
<thead>
<tr>
<th>Country</th>
<th>Cyprus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Cyprus Code of Communication Ethics</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Κυπριακός Κώδικας Δεοντολογίας Επικοινωνίας</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Φορέας Ελέγχου Διαφήμισης</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Cyprus Advertising Regulation Organisation</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>2012</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast, On-demand audiovisual media service, All other media</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td>The Code makes specific reference to alcoholic beverages, beer and food and non-alcoholic beverages</td>
</tr>
</tbody>
</table>

1. Conception

1.1. Participants

The following trade organisations were involved:

1. Advertisers, who are the principal parties ordering any advertising communications
2. Advertisement creators
3. The media that undertake the placement or transmission of advertisements.

Furthermore, the 6 main media groups in Cyprus, namely TV channels ANT1, MEGA, SIGMA; and all the media of groups ANT1, DIAS, Eidikes Ekdoseis, Politis and Phileleftheros were involved.

There were some potentially relevant stakeholders, such as other radio and TV enterprises, who were not involved in the Scheme.

1.2. Openness

The scheme is open to other participants from the media, though some opted not to participate. The code owner of the scheme has close contacts with the stakeholders and follows the trends in the local market and international developments in the areas of interest. Each year the Cyprus Advertising Regulation Organisation (CARO) produces annual statistics of complaints handled and resolved, copy advice requests, etc. These statistics are distributed to interested public authorities, stakeholders, members, and are also published on the Scheme’s website.

1.3. Good Faith

The owner of the Code has very close relations and cooperates
with the Cyprus Radio Television Authority (CRTA) - which is the owner of the principal and official media regulator in the country. The CRTA provided assistance in the preparation and setting up of the Scheme.

The two consumers associations, which are very active in the country in protecting consumer rights and privileges, have close cooperation with the principal stakeholders e.g. the Cyprus Advertising Regulation Organisation. These consumer organisations are also members of the two Scheme committees that deal with complaints. Claims do get filed by consumers, suggesting a certain level of awareness of and faith in the code owner and in the complaints resolution procedures.

### 1.4. Objectives

**List objectives**  
- **Analysis for criterion**

The objectives of the scheme are listed as follows:

- To ensure high standards for advertising in Cyprus – either reactively (i.e. after a complaint is filed) or proactively (by means of copy advice, industry training, CARO awareness, code reviews etc.).
- To resolve complaints about advertising in an effective and efficient manner.
- To work harmoniously with all interested public authorities to safeguard high standards for advertising in Cyprus.
- To enhance consumer awareness for the Scheme.

The scheme has defined objectives, targets (though these are qualitative and broadly formulated), and indicators for achieving these objectives. The scheme has thus set-up appropriate mechanisms to deal with any issues arising and in attaining the objectives. Its mechanism involves people who have an interest in the proper functioning of the Scheme because it serves their interests.

### 1.5. Legal Compliance

There is no direct link with national legislation. However the Radio and TV Act 7(I)/1998, as amended (article 32C, paragraph 7A) encourages, through the Cyprus Radio Television Authority, the adoption of co- and/or self-regulation by media service providers, individually and/or jointly developed common guidelines and/or codes of conduct.

### 2. Implementation

#### 2.1. Iterative improvements

The Board of Directors has close contacts with the members who have committed to the scheme. The Board also listens to its members when they put forward issues to consider during their revision of the Code. The Board considers adjustments 5 times a year.

The management of the scheme has close contacts with the stakeholders and follow the trends in the local market and international developments in the area of interest. The Scheme, as a member of EASA (European Advertising Standards Alliance), gains knowledge and acquires experience of the regulatory issues arising in the running of the Scheme. According to evidence collected, improvements are considered 5 times a year.

#### 2.2. Monitoring

- **Statement on whether stated**

The compliance with the Code is monitored through the Secretariat of the Board of Directors of the CARO.
objectives are monitored.
- Analysis of monitoring process

2.3. Evaluation

Due to the fact that overall, the scheme has been working well so far and this is expected to continue. The code owner therefore does not feel the need for frequent reviews. The processes and/or code have been reviewed once (in 2013) and another review is expected next year (2016).

<table>
<thead>
<tr>
<th>2.4. Resolving disagreements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal disagreements between participants of the scheme</td>
</tr>
<tr>
<td>External disagreements are covered in section 3 on Complaint handling and enforcement</td>
</tr>
</tbody>
</table>

A 5-member Committee deals with disputes among members concerning the compliance of advertisements with the code. The decisions of the Committee are based on the rule of majority. The possible rulings are: (a) the withdrawal of an advertisement and (b) amendments to an advertisement in order to comply with the code.

2.5. Financing

The scheme is financed through annual subscriptions from advertisers, agencies and the media. 40% of the CARO budget comes from advertisers, 40% from the media, and 20% from agencies. The annual budget is unknown.

3. Complaint handling and enforcement

3.1. Functioning of complaint resolution mechanism

Two committees are in place: the First Instance Jury Committee and a review Committee in case of appeal. All committee members are volunteers, drawn from a pool of about 90 people, to avoid conflicts of interest and to ensure availability within short time frames. The First Instance Committee members cannot serve on the Review Committee and vice versa. Initially, all complaints are examined by the First Instance Jury Committee. Complaints must be submitted in writing. There is a standard form on the CARO website which guides complainants in filing a complaint.

If a consumer submits the complaint, the standard practice is not to reveal consumer information to advertisers unless they have the express consent of the consumer involved. A maximum of 4 persons at the discussion of the case may represent each party. Each party has 20 minutes to state its case initially and then 10 more minutes to respond to the other party’s comments.

Alternatively, a written memo can be filed. The CARO management may also allow a party, especially consumers, to participate in the proceedings via teleconferencing etc. The burden of proof is reversed with advertisers having to substantiate the claims in their advertisements. After the parties leave, the Jury debates and takes a decision which is sent to the parties within 2 working days. It is then uploaded on the website of the CARO. The Jury usually asks to see the modified version of the marketing communication before it goes on air, so as to confirm...
38

compliance with decision. If the advertiser does not comply with the decision, sanctions are imposed. Sanctions aim to remove offending marketing communication, e.g. by asking the media to remove or refuse advertisements. In some cases, the non-compliant advertiser may be referred to legal authorities.

3.2. Outcome

During recent years the number of complaints has been as follows:

- 2012: 9
- 2013: 11
- 2014: 19
- 2015: 13

All complaints filed between 2012-2015 were solved. Feedback received from complainants expressed their appreciation on the justification of rulings, the approach, and the processes in place. Conflicting interests among members are present. However, the procedure followed in resolving the complaints can be judged as being quite impartial and fruitful.

3.3. Sanctions

The CARO is responsible for enforcing the scheme. If an advertiser does not comply with a decision, sanctions can entail the removal of offending marketing communication, for instance, by asking media to remove or refuse advertisements. Moreover, the CARO may proceed to inform governmental or public authorities of the issue. This type of enforcement is considered to be quite effective. Rulings on complaints are accepted by the parties concerned. Of all the cases dealt with by the scheme so far, only two cases of non-compliance rulings were referred to the appropriate legal authority. One of these two cases of non-compliance did not fall within the jurisdiction of the legal authority it was referred to.

4. Best practice criteria

4.1. Reach

A large number of trade organisations are involved. As such, it can be concluded that there is quite a high reach of the target group.

4.2. Accessibility

Evidence collected shows there were no major accessibility issues.

4.3. Effectiveness/impact

The scheme is considered quite effective. The scheme is voluntary and provides the opportunity to members and non-members to file their complaints when a commercial advertisement does not comply with the Code of Ethics or the Law. This develops mechanism of self-adherence among the members of the Code. A culture of self-discipline within the stakeholders evolves and this culture contributes to the scheme’s effectiveness. The possibility for CARO members (advertisers, agencies and media) to request copy advice free of charge is another factor which adds to the scheme’s effectiveness. The enforcement results show that there is an understanding and adherence on behalf of the scheme members. The independent ruling procedure contributes towards this aspect. From the findings it can be concluded that the members are
satisfied with the procedures adopted by the scheme, since they accept and obey the rulings. The members' behaviour towards the rulings and towards other matters handled leads to the conclusion that the broader policy goals are being achieved in a satisfactory manner.

The particular strengths of the scheme are:
- That is avails its own code of ethics which is based on the national law and international practices, which is complementary to the national law.
- It is managed by tested professionals.
- It cooperates with international organisations from which it draws experience for good practices.
- It follows open procedures.
- It rules on complaints not only from its own members but also from the public at large.
- It is the only organisation in the country that issues copy advice.
- It is an independent self-regulated entity.
- It serves not only its members interests but the society's at large.
- It cooperates with the consumers associations.
- It suitable for a small economy.

One of the weaknesses is that it is difficult for a self-regulatory scheme to deal with rogue traders (i.e. traders who are determined to disregard not simply any self-regulated code but perhaps also the law), especially in the digital environment.

| 4.4. Efficiency | The scheme has a simple mechanism and operates on a small-scale budget. The rulings and procedures concerning complaints are quick and satisfactory to the parties involved; there is also an appropriate managerial setting. These factors lead to an efficient scheme. |
| 4.5. Evaluation | Due to the fact that, overall, the scheme is working well so far, and because it is expected to continue so, the need for frequent reviews has not arisen. The processes and the scheme have been reviewed once (in 2013) and another review is expected next year (2016). |
| 4.6. Implementation issues/administrative burden | Collected evidence does not show any issues with regard to implementation. |
| 4.7. Transferability | The scheme is easily transferable. It operates in a small-scale economy and on a small budget, and follows simple practical procedures. The Cyprus model could prove to be a good, working model for other small countries for the reasons stated above. |
1.6 **Czech Republic**

<table>
<thead>
<tr>
<th>Country</th>
<th>Czech Republic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Code name ENG</strong></td>
<td>The Code of Advertising Practice</td>
</tr>
<tr>
<td><strong>Code name NATIONAL</strong></td>
<td>Kodex reklamy</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Rada pro reklamu (RPR)</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Czech Advertising Standards Council</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>1995</td>
</tr>
</tbody>
</table>
| Media covered | Television broadcast  
On-demand audiovisual media service  
Other media covered: Periodicals and non-periodical publications, audiovisual productions, computer networks, carriers of audiovisual works, posters and leaflets. |
| Primary focus | Commercial communication |
| Specific products covered? | |

### 1. Conception

#### 1.1. Participants

The Czech Advertising Standards Council (Rada pro reklamu, RPR), was set up in 1994 and no detailed information is available on the involvement of stakeholders in the conception phase.  
The initiative to set up the Czech Advertising Standards Council came from the Association of Czech Advertising Agencies and Marketing Communication (ACRA MK), the Association of Communication Agencies (AKA) and the Union of Publishers.  
The Advertising Code, which all members follow, was developed in 1995 as well.  
This suggests that the participants represent a variety of actors in the field. Evidence collected suggests that relevant stakeholders were involved, though it should be noted that for example consumer organisations were not involved.

#### 1.2. Openness

The Council was set up in 1994 and no detailed information is available on the involvement of stakeholders in the conception phase.

#### 1.3. Good Faith

The Council was developed taking a range of enterprises, broadcasting networks, and media companies into consideration. Public authorities, associations, and interest groups were included as well, suggesting that the private sector was well represented in developing this Code. However, the lack of consumer or civil interests in the development may undermine the good faith of the Code from a societal perspective.  
The members participate in the organisation of the Council. The General Assembly of the Council consists of all members. In addition, the Council has four bodies: the Arbitration Committee, the Executive Committee, the Supervisory Board,
and the Secretariat. The Executive Committee has 7 members and is headed by the Executive Director who is responsible for the proper functioning of the RPR in between the General Assembly sessions. Members of the Executive Committee are representatives of advertising agencies, media and advertisers. The Arbitration Committee has an exclusive right to make decisions regarding complaints received by the RPR. The Committee also reviews submitted materials and recommendations made by the Secretariat. The Arbitration Committee meets once a month, and its 13 members consist of legal experts (2), representatives of advertising agencies (2), advertisers (2), media (4), psychologist (1) and sexologist (1). The president of the RPR chairs the Committee’s meetings. The Supervisory Body deals with supervision of finance and operations management of the RPR. The Secretariat deals with the every-day agenda of the RPR, sorts materials concerning particular complaints, and prepares documents for the meetings of the General Assembly, the Arbitration and the Executive Committees. The activities of the Czech Advertising Standards Council are completely transparent and it is published on the internet.

### 1.4. Objectives

- **List objectives**
- **Analysis for criterion**

The RPR’s primary goal is to maintain the ethics of promotion, particularly advertising. For the purpose of achieving this goal the Council: issues a Code of Ethics for advertising activities, establishes an Arbitration Committee to issue judgements concerning the advertising ethics, carries out expert activities in the field of advertising ethics, and cooperates with governmental bodies, courts of law, other associations and similar institutions in the Czech Republic and abroad.

There are no targets or indicators defined, nor do the objectives include clear baselines. Even though measures are formulated generally, they clearly lead to the achievement of the broader political goals of the self-regulation system.

### 1.5. Legal Compliance

The Council was set up in 1994 and was not developed as a result of a particular law. However, the legislative framework for self-regulation was precisely defined in 2010 in relation to ratification of Act No. 132/2010 Coll.

### 2. Implementation

#### 2.1. Iterative improvements

No reiterative or feedback processes are in place. The Council’s practical activity of evaluating submissions or providing expert opinions concerning the issue of advertisements may be affected by inaccuracies or ambiguities regarding the Code. The Arbitration Committee presents an operational interpretation and proposes specifications for adjustment regarding the text of the Code if needed.

#### 2.2. Monitoring

- **Statement on whether stated objectives are monitored.**
- **Analysis of monitoring process**

There is no monitoring mechanism in place.
2.3. Evaluation

No evaluation or review has taken place nor is one planned. The culture of evaluation in the Czech Republic is at a very low level, which is chiefly demonstrated by the low number of evaluations in general. Only those programmes and projects where this is required by European legislation (programmes co-financed by the EU), are subject to evaluation.

2.4. Resolving disagreements

- Internal disagreements between participants of the scheme
- External disagreements are covered in section 3 on Complaint handling and enforcement

In case of internal disputes, the Arbitration Committee judges disputable cases and issues a statement. This statement is subsequently reviewed by the Council’s collective bodies.

2.5. Financing

The Council is financed by the fees or contributions from the members. Besides these financial contributions by the Council’s members, the Council also charges for a preliminary opinion on the upcoming advertising (Copy Advice). The revenue from this service is allegedly marginal in comparison with the financial contributions of the members. The budget is not publicly available.

3. Complaint handling and enforcement

3.1. Functioning of complaint resolution mechanism

The Council’s main purpose is dealing with external complaints concerning the non-compliance of advertisements with the Code of Ethics. The Czech Advertising Standards Council is only authorised to initiate a so-called decision-making process (a process for hearing the complaint) in compliance with the Rules of Procedure of the Czech Advertising Standards Council, namely, in the following cases:

- if it receives a complaint against a specific advert (such a complaint may be submitted by any natural person or legal entity or government body),
- Or at its own initiative if the Council becomes convinced that a specific advert may be in violation of any of the provisions of the Advertising Code.

The Council classifies complaints concerning non-compliant advertisements into the following categories:

- women in advertising, sexism;
- children in advertising;
- alcohol;
- tobacco;
- comparative, misleading or deceptive advertising;
- protection of personality;
- consumer protection;
- fear, violence, vulgarism and racism.

A protest may be filed against the results of the judgement process and the Council subsequently decides whether to acknowledge or deny the protest against the results of the judgment process.

3.2. Outcome

The number of complaints received ranged from 55 in 2012, to
40 in 2015. The most frequently judged type of complaint is related to “consumer protection” and “comparative, misleading or deceptive advertising”. The number of complaints solved ranged from 55 in 2012, to 27 in 2015. The Council finds complaints groundless in an average of 70% of the cases. Complaints are found legitimate in 10 to 20% of cases and the advert is found to be in conflict with the Code of Ethics as well as with the relevant legal regulations. Opinions and conclusions of the Czech Advertising Standards Council are, with very few exceptions, respected by affected stakeholders. The Code is also voluntarily adhered to by non-members of the Council, who also use the Copy Advice system to evaluate planned advertising campaigns.

3.3. Sanctions

Faming, shaming and blaming is the general type of sanction applied. If the law has been violated, the case is passed on to the Trade Licensing Office for legal sanctions. The Czech Advertising Standards Council uses this system to assess planned advertising campaigns on the basis of the Advertising Code before they are launched. The Czech Advertising Standards Council issues a written opinion to the client ordering the advertisement. A client ordering an advert may request a Copy Advice opinion directly, or by means of the advertising agency. It should be mentioned here that the number of positive findings, which are not yet a legal offence and which are ceded to the Trade Licensing Office, is relatively low (10 to 20%). In most cases the submission is found groundless and the advertisement complies with the Code.

4. Best practice criteria

4.1. Reach

The variety of involved parties suggests there is a high reach of the target group. In addition, all information on the Code is publicly available. Non-members can therefore easily apply to the Code on a voluntary basis.

4.2. Accessibility

There appear to be no accessibility issues. The Code is published on the website of the Council, including all the activities undertaken by the Council.

4.3. Effectiveness/impact

The system is considered to be quite effective. The self-regulatory scheme has been a stable aspect of the advertising scene for 20 years. Procedures to assess compliance with the Code of advertising are consistent and decisions are predictable. The Council is the recognised arbiter in the field of advertising and advertisers handle their opinions on controversial cases very responsibly. From a formal point of view, self-regulation of advertising is done efficiently, but the system emphasises the formal aspects rather than the practical ones. Active participation of the Council at the level of institutions is missing as well as at the level of organisations in the field of marketing and advertising. This is related to the fact that the Council has limited capacities. Self-regulation forms a counterbalance to the essential measures of regulation by legal regulations. Throughout the
existence of the Czech Advertising Standards, a balanced situation has been created between essential legal regulation and self-regulation. Advertisers can create their own corporate codes of ethics.

The system demonstrates all the positive aspects of self-regulation. It is respected by clients ordering advertisements or campaigns and respect for the Council’s is also generally quite high. Even though the results of the decision-making process are not legally binding, the affected parties respect them. They only apply the right to file a protest in exceptional cases. The Czech Advertising Standards Council’s Rules-Code are also voluntarily adhered to by non-members of the Council, who utilise the opportunity to have the compliance of advertisements with the Code be evaluated in advance.

Weak points are related to the unenforceability of the results of the self-regulation decision-making process. The number of accepted complaints, which are not yet legal offences and which are ceded to the Trade Licensing Office, is relatively low (10 to 20%). In most cases the submission is found groundless and the advertisement complies with the Code.

The major success factor of the scheme is the participation of a wide range of stakeholders in the Council. Tens of agencies active in advertising are represented by their associations, major clients ordering adverts, and the media participate. Regulation through a self-regulatory body is considered faster, more flexible and cheaper than enforcement through the courts.

4.4. Efficiency

The system is considered quite efficient. It does not utilise public funds and is self-financing. It operates with minimum administrative costs, and the apparatus consists of an executive director and the director’s assistant. Contributions by members and fees for Copy Advice are the main sources of finance.

As far as the financial considerations are concerned, the advertising self-regulation system is very economical. Economic activities (Copy Advice) in terms of financing are non-essential. On the other hand, the economic aspects of the established system limit the possibilities for furthering the scope of the Code and the activities of the Council.

4.5. Evaluation

There has been no evaluation or review yet, nor is one planned. The culture of evaluation in the Czech Republic is at a very low level, which is chiefly demonstrated by the low number of evaluations in general.

4.6. Implementation issues/administrative burden

The application of the Code can be done easily by the relevant enterprises. Additionally, the administrative burdens for the Council are considered to be low, as described above.

4.7. Transferability

The scheme is very easily transferable (e.g. the Czech system was inspiring for Slovakia). However, weak points are related to the principle of the unenforceability of the results of the self-regulation decision-making process. The system of industry members coming together to develop a Code is common across Europe and therefore the national political and cultural attitudes are unlikely to hinder its transfer. The system is self-financing.
and does not appear to involve any large administrative burden or institutional barriers. As such it seems easy transferable.

1.7 Denmark

<table>
<thead>
<tr>
<th>Country</th>
<th>Denmark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Code of Practice for Marketing of Alcoholic Beverages</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Retningslinjer for markedsføring af alkoholholdige drikkevarer</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Alkoholreklamenævnet</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>The Alcohol Advertising Board</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>2000</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast</td>
</tr>
<tr>
<td></td>
<td>On-demand audiovisual media service</td>
</tr>
<tr>
<td></td>
<td>All forms of marketing</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td>Alcoholic Beverages</td>
</tr>
</tbody>
</table>

1. Conception

1.1. Participants

Besides the relevant trade organisations (Bryggeriforeningen, Dansk Handel og Service, Danske Reklamebureauers Brancheforening, De samvirkende Købmandsforeninger i Danmark, Foreningen Danske Spiritusfabrikanter, Fællesforeningen af Danske Brugsforeninger, HORESTA, Vin- og spiritusorganisationer i Danmark), public authorities (the Ministry of Industry, Ministry of Health, and the Danish Veterinary and Food Administration), consumer organisations (the Danish Consumer Council), and other interest groups (Afholdelsesselskabernes Landsforbund and Rådet for Større Færdsels sikkerhed) were involved.

This suggests that the participants represent a variety of actors in the field. Evidence collected suggests that all relevant stakeholders were involved.

1.2. Openness

The development of the scheme was not known to the general public but a broad selection of stakeholders were invited to participate in the discussions. Furthermore, the guidelines were sent for consultation to relevant stakeholders. The process was led by the Ministry of Industry.

1.3. Good Faith

All relevant stakeholders made efforts in developing the scheme. There was broad agreement with and support for the guidelines. All actors compromised on some elements and had it their way in other respects.

1.4. Objectives

- List objectives
- Analysis for criterion

The objective is to make sure producers of alcoholic beverages exhibit responsible behaviour in the marketing of alcoholic beverages by, in particular, taking the social, health and consumer aspects associated with alcohol consumption into account.
There are no targets or indicators defined, nor do the objectives include clear baselines.

1.5. Legal Compliance

The guidelines represent the industry's interpretation of good marketing practices which are regulated in the Marketing Act § 1 and § 8, stk. 3.

2. Implementation

2.1. Iterative improvements

No formal reiterative or feedback processes are in place. The last adjustment of the scheme was in 2010.

2.2. Monitoring

- Statement on whether stated objectives are monitored.
- Analysis of monitoring process

There is no monitoring mechanism in place. The Alcohol Advertising Board prepares an annual report where they list the cases of possible non-compliance with the Code and whether they have expressed criticism regarding those cases.

2.3. Evaluation

No evaluation or review has taken place or is planned. When the scheme turned 10 years old, an anniversary publication was written by independent experts. This was not a formal evaluation but the Consumer Ombudsman assessed the scheme to be effective, functioning well, and that most companies followed the judgements expressed by the Board.

2.4. Resolving disagreements

- Internal disagreements between participants of the scheme
- External disagreements are covered in section 3 on Complaint handling and enforcement

For internal disputes, the Alcohol Advertising Board seeks consensus based decisions. If this is not possible to achieve, the chairman of the Board has the deciding vote. If consensus cannot be reached the decision from the Alcohol Advertising Board will publicly indicate that the decision is not a consensus decision.

2.5. Financing

The scheme is financed by the Danish Brewers Association (Bryggeriforeningen) (75% of the budget) and the Vin and Spiritus Organisationen og Danmark (VSOD - VSOD is a trade organization for wine and spirits importers and wholesalers in Denmark) (25% of the budget). The budget of 0.5 million DKK funds the secretariat and chairman of the board, as well as printing and miscellaneous expenses.

3. Complaint handling and enforcement

3.1. Functioning of complaint resolution mechanism

The Board mainly deals with complaints but can also take the initiative to consider cases themselves. The company under criticism states their case to the Board. The company who commissioned the piece of potentially non-compliant marketing will be asked to provide input to the Alcohol Advertising Board as part of the Board’s proceedings. If the company disagrees with the decision of the Board they can launch a complaint to the Board.

3.2. Outcome

In 2014 the Board received 22 complaints and expressed criticism in 20 instances. In 15 cases the company in question changed their marketing before the case was processed and the Alcohol Advertising Board did not find reasons to express criticism after the changes had been made.

3.3. Sanctions

The enforcement used is faming, shaming and blaming.
4. Best practice criteria

4.1. Reach
The variety of involved parties suggests there is a high reach of the target group.

4.2. Accessibility
There do not appear to be any accessibility issues. The code is published on the website of the Alcohol Advertising Board.

4.3. Effectiveness/impact
The system is considered to be quite effective. When the scheme turned 10 years an anniversary publication was written by independent experts. The Consumer Ombudsman assessed the scheme to be effective, functioning well, and that most companies followed the judgements expressed by the Board. Support from the industry and the ability to reach consensus with different interests is an important success factor for the scheme. Only the sanctions are weak and as such, if the scheme loses support the possibilities to enforce decisions are weak.

4.4. Efficiency
The assessment of the Consumer Ombudsman on the 10 years anniversary suggests that the scheme is quite efficient.

4.5. Evaluation
No evaluation or review has taken place nor is one planned. After 10 years of existence, an informal report was carried out where the Consumer Ombudsman assessed the scheme to be effective, functioning well, and that most companies followed the criticism expressed by the Board.

4.6. Implementation issues/administrative burden
No specific implementation issues were identified for this scheme. The application of the Code seems to be easy for the relevant enterprises. The administrative burdens also seem to be low.

4.7. Transferability
The scheme is easily transferable. However, the ability to reach consensus between different interests and the willingness of the industry to follow the decisions could form a barrier.

<table>
<thead>
<tr>
<th>Country</th>
<th>Denmark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>The Code of Responsible Food Marketing Communication</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Kodeks for fødevarereklamer</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Forum for fødevarereklamer</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Forum of Responsible Food Marketing Communication</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>2008</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast</td>
</tr>
<tr>
<td></td>
<td>On-demand audiovisual media service</td>
</tr>
<tr>
<td></td>
<td>All forms of marketing</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td>Food products containing high quantities of sugar, salt or fat to children</td>
</tr>
</tbody>
</table>

1. Conception

1.1. Participants
The following organisations were involved in the conception of the scheme: the Ministry of Food, Agriculture and Fisheries in Denmark, trade organisations (namely, the Danish Food and
The Danish Food and Drink Federation took the initiative to start the Forum and invited the branch organisations covering the entire value chain of surrounding marketing of food and drinks in Denmark.

No representatives representing the interests of children were involved.

1.2. Openness

The development of the scheme was not known to the general public but a broad selection of stakeholders was invited to participate in the negotiations. It was important for the partners to include the full marketing value chain in both the development and implementation of the Code, as well as committing and engaging all the relevant members.

1.3. Good Faith

The multiple partnership proved challenging to the formulation of the Code in the negotiation phase, but it was effective in implementing the Code among the members when it was drafted.

As the partners involved represented the branch organisations of the whole marketing value chain, they had the possibility to implement the Code amongst their members very efficiently. The partners had very direct access to their members and were already in an established position to inform and guide their members from other fields. The implementation process initially required a change in some of the web pages of the enterprises that were members of the Danish Food and Drink Federation to correspond to the Code.

1.4. Objectives

- List objectives
- Analysis for criterion

The main objective of the Code is to create a safe space for children where they will not be confronted by advertising for unhealthy food products. The rationale behind this objective was to help stop the increasing weight gain of Danish children, as well as decreasing public expenses to obesity-related sicknesses. By increasing the focus on protecting the health of children, the Code falls into a Danish tradition of protecting vulnerable consumer groups.

The second objective of making an industry led Forum and a Codex was to involve all aspects of the marketing industry in developing a solution to avoid governmental legislation. This process was industry led and headed by the Danish Food and Drink Federation.

There are no quantifiable targets and indicators to monitor the progress of the scheme.

1.5. Legal Compliance

<table>
<thead>
<tr>
<th><strong>2. Implementation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.1. Iterative improvements</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>2.2. Monitoring</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>- Statement on whether stated objectives are monitored.</td>
</tr>
<tr>
<td>- Analysis of monitoring process</td>
</tr>
<tr>
<td>The partners in the Forum have obliged themselves to monitor the specific part of the value chain that they are in contact with. Each of the partners in the Forum represents a different part of the value chain and thus monitors different parts of the media using different practices. For three examples, we mention here The Danish Food and Drink Federation, TV2 Broadcast and The Association for Danish Media. The Danish Food and Drink Federation monitors the web pages of their member enterprises for marketing that violates the Code. TV2 monitors the marketing on its own broadcast. The Association for Danish Media makes a yearly test of all the print media targeted at children to monitor that the marketing adheres to the codex.</td>
</tr>
</tbody>
</table>

| **2.3. Evaluation** | There has not been an evaluation. The Codex was reviewed in 2013. |

<table>
<thead>
<tr>
<th><strong>2.4. Resolving disagreements</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>- Internal disagreements between participants of the scheme</td>
</tr>
<tr>
<td>- External disagreements are covered in section 3 on Complaint handling and enforcement</td>
</tr>
<tr>
<td>See below.</td>
</tr>
</tbody>
</table>

| **2.5. Financing** | The scheme is financed by contributions from the target group. |

<table>
<thead>
<tr>
<th><strong>3. Complaint handling and enforcement</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.1. Functioning of complaint resolution mechanism</strong></td>
</tr>
</tbody>
</table>

| **3.2. Outcome** | Very few complaints have been received in the last couple of years. In 2013, 8 complaints were submitted. In 2007 the number of complaints amounted 1,500. Since the Codex was signed, advertisements for food products |
with a high content of sugar, fats and salt have practically disappeared from children’s media.

3.3. Sanctions

The possible sanctions which can be applied is faming, shaming and blaming.

4. Best practice criteria

<table>
<thead>
<tr>
<th>4.1. Reach</th>
<th>All relevant organisations of the full marketing value chain are involved in both the development and implementing of the Code.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2. Accessibility</td>
<td>The code is available on the website of the Forum. The Code is now complied with by the majority of the actors in the food marketing sector.</td>
</tr>
<tr>
<td>4.3. Effectiveness/impact</td>
<td>The scheme is considered to be quite effective. Since the Code for Responsible Food Marketing Communication was signed, advertisements for food products with a high content of sugar, fats and salt have practically disappeared from children’s media. The basic strength of the scheme is the support from the whole value chain of the food marketing industry, a high degree of commitment, self-policing, and wide spread participation.</td>
</tr>
<tr>
<td>4.4. Efficiency</td>
<td>The scheme is considered to be quite efficient. The Danish Veterinary and Food Administration views the self-regulatory model as a very cost-efficient model for the administration. From their perspective, the model solves 70-80% of the problems with marketing of unhealthy food products to children, but does so with a minimal drain on governmental resources. The administration is relieved of the responsibility of maintaining the model and answers questions from the industry in cases of doubt.</td>
</tr>
<tr>
<td>4.5. Evaluation</td>
<td>There has not been an evaluation. The Code was reviewed in 2013.</td>
</tr>
<tr>
<td>4.6. Implementation issues/ administrative burden</td>
<td>Because the partners involved represented the branch organisations of the whole marketing value chain, they had the possibility to implement the Code among their members very efficiently. The partners had very direct access to their members and were already in an established position to inform and guide their members from other fields. The implementation process initially required a change in some of the web pages of enterprises which were members of the Danish Food and Drink Federation to correspond to the Codex.</td>
</tr>
<tr>
<td>4.7. Transferability</td>
<td>The scheme is easily transferable to other countries. A possible barrier might be the ability of reaching consensus between different interest and the willingness of the industry to follow the decisions.</td>
</tr>
</tbody>
</table>
1.8 Estonia

<table>
<thead>
<tr>
<th>Country</th>
<th>Estonia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Responsible commercial communication policy in children’s programmes</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Vastutustundlik reklaamipoliitika lastesaadetes</td>
</tr>
</tbody>
</table>

| Name of the organisation in own language | Eesti Ringhäälingute Liit |
| Name of the organisation in English | The Association of Estonian Broadcasters (AEB) |
| Year the scheme came into force | 2012 |
| Media covered | Television broadcast |
| Primary focus | Commercial communication |
| Specific products covered? | Unhealthy food |

1. Conception

1.1. Participants
The actors involved in the conception stage were: AS Kanal 2, AS TV 3, OU Alo TV (all Estonian private broadcasters) and AEB (trade organisation). Foreign broadcasters, whose channels are seen in Estonia (e.g. FOX), were not involved and have not joined the scheme (their share is on average about 5% of Estonian TV market). Though all private broadcasters are included, no governmental actors, regulators or consumer organisations participated.

1.2. Openness
There is a relatively closed group involved in the scheme. All private broadcasters were included, but no other types of actors. The development of the scheme was not very well known to the general public.

1.3. Good Faith
The trade organisation, AEB (Association of Estonian Broadcasters), initiated the scheme and was involved in developing the scheme. As the scheme was mainly developed within the AEB, it is likely that the involved partners were satisfied.

1.4. Objectives
- List objectives
- Analysis for criterion
The members of the AEB agree to refrain from broadcasting audiovisual commercial communications which invite children (younger than 12 years) to excessive consumption of food not suitable for children during or around programmes meant for children (programmes where more than 50% of viewers are less than 12 years old).

The target of this scheme is absolute: there should be no commercials of this kind between and around children’s programmes.
However, there are no indicators to measure whether the targets or objectives have been achieved; the objectives are more guiding principles in their formulation. Moreover, these principles are difficult to monitor, because they leave a lot of space for discussion on what is misleading or unhealthy etc.

1.5. Legal Compliance
The scheme is based on the Media Services Act, which states...
that if the broadcasters do not regulate the commercial communications on the food products in children programmes, then the Ministry of Culture may do it instead.

<table>
<thead>
<tr>
<th>2. Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.1. Iterative improvements</strong></td>
</tr>
<tr>
<td>There are no reiterative or feedback processes in place.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>2.2. Monitoring</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Statement on whether stated objectives are monitored.</td>
</tr>
<tr>
<td>Analysis of monitoring process</td>
</tr>
<tr>
<td>The objectives defined for this scheme are not monitored. The aim of the scheme is achieved by the scheme’s very existence. The Association of Estonian Broadcasters (AEB) is responsible for monitoring (code owner). Monitoring is done only if needed. The need derives from the audience’s complaints. There have been no complaints so far.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.3. Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>No evaluation or review yet, nor are any planned</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>2.4. Resolving disagreements</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal disagreements between participants of the scheme</td>
</tr>
<tr>
<td>External disagreements are covered in section 3 on Complaint handling and enforcement</td>
</tr>
<tr>
<td>There are no procedures in place for resolving internal disputes between actors involved with the self- or co-regulatory scheme.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.5. Financing</th>
</tr>
</thead>
<tbody>
<tr>
<td>The scheme is not reported to be very active and as such, there has not been much need for formal financing. This could be revised by the AEB if the use of the scheme becomes more active.</td>
</tr>
</tbody>
</table>

3. Complaint handling and enforcement

<table>
<thead>
<tr>
<th><strong>3.1. Functioning of complaint resolution mechanism</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>When receiving a complaint, the council of the AEB (the representatives of the member organisations and at least one independent expert) should answer within 2 weeks (starting from the date of receiving the complaint). Evidence collected shows there are no further guidelines on how to handle a complaint.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>3.2. Outcome</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>No complaints have been received. It could be that the audience’s knowledge about the scheme is very low – which could explain the missing complaints on the one hand. On the other hand, the parents’ knowledge about the healthy and unhealthy food, as well as about the possible impacts of the audiovisual media on their children is rather low; this may also explain the missing complaints.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>3.3. Sanctions</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Faming, shaming and blaming is the type of enforcement used. As there have been no complaints, effectiveness of the enforcement is difficult to estimate.</td>
</tr>
</tbody>
</table>

4. Best practice criteria

<table>
<thead>
<tr>
<th><strong>4.1. Reach</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>All private Estonian broadcasters are included in the Code, which indicates a relatively high reach of the target group.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>4.2. Accessibility</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>It is not clear if complaints can be made easily (given the absence of complaints is likely explained by knowledge of the general public of the scheme and awareness about unhealthy food). Furthermore, there do not appear to be any major issues regarding accessibility for the target groups towards the</td>
</tr>
</tbody>
</table>
4.3. Effectiveness/impact

There has been no evaluation yet (and none are planned). As such it is very hard to estimate what kind of commercial communications invite children to consuming unhealthy food. The media has an impact on children’s choices, but the scheme’s impact on the protection of children’s health is not clear. Therefore, effectiveness of the scheme is difficult to assess.

The scheme was developed looking at best practices from Europe (especially Finland).

4.4. Efficiency

As there have been no complaints, and therefore also no costs, the efficiency of the scheme is hard to estimate.

4.5. Evaluation

No evaluation or review has taken place and none is planned.

4.6. Implementation issues/administrative burden

No evidence regarding problems with implementation have been found. It could be that the audience’s knowledge about the scheme and unhealthy food is relatively low, which partially explains the lack of complaints.

4.7. Transferability

The scheme is considered to be easily transferable to other Member States. There are not many procedures involved and as such, the approach could be easily transferred to another country.

1.9 Finland

<table>
<thead>
<tr>
<th>Country</th>
<th>Finland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Ethical Code of the Council of Ethics in Advertising</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Eettinen Koodi neuvoston Mainonnan eettinen</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Mainonnan eettinen neuvosto (MEN)</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Council of Ethics in Advertising</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>1980s</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcasting On-demand audiovisual services All other media</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td></td>
</tr>
</tbody>
</table>

1. Conception

1.1. Participants

The advertising sector in Finland set up its own regulatory body already in the 1980s. In 2001, the body was renamed the Council of Ethics in Advertising and the secretariat was placed permanently in the Central Chamber of Commerce. The council is composed of 8 organisations representing Finnish advertising and media companies.

The Council mainly applies the International Chamber of Commerce’s Consolidated Code for Advertising and Marketing
(ICC Code). Therefore, besides the set-up of the self-regulatory body, stakeholders did not have much opportunity to contribute to a specific country code as the ICC Code was tailored to the Finnish context. The organisations involved in this process were representative of the advertising sector in Finland. However, no other relevant stakeholders (government, consumer groups, lobby groups etc.) were involved in the activities of the Council.

1.2. Openness

The Council follows the existing ICC code, so that an extended development process was not necessary to set up with self-regulatory code. Besides the industry representatives, there is little evidence to show the involvement of other stakeholder types.
The Finnish Chambers of Commerce (Kauppakamarit) holds the secretariat of the Council. The Board of the Council consists of six members elected by the Chamber of Commerce. Four of the members represent the industry, where one has to be an expert in the field of gender equality and one in the field of marketing research. The Chairman of the council must be independent. While the development process as it was not particularly open, independent experts are involved in running the self-regulatory scheme through the Board.

1.3. Good Faith

The Council is set-up by, and represents the advertising business sector. The secretariat is run by the national Chamber of Commerce. The chairman of the Board is independent and experts are also included, which means that the Board does not consist of sector representatives alone. The Board members are elected by the Chamber of Commerce.
No other stakeholders are involved, not in the management of the council, nor in the handling of the complaints or in developing statements/remarks.
The Council does not develop a country specific code, but follows the ICC code, and in this case input at national level was not relevant.

1.4. Objectives

- List objectives
- Analysis for criterion

The aim of the approach is to assure that advertisements prepared, are ethically acceptable and this should be reached through the application of the ICC code by the Finnish advertising industry. Specifically, the code focuses on the content of advertisements and key issues concerned include discrimination, decency and social responsibility.

The objective does not include targets to measure whether the objective is reached, nor have indicators been developed to monitor the performance of the organisation.

1.5. Legal Compliance

The organisation does not have its basis in national legislation. The initiative is taken by the sector and the sector, which are committed through the Council, must apply the ICC code.
### 2. Implementation

#### 2.1. Iterative improvements

Besides the handling of complaints, statements and remarks, the advertising sector is stimulated to follow the ethical guidelines of the ICC code. Reiterative improvements should occur if adjustments are made to the ICC code.

#### 2.2. Monitoring

- Statement on whether stated objectives are monitored.
- Analysis of monitoring process

The Board of the Council handles the complaints and makes statements and remarks concerning advertisements when it receives viable complaints. Besides the complaints resolution system there is no formal monitoring process in place to measure the effectiveness and impact of the scheme.

#### 2.3. Evaluation

No independent evaluation or review of the Council has taken place or is foreseen.

#### 2.4. Resolving disagreements

- Internal disagreements between participants of the scheme
- External disagreements are covered in section 3 on Complaint handling and enforcement

No specific system for resolving internal disagreements has been developed. There is a complaints resolution mechanism, described below which details that any party, individual or company can complain about the content of an advertisement to the Board of the MEN.

#### 2.5. Financing

The secretariat of the Council is established by the Chamber of Commerce, and the Board members appear to carry out their activities for free. There do not appear to be any direct costs of the scheme, although companies can receive a copy advice for their advertisement for a fee of 1,500 euro. It is unclear however, how the copy advice services contribute to the overall budget of the MEN scheme.

### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

Everyone (consumers and competitors) can submit a request for the Council’s opinion on a certain advertisement. The request can be submitted through an online form available on the website of the Council, which is a subsection of the website of the Chamber of Commerce.

The requests are discussed in a board meeting and if a judgement is needed, decisions are taken by voting, with a deciding vote of the chairmen. The council can also take the initiative itself to judge an advertisement and thereafter publish a written opinion (statement). All Council statements are published on the Internet. If an advertisement is not considered to be ethically acceptable, the Council may give a remark to the advertiser. In this case, the advertiser is not obliged to interrupt the campaign as the Council’s statements and opinions are not legally binding.

#### 3.2. Outcome

The Council gives approximately 25–35 statements per year. The number of complaints received ranged from 71 in 2012 till 84 in 2015. Around half of the complaints received are accepted as viable and addressed. If an advertisement is not considered to be ethically acceptable, the Council may give a remark to the advertiser. Some four to six advertisements get a remark per
year. In this case, the advertiser is not obliged to interrupt the campaign. However, many advertisers having received a remark still adjust their advertisement even if they are not a member of the associations participating in the Council. All Council statements are published on the Internet.

3.3. **Sanctions**

The Council issues non-legally binding opinions on complaints about advertisements. The results of the complaints, and the statements and remarks of the Council, are published on the website of the Council, which is a subsection of the website of the Chamber of Commerce.

4. **Best practice criteria**

4.1. **Reach**

The ICC code can be easily applied by the sector. Through the Council and indirectly through the Chamber of Commerce, evidence suggests that a significant proportion of the relevant enterprises are reached.

4.2. **Accessibility**

The Council applies the ICC code, which is easy accessible for the industry through the website. The website is a subsection of the website of the Chamber of Commerce. The copy advice services also provide advertisers to correct any unethical content before they disseminate the advertisement, which makes the advertising guidelines more understandable and accessible. Having said this, the fee for the copy advice is 1,500 euro.

4.3. **Effectiveness/impact**

Very little information is available on the effectiveness and/or impact of the scheme as no evaluations have been carried out, nor have they been planned. There is information on the number of complaints, remarks and statement available, but no monitoring system which tracks the overall impact and effectiveness of the scheme.

The main benefit of the system is that a relatively large part of the sector seems to be indirectly participating in the Council and consequently committed itself to the code; non-members of the Council also adhere to the ethical guidelines in place. The complaints, remarks and statements are published on the internet. The secretariat is based in the national Chamber of Commerce and the website is a subsection of the Chamber of Commerce. Given the knowledge among the business sector regarding the activities of the chamber, one might assume that this relation with the Chamber improves the awareness of the scheme.

A weakness is that other relevant stakeholders are not part of the administrative structure of the Council. It is difficult to estimate the impact of this self-regulatory scheme because the legal activities for regulating audiovisual media are quite extensive; separating the impact of statutory and self-regulation is very difficult. FICORA, also carried out monitoring of the effectiveness of the regulations and instruments in place. It also conducts regular consumer surveys and appears to be more visible and established than the MEN. Estabishing the impact of this self-regulatory scheme is therefore difficult.
4.4. Efficiency
The costs of the scheme are very low, and seems to be covered by the Chambers of Commerce. Also the activities of the Board members are carried out for free. No evaluation or review has taken place to enable a judgement of the efficiency of the scheme.

4.5. Evaluation
No independent evaluation or review of the Council has taken place or is foreseen.

4.6. Implementation issues/administrative burden
The Administrative structure is implemented through the Chamber of Commerce and the Board of the Council. Making complaints is relatively easy through the form of the website. For the enterprise sector is easy to collect information on the ICC code. The ICC code was also designed to be transferred to other contexts, and no major implementation issues were encountered.

4.7. Transferability
The scheme is easily transferrable to another country under the condition that the advertising industry is willing to set up a regulatory body and willing to apply to the code. In addition, no national code is developed but the ICC code is used.

1.10 France

<table>
<thead>
<tr>
<th>Country</th>
<th>France</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Rules of the ARPP</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Règles de l’ARPP</td>
</tr>
</tbody>
</table>

Specific or thematic codes under general code
- General recommendations on advertising (6 supplementary codes to the ICC Code)
- Thematic recommendations (9 codes, including a code on advertising aimed at children).
- Sectoral recommendations (26 sectoral codes):
  - Alcool (Mise à jour le 20/04/2015), Alcohol
  - Alimentation des enfants de moins de trois ans, Food for children under three years
  - Alimentation pour animaux familiers, Food for pets
  - Produits cosmétiques, Cosmetic products
  - Automobile, automotives
  - Deux roues à moteur, Two wheeler vehicles
  - Immobilier – construction, Real Estate - Construction
  - Immobilier - maisons individuelles, Real Estate - Villas
  - Immobilier lexique, Real Estate glossary
  - Produits pour l’horticulture et l’entretien des jardins, Products for horticulture and garden maintenance
  - Emplois commerciaux, Business jobs
  - Expositions, foires, salons et congrès, Exhibitions, fairs, shows and congresses
  - Jeux d’argent, Money games
  - Offre de travail à domicile, Work at home offers
  - Sciences occultes, Occult sciences
  - Services électroniques et télématicques à caractère érotique, Electronic and telematic services with erotic content
<table>
<thead>
<tr>
<th>Name of the organisation in own language</th>
<th>Autorité de Régulation Professionelle de la Publicité (ARPP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of the organisation in English</td>
<td>Professional regulatory authority for advertising</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>2011</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast</td>
</tr>
<tr>
<td></td>
<td>On-demand audiovisual media service</td>
</tr>
<tr>
<td></td>
<td>All other media</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td>There are 26 sectoral codes (see above)</td>
</tr>
</tbody>
</table>

### 1. Conception

#### 1.1. Participants

Regulators and industry organisations were mainly involved in developing the current form of the Rules of the ARPP. The organisation, originally called the BVP, was established in 1935. In 2008 the BVP became the ARPP. This means that the original development process of the self-regulatory organisation is not clear.

In 2011 the ARPP incorporated the International Chamber of Commerce’s Consolidated Code on Marketing and Advertising Practices (the ICC Code).

As such the usual French procedure of adjusting self-regulatory schemes for advertising did not apply to the founding ICC Code. The process of taking up this international self-regulatory scheme into the French system came to some extent from the industry that wishes to have a more simplified and harmonised set of advertising rules.

Usually, the ARPP takes the initiative to develop new standards, but drafting new standards can also be done upon the request of a professional or inter-professional association. The initiative for changes can also be made by the CPP which represents a series of different interests (18 members; 9 professionals and 9 members of associations. The CPP is chaired by the member of an association).

Therefore though mainly industry stakeholders are involved in
developing and adjusting schemes, there are indirect ways for non-stakeholders to be involved.

1.2. *Openness*

The ARPP is a self-regulatory body, recognised by public authorities. The organisation consists of 4 categories of members, namely: advertisers, advertising agencies, media companies, and other connected, relevant members (trade unions, law offices, associations). The ARPP has over 600 member organisations, representing more than 1,000 companies.

The CPP is a forum for dialogue and cooperation between representatives of civil society (consumers associations and environmental associations) and representatives of the advertising industry). The CPP consists of 18 members; 9 professionals and 9 members of associations. The CPP is chaired by the member of an association.

In this way through both the ARPP and the CPP a relatively diverse set of professional and industry interests are able to be involved in developing new rules for regulatory schemes. No consumer or civil society organisations appear involved however, though these are represented to some extent in the CPP. The ARPP has its mandate enshrined in legal statutes and enjoys a certain governmental mandate. As such the usual development process for self-regulatory schemes can be considered open but not especially so.

1.3. *Good Faith*

The ICC Code is an international self-regulatory code which has been taken up in countries all over the world. The international acceptance and use of this code suggests a certain degree of good faith surrounding the ICC Code. This Code in turn has been taken up amongst the many other ARPP rules in response to industry desires to have more simplified and harmonised rules for advertising.

1.4. *Objectives*

- List objectives
- Analysis for criterion

The overall mission for the ARPP gives some idea as to the general rationale and policy goals behind the self-regulatory scheme in place. The ARPP’s missions are to “maintain high standards in terms of legal, honest and truthful advertising, which is in the interest of both the consumers and the advertisers”. According to the ARPP, its mission is to uphold the balance between creativity as well as the advertisers’ freedom of expression and the responsibility and respect due to consumers. This is at the heart of the advertising self-regulatory system.

The objectives of the ICC Code are consequently also used for the objectives for the French self-regulatory system for advertising and marketing.

Besides this ICC Code, the French ARPP has developed a series of other accompanying codes and guidelines. The ARPP code is in fact divided into 5 categories of codes and guidance documents:

- General recommendations on advertising (6 supplementary codes to the ICC Code)
- Thematic recommendations (9 codes, including a code on advertising aimed at children).
- Sectoral recommendations (26 sectoral codes).
- Recommendations for support (3 codes)
- Doctrine sheets (4 sheets).

A number of indicators are used to monitor the functioning of this scheme, though these indicators do not appear to directly measure the objectives defined above. The extent to which targets or baselines are used for these objectives is unclear.

1.5. Legal Compliance

The ARPP is recognised as the SRO to supplement the French Broadcasting Act, but there is no concrete legal basis for the setting up of the ARPP.

2. Implementation

2.1. Iterative improvements

There are several avenues through which the ARPP receives signals to adjust its scheme. The complaints received and their subjects, the surveys used, the requests from the CPP or other professionals can all lead to an adjustment of the advertising codes. The ARPP monitors a significant part of its activities and uses this to monitor the code performance. However it is not clear how frequently or systematically this feedback process takes place.

The CPP contributes to drafting new standards or towards adjustments by promoting dialogue between professionals, consumer associations and environmental organisations. The CPP publicly voices its opinion on the creation of a new standard. Besides this, technical ad-hoc commissions then do the actual technical drafting of a new standard. These commissions are composed of professionals (from the advertising companies, advertising agencies, and media companies) and ARPP legal experts.

2.2. Monitoring

- Statement on whether stated objectives are monitored.
- Analysis of monitoring process

The ARPP monitors its activities and analysis the number of voluntary Copy Advices which advertisers request before disseminating the advertising material. The number of compulsory ex-ante checks for Television is also checked. The requests and the responses are both monitored.

The complaints received are also monitored. These can come from consumers or from other entities. The ARPP evaluates and keeps record of which complaints are admissible and which are not (they cannot for instance be made anonymously and if crucial information is missing the complaint is dismissed).

Whether the complaints are well-founded or not is monitored, whether they were accepted, the chief causes for complaints and complaints are recorded according to which economic sector they refer to as well.

There is also a survey system in place where the ARPP sends out surveys at regular intervals to establish the evolution in society’s sensitivity and attention for certain issues. These surveys and their findings act as inputs for adjustments of the ARPP’s codes.

The ARPP therefore has a series of indicators in place for monitoring the code, but the connection with monitoring the operational objectives is not clear.

2.3. Evaluation

The ARPP tracks its annual activities quite systematically and uses these reports, other studies, as well as monitoring reports.
(for specific sectoral approaches to monitoring), and inputs from its complaints system to evaluate the performance of the Rules of the ARPP in regulating commercial communications. The exact degree to which the objectives are achieved is not publicly clear however. There does not appear to be specific monitoring of the progress being made towards the specific objectives and targets as the objectives of the ARPP Rules are not highly operationalised.

2.4. Resolving disagreements
- Internal disagreements between participants of the scheme
- External disagreements are covered in section 3 on Complaint handling and enforcement

The system for resolving internal disagreements from participants and the system for consumer complaints appear to be the same.

2.5. Financing

Around 80% of the financing comes from membership fees, with the remainder coming from the Pre-Clearance services. The budget was € 3.6 million in 2015.

3. Complaint handling and enforcement

3.1. Functioning of complaint resolution mechanism

The complaints received are monitored. These can come from consumers or from other entities. The ARPP evaluates and keeps record of which complaints are admissible and which are not (they cannot for instance be made anonymously and if crucial information is missing the complaint is dismissed). Whether the complaints are well-founded or not is monitored, whether they were accepted, the chief causes for complaints and complaints are recorded according to which economic sector they refer to as well.

Consumers can make their complaints to the JDP, the Jury de Déontologue Publicitaire, or the Jury of Advertising Ethics. The JDP is an independent authority which handles consumer complaints regarding non-compliant advertisements. The JEP consists of 9 members, 3 representatives from the CPP, the ARPP and the CEP, the Conseil de l’Ethique Publicitaire (the Council of Ethical Advertising)\(^1\). The CEP in this case, is composed of independent experts and professionals. This composition aims to ensure a dialogue between different relevant industry stakeholders and experts from civil society regarding advertising ethics.

The JDP receives complaints and if they are admissible, the JDP examines the complaint. The JDP meets frequently and has sessions where a series of complaints are examined consecutively. The JDP meets several times a month to ensure that complaints are dealt with in less than a month. Most complaints are settled in 10 days and there is a fast-track procedure of 48 hours. The JDP decisions are published and can be tracked.

\(^1\) The JEP, Présentation, [http://www.jdp-pub.org/-Presentation-.html](http://www.jdp-pub.org/-Presentation-.html).
### 3.2. Outcome

The number of complaints received in recent years were:

- **2011**: 608
- **2012**: 625
- **2013**: 450
- **2014**: 3171

In 2014, an exceptionally high amount of complaints were received for a particular advertising campaign for its sexism. The ARPP does not publish publicly the nature of the decisions made on the complaints it received.

The most common causes for external complaints are not known. The ARPP undertakes various preventative activities as well and details on the numbers of advertisements requesting a Copy Advice and the reasons for recommending changes are recorded. The number of cases received after the diffusion of an advertisement is also recorded; the most common cause for an advertisement being non-compliant for the last few years has been in proper depiction and use of people.

The number of complaints which are founded is recorded, but little information is available on the nature of the resolution of complaints.

### 3.3. Sanctions

Regarding sanctions, the ARPP (autorité de régulation professionnelle de la publicité) and JDP (the Jury de Déontologique Publicitaire) are both involved in enforcing the Rules of the ARPP. The Jury of Advertising Ethics, JDP, is the judicial body which rules on complaints. There are gradations in the responses of the JDP. The ARPP can approach a non-compliant advertiser and request clarification for the breach in compliance. In the case of no changes to the advertisement in question, naming, shaming and blaming can be decided upon by the JDP and carried out by the ARPP. This includes online comments towards a non-compliant advertisement, the next stage in the public shaming being the release of a press statement on the advert. In case of extreme or serious breaches, the advert can be reported in the press. In case of no adjustment of the advertisement, the media channels on which the advert is disseminated is approached and immediate cessation of the broadcast request for the media channel is implemented.

### 4. Best practice criteria

#### 4.1. Reach

The ARPP is a self-regulatory body, recognised by public authorities. The organisation consists of 4 categories of members, namely: advertisers, advertising agencies, media companies, and other connected, relevant members (trade unions, law offices, associations). The ARPP has over 600 member organisations, representing more than 1,000 companies. This accounts for around 80% of the advertising carried out in broadcast in France in terms of value. The reach of the Rules of the ARPP can be said to be quite good.

#### 4.2. Accessibility

All of the Rules of the ARPP are available online. There are categories of rules, including sectoral, thematic and guidance documents. The availability of these rules, as well as the pre-clearance and Copy Advice services make the Rules of the ARPP
relatively accessible. For consumers too, an online guide to making a complaint has also been provided.

| 4.3. Effectiveness/impact | The Rules of the ARPP are considered to be relatively effective overall. The rules are established and developed by the ARPP and CPP to provide diverse industry perspectives. The preventative compliance measures such as the Copy Advices and mandatory Pre-Clearance checks carried out by the ARPP reduce the change of a non-compliant advertisement entering the market to begin with.

The enforcement can be considered quite effective in that several avenues and gradation of enforcement can be implemented by the ARPP and JDP. These include naming, faming and shaming, and public fines (including the cessation of the broadcast). Besides these enforcement mechanisms, the overall quality and ethical nature of advertisements is raised through such a pre-emptive checks, contributing to the broad policy goals of making advertisements “high standards in terms of legal, honest and truthful advertising, which is in the interest of both the consumers and the advertisers”.

| 4.4. Efficiency | Based on the scope of the ARPP’s activities, the distribution of certain functions to other organisations (such as the JDP for enforcing compliance in an objective, independent manner), and the pre-emptive screening of advertisements, appear to be efficient ways of implementing the mandate and functions of the ARPP. The approach to financing centres on membership fees, with a budget of 3.6million euro in 2015. Given the scope of activities, this appears a relatively efficient scheme, though more detail on this would be useful.

| 4.5. Evaluation | The ARPP tracks its annual activities quite systematically and uses these reports, other studies, as well as monitoring reports (for specific sectoral approaches to monitoring), and inputs from its complaints system to evaluate the performance of the Rules of the ARPP in regulating commercial communications. The exact degree to which the objectives are achieved is not publicly clear however. There does not appear to be specific monitoring of the progress being made towards the specific objectives and targets as the objectives of the ARPP Rules are not highly operationalised.

| 4.6. Implementation issues/administrative burden | The ARPP is an old organisation and well-established in the French media regulation landscape. The BVP, now the ARPP, has been in place for many decades and there is not so much insight as to how the development and setting up of the organisation went at that time. As such there is currently no evidence of administrative burden or implementation issues surrounding the development and implementation of the scheme. The sheer number of rules of the ARPP was an issue for the industry, but these were harmonised and simplified to some extent with the introduction of the ICC Code into the Rules of the ARPP.

The ARPP is also represented at the ICC task force for Code revision and as such, taking up the ICC Code appeared to go relatively smoothly.
4.7. Transferability

The ARPP is a well-established SRO for the advertising industry and appears to represent a large portion of the advertising industry value. Having an industry SRO is not an uncommon approach in EU member states, nor is having affiliated but independent judiciary and appeal bodies such as the JDP, CPP and CEP. From a political and social perspective therefore, this approach seems quite transferable. The approach and division of power between the industry and the public authorities (who acknowledge this self-regulatory scheme) are not uncommon approaches likely to spark controversy. However in practical terms, the ARPP has a range of activities which it conducts and implementing the various procedures involved with developing rules, monitoring, complaints resolutions as well as pre-emptive checks could involve more investment of human, financial and administrative resources for a country implementing this approach. From a practical perspective and considering the procedures involved in this scheme it could be more challenging to transfer to another country.

1.11 Germany

<table>
<thead>
<tr>
<th>Country</th>
<th>Germany</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Code of conduct of the German Advertising Standards Council</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Verhaltensregeln des Deutsches Werberat</td>
</tr>
</tbody>
</table>

Specific or thematic codes under general code:

- German Advertising Standards Council - Rules on Advertising and its Appraisal
- Code of Conduct of the German Advertising Standards Council against personal denigration and discrimination
- Rules of Conduct of the German Advertising Standards Council on Advertising with and for children on radio and television
- Code of Conduct of the German Advertising Standards Council on Commercial Communication for foods and beverages
- Code of Conduct on Commercial Communication for Alcoholic Beverages
- Explanatory Notes on the Code of Conduct on Commercial Communications for Alcoholic Beverages
- Pronouncement of the German Advertising Standards Council on Responsible use of Traffic noises in radio advertising
- Code of Conduct on Commercial Communication for Gambling
- Pronouncement of the German Advertising Standards Council on Advertising with celebrities

Name of the organisation in own language: Deutscher Werberat
The German Advertising Standards Council is an institution consisting of the 44 advertising organisations, the media, advertising agencies, the advertising professions, and research establishments represented by the German Advertising Federation (ZAW).

The German Advertising Standards Council provides a mechanism for conflict settlement between the public and commercial advertisers. The Council also draws up voluntary codes of conduct for advertising. The German Advertising Standards Council’s code of conduct applies for all sectors of industry and across all media forms.

During the conception process there have been contacts with stakeholders (NGO’s) such as Foodwatch, organisations on alcohol prevention, etc. There was an open discussion with civil society as well. However these stakeholders were not directly involved in developing the Code.

The Code, the sectoral codes, the procedures, and the complaint handling system are available on the website of the German Advertising Standards Council. This suggests a good degree of openness and accessibility towards participants and the public.

The German Advertising Standards Council developed the Code of Conduct together with the relevant advertising industries and media.

“The objective of this form of self-regulation is to promote responsible practices in commercial advertising and to identify and resolve grievances.”

The rules on advertising of the German Advertising Standards Council are focussed on promoting social responsibility. The German Advertising Standards Council handles complaints and criticism about the social responsibility of advertising, including in cases where the advertising does not actually break the law.

The overall objective of the Code of Conduct is relatively clear. However it does not appear to have specified targets and indicators for this objective.
<table>
<thead>
<tr>
<th><strong>1.5. Legal Compliance</strong></th>
<th>Commercial advertising in Germany is comprehensively regulated by law. The German Advertising Standards Council and its voluntary Code of Conduct for advertising are additional to this statutory regulation. They focus on responsibility for ensuring good standards in advertising.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2. Implementation</strong></td>
<td><strong>2.1. Iterative improvements</strong> There are no specific procedures for improvements for the code. The ZAW’s website states that: “On the initiative of the ZAW and its members, the industry’s codes of conduct are continuously reviewed and revised, according to changes in market conditions and new developments in society. In this way, as well as through preliminary auditing of advertising material by the ZAW and the regularly organised conference Advertising and Society, the system of self-regulation is sustained and developed.” The ZAW organises a yearly conference on advertising. All kinds of stakeholders are invited, depending on the subject of focus during the conference, such as experts from universities, NGO’s etc. During these conferences social issues are discussed, such as gender discrimination. These discussions may lead to the adaptation of the codes or to the development of new codes. Furthermore, there is an open discussion with civil society via working relationships with NGO’s. If necessary, codes are adapted or new codes are developed. The general Code of Conduct is very general and does not require many adjustments. Other codes are adjusted every three year (on average).</td>
</tr>
<tr>
<td><strong>2.2. Monitoring</strong> - Statement on whether stated objectives are monitored. - Analysis of monitoring process</td>
<td>There is no specific monitoring system in place. Although the German Advertising Standards Council monitors the numbers and nature of the complaints, the Council’s overall objective is not operationalised for monitoring.</td>
</tr>
<tr>
<td><strong>2.3. Evaluation</strong></td>
<td>No specific evaluations were found for this scheme.</td>
</tr>
<tr>
<td><strong>2.4. Resolving disagreements</strong> - Internal disputes between participants of the scheme - External complaints are covered in section 3 on Complaint handling and enforcement</td>
<td>There are procedures to resolve internal disputes.</td>
</tr>
<tr>
<td><strong>2.5. Financing</strong></td>
<td>The German Advertising Standards Council is funded by all relevant participants in the advertising market. The financing is part of the budget of ZAW.</td>
</tr>
</tbody>
</table>
3. Complaint handling and enforcement

3.1. Functioning of complaint resolution mechanism

There is a complaint resolution system in place based on the German Advertising Standards Council’s rules of procedure. Anyone can submit a complaint regarding commercial advertising. The advertiser subject to a complaint is given an opportunity to respond. If the complaint is upheld, the advertiser is notified and asked to modify or discontinue the advertisement.

In the Council suspects a breach of law, the executive office passes the case on, without delay to the responsible authorities.

A ten-member panel decides on complaints against individual advertisements. Its composition mirrors the structure of the advertising industry: there are four members from commercial advertisers, three from the media, two from advertising agencies and one from the advertising professions.

3.2. Outcome

The number of complaints regarding advertisements was 305 in 2012, 340 in 2013, 387 in 2014, and 200 in the first half of 2015.

Advertisers generally comply with the requests from the German Advertising Standards Council to modify or discontinue an advertisement. In the case of television, enforcement is 100% effective because advertisements are blocked.

3.3. Sanctions

If an advertiser fails to modify or discontinue an advertisement, the German Advertising Standards Council has the possibility to issue a reprimand and to make the case public. This is rarely necessary however.

4. Best practice criteria

4.1. Reach

The German Advertising Standards Council’s Code of Conduct applies to all sectors of industry and all media.

4.2. Accessibility

The Code of Conduct is transparent. All (specific) codes and procedures are easy accessible on the website of the German Advertising Standards Council. It is easy to submit a complaint.

4.3. Effectiveness/impact

Nearly all advertisers follow the decisions of the German Advertising Standards Council. Furthermore, the website of the German Advertising Standards Council states that the: “Deutscher Werberat” is highly regarded for its fast and not bureaucratic complaints procedure. The self-regulatory system also has the benefit of being able to respond quickly to emerging developments in the advertising market.”

Strengths of the code are:
- It is self-regulation Code and the industry itself decides on issues; it is therefore more widely accepted.
- It is free for consumers to complain and complainants always receive an answer.
- It is quick.

A weakness of the scheme is that small companies sometimes do not follow a request from the German Advertising Standards Council in case of a breach of the Code. In addition, some of them consider publishing of the breach as more publicity and extra attention to the company. This is not the case for
television, because those advertisements can be stopped.

### 4.4. Efficiency
While representatives of the advertising sector consider self-regulation to be efficient, the scope of the ZAW’s activities are difficult to compare with the financial costs. Information regarding the budget of the scheme is not publicly available. As such the scheme’s level of efficiency is difficult to establish.

### 4.5. Evaluation
No specific evaluations were found for this scheme.

### 4.6. Implementation issues/administrative burden
There do not seem to be any implementation issues or important administrative burden regarding this scheme.

### 4.7. Transferability
The system is transferable to other countries in which self-regulation is a widely accepted tool to structure the surveillance of compliance with the Code of Conduct. Most Member States have a similar scheme in place.

<table>
<thead>
<tr>
<th>Country</th>
<th>Germany</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Voluntary Self-Monitoring Television</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Freiwillige Selbstkontrolle Fernsehen (FSF)</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Freiwillige Selbstkontrolle Fernsehen (FSF)</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Voluntary Self-Monitoring Television</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>1993</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast On-demand audiovisual media service</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Protection of minors</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td></td>
</tr>
</tbody>
</table>

### 1. Conception

#### 1.1. Participants
Most of Germany’s commercial television broadcasters are registered as affiliated members of the Code for the Voluntary Self-Monitoring of Television (*Freiwillige Selbstkontrolle Fernsehen*, FSF). The FSF is an officially recognised organisation of voluntary self-regulation.

The purpose of the association is to perform the duties of a recognised body within the areas relevant to the Youth Media Protection State Treaty (*Jugendmedienschutz-Staatsvertrags JMStV*).

There is a Board of Trustees (Kuratorium) including scientists, institutions for good TV, interest groups, and media education. This board is responsible for the development of the criteria for classification.

#### 1.2. Openness
The criteria for classification of programmes and the results of the classification of programmes are made public on the FSF website.

All relevant stakeholders have the possibility to contribute to
the scheme via the representatives in the Board of Trustees.

**1.3. Good Faith**
The FSF was set up by private broadcasters. There is no evidence to suggest a lack of good faith between the participants involved in developing the classification system. However, the FSF especially has made significant efforts in developing the system.

**1.4. Objectives**
- **List objectives**
- **Analysis for criterion**
The FSF is focused on the protection of minors from TV programmes, which could be harmful to children (feature films, shows, series, etc.). Apart from examining television programmes and allocating age ratings for television broadcasts, the FSF also seeks to raise awareness of a more conscientious approach to media through educational projects, publications and events.

The objective is clear but very general. There are no targets mentioned in the objectives and no indicators have been specifically defined to measure the progress towards the objective. The number of complaints is used as an indicator for success.

**1.5. Legal Compliance**
The protection of minors in the media is regulated in the Interstate Treaty on the Protection of Minors in the Media (Jugendmedienschutz-Staatsvertrag: JMStV). Article 19 of the treaty states that organisations of voluntary self-regulation may be established for broadcast services and for tele-media services. The FSF is an officially recognised organisation of voluntary self-regulation.

**2. Implementation**

**2.1. Iterative improvements**
There are no processes in place for systematic improvement. Nevertheless the FSF tries to keep the examination regulations up to date to follow the developments television programming and approaches to classifying these.

**2.2. Monitoring**
- **Statement on whether stated objectives are monitored.**
- **Analysis of monitoring process**
The supervisory authority is the Commission for the Protection of Minors in the Media (Kommission für Jugendmedienschutz: KJM). This commission is primarily responsible for the protection of minors in the media in commercial radio and television channels, as well as for tele-media. It acts on behalf of the regulatory authorities as a non-state body. The KJM supervises the norms according to the Interstate Treaty on the Protection of Minors in the Media (Jugendmedienschutz-Staatsvertrag: JMStV).

The KJM monitors the activities of the FSF to see whether the FSF meets its objectives. Therefore the KJM monitors programmes in an ex-ante (content) and an ex-post (broadcasts) manner.

**2.3. Evaluation**
There have not been any specific evaluations for the classification system.
In 2007 an evaluation was conducted of the FSF, which was part of an evaluation of the law (Jugendmedien- und Jugendmedienschutz-Staatsvertrag).

**2.4. Resolving disagreements**
- **Internal disputes between participants of the**
No procedures for resolving internal disputes were found. Complaint handling: see below.
<table>
<thead>
<tr>
<th>scheme</th>
<th>The Association is financed by contributions (yearly fee) and resource based allocations (fee per classification). The annual budget is about € 2.1 million (about half yearly fees and about half classification fees).</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.5. Financing</strong></td>
<td>The Association is financed by contributions (yearly fee) and resource based allocations (fee per classification). The annual budget is about € 2.1 million (about half yearly fees and about half classification fees).</td>
</tr>
<tr>
<td><strong>3. Complaint handling and enforcement</strong></td>
<td>The Association is financed by contributions (yearly fee) and resource based allocations (fee per classification). The annual budget is about € 2.1 million (about half yearly fees and about half classification fees).</td>
</tr>
<tr>
<td><strong>3.1. Functioning of complaint resolution mechanism</strong></td>
<td>The Association is financed by contributions (yearly fee) and resource based allocations (fee per classification). The annual budget is about € 2.1 million (about half yearly fees and about half classification fees).</td>
</tr>
<tr>
<td><strong>3.2. Outcome</strong></td>
<td>The Association is financed by contributions (yearly fee) and resource based allocations (fee per classification). The annual budget is about € 2.1 million (about half yearly fees and about half classification fees).</td>
</tr>
<tr>
<td><strong>3.3. Sanctions</strong></td>
<td>The Association is financed by contributions (yearly fee) and resource based allocations (fee per classification). The annual budget is about € 2.1 million (about half yearly fees and about half classification fees).</td>
</tr>
<tr>
<td><strong>4. Best practice criteria</strong></td>
<td>The Association is financed by contributions (yearly fee) and resource based allocations (fee per classification). The annual budget is about € 2.1 million (about half yearly fees and about half classification fees).</td>
</tr>
<tr>
<td><strong>4.1. Reach</strong></td>
<td>The Association is financed by contributions (yearly fee) and resource based allocations (fee per classification). The annual budget is about € 2.1 million (about half yearly fees and about half classification fees).</td>
</tr>
<tr>
<td><strong>4.2. Accessibility</strong></td>
<td>The Association is financed by contributions (yearly fee) and resource based allocations (fee per classification). The annual budget is about € 2.1 million (about half yearly fees and about half classification fees).</td>
</tr>
<tr>
<td><strong>4.3. Effectiveness/impact</strong></td>
<td>The Association is financed by contributions (yearly fee) and resource based allocations (fee per classification). The annual budget is about € 2.1 million (about half yearly fees and about half classification fees).</td>
</tr>
<tr>
<td><strong>4.4. Efficiency</strong></td>
<td>The Association is financed by contributions (yearly fee) and resource based allocations (fee per classification). The annual budget is about € 2.1 million (about half yearly fees and about half classification fees).</td>
</tr>
<tr>
<td><strong>4.5. Evaluation</strong></td>
<td>The Association is financed by contributions (yearly fee) and resource based allocations (fee per classification). The annual budget is about € 2.1 million (about half yearly fees and about half classification fees).</td>
</tr>
<tr>
<td><strong>4.6. Implementation issues/</strong></td>
<td>The Association is financed by contributions (yearly fee) and resource based allocations (fee per classification). The annual budget is about € 2.1 million (about half yearly fees and about half classification fees).</td>
</tr>
</tbody>
</table>
administrative burden | The FSF examines the programmes and broadcasters only need to deliver their programmes for examination and follow the decisions of the FSF.
---|---

4.7. Transferability | The scheme seems to be relatively easy to transfer, though a possible barrier could be the organisation of a large Group of independent experts.

### 1.12 Greece

<table>
<thead>
<tr>
<th>Country</th>
<th>Greece</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Hellenic Advertising Communication Code</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>ΕΛΛΗΝΙΚΟΥ ΚΩΔΙΚΑ ΔΙΑΦΗΜΙΣΗΣ – ΕΠΙΚΟΙΝΩΝΙΑΣ (ΕΚΔ-Ε)</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Συμβούλιο Ελέγχου Επικοινωνιών ΣΕΕ</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Advertising Self-Regulation Council</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>2003</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast On-demand audiovisual media service Outdoor advertising operators, radio, newspapers</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td></td>
</tr>
</tbody>
</table>

### 1. Conception

1.1. Participants | The initiative to draw up the Communications Code was taken by Hellenic Association of Advertising and Communication Agencies, and by the Hellenic Advertisers Association. Consumers, civil society groups, government ministries, and other public authorities were not involved in the development of the scheme.

1.2. Openness | The Hellenic Advertising and Communication Code was developed by a relatively closed group of stakeholders. Only players in the advertising and media industry were involved in the development process. This is also reflected in the 10 member Board of Directors that runs the Advertising Self-Regulation Council, were all members are industry representatives.

1.3. Good Faith | The level of good faith held by industry stakeholders while developing this process appears to have been good. Each member agreed to voluntarily comply with the Code rules (which are based on the international standards set out in the ICC Code), and to pay the fees established to finance the activities of the Council. Despite this however, there seems to be numerous breaches of the code.
### 1.4. Objectives

- List objectives
- Analysis for criterion

The Code was created with the dual objective of keeping a “clean” advertising environment in order to consolidate consumer confidence, and to protect consumers. Specific objectives of the Code are:

- to show social responsibility and the proper functioning of the advertising industry
- to increase public confidence
- to ensure the respect for privacy and consumer preferences
- to ensure greater responsibility in marketing communications directed to minors
- to protect freedom of expression for those engaged in marketing communications
- to grant practical and flexible solutions in the event of disagreements or complaints
- to minimise the need for legislation and other government interventions

The objectives are clear and unambiguous, and can be considered in line with the AVMS Directive. Nevertheless, evidence collected indicates that there are no formal, operationalised objectives for the Hellenic Advertising Communication Code. It consists of rules of conduct which stakeholders involved in advertising practices should comply with. No targets or indicators have been established for the measuring the progress of this scheme towards its objective.

### 1.5. Legal Compliance

The Code is based on the ICC Code and changes are based on updates to the ICC Code. This is the main way in which the Advertising Self-Regulation Council makes improvements to the scheme.

A review of the Code is planned in 2016 in order to be aligned with the latest updates of the ICC Code. This approach, however, does not guarantee that any specific national developments or requirements are taken into account in the revision of the Hellenic Communications Code.

### 2. Implementation

#### 2.1. Iterative improvements

The Code is based on the ICC Code and changes are based on updates to the ICC Code. This is the main way in which the Advertising Self-Regulation Council makes improvements to the scheme.

A review of the Code is planned in 2016 in order to be aligned with the latest updates of the ICC Code. This approach, however, does not guarantee that any specific national developments or requirements are taken into account in the revision of the Hellenic Communications Code.

#### 2.2. Monitoring

The Advertising Self-Regulation Council does not carry out monitoring activities regarding the achievement of the Code’s objectives.

However, the Council monitors aspects such as the compliance rate with its enforcement decisions, and the activities of new incoming members for training purposes.

However, these activities do not guarantee that the scheme itself is progressing well in achieving its initial objectives.

#### 2.3. Evaluation

The Advertising Self-Regulation Council does not produce annual reports on its activities. Areas of improvement are identified based on updates of the ICC code. Therefore, reviews
or evaluations of the scheme do not occur regularly. A revision of the Code is scheduled in 2016 in order to incorporate the latest ICC updates. Nevertheless, this is not a formal evaluation, but rather a review aiming to ensure that the scheme framework is well aligned with the international standards.

The Council does keep track of the nature of the complaints received which may make the Council better aware of the strengths and weaknesses of the scheme, and provide it with insights about market developments.

2.4. Resolving disagreements

- Internal disagreements between participants of the scheme
- External disagreements are covered in section 3 on Complaint handling and enforcement

There is no procedure for resolving internal disputes between actors involved.

Complaints handling: see below.

2.5. Financing

The implementation of the scheme is financed by the contributions or fees paid by adhering members, as well as by a special fee rate of 0.02% on advertising tariffs (since 2009); this represents a proportional contribution. Therefore, the activity of the Advertising Self-Regulation Council is financed only by its members, with no public financing.

3. Complaint handling and enforcement

3.1. Functioning of complaint resolution mechanism

There is only one mechanism in place to address complaints. Complaints must be referred to the Advertising Self-Regulation Council (ΣΕΕ). Every complaint must be filled out in a form, which is free for consumers and requires a fee for industry players.

The complaint is analysed by a First Degree Committee which considers all the evidence provided by both parties and takes a decision. A Second Degree Committee exists for appeals against the decisions by the First Degree Committee.

The scheme appears to have an efficient form of alternative dispute resolution system. However, the decisions of the two committees might be somewhat biased due to the fact that the majority of the seats are reserved for the industry representatives, with a limited possibility for participation by consumer organisations and policy makers.

3.2. Outcome

An average of 150 complaints per year was received during the last few years.

The outcomes were satisfactory in almost all the cases, as the decision was made efficiently and taken into account by advertisers. The compliance rate for the Council’s decisions is around 99%, meaning that the market actors are generally respectful of the enforcement activity of the Council.

3.3. Sanctions

The Advertising Self-Regulation Council (ΣΕΕ) informs actors in
the advertising media if they find a breach with the Code. Following the decision of the Council, advertiser or company in question withdraws the non-compliant advertisement according to the time frames established in the Code. Failure to abide with these rules would constitute a violation of the legislation in force, thereby incurring the penalties provided by law, which are imposed by the National Council for Radio and Television.

4. Best practice criteria

| 4.1. Reach | Despite the fact that the code was developed in a rather closed group, it seems to be well known among the business industries (i.e. direct target group), and among government authorities. |
| 4.2. Accessibility | The Code is available to download for free on the ΣΕΕ’s website. All stakeholders and consumers have access to it, but it is only available in Greek. |
| 4.3. Effectiveness/impact | The Code directly contributes to the establishment of a recognised self-regulatory system in the advertising sector. However, the lack of specific targets and of market monitoring reduces the ability to assess its effectiveness in reaching its overall objectives; the objectives are not measurable. Strengths of the Code are:  
- The compliance and responsiveness of the industry with the Code (consider the 99% compliance rate with the Committees’ decisions),  
- The involvement of the media industry as stakeholder and in the enforcement of the Code |
| 4.4. Efficiency | The industry incurs all the costs rather than the state or tax payers, which is considered efficient from the perspective of the statutory regulator, the industry, and consumers. The scheme has the purposes of providing practical and flexible solutions in the event of disagreements or complaints in order to minimise the need for court resolutions and the related legal expenses. No instances of administrative burden were identified during the implementation of the Code. The available information provided point to a considerable level of efficiency for the scheme. |
| 4.5. Evaluation | Due to the fact that the Hellenic Advertising Communication Code is based on the international standards in relation to advertising and marketing communication practices, set in the ICC Code, it is only revised whenever the ICC Code is updated. This is not a formal evaluation, but rather a review aiming to ensure that the scheme framework is aligned with the international standard. Iterative feedback and improvement processes are not in place. The lack of targets and indicators make it difficult to clearly establish whether the objectives are being reached. |
| 4.6. Implementation issues/ administrative burden | There do not appear to be any major implementation or administrative issues surrounding the Hellenic Advertising and Communication Code. |
| 4.7. Transferability | The Hellenic Advertising Communication Code is based on the standards of the ICC Code which was designed to be |
transferable to other national contexts. The enforcement mechanism structure can also be transferred to other Member States and sectors. Nonetheless, some aspects that are not accepted in Greece may be accepted in other Member States due to cultural differences and vice versa. Indeed, the Code has to comply with national legislations about product advertising restrictions (such as restriction on toys advertisement) that do not exist in all Member States.

Furthermore, the right combination of stakeholders would need to come together to set up a council that the State would have to recognise. This could be time-consuming and lead to administrative burden depending on the country’s existing legal and regulatory frameworks. In addition, while the long-term costs would be low, during the development phase, the founders of the new organisation would have to invest financially in the process.

<table>
<thead>
<tr>
<th>Country</th>
<th>Greece</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Self-Regulation for Commercial Communication of the Hellenic Association of Brewers</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>ΕΛΛΗΝΙΚΗΣ ΕΝΩΣΗΣ ΖΥΘΟΠΟΙΩΝ</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Αυτοδέσμευση στην επικοινωνία</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Hellenic Association of Brewers</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>2004</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast On-demand audio-visual media service Radio, press/magazine, posters/open air advertisement, packaging and promotion materials</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td>Beer products</td>
</tr>
</tbody>
</table>

1. Conception

1.1. Participants

The Hellenic Association of Brewers created its own self-regulation scheme, in close cooperation with the Advertising Self-Regulation Council, and while consulting the existing guidelines set by the Brewers of Europe. The Self-Regulation for Commercial Communication of the Hellenic Association of Brewers became an annex to the Hellenic Advertising Communication Code for recognisability purposes.

1.2. Openness

The Self-Regulation for Commercial Communication of the Hellenic Association of Brewers was developed by a closed group of stakeholders. The main actors in the supply chain of the brewery industry (i.e. suppliers and retailers) were informed about the work in
progress through an informative booklet, but they did not participate in the actual development of the scheme. Consumer groups, government ministries, and public authorities were not involved in the process either.

### 1.3. Good Faith

The level good faith demonstrated by the major industry stakeholders appears to be good. The commitment of the association members to comply with the rules, and to continue to contribute to the scheme funding is indicative of their faith in the scheme.

However, one issue stems from the fact that the Hellenic Association of Brewers does not adequately represent the industry stakeholders of all sizes. The Association only represents the main four brewers in the market, while according to the Brewers of Europe, 15 of the 20 active brewers in the country are micro-brewers and were not directly involved in the development process. This could undermine the level of good faith held by the industry towards this Code.

### 1.4. Objectives

<table>
<thead>
<tr>
<th>List objectives</th>
<th>Analysis for criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>The objectives of the Self-Regulation for Commercial Communication scheme are:</td>
<td></td>
</tr>
<tr>
<td>- To promote responsible consumption and to mitigate the adverse effects of excessive consumption.</td>
<td></td>
</tr>
<tr>
<td>- To comply with the principles of social responsibility and good faith, which are adopted by all companies in the industry.</td>
<td></td>
</tr>
<tr>
<td>- To enhance consumer trust in Greek brewers</td>
<td></td>
</tr>
</tbody>
</table>

The scheme’s objectives are clear and unambiguous. They cover aspects related to the protection of minors in line with the policy objectives outlined in the AVMS Directive. This Code of Conduct establishes standards to increase the industry’s social responsibility and, given its membership with the Brewers of Europe, to promote responsible drinking across the continent.

However, the scheme lacks concrete and achievable qualitative and quantitative indicators to measure the extent to which it reaches the objectives. No targets or baselines were set either to measure the progress made towards the scheme’s objectives.

### 1.5. Legal Compliance

The Self-Regulation for Commercial Communication complies with the law 2863/2000 – "National Council for Radio and Television and Relevant Authorities and Instruments of the Radio and Television Services Provision Sector". In addition, the Code complies with several Greek national laws relating to unfair competition, advertising practices and the Presidential Decree 109/2010 on audiovisual media services.

### 2. Implementation

#### 2.1. Iterative improvements

The scheme has not been reviewed since 2004. There do not appear to be any iterative processes in place to assure the timely identification for areas for improvement.

#### 2.2. Monitoring

The Hellenic Association of Brewers does not carry out monitoring activities regarding the achievement of the scheme’s objectives.

#### 2.3. Evaluation

The Hellenic Association of Brewers does not produce publicly available annual reports of its activities.
An evaluation of the scheme has not been conducted since 2004 and the association is not considering one in the near future.

<table>
<thead>
<tr>
<th>2.4. Resolving disagreements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Internal disagreements</strong></td>
</tr>
<tr>
<td>between participants of the scheme</td>
</tr>
<tr>
<td><strong>External disagreements</strong></td>
</tr>
<tr>
<td>are covered in section 3 on Complaint handling and enforcement</td>
</tr>
</tbody>
</table>

There is no procedure for resolving internal disputes between actors involved.

Complaints handling: see below.

<table>
<thead>
<tr>
<th>2.5. Financing</th>
</tr>
</thead>
</table>

The implementation of the scheme is financed by the contributions or fees paid by adhering members. Therefore, the activity of the Hellenic Association of Brewers is financed only by its members, with no public financing.

<table>
<thead>
<tr>
<th>3. Complaint handling and enforcement</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>3.1. Functioning of complaint resolution mechanism</th>
</tr>
</thead>
</table>

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The scheme appears to have an efficient form of alternative dispute resolution system. However, the decisions of the two committees might be somewhat biased due to the fact that the majority of the seats are reserved for the industry representatives, with a limited possibility for participation by consumer organisations and policy makers.

<table>
<thead>
<tr>
<th>3.2. Outcome</th>
</tr>
</thead>
</table>

It appears that the members of the Hellenic Association of Brewers have never received a complaint about their advertising practices. While this could be interpreted as a very good sign of strong compliance among the industry, it may also be explained by lack of awareness of the scheme outside the industry and a lack of engagement by consumers in reporting potential violations.

<table>
<thead>
<tr>
<th>3.3. Sanctions</th>
</tr>
</thead>
</table>

The Advertising Self-Regulation Council (ΣΕΕ) informs actors in the advertising media if they find a breach with the Code. Following the decision of the Council, advertiser or company in question withdraws the non-compliant advertisement according to the time frames established in the Code. Failure to abide with these rules would constitute a violation of the legislation in force, thereby incurring the penalties provided by law, which are imposed by the National Council for Radio and Television.
## 4. Best practice criteria

### 4.1. Reach
At the development phase of the scheme, the association distributed an informative booklet to all the actors in the brewers industry. This is expected to have raised the direct target group’s awareness of the scheme. Nevertheless, the scheme seems not to be known outside the industry, among all government authorities as well as among consumers.

### 4.2. Accessibility
The Code is available to download freely from the Hellenic Association of Brewers’ website. All stakeholders and consumers can have access to it, and it is also available in English.

### 4.3. Effectiveness/impact
While the scheme aims at protecting minors from inappropriate advertising and raising awareness of the dangers of drink-driving, assessing its effectiveness in reaching those objectives is very difficult. This is due to the fact that the scheme lacks specific targets and monitoring mechanisms that could be used to assess its impact. Therefore, the progress made is not measurable.

### 4.4. Efficiency
The association members incur all the costs rather than the state or tax payers which is a key consideration for efficiency, both from the perspective of the statutory regulator, the industry, and consumers. Besides, as a self-regulatory scheme, the practice also has the purpose of providing practical and flexible solutions in the event of disagreements or complaints, in order to minimise the need for legislation.

### 4.5. Evaluation
The scheme is based on the 2003 Brewers of Europe guidelines for responsible commercial communications. Since its establishment, the code has never been revised and iterative feedback and improvement processes are not in place. Furthermore, the lack of targets and indicators make it difficult to clearly ascertain if the objectives of the scheme are being reached.

### 4.6. Implementation issues/administrative burden
There do not appear to be any major implementation or administrative issues surrounding the Self-Regulation for Commercial Communication of the Hellenic Association of Brewers.

### 4.7. Transferability
The Self-Regulation Code for Commercial Communication is based on the guidelines developed by the Brewers of Europe, which were intended to serve as common standards throughout Europe (Brewers of Europe, 2003), making them easily transferable. However, the scheme requires the establishment of a Self-Regulation Organisation, which can be time-consuming and lead to administrative burden depending on the country’s existing regulatory framework and policy. In addition, during the set-up phase the founders would have to financially invest in the process.
1. Conception

1.1. Participants
As part of the principles endorsed and the commitments undertaken by the European organisations for alcoholic beverages’ producers, the Greek Federation of Spirits Producers compiled a “Statement of Principles and Self-Regulation Plan”. The Greek Federation of Spirits Producers compiled the “Statement of Principles and Self-Regulation Plan” after consultation with the Hellenic Advertising Communication Agencies Association, the Hellenic Advertisers Association, the Ministry of Health, and the Secretary General of Information and Communication (former Ministry of Press). No consumer organisations were involved at the time of development.

1.2. Openness
The Statement of Principles and Self-Regulation Plan was developed by a closed group of stakeholders. This group involved trade associations and public authorities, but no consumer groups. This scheme’s development process can therefore not be considered to be completely open.

1.3. Good Faith
The Statement of Principles and Self-Regulation Plan is a self-regulatory scheme and therefore it works based on its members’ commitment to respect the rules. The Greek Association of Spirits Producers and its members, (who altogether own 70% of the market for bottled beverages in Greece), assure a good representation of the main actors affected by the regulation, providing a feeling of trust towards the scheme.

1.4. Objectives
- List objectives
- Analysis for criterion
The self-regulatory scheme mainly focuses on commercial communications targeting young people. It pays particular attention to the issues related to advertisements concerning alcoholic beverages’ and it promotes social sensibility on the topic amongst the industry. The scheme includes most of the provisions of the EFRD Common Standards (European Forum for Responsible Drinking).
The scheme’s objectives are clear and unambiguous. The self-regulatory scheme covers aspects related to the protection of minors which are in line with the policy objectives outlined in the AVMS Directive. This scheme establishes standards aiming to increase the industry’s social responsibility and, given its membership to spiritsEurope, to promote responsible drinking across the continent. However, the scheme does not appear to have concrete and achievable qualitative and quantitative indicators to measure the extent to which it reaches the set objectives. No targets or baselines have been set either in connection with the scheme objectives.

<table>
<thead>
<tr>
<th>1.5. Legal Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Statement of Principles and Self-Regulation Plan complies with the law 2863/2000 – &quot;National Council for Radio and Television and Relevant Authorities and Instruments of the Radio and Television Services Provision Sector&quot;. In addition, the scheme complies with the national Greek law on consumer protection and the Presidential Decree 100/2000 (transposition of the &quot;Television without Frontier&quot; Directive).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.1. Iterative improvements</strong></td>
</tr>
<tr>
<td>The scheme was last revised in October 2012. In April 2012, SpiritsEurope adopted EU-wide guidelines for the development of responsible marketing communications. There does not appear to be a formal reiterative feedback process is in place or a systematic approach to how areas of improvements for the Greek scheme are identified.</td>
</tr>
<tr>
<td><strong>2.2. Monitoring</strong></td>
</tr>
<tr>
<td>The Greek Federation of Spirits Producers does not seem to carry out any monitoring activities for its scheme.</td>
</tr>
<tr>
<td><strong>2.3. Evaluation</strong></td>
</tr>
<tr>
<td>The Greek Federation of Spirits Producers does not produce publicly available annual reports of its activities.</td>
</tr>
<tr>
<td><strong>2.4. Resolving disagreements</strong></td>
</tr>
</tbody>
</table>
| - Internal disagreements between participants of the scheme
- External disagreements are covered in section 3 on Complaint handling and enforcement |
| There is no procedure for resolving internal disputes between actors involved. Complaints handling: see below. |
| **2.5. Financing** |
| The implementation of the scheme appears to have been financed by the contributions or fees paid by adhering members. |
### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

There is only one mechanism in place to address complaints. Complaints must be referred to the Advertising Self-Regulation Council (ΣΕΕ). Every complaint must be filled out in a form, which is free for consumers and requires a fee for industry players. The complaint is analysed by a First Degree Committee which considers all the evidence provided by both parties and takes a decision. A Second Degree Committee exists for appeals against the decisions by the First Degree Committee. The scheme appears to have an efficient form of alternative dispute resolution system. However, the decisions of the two committees might be somewhat biased due to the fact that the majority of the seats are reserved for the industry representatives, with a limited possibility for participation by consumer organisations and policy makers.

#### 3.2. Outcome

So far there do not appear to have been any complaints. While this could be interpreted as a good sign suggesting a good level of compliance among the industry, it may also be explained by a lack of awareness of the scheme outside the industry, and a lack of engagement in reporting potential violations amongst the public.

#### 3.3. Sanctions

The Advertising Self-Regulation Council (ΣΕΕ) informs actors in the advertising media if they are found to be in breach of the scheme. Following the decisions of the Council, the media industry withdraws the advertisement in question according to the time frames established in the Code. Failure to abide with the decision of the Council constitutes a violation of the legislation in force, thereby incurring the penalties provided by law, which are imposed by the National Council for Radio and Television. However, the Consumers’ Protection Centre doesn’t consider the existing fines to be strong enough to act as an appropriate disincentive mechanism.

### 4. Best practice criteria

#### 4.1. Reach

The main actors of the industry seem to be reached, but without further information on the compliance rates with the scheme and the size of the spirits industry this is difficult to establish concretely. Despite the wide scope of media covered, including the internet, the scheme does not seem to be known outside the industry and among all government authorities.

#### 4.2. Accessibility

The scheme is not freely available online and it is only briefly described on the Greek Federation of Spirits Producers’ website. The scheme does not appear to be highly accessible as a result.

#### 4.3. Effectiveness/impact

The Greek Federation of Spirits Producers established this scheme in order to be aligned with the European organisations for alcoholic beverage producers (spiritsEurope). Indeed, the European industry association is committed to helping the reduction of alcohol-related harm by promoting different initiatives within an EU-Alcohol strategy.
However, due to lack of information, it is not possible to assess how the scheme performs in working towards reaching its stated objectives.

### 4.4. Efficiency

The members seem to incur all costs related to the scheme, with no state or tax payers’ involvement. This is considered efficient, both from the perspective of the statutory regulator, and consumer organisation. Furthermore, there do not appear to be any particular administrative burden issues in the implementation stage. However, a complete assessment regarding the efficiency is not possible due to lack of sufficient information on the budget and effectiveness of the scheme.

### 4.5. Evaluation

The scheme is based on spiritsEurope guidelines. The Greek Federation of Spirits Producers does not produce publicly available annual reports of its activities and an evaluation is not available.

### 4.6. Implementation issues/administrative burden

There do not appear to be any major implementation or administrative issues surrounding the Statement of Principles and Self-Regulation Plan.

### 4.7. Transferability

The Statement of Principles and Self-Regulation Plan is based on the guidelines of spiritsEurope, which were intended to serve as common standards throughout Europe as part of the commitments to the European Alcohol and Health Forum. These guidelines were designed to be incorporated into different countries and as such are quite transferable. However, the scheme does require the set-up of a Self-Regulation Organisation, which might be time-consuming and could lead to administrative burden depending on the country’s existing regulatory frameworks and policies. In addition, during the set-up phase the founders would have to financially invest in the process.
1.13 Hungary

<table>
<thead>
<tr>
<th>Country</th>
<th>Hungary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Code name ENG</strong></td>
<td>The Hungarian Code of Advertising Ethics</td>
</tr>
<tr>
<td><strong>Code name NATIONAL</strong></td>
<td>Magyar Reklámetikai Kódex</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Önszabályozó Reklám Testület, together with the Magyar Reklámszövetség</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Advertising Self-Regulatory Board, together with the Hungarian Advertising Association</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>1981</td>
</tr>
</tbody>
</table>
| Media covered | Television broadcast  
| | On-demand audiovisual media service  
| | All other media |
| Primary focus | Commercial communication |
| Specific products covered? | Slimming products, healthcare products, cosmetic products, food, alcoholic beverages, vehicles. |

1. Conception

1.1. Participants

The Advertising Self-Regulatory Board is run by the Hungarian Advertising Association. The Association is an association of organisations from the advertising profession. The first Hungarian Code of Advertising Ethics was drawn up in 1981 by the Hungarian Advertising Association. Currently however, both organisations have a role in improving the Code. Little information is available on the process of developing the code, and which organisations participated in the development in 1981.

The first Media Act was developed in 1996 and the current operative Media Act was launched in 2010. This act stipulates that that self-regulatory organisations can gain the permission of the Media Council to get the authority of law enforcement in certain areas. The Advertising Self-Regulatory Board and the Hungarian Advertising Association are the most important self-regulatory bodies in the audiovisual media sphere, though the Board has more of a leading function.

1.2. Openness

All relevant organisations can become a member of the association and the majority of relevant organisations are currently members of the association. Over time the number of organisations has increased. Through the general assembly, the members participate in the development of the Code. A consultation committee advises the Board on policy and possible amendments.

At present the following organisations reviewed and accepted the Code: the Association of Communication Agencies in Hungary, Association of Hungarian Content Providers, Association of Hungarian Breweries, the Association of Hungarian Market Researchers, the Association of the Hungarian Confectionery Manufacturers, the Direct and Interactive Marketing Association, the Federation of Hungarian...
Food Industries, the Hungarian Advertising Association, the Hungarian Advertising Self-Regulatory Board, the Hungarian Association of Local Radio Stations, the Hungarian Association of Producers and Suppliers of Food Supplements, the Hungarian Associations of Professional Market Researchers, the Hungarian Association of Radio Broadcasters, the Hungarian Branded Goods Association, the Hungarian Chapter of the International Advertising Association, the Hungarian Cosmetic and Home Care Association, the Hungarian Distance Selling Trade Association, the Hungarian Marketing Association, the Interactive Advertising Bureau Hungary, the Mineral Water and Soft Drinks Association, the Association of the Hungarian Electronic Broadcasters, and the Union of the Hungarian Alcohol Industry.

### 1.3. Good Faith

<table>
<thead>
<tr>
<th>Good Faith</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through the general assembly, the member associations participated in the development of the code in its current form, as did the members of the Advertising Self-Regulatory Board. Through the associations, the relevant industry members are indirectly involved in the development of the Code. The Advertising Self Regulatory Board is in constant contact with the sector and the public through the organisation of events, workshops, and presentations. Additionally, the Board can be contacted by anyone. The Board and the Consultation committee are chosen by the general assembly. No information is available on the awareness of the industry and amongst the public regarding the code.</td>
</tr>
</tbody>
</table>

### 1.4. Objectives

<table>
<thead>
<tr>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>The ultimate objective of the Hungarian Code of Advertising Ethics is to improve the image of the sector. Adherence to the Code, should result in raising the industry standards and in increasing the trust of the clients towards the products and services offered. The Code specifies general regulations, special rules, and rules about advertisements published on digital devices. The general regulation refers to the scope of the Code, interpretations, basic principles, general advertising prohibitions and restrictions. The Special rules relate to misleading and comparative advertising, the prohibition of discrediting groups, public service advertisements, protection of children and young people, sales promotions, advertising of slimming products, healthcare products, cosmetic product, advertising food, alcoholic beverages, vehicles, gambling, environmental protection and advertising, premium rate, or value added telecommunication services. The third part relates to advertisement published on digital devices. There are no formally operationalised objectives for this scheme. No targets, indicators or monitoring systems have been set up to assess whether the aims of the Code are being reached.</td>
</tr>
</tbody>
</table>
### 1.5. Legal Compliance

In line with the Media Act, the Advertising Self-Regulatory Board was appointed as the self-regulatory body and has the authority of law enforcement for the relevant area. On certain aspects the Code has more specific and detailed rules than the Media act.

### 2. Implementation

#### 2.1. Iterative improvements

Improvement of the Code is a continuous process. The Advertising Self-Regulatory Board can be visited at any time and there are many occasions when a proposal or problem regarding the Code can be brought forward. Ad hoc meetings are important parts of this process. In addition, events, workshops and presentation are organised to involve and hear from stakeholders.

Besides the Consultation Committee, which advises the President and the Board, the Ethical Ad Hoc Committee, consisting of member associations, considers any complaints received and provides copy advice.

#### 2.2. Monitoring

- **Statement on whether stated objectives are monitored.**

  No operationalised objectives, targets or indicators have been developed to monitor the implementation of the Code. Every six months the Advertising Self Regulatory Board undertakes proactive monitoring. It determines a topic which is covered in the Code which is to be assessed. After that it selects a sample of commercials related to the topic. The Board develops an evaluation system and takes inventory of the problematic elements in the chosen commercials. A report is made about the investigation and it is sent to the National Media and Infocommunications Authority (Nemzeti Média- és Hírközlési Hatóság). The results and lessons learned are discussed in workshops with the members of the Council.

- **Analysis of monitoring process**

#### 2.3. Evaluation

Besides the regular assessments of certain topics, no (external) evaluation of the Code has been carried out. Through the regular assessment projects on specific topics undertaken by the Board itself, and the other activities the Board monitors whether the Code should be updated, but this does not constitute a formal evaluation.

#### 2.4. Resolving disagreements

- **Internal disagreements between participants of the scheme.**

  There is no procedure for resolving internal disputes between actors involved.

  Complaints handling: see below.

- **External disagreements are covered in section 3 on Complaint handling and enforcement**

#### 2.5. Financing

The Advertising Self Regulatory Board is financed by the member associations. In addition co-financing is received from the National Media and Infocommunications Authority (Nemzeti Média- és Hírközlési Hatóság).

The budget in 2015 was 140,811 Euro, of which 132,356 Euro was from co-financing.
### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

A distinction can be made between complaints from competitors and complaints from consumers. The procedure for competitors’ complaints is as follows:

1. There is a form to submit the complaint on the Advertising Self-Regulatory Board’s (Önszabályozó Reklám Testület) homepage.
2. The competitor concerned is notified regarding the complaint (and regarding the complainant and the complaint as well).
3. The competitor can modify the advertisement or takes part in discussions with the complainant.

In case of complaints from consumers the following procedure is followed:

1. There is a form to submit the complaint on the Advertising Self-Regulatory Board’s (Önszabályozó Reklám Testület) homepage.
2. The Board forwards the complaint to the advertiser.
3. The Board requests three independent expert to form their opinion on the problematic case(s).
4. The Board makes a decision and consults with the advertiser if necessary.

If the complaint remains unresolved, the Media Council (Médiatanács) and court will manage the case. If the Board is not authorised to handle the case or complaint, the Media Council (Médiatanács) and the court will handle it.

#### 3.2. Outcome

In the period from 2012-2015, the number of complaints received varied between 13-20 a year. All complaints received were resolved. Consumer complaints mainly referred to gender issues.

The Advertising Self Regulatory Board tries to find solutions that are appropriate for each market participant. Moreover, market participants are very cooperative and endeavour to solve problems encountered with their advertisements. In most cases they are satisfied with the solutions suggested, since they are aware of the fact that cooperative problem solving is indispensable to keeping the consumers’ trust.

#### 3.3. Sanctions

Faming, shaming and blaming is the sanction in place. The complaints solution mechanism is considered to be very effective. The market participants are seen as partners in the complaint resolution process. The code is widely accepted and followed in the advertising industry.

### 4. Best practice criteria

#### 4.1. Reach

The major relevant associations are members of the Advertising Self Regulatory Board and through these associations the industry is covered by the Code. In addition, the Code covers television broadcasts, on-demand audiovisual media service, and also advertisement via digital devices.

#### 4.2. Accessibility

All relevant associations can become a member of the Advertising Self-Regulatory Board managed by the Hungarian Advertising Association.
Complaints by competitors and consumers can easily be made via the internet forms and the complaints handling process is described online and well-organised. This makes the Code accessible to both industry members and consumers.

4.3. **Effectiveness/impact**

Considering the number of complaints received and solved one might assume that the Code is effective and has a positive impact. The Code has been in place since 1981 and was adapted when needed. Based on the Media Act, for which the first version came into force in 1996, the Advertising Self-Regulatory Board was already approved as the self-regulatory body with the authority to enforce the legislation.

The code contains more detailed rules in certain cases than the law regarding audiovisual media. Moreover, the Code is updated regularly and in this way it is adapted to new circumstances in the market.

The strengths of the scheme can be summarised as follows. The activities taken by the Board to inform the sector (workshops, events, website) have been shown to have a positive impact, considering the number of complaints made and resolved.

On request, the Board can investigate an advertisement before it is broadcasted in case of suspicion that it does not correspond with the Code. The system works fast and is based on voluntary commitment.

A weakness of the scheme is that the partnership with the legislators, the non-governmental sector and the Board, could be closer. These actors should be more involved in the development of the Code. Another weakness is the relative weakness of the non-governmental sector, and the lack of a culture of complaints submission in Hungary.

Aspects of this scheme which could be considered as a best practice include:
- Voluntary commitment and openness: access to the system is voluntary.
- Fast decision making system: a complaint can be closed within two weeks.
- The scheme covers the whole system, development and revision of the code (norms and rules if needed, information provision to avoid breaching of the code, and complaint treatment).

4.4. **Efficiency**

Little information is available on the efficiency of the scheme. The costs of the organisation are known, but no detailed information is available on how the budget is spent and whether this is done efficiently.

4.5. **Evaluation**

Evaluation by a third independent organisation has not taken place. Through the six-monthly assessment projects conducted by the Board and the other information provision activities, the Board monitors whether the Code should be updated, but this does not constitute a formal evaluation.

4.6. **Implementation issues/administrative**

The procedure for making a complaint by competitors and by consumers is straightforward (internet form), the procedure is clear, and complaints are handled on average within 2 weeks.
In the last 3 years all complaints received were handled. There do not appear to be any major barriers to implementation or administrative issues as such.

4.7. Transferability

The Code is considered to be easily transferrable to other countries. An important condition is that the advertisement sector is involved and is willing to set up a self-regulatory body. The government should be willing to grant the authority for enforcement to a self-regulatory body. In addition, it is necessary for the sector to be willing to take responsibility and comply with the Code. Hungary is a small country and the advertising market can be considered “small”, which means that the players cannot take the risk to endanger their position on the market.

The norms are partly based on the norms that were already established in 1981 based on the code of the International Chamber of Commerce.

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### Ireland

<table>
<thead>
<tr>
<th>Country</th>
<th>Ireland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>ODAS Code of Conduct</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>ODAS Code of Conduct</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>On-Demand Audiovisual Services Group (ODAS)</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>On-Demand Audiovisual Services Group (ODAS)</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>2011</td>
</tr>
<tr>
<td>Media covered</td>
<td>On-demand audiovisual media service</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td></td>
</tr>
</tbody>
</table>

### 1. Conception

1.1. Participants

The RTE, the national broadcasting organisation which is a member of IBEC, took the initiative to develop the scheme. Organisations involved in the development of the scheme included the following types of actors:

- Enterprises: broadcasters, telecommunication companies and other service providers
- Trade organisations: Irish Business and Employers Confederation (IBEC), Advertisers Association of Ireland, the Institute of Advertising Practitioners in Ireland
- Regulators: Broadcasting Authority of Ireland
- Other interest groups: Advertising Standards Authority of Ireland.
- Other participants: While not directly involved in the development of the ODAS Code of Conduct, the relevant ministry, the Department of Communications, Energy and
Natural Resources, was an important influence in encouraging the business sector to develop the Code. This list shows a wide range of actors was involved in the development of the ODAS Code. The involvement of the Broadcasting Authority of Ireland and the Advertising Standards Authority of Ireland in the development of the ODAS Code of Conduct (and their role as a regulatory back-stop in the ODAS code of conduct) can be perceived as indirectly representing the interests of consumers.

### 1.2. Openness

There was more or less a closed group involved in developing the scheme. The ODAS Group includes on-demand audiovisual service providers that have agreed to comply with the ODAS Code of Conduct. It should be noted that not all companies in the on-demand audiovisual service sector are members of ODAS. Some of the companies in the sector are regulated in external jurisdictions e.g. UK in the case of Sky. However, there are Irish on-demand audiovisual service providers that declined to join the ODAS Code of Conduct despite repeated approaches by the ODAS leadership and secretariat.

### 1.3. Good Faith

The small size and close-knit nature of the Irish broadcasting and audiovisual sector was considered helpful in facilitating the development of the ODAS Code of Conduct. The inputs from both the Broadcasting Authority of Ireland (a statutory body) in terms of its experience in drawing up codes of conduct for linear broadcasting, and the Advertising Standards Authority for Ireland (an independent self-regulatory body set up and financed by the advertising industry) in relation to its experience in developing its Code of Standards for Advertising and Marketing Communications in Ireland were important in framing the ODAS Code of Conduct. There is no information to suggest that any stakeholders felt aggrieved with or excluded from the development of the ODAS Code of Conduct.

### 1.4. Objectives

- List objectives
- Analysis for criterion

The purpose of the ODAS Code of Conduct is to cover all on-demand audiovisual media services made available by on-demand service providers regulated by the Republic of Ireland. The ODAS Code of Conduct contains high-level principles that member organisations are obliged to adopt in providing on-demand audiovisual services in relation to matters such as commercial communications and the protection of minors. The main undertakings of the Code are:

- the content of on-demand services will not contain anything likely to incite hatred based on race, religion, nationality etc.
- content shall be labelled in such a way that consumers are made aware of the nature of the content in advance
- commercial communications on such services shall be legal, decent, honest and truthful and shall not prejudice respect for human dignity, health, or the protection of the environment
- to comply with the decisions of the Broadcasting Authority of Ireland and the Advertising Standards Authority for Ireland
As the Code of Conduct contains high-level principles in relation to protecting consumers of on-demand audiovisual services from inappropriate materials or communications, it does not specify any indicators for measuring progress towards meeting its objectives (because no objectives are specified).

**1.5. Legal Compliance**

The ODAS Code of Conduct is based on Statutory Instrument No. 258 of 2010 (and amended by Statutory Instrument No. 247 of 2012), which in turn transposes the requirements of the AVMS Directive with respect to the regulation of on-demand audiovisual services.

### 2. Implementation

#### 2.1. Iterative improvements

The ODAS group meets at least once a year and members are free to make suggestions on how the Code of Conduct can be improved. The Group may also take on board suggestions made by the Broadcasting Authority of Ireland. It is not clear whether progress checks are made against the chosen objectives. The last adjustment of the scheme was in 2014.

#### 2.2. Monitoring

- **Statement on whether stated objectives are monitored.**
  - The On-demand Audiovisual Services Group (ODAS) is responsible for monitoring. The ODAS Group meets at least once a year to review developments in relation to the Code of Conduct. It is understood that the ODAS Group reviews both membership and the number of complaints that members have received, and the number of complaints that have been brought to the attention of the Broadcasting Authority of Ireland or the Advertising Standards Authority for Ireland. The meeting may also seek to identify new companies providing on-demand media services that should be approached with a view to encouraging them to join the ODAS Group and to sign up to the Code of Conduct.
  
  It may be more correct to say that no objectives have been set for the ODAS Code of Conduct that can be objectively measured.

- **Analysis of monitoring process**

#### 2.3. Evaluation

No formal evaluation or review of the ODAS Code of Conduct has been carried out. It is possible that a formal evaluation will be carried out in 2016.

#### 2.4. Resolving disagreements

- **Internal disagreements between participants of the scheme.**
  - There is no procedure for resolving internal disputes between actors involved.

  Complaints handling: see below.

- **External disagreements are covered in section 3 on Complaint handling and enforcement.**

#### 2.5. Financing

All costs associated with the ODAS Code of Conduct are paid for by the Irish Business and Employers Confederation (IBEC) which provides secretariat services to the ODAS group. IBEC, the main employers’ representative organisation in...
Ireland, acts as the secretariat to the ODAS group and does not charge for its services. This is partly because most of the members of ODAS are members of trade associations within IBEC. There is no entry fee or annual subscription costs to be paid by on-demand audiovisual service providers that want to sign up to the ODAS Code of Conduct.

### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

A provider must respond to a complaint within a period of fifteen working days from the receipt of the complaint. If the complainant is not satisfied with this response, a senior member of the company must respond within ten working days of receiving the appeal. If the person making the complaint is still not satisfied with the provider’s response they can then approach the Broadcasting Authority of Ireland or the Advertising Standards Authority for Ireland depending on the nature of their complaint.

#### 3.2. Outcome

The ODAS Group is not aware of any complaint from a consumer that has not been satisfactorily resolved by the on-demand media services provider which has subscribed to its Code of Conduct. If a consumer does not receive a satisfactory response to a complaint made directly to a signatory on-demand service media the consumer can then have their complaint adjudicated by either the Broadcasting Authority of Ireland or the Advertising Standards Authority for Ireland, depending on the nature of their complaint. Neither of these organisations (the BAI or ASAI) have received a complaint from a consumer in relation to on-demand media services that has not been dealt to the complaint’s satisfaction.

The explanation why neither the BAI or ASAI have received any complaint in relation to the provision of on-demand services covered by the ODAS Code of Conduct is not known. It may be that ODAS member companies answered satisfactorily all the complaints they received from consumers.

#### 3.3. Sanctions

The type of enforcement is membership suspension or exclusion. Since no enforcement of the ODAS Code of Conduct has taken place i.e. no member has been suspended, the effectiveness of this enforcement approach for the Code in cannot be assessed. It believed that the public disrepute associated with being suspended from membership — particularly in a sector where there are only a small number of companies — represents an effective method of enforcement.

### 4. Best practice criteria

#### 4.1. Reach

A wide range of actors was involved in development of ODAS. At the same time, not all companies in the on-demand audiovisual service sector are members of ODAS. Some of the companies in the sector are regulated in external jurisdictions e.g. UK in the case of Sky.

One of the issues facing ODAS is that not all enterprises that provide on-demand audiovisual services in Ireland are members of ODAS. One of the largest private sector broadcasters in Ireland provides an on-demand audiovisual service but has
<table>
<thead>
<tr>
<th>4.2. Accessibility</th>
<th>Stakeholders indicate they do not feel the ODAS Code of Conduct is well known among consumers. Information on the Code is difficult to find and it is not easy to find out which company is a member of ODAS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.3. Effectiveness/impact</td>
<td>The ODAS Code of Conduct was developed and implemented in a relatively short time period. The effectiveness of the ODAS Code of Conduct is difficult to determine. The ODAS Code of Conduct also allowed for the regulation of a sector which at the time it was developed (2010-2011) was relatively new and small in Ireland though growing rapidly. At the same time, there are a number of weaknesses with the ODAS Code of Conduct. Firstly, it is not well known among consumers and information on the Code is difficult to find. It is not easy to find out which company is a member of ODAS; nor is it easy to identify how many complaints have been made relating to concerns that consumers have with regard to commercial communications or the protection of minors. Secondly, not all companies in the on-demand audiovisual service sector are members of ODAS. Some of the companies in the sector are regulated in external jurisdictions e.g. UK in the case of Sky. However, there are Irish on-demand AV service providers that have refused to join the ODAS Code of Conduct despite repeated attempts by the ODAS leadership and secretariat. Finally, while the ODAS Code of Conduct does not cost very much money to operate, the scheme has a very low profile - presumably because there are no funds to promote it.</td>
</tr>
<tr>
<td>4.4. Efficiency</td>
<td>The scheme is considered quite efficient because any costs associated with the ODAS Code of Conduct are paid for by the Irish Business and Employers Confederation (IBEC) which provides secretariat services to the ODAS group. There is very little cost associated with the administration of ODAS (there is no marketing expense, and there is usually only one meeting a year). Additionally, providing secretariat services free of charge to ODAS can be viewed as a “public service” offering by IBEC. There is no entry fee or annual subscription costs to be paid by on-demand audiovisual service providers that want to sign up to the ODAS Code of Conduct. From a public perspective, ODAS Code of Conduct was developed by the audiovisual media industry at very little cost and was able to draw upon existing national and industry experience in relation to regulation (Broadcasting Authority of Ireland and the Advertising Standards Authority of Ireland).</td>
</tr>
<tr>
<td>4.5. Evaluation</td>
<td>No formal evaluation or review of the ODAS Code of Conduct has been carried out. It is possible that a formal evaluation will be carried out in 2016.</td>
</tr>
<tr>
<td>4.6. Implementation issues/ administrative burden</td>
<td>While the ODAS Code of Conduct does not require a lot of money to operate, the scheme has a very low profile - presumably because there are no funds to promote it.</td>
</tr>
<tr>
<td>4.7. Transferability</td>
<td>The scheme could be transferrable to other countries but it</td>
</tr>
</tbody>
</table>
would be more beneficial to wait for a formal evaluation of the scheme to be undertaken before it might be replicated in other Member States. The scheme might be more suitable to smaller countries where all the major players know each other and where there is a high level of interaction between industry members. In a small country such as Ireland, news of a company being sanctioned because of failure to comply with a code of practice would circulate faster and hence its reputation might be damaged more easily.

<table>
<thead>
<tr>
<th>Country</th>
<th>Ireland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Code of Standards for Advertising and Marketing Communications in Ireland</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Code of Standards for Advertising and Marketing Communications in Ireland</td>
</tr>
</tbody>
</table>

| Name of the organisation in own language | Advertising Standards Authority for Ireland (ASAI) |
| Name of the organisation in English | Advertising Standards Authority for Ireland (ASAI) |
| Year the scheme came into force | 1981 |
| Media covered | Television broadcast On-demand audiovisual media service Digital (including online banners, websites, social platforms, text messages), print, outdoor, cinemas, leaflets/brochures and direct marketing |
| Primary focus | Commercial communication |
| Specific products covered? | |

**1. Conception**

**1.1. Participants**

The following organisations took a lead role in establishing the Advertising Standards Authority of Ireland in 1981: the Cork Examiner Group, the then Dublin Newspaper Managers’ Committee, RTE (public radio and television broadcaster), Institute of Advertising Practitioners in Ireland and Association of Advertisers in Ireland.

The membership of the ASA1 consists of advertisers, agencies and all strands of the media including companies representing online, broadcast, print, outdoor and direct mail. These interests are represented on the Board of the ASA1. The role of the media as “the gatekeeper” is particularly important and they will refuse to publish a commercial advertisement which contravenes the Code.

As such, the stakeholders involved included mainly industry and a public authority, namely the Directorate of Consumer affairs.

**1.2. Openness**

It is understood that in 1981 there was a more or less closed group involved in the scheme. Though the advertising and media industry were primarily involved in establishing the ASA1 Code, other stakeholders such as the Director of Consumer
Affairs also participated in the process. All relevant stakeholders were thought to be involved during the development process.

### 1.3. Good Faith

The Advertising Standards Authority for Ireland was established in 1981 and it is not possible to specify whether the stakeholders felt respected and involved. However, the fact that the ASAI is still operational 35 years later and is a founding member of the European Advertising Standards Alliance (EASA) is testimony to its commitment to the rules in place.

### 1.4. Objectives

- **List objectives**
- **Analysis for criterion**

The overarching aim of the Advertising Standards Authority for Ireland is to ensure that marketing communications in the media and sales promotions be legal, decent, honest and truthful, and do not mislead the consumer. The rules to ensure this are set out in the Code of Standards for Advertising and Marketing Communications in Ireland (7th edition which became operational on March 1, 2016).

There are no operational objectives specified in the ASAI Code of Standards for Advertising and Marketing Communications in Ireland. The Code requires that members adhere to the standards which have been drawn up by and on behalf of all advertising interests. There are no targets either given the lack of concrete objectives. No monitoring system has been set up to directly measure the effectiveness of the scheme based on the objective for this scheme.

### 1.5. Legal Compliance

The ASAI Code is related to and supplements several national laws and is therefore legally compliant:

- Broadcasting Act, 2009
- Broadcasting Authority Acts, 1960 to 2009
- European Communities (Television Broadcasting) Regulations, 1999

### 2. Implementation

#### 2.1. Iterative improvements

The Code is reviewed every 3-5 years. The new Code which came into operation on March 1, 2016, is the result of a comprehensive review undertaken by the ASAI which involved a significant public consultation process with a wide range of Government ministries and public agencies, consultations with consumer groups and other NGOs, and consultation with the advertising industry including advertisers, agencies and the media.

#### 2.2. Monitoring

- **Statement on whether stated objectives are monitored.**
- **Analysis of monitoring process**

The ASAI responds to and monitors consumer complaints regarding commercial communications. Since 2006, the ASAI also carries out a structured monitoring programme of advertisements e.g. for one week, the ASAI will review all newspaper advertisements, in the following week all radio advertisements will be monitored.

The extent of the monitoring conducted in any one year is influenced by a combination of the concerns arising in particular areas of economic activity, as evidenced from the outcome of individual complaints and the resources available to the ASAI.
Since the actual work commenced in 2007, almost 27,000 advertisements have been examined with an overall compliance rate of over 98 per cent.

### 2.3. Evaluation

There has been no formal evaluation of the ASAI Code. However, in preparing the current (7th edition) of the Code, the ASAI undertook an extensive public consultation regarding what might be included in the Code. In 2014, the ASAI retained an external consultant with extensive expertise of the advertising industry and public service to carry out research with 25 senior executives and managers in the advertising industry, NGOs and public service. The research related to the role of the ASAI and services that could usefully add value to the role of the ASAI for both consumers and the industry.

### 2.4. Resolving disagreements

- **Internal disagreements between participants of the scheme**
- **External disagreements** are covered in section 3 on Complaint handling and enforcement

Concerning internal agreements, generally, competitor complaints are made under the Code rules relating to substantiation, truthfulness, prices, comparisons and denigration. In 2014, 57 competitor complaints were received, the lowest level of competitive complaints received since 2007. The ASAI Complaints Committee formally adjudicated upon 16 complaints relating to 15 advertisements, 11 of which were found to have breached the Code rules.

### 2.5. Financing

The Code is financed by membership fees. The total budget was €790,000.

### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

The ASAI also responds to consumer complaints. After an initial evaluation, and investigation where appropriate, complaints submitted to the ASAI from consumers regarding advertisements are either dealt with informally by the ASAI Secretariat (some of the complaints may be out of remit and some, on examination, have no basis under the Code) or submitted to its independent Complaints Committee for formal adjudication. Most complaints are suited to dealing with informally, using well-established procedures. The Complaints Committee at each meeting reviews a sample of complaints dealt with by the Secretariat. A marketing communication which is in breach of the Code must be withdrawn or amended. A monitoring service carried out by the Secretariat ensures compliance with judgements. The withdrawal of a current advertisement or campaign can incur significant financial costs for advertisers. The Advertising Standards Authority for Ireland (ASAI) publishes the number of complaints received annually from consumers and the number of complaints that were resolved.

#### 3.2. Outcome

In general, the two main areas of complaints received by the ASAI relate to advertising being misleading or offensive. In 2014, 64 per cent of the complaints were made on the basis that an advertisement was misleading with 24 per cent made on the basis that an advertisement was offensive. Complaints received:
<table>
<thead>
<tr>
<th>Year</th>
<th>Written Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>2,275</td>
</tr>
<tr>
<td>2013</td>
<td>1,302</td>
</tr>
<tr>
<td>2014</td>
<td>1,394</td>
</tr>
<tr>
<td>2015</td>
<td>1,219 (provisional)</td>
</tr>
</tbody>
</table>

Complaints resolved:
<table>
<thead>
<tr>
<th>Year</th>
<th>Resolved Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>2,265</td>
</tr>
<tr>
<td>2013</td>
<td>1,232</td>
</tr>
<tr>
<td>2014</td>
<td>1,384</td>
</tr>
<tr>
<td>2015</td>
<td>1,162</td>
</tr>
</tbody>
</table>

The high percentage of consumer complaints that are resolved satisfactorily is an indicator that consumers feel that their complaints regarding advertisements are addressed in a professional and impartial manner that reflects their interests rather than that of the advertising industry.

### 3.3. Sanctions

The enforcing organisation is the Advertising Standards Authority for Ireland. The main sanctions which are exercised in case of non-compliance with the code are alarming, shaming and blaming. Additionally, advertisers who refuse to co-operate or seriously breach the Code can either be obliged to seek compulsory copy advice or are referred to the Competition and Consumer Protection Commission for possible legal action. Additionally, media organisations may refuse advertising that does not comply with the code.

The self-regulation of commercial communications as embodied in the ASAI Code is well supported by all strands of the advertising industry including advertisers, agencies and the media.

### 4. Best practice criteria

#### 4.1. Reach

The reach of the ASAI Code seems relatively good given that it has a diverse range of industry parties as its members. The exact market coverage is difficult to establish however.

#### 4.2. Accessibility

The Code is quite accessible for members of the advertising and media industry. Consumers can also easily access the ASAI with their complaints. To improve awareness and consequently, accessibility of the complaints system (a key aspect of the monitoring system), the ASAI conducts publicity and awareness campaigns for its organisation and the Code.

#### 4.3. Effectiveness/impact

The ASAI Code of Standards for Advertising and Marketing Communications in Ireland is perceived as being complementary to the legislative framework governing media provision and quite an effective mechanism. As it is industry-funded, the Code is inexpensive for consumers to access. As it is updated on a regular basis, the ASAI Code is flexible to operate and is considered more appropriate for subjective areas within commercial communications such as issues relating to taste and decency, the portrayal of women and exploitation of fear. The rapid change in audiovisual communication technologies often results in legislation that is out-dated and cumbersome to change. An industry-operated Code which is updated on a 3-5 year cycle is more likely to provide consumer protection than legislation that can take longer to implement and that can be expensive for consumers to access.
The ASAI conducts regular publicity campaigns to make consumers aware of its services through the publication of case reports and advertising that is provided free of charge by its media members.

The strengths of the ASAI Code are that it is easy and no-cost for consumers to make a complaint about advertisements or promotions within the media. The Code is long established (1981) and has the support of the advertising and media publishing industry. The involvement of the latter is particularly important as they often act as “gate-keepers” that will refuse to publish advertisements that do not comply with the Code. The ASAI has developed close linkages with statutory regulators and care is taken that the ASAI’s remit does not overlap with, for example, the Broadcasting Authority of Ireland.

During 2014, the ASAI examined nearly 700 advertisements across all media but in the area of alcohol, where 200 advertisements were examined, it concentrated on digital media. However, the overall results again demonstrated a compliance rate in excess of 98 per cent.

There is some concern in medical circles that the Code may be insufficient to tackle food product advertising aimed at young children. One leading expert on obesity has suggested that voluntary codes might not be sufficient to tackle childhood obesity and that legislation may be needed to strengthen rules governing promotional offers of food products to children under the age of 12.

### 4.4. Efficiency

The high percentage of complaints received by consumers regarding advertisements that are resolved by the ASAI is testimony to the efficiency of the scheme. Additionally, there is no cost to the consumer to make a complaint to the ASAI regarding an advertisement that they consider misleading or offensive; in the absences of a self or co-regulatory system for commercial communications, the consumer making the complaint might have to see legal redress which in Ireland can be both expensive and lengthy.

The ASAI also provides compulsory copy advice to advertisers who regularly breach the Code; this copy advice is also provided on a regular basis to all advertisers and is an efficient, preventative judge of advertisement compliance.

### 4.5. Evaluation

There has been no formal evaluation of the ASAI Code. However, in preparing the current (7th edition) of the Code, the ASAI undertook an extensive public consultation regarding what might be included in the Code.

In 2014, the ASAI retained an external consultant with extensive expertise of the advertising industry and public service to carry out research with 25 senior executives or managers in the advertising industry, NGOs and public service. The research related to the role of the ASAI and services that could usefully add value to the role of the ASAI for both consumers and the industry.

### 4.6. Implementation

There has been no evaluation of the ASAI Code but the informal feedback from industry and regulators is that it is broadly
accepted by the advertising industry and represents an easily accessible and no-cost method for consumers to make complaints about commercial communications.

There do not appear to be any major barriers to implementing the ASAI Code in other EU Member States. As the ASAI Code is based on the principles established by the International Chamber of Commerce and drawn up by the ASAI following detailed consultation with all relevant interests and bodies including the public, consumer representatives, and government department/agencies and is influenced by the European Advertising Standards Alliance (EASA), it is considered easily transferable to other EU Member States.

### 1.15 Italy

<table>
<thead>
<tr>
<th>Country</th>
<th>Italy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Code name ENG</strong></td>
<td>Code of Marketing Communication Self-Regulation Italy</td>
</tr>
<tr>
<td><strong>Code name NATIONAL</strong></td>
<td>Codice di autodisciplina della comunicazione commerciale</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Istituto dell'Autodisciplina Pubblicitaria</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Advertising standards authority (institute of advertising self-regulation)</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>1966</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast, On-demand audiovisual media service, All other media</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td>Alcoholic drinks, food supplements and dietary products, beauty treatments, medical products and cosmetic products; Services: training courses, financial services, organised travels, toys and gambling</td>
</tr>
</tbody>
</table>

### 1. Conception

1.1. Participants

The Code was developed by the industry and elaborated by various associations of different actors from the advertising sector, such as broadcasters, publishers and web operators. While the industry was and still is, well represented, no consumer organisations were involved in the development of the code.

1.2. Openness

The conception of the Code was open to stakeholders in the advertising industry, including a diverse range of sectors. However, the establishment of the Code was limited to the advertising industry only. Other stakeholders interested in the Code, such as consumers and public authorities, could not contribute. Indeed, consumers were sceptical towards the Code during its first years of existence.

1.3. Good Faith

As the Code was established in 1966, limited information is available on the Code’s development process. Prior to the
establishment of the Code, there were two different codes in place in the area of advertising, established in 1951 and 1952 respectively. However, these codes covered different single components of the advertising work. The present Code brought these codes together with the aim of covering the whole industry and different types of actors. Therefore, the industry appear to have been well represented during the early development of the Code. As regards to consumers, as mentioned previously, their involvement has been limited. Currently, the Code’s signatories include the majority of the industry (80-90%) which indicates good faith and contributes to the effectiveness of the code.

1.4. Objectives

- List objectives
- Analysis for criterion

According to the Code of Marketing Communication Self-Regulation Italy, in its Preliminary and General Rules, the Purpose of the code is cited as follows: “The Code of Self-Regulation aims to ensure that marketing communication, while performing an extremely useful role in the economy, is carried out as a service to the public, with special consideration given to its influence on consumers. The Code defines activities that, while legal, are in contrast with the aforesaid; the rules reflect the behaviour that communication must conform to, and constitute the legal basis for marketing communication self-regulation.”

The objective of the code is to ensure commercial communications are honest, true, and correct across all media.

The issue on which change is being sought is clearly set out in the Code’s objectives. However, these objectives are not detailed and have not been operationalised. There are no indicators or targets stipulated for the Code, so that evaluating the achievement of the objectives is difficult.

1.5. Legal Compliance

The Italian Consumer Code recognises the existence of voluntary, autonomous self-regulatory bodies. This is based on the EU’s endorsement of such practices. The Code is also aligned with the AVMS Directive.

2. Implementation

2.1. Iterative improvements

No formal iterative improvement processes are in place. However, the IAP board makes regular changes to the Code so as to keep it up to date with the state of the marketing sector. Furthermore, informal consultations occur before the changes are made. There are therefore informal, non-systematic improvement processes in place. The industry stakeholders are not formally consulted however.

2.2. Monitoring

- Statement on whether stated objectives are monitored.
- Analysis of monitoring process

The progress being made towards achieving the objectives of the scheme are not monitored specifically.

2.3. Evaluation

There are currently no evaluation processes in place, which appears to be linked to the absence of monitoring and targets. Therefore, the performance of the Code cannot be assessed,
and its impact cannot be difficult to establish.

**2.4. Resolving disagreements**
- Internal disagreements between participants of the scheme
- External disagreements are covered in section 3 on Complaint handling and enforcement

There are no procedures to resolve internal disagreements between participants of the scheme. This means that if disputes occur, it is the role of the opposing parties to come to an agreement without the help of the IAP.

**2.5. Financing**

40% of the funding comes from IAP’s membership fees. Therefore, stakeholders who benefit directly from the Code fund almost half of its costs. The rest of the funds are collected through the administrative fees on the services offered to companies.

**3. Complaint handling and enforcement**

**3.1. Functioning of complaint resolution mechanism**

A complaint can be lodged by anyone online (e.g. individuals or consumer organisations), as long as they describe the reasons why they believe the Code has been breached. There is no charge for filing a complaint. There is a review board in place within the IAP, which investigates the complaint and takes a final decision. The more complex cases are forwarded to the Jury of the IAP. The process is effective and quick and the simplest cases require only a few days to process. The cases that go before the Jury are usually resolved in 8-12 working days.

Members of the review board and the Jury judge in an independent and impartial manner, respecting the special rules for guaranteeing impartiality in self-regulatory rulings.

The IAP can suggest a change of the content or ask for the removal of the advertising message. All decisions are made publicly available on the IAP website. The review board is made up of qualified people, and the decision is considered to be of high quality and adapted to the complaint lodged.

The IAP can provide advice on how to modify the non-compliant advertising material to make it compliant with the Code. This process ensures an effective implementation of the decision.

**3.2. Outcome**

The number of complaints was in 2012 was 924, 889 in 2013 and 892 in 2014. All complaints are handled in a satisfactory and effective manner. About 90% of the decisions made by IAP relate to the protection of citizens and consumers.

**3.3. Sanctions**

The IAP review board uses shaming, shaming and blaming as its main sanction in case of a breach with the Code. The IAP can ask for a change of the content or removal of the advertising material. The decisions from the Jury or the Review Board are effective immediately. Due to the fact that the majority of the industry is involved, including for instance, broadcasters, the enforcement of the sanctions is efficient.

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2 Regolamento a garanzia dell'imparzialita' del giudizio autodisciplinare, http://www.iap.it/il-diritto/codice-e-regolamenti/regolamenti-autodisciplinari/imparzialita-giudizio/
### 4. Best practice criteria

<table>
<thead>
<tr>
<th><strong>4.1. Reach</strong></th>
<th>Enterprises involved in various advertising sectors comply with the Code, thus its application reaches a broad range of actors. Indeed as 80-90% of the advertising sector is a member of IAP, it appears that most of the industry in the country is actively engaged in the Code.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.2. Accessibility</strong></td>
<td>The Code is available online on the website of IAP. An English version of the Code is also available. In addition, information, data, and publications focusing on different areas are available on the website indicating a good level accessibility.</td>
</tr>
</tbody>
</table>
| **4.3. Effectiveness/impact** | The Code is effective in reaching its broader goals in terms of the protection of consumers. The Code has existed for almost 50 years and has led to the establishment of self-regulation in the advertising sector in Italy, involving most of the sector in the country. However, the objectives set out in the Code are not monitored, and the lack of indicators and targets limits the insight regarding the extent of its impact on the sector. Strengths of the code are:  
- The independence of the judges who are part of the Jury and review board (i.e. they are separate from the commercial communication industry).  
- The competence of the people involved, combining both sector expertise with legal expertise.  
- The possibility for anyone to file a complaint (anyone from the public, associations, industry etc.)  
- Regular and easy amendments to the Code in order to keep it up to date with technological and societal developments.  
- An article dedicated to the protection of minors. Weaknesses of the code are:  
- The lack of collaboration with the public authorities.  
- Difficulties encountered with content on the internet (YouTube, Facebook, google etc.) since this is international content. |
| **4.4. Efficiency** | While no details regarding the budget of the Code were made available, it was reportedly not very high. Despite this fact, the workings of the IAP and the Code seem efficient and complaints are handled in a timely manner. 70% of cases brought before the Jury are settled within 8-12 days. Furthermore, in the past few years, 100% of the complaints received every year were resolved. |
| **4.5. Evaluation** | As no formal evaluations have been carried out, linked to the lack of monitoring and targets, the performance of the Code and its progress towards its objectives is difficult to establish. Regular modifications are made to the Code so as to adapt it to the current context of communication and technology. However, the absence of evaluations makes it more difficult to determine areas of improvement for the Code in a systematic manner. |
| **4.6. Implementation issues/administrative burden** | The Code is efficiently implemented in large part due to the involvement and engagement of the industry. Complaints can be easily lodged online by individuals and consumer organisations, and complaints are handled within a few days. |
No specific administrative burdens have been reported. It was reported that further collaboration with the public authorities would be beneficial.

4.7. Transferability

The fact that the Code has been in place for almost 50 years and has adapted to the specific national situation in Italy limits its transferability to other Member States. The culture of self-regulation established in Italy rests to a large extent on the willingness of the industry to commit to and uphold the Code. However, aspects such as the method of handling complaints (i.e. with a highly trained and independent board), or the high transparency (all decisions and briefs of the Jury’s rulings are published online) can easily be transferred to other countries which wish to enforce their own Code.

<table>
<thead>
<tr>
<th>Country</th>
<th>Italy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Code TV and Minors</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Codice TV e Minori</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Comitato di controllo Media e Minori</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Review board Media and Minors</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>1993 (new edition 2002)</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Protection of minors</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td>There are specific sections for alcohol, tobacco and drugs.</td>
</tr>
</tbody>
</table>

1. Conception

1.1. Participants

While the initiative to develop the Code was taken by the broadcaster association, the Federazione Radio Televisione (FRT), other actors such as the Mediaset network and associations for consumer, parents, family, and teachers also participated in the development of the Code. Therefore, all possible types of stakeholders were involved in the conception phase of the Code.

1.2. Openness

The elaboration of the Code took into account the opinion of all types of stakeholders concerned by broadcasting, including consumers, demonstrating a good level of openness.

1.3. Good Faith

Stakeholders in the broadcasting industry seem to feel equally respected and involved regarding the elaboration and application of the Code. It appeared however, that more importance was given to some stakeholder groups than others, for instance when it comes to the on-going revision of the Code. Only industry representatives have been involved in the drafting of the revised Code, while it is reported that other stakeholders groups will have the possibility to comment on the next version of the Code. However, this implies that the influence of other stakeholder...
groups in the initial discussions or drafting of the revised version may have been limited. Given the range of stakeholders involved, this scheme appears to have been developed in relatively good faith.

### 1.4. Objectives

- **List objectives**
- **Analysis for criterion**

The introduction of the Code states the following: “The code aims to protect the rights and psychological and moral integrity of minors, with a particular attention and reference to the weakest age group (0-14 years).”

The general principles of the Code mention the objective of improving the quality of the programmes aimed at minors, in order to assist families and the younger public in selecting appropriate programmes, and to raise awareness of children’s needs amongst producers of programmes.

The general aim of the Code is clearly stated, however there is little further detail regarding the objectives, which could make them ambiguous and open to different interpretation. The Code objectives have not been operationalised with indicators or targets to measure the progress being made by the Code towards achieving its objectives.

### 1.5. Legal Compliance

While the Code was developed as a self-regulatory measure to cover gaps in the national legislation, it was integrated into the consolidated legislation on radio and television in 2002. This legislation implements *inter alia* the EU directives in this area. Therefore, legal compliance is high. The integration of the Code into legislation in 2002 proves it is adapted to the legal framework of the country.

### 2. Implementation

#### 2.1. Iterative improvements

There are currently no systematic iterative improvement processes in place. While there are less formalised approaches to adjusting the Code, the last revision was in 2002. The involvement of consumer organisations in the on-going revision of the Code seems to be limited. Allowing consumers to comment on the content of the Code is necessary to ensure its efficiency in terms of consumer satisfaction and to reduce the number of complaints filed. The Code is currently being revised and updated.

#### 2.2. Monitoring

- **Statement on whether stated objectives are monitored.**
- **Analysis of monitoring process**

The objectives of the Code are not monitored, which means that the performance or the impact of the Code is difficult to assess. Indeed, it is not possible to know if and when the objectives are being achieved.

#### 2.3. Evaluation

No regular evaluations have been conducted. However due to the fact that it has not been updated since 2002, an evaluation in view of the current revision of the Code was carried out.

#### 2.4. Resolving disagreements

- **Internal disagreements between participants of the scheme**
- **External**

There are no procedures to resolve internal disagreements between participants of the scheme. This means that if disputes occur, it is solely the role of the opposing parties to come to an agreement.
### 2.5. Financing

According to the data collected for this scheme, no public funding is provided to the review board for the work on the code. Public assistance in terms of offices (within the Ministry of Economic Development), and a staff of 4 people in the secretariat, is provided. However, the members of the review board carry out the work on a voluntary basis. The lack of funding limits the development of the Code. Furthermore, relying solely on public bodies for financing does not appear sufficient to successfully carry out the application and improvement of the Code.

### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

Complaints can be lodged freely online by any person who suspects a breach of the Code. This can be done through the Ministry of Economic Development’s website. This allows for a large range of possible breaches to be assessed. Upon the reception of a complaint, the Committee conducts an investigation. Once this has been done sanctions can be issued both by the Committee (behavioural sanctions) and AGCOM (economic sanctions). The board dealing with complaints (Comitato TV e Minori) consists of different stakeholder groups including institutions (Ministry of Economic Development and AGCOM), broadcasters associations, associations of consumers and users, adding up to 15 members. The involvement of a variety of stakeholders in the decision-making process allows for an effective decision, encompassing all points of view and limiting conflicts of interest.

#### 3.2. Outcome

The number of complaints was 150 in 2013, 108 in 2014 and 70 in 2015. In 2013 and 2015, only half of the complaints were solved. This could be due to the fact that the Committee was not competent regarding the complaints received or that complaints were not within the scope of the Code. Furthermore, limited resources may also affect the efficiency of the investigations. Finally, it is important to note that not all complaints received lead to an investigation.

#### 3.3. Sanctions

The types of sanctions used are faming, shaming and blaming, as well as public fines. AGCOM takes decisions on public fines, and the review board on other matters. The review board also recommends how to change the broadcasting content, or whether it needs to be removed. The sanctions in place help to ensure compliance with the Code effectively. The industry is aware of the consequences in the events of violation of the Code and the Code is generally respected.
### 4. Best practice criteria

#### 4.1. Reach

A diverse range of stakeholders were involved in the development of the Code, indicating a sufficient reach among the main target groups. Furthermore, the Committee includes representatives from the industry, users, and public authorities. However, the current complaints from consumer organisations about the lack of involvement in the drafting of the revised Code indicates that there is room for improvement.

#### 4.2. Accessibility

The Code has been part of the national legislation since 2002 and is available for the public to access online through national legislation. In addition, it is also accessible from the website of the Ministry for Economic Development on the section related to the Committee Media and Minors. However, there is limited information online related to the Code and an outdated website of the Committee is still available to access online which results in some confusion. No English version of the Code has been identified, thus limiting its availability to non-Italian speakers who would wish to view the co-regulatory measures in place in the Member State.

#### 4.3. Effectiveness/impact

The Code provides a framework of protection for minors in television which did not exist before its implementation. Therefore, the contribution of the Code is important. However, the lack of monitoring, targets and indicators does not allow a measurement of the impact of the Code, nor its achievements in reaching its objectives. The fact that the Code has not been revised since 2002 means that it might not be adapted to the current technological evolution, and therefore the objectives might not be reached. While this revision is currently on-going, it has yet to have been implemented.

The strengths of the scheme are:
- Introduction of the watershed, rating and categorisation of programmes.
- Applying to all broadcasters, and not only to signatories.
- Collaboration with the public authorities and the transition into a co-regulatory measure.

Weaknesses of the scheme are:
- It is not up to date with the new technologies.
- In relation to the on-going revision and the draft of the new code, only broadcasters have been involved, while the other stakeholders (users, institutions) have been kept out of the process. While this is still work in progress and the process of consultation is on-going, various stakeholders complain about this.
- Slow pace of changes to the code since it has to go through the legislative process.
- The division of competences between the review board and AGCOM is not always clear. This has created confusion among industry stakeholders.
- Lack of funding.

#### 4.4. Efficiency

The financing system in place appears insufficient and funds currently lack. As such the scheme cannot be considered as
cost-effective. Furthermore, as stated above, it is difficult to reach the objectives of the code as it is currently outdated.

### 4.5. Evaluation

One review of the Code was carried out prior to the inclusion of the Code in the national legislation in 2002. The Code is currently being evaluated for the first time since then. However, the lack of indicators, targets and monitoring processes might hinder the effectiveness of the evaluation.

### 4.6. Implementation issues/ administrative burden

No specific implementation issues have been identified. The involvement of AGCOM and the Committee in the enforcement of the Code might be confusing for external stakeholders (consumers and industry) that might not be aware of the different responsibilities and the possibility for both of these bodies to issue sanctions. This lack of clarity was mentioned as a weakness and could be improved. Finally, since the integration of the code in national legislation, amendment to the code must pass through the legislative procedure and is therefore more time-consuming.

### 4.7. Transferability

A revised and updated version of the Code could potentially be transferred to other EU Member States. However, it should be noted that the Code is adapted to the national context and has been in place for over 20 years. The co-regulatory nature of the system and the collaboration between public authorities and the industry is an important aspect to the Code, which could be transferred to other countries. This aspect enables the industry to be involved in the development of the norms.

### 1.16 Latvia

n.a.

### 1.17 Lithuania

<table>
<thead>
<tr>
<th>Country</th>
<th>Lithuania</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Lithuanian Ethics Code of Advertising</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Lietuvos reklamos etikos kodeksas</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Lietuvos reklamos biuras</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Lithuanian Advertising Bureau</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>The Bureau was established in 2006, the Code is based on the ICC Code which was established in 2011.</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast</td>
</tr>
<tr>
<td>Media covered</td>
<td>On-demand audiovisual media service</td>
</tr>
<tr>
<td>Media covered</td>
<td>All other media</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td></td>
</tr>
</tbody>
</table>
1. Conception

1.1. Participants

The scheme was developed by Lithuanian Advertising Bureau (which was founded based on the initiative of advertising agencies, media and advertisers). All relevant stakeholders appear to have been involved in developing the Ethics Code of Advertising. Stakeholders included public authorities (the State Consumer Rights Protection Authority, the Competition Council of the Republic of Lithuania, the Child’s Rights Protection Office, and the Office of the Equal Opportunities Ombudsman), and representatives from advertising providers, TV and the press. Besides public authorities and industry representatives, there did not appear to be civil society or consumer groups involved in developing this Code.

1.2. Openness

The scheme development involved various types of stakeholders, but the process was not so open to new stakeholders. Therefore there was a relatively closed group involved in the conception of the Code.

1.3. Good Faith

The involvement of public authorities as well as industry representatives in developing this Code suggests a certain degree of good faith. Given the mix of stakeholders involved the Code is likely to encompass societal as well as industry concerns. All stakeholders involved in the development process, were respected and can freely participate in implementation of the scheme by monitoring and reporting the violations of commercial communications. This too attests to the good faith surrounding this Code.

The Bureau also provides members with monthly bulletins and organises seminars to keep key stakeholders informed about self-regulation in the advertising sector, which is thought to promote good faith amongst those involved in the Code even after its inception.

1.4. Objectives

- List objectives
- Analysis for criterion

The objective of Lithuanian Advertising Bureau and the Ethics Code of Advertising is to develop the advertising sector in Lithuania and to improve the institutional basis for ethical self-regulation in advertising management, fair competition, ensuring consumer protection and the general public interest, against the negative impact of advertising. The Ethics Code of Advertising consists of a 23 principles which should be upheld in advertising.

The general objectives stipulated in the Code are not further operationalised into concrete, measurable objectives. There are no specific indicators defined, nor any targets for the Code to work towards. Other indicators are used to assess the general performance of the Code, but these do not measure the progress being made towards the Code objectives in a systematic manner. Current indicators to assess the Code include the number of investigated cases of potentially inappropriate commercials, and the number of detected commercial communication violations.

1.5. Legal

The establishment of Lithuanian Advertising Bureau was

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<table>
<thead>
<tr>
<th><strong>Compliance</strong></th>
<th>stipulated in Article 39.13 of the Law on the Provision of Information to the Public.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2. Implementation</strong></td>
<td></td>
</tr>
<tr>
<td><strong>2.1. Iterative improvements</strong></td>
<td>Areas for improvements within the scheme are identified by the Lithuanian Advertising Bureau, specifically by its General Assembly of Members, its Board, or its Arbitration Commission. Improvements to the scheme are usually proposed by public authorities (the State Consumer Rights Protection Authority, the Competition Council of the Republic of Lithuania, the Child’s Rights Protection Office, and the Office of the Equal Opportunities Ombudsman) or representatives from the private sector (advertising providers, representatives from TV and press). The system for identifying possible areas of improvement takes place once a year. Besides this, the Lithuanian code is also based on the International Chamber of Commerce (ICC) Code for Advertising and Marketing Practices and as such, adjustments to the ICC Code should also be changed in national implementations of this code.</td>
</tr>
<tr>
<td><strong>2.2. Monitoring</strong></td>
<td>The Lithuanian Advertising Bureau carries out the monitoring of the Code. The implementation of the Code is monitored by examining: the number of received complaints, information about the violated articles of the Code, the number of investigated cases, and the results and application of enforcement actions. The Lithuanian Advertising Bureau carries out complaints handling which is used as an input for monitoring activities, as well as copy advice services. Copy advice requests are submitted in writing and should include the story board or script. Advertisements are evaluated based on the Code of Ethical Advertising. Members can seek three copy advices for free, while non-members pay a fee of around 1,000 lt (about 290 euros).</td>
</tr>
<tr>
<td><strong>2.3. Evaluation</strong></td>
<td>While the Lithuania Advertising Bureau conducts monitoring and publishes reports on its activities and complaints, regular, formal evaluations of the scheme’s effectiveness and impact do not appear to be carried out.</td>
</tr>
<tr>
<td><strong>2.4. Resolving disagreements</strong></td>
<td>The process for resolving internal disagreements amongst members and external disagreements from consumers are the same. Please see below.</td>
</tr>
<tr>
<td><strong>2.5. Financing</strong></td>
<td>Financing for the Code comes from membership fees. The exact amount of the budget was not publicly known.</td>
</tr>
</tbody>
</table>
### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

The Lithuanian Advertising Bureau accepts complaints from consumers and competitors. Complaints must be submitted in writing via post or online using the complaint form on the Bureau's website. Complaints by members and consumers are handled for free, but non-members must pay to submit a complaint. Once a complaint has been received the advertiser is contacted and given 10 days to respond. Upon receiving a response, the Bureau’s Arbitration Committee (consisting of nine members), considers the case according the relevant legal rules and the Code, and arrives at a decision. Once a decision has been reached both the complainant and the advertiser are informed. The adjudication process usually does not take longer than two months. All cases and decisions made are published on the Bureau’s website.

#### 3.2. Outcome

The number of complaints received for the Code has been relatively low in recent years. 31 complaints were received in 2012, 21 in 2013. Of these complaints 10 were resolved satisfactorily in 2012 and 3 in 2013. According to the Lithuanian Advertising Bureau, the number of complaints received has been decreasing. For example, in 2006 the Bureau received 63 complaints of which 32 were resolved in a satisfactory manner (from the perspective of the actors making the complaint); while in 2013 this was only the case for 3 out of 21 complaints. This could reflect a growing awareness of companies and strengthening the self-regulatory processes.

#### 3.3. Sanctions

In case of non-compliant advertisements, the Advertising Bureau can ask the advertiser to change or withdraw their advertisement. In the event that an advertiser does not comply with the Bureau’s request, it can also ask the media carrying the advertisement to remove it. All decisions by the Bureau’s Arbitration Committee are published. Commonly used sanctions include faming, shaming and blaming. This enforcement method is relatively widely used as it considers being one of the most detrimental measures to an advertiser’s public image. However, if this does not work, cases can be passed on to other public institutions as well.

### 4. Best practice criteria

#### 4.1. Reach

The Code involves different stakeholders. A range of enterprises are signatories of the Code, including large multi-national companies. However, the extent of the reach of the Code is difficult to establish without further insight into the size of the advertising and marketing sector in Lithuania.

#### 4.2. Accessibility

The Code seems relatively accessible regarding both the information available regarding the Code, and its accessibility towards consumers and the general public. The Arbitration Commission adopts the decisions either after receiving written complaints or sometimes at its own discretion. Any legal or natural person (with the exception of the members of the Arbitration Commission) as well as Governmental or administrative institutions may submit such applications to the Arbitration Commission.
The stakeholders and other interest groups are involved in the process of advertising regulation in the following way:
- publications of relevant documents and information by means of annual activity reports are freely available to general public;
- consultations regarding commercial communications are provided by telephone or e-mail.
Accepted cases and how they are solved, are published. Besides the complaints aspect, the Bureau also strives to inform stakeholders, authorities and interested parties as to changes in the self-regulation of advertising, demonstrating a good level of accessibility.

4.3. Effectiveness/impact
The Code is considered relatively effective. Positive aspects of the scheme include the fact that the SRO and a significant number of other stakeholders as well as the general public are making significant efforts towards scheme’s implementation. There are clear procedures in place for resolving disputes and for replying to external complaints. The scheme can be flexibly implemented and the Bureau makes efforts to inform the public of changes and developments regarding self-regulation in the advertising sector. Weaker aspects of the scheme include the fact that some stakeholders are still too little informed about relevant advertising legislation and that the feedback process could take place more frequently than once a year.
The Ethics Code of Advertising uses several types of enforcement for different violations of the Code. This creates an opportunity to adopt enforcement regarding the case in the most effective and efficient way. The enforcement approach is considered to be quite effective.

4.4. Efficiency
There is no publically available information as to the level of the budget for the Lithuanian Advertising Bureau. As such estimating the efficiency of the Code is difficult. The Bureau fulfils a variety of tasks and its complaints resolution system is relatively quick, suggesting an efficient working procedure. Complaints and copy advices are up to a certain extent free to consumers and members which is efficient from the perspective of advertisers and consumers.

4.5. Evaluation
While the Lithuania Advertising Bureau conducts monitoring and publishes reports on its activities and complaints, regular, formal evaluations of the scheme's effectiveness and impact do not appear to be carried out.

4.6. Implementation issues/administrative burden
No real implementation or administrative barriers were identified when developing and implementing the Code. The Advertising Bureau was set up in 2006, several years before the current form of the Lithuania Code came into force so that establishing barriers to implementation or administrative issues is difficult.

4.7. Transferability
The Code considered to be very easily transferable to other Member States because it does not cover any specific regulations that cannot be implemented in countries with different economic, political or cultural framework. The Lithuania code is based on the ICC Code which was also
specifically designed to be adapted to different national contexts. The financing system is quite comparable to other countries as well (membership contributions as well as income from copy advice and complaints handling services), so this could also be transferred with relative ease. However, the full administrative and regulatory requirements to set up a replica of the Lithuanian advertising Bureau may be higher as the Bureau has a Board, Arbitration Committee and General Assembly.

1.18 Luxembourg

<table>
<thead>
<tr>
<th>Country</th>
<th>Luxembourg</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Deontological Code of Advertising in Luxembourg</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Code de déontologie de la publicité au Luxembourg</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Conseil de la Publicité (CPL)</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>The Advertising Council</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>January 2015</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast On-demand audiovisual media service All other media</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td>There are specific sections on children, alcohol, health products, banking products and insurances, as well as sales promotion.</td>
</tr>
</tbody>
</table>

1. Conception

1.1. Participants

The CPL, the Advertising Council was the initiator and main developer of this scheme. CPL is an advisory body, and has a board of 9 members, made up of 3 broadcasters, 3 press bodies and 3 advertising agencies. The board elaborated the Code, and CPL’s 70-80 members, ranging from broadcasters to advertising agencies, then approved it. Besides this no regulators, government bodies or consumer or civil society groups were involved in developing the scheme.

1.2. Openness

The development of this scheme was relatively closed to other stakeholder groups not represented by the CPL. Only enterprises were involved indirectly via the CPL and its Board. The scheme is now publicly available on CLEP’s website. However, its development was not known to the general public, who could not participate or have a say in its elaboration.

1.3. Good Faith

Only CPL’s elected board (9 members) was directly involved in the development of the Code, the other members could only approve or disapprove content. However, members did have a say and could express their opinion on rules before the Code was officially adopted. They were therefore consulted though their exact contribution is
1.4. Objectives
- List objectives
- Analysis for criterion

The CPL elaborated the Code with the aim of maintaining and improving consumer trust in the media and advertising industry, the communication sector and the market in general (CPL, 2015).

There are no operationalised objectives for this Code.

There does not appear to be any formal monitoring system in place for this Code. There are no concrete, operationalised objectives in the Code. There are also no targets nor any indicators in place to assess the progress being made by the scheme towards achieving its objectives. There do not appear to be any indicators for measuring the compliance with the Code as a whole.

1.5. Legal Compliance

Commercial communication practices in audiovisual media and the protection of minors in audiovisual media are mainly regulated through the government and national law, with the Règlement grand-ducal du 8 janvier 2015 relatif à la protection des mineurs dans les services de médias audiovisuels. The Code is based on these laws and have been implemented as a result of Article 12 of the AVMS Directive.

2. Implementation

2.1. Iterative improvements

There is no systematic reiterative process in place for this Code. That being said however, the Code is reflexive enough to allow for adaptation. This is evidenced in the revision in 2015 to include Online Behavioural Advertising (OBA) as part of the mandate of the Code, in response to Member State and EASA Alliance pressures.

2.2. Monitoring

- Statement on whether stated objectives are monitored.
- Analysis of monitoring process

There is no system in place for monitoring the Code objectives; no operationalised objectives have been established, nor are there indicators for the more general, overarching Code objective.

There also does not appear to be any other systematic monitoring process in place for tracking member compliance with the Code as a whole.

2.3. Evaluation

No evaluation has been conducted nor is one planned for the future.

2.4. Resolving disagreements

- Internal disagreements between participants of the scheme
- External disagreements are covered in section 3 on Complaint handling and enforcement

There is no formal system in place for resolving internal disagreements between Code participants and members of the target group (advertising organisations).

Complaint handling: see below.

2.5. Financing

The target group finances the running of the Code. Each member of the CPL pays an annual membership fee of 150 euro. The annual budget for the Code is 11,250 euros.
### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

The Ethics Committee of the CLP, the independent Commission Luxembourgeoise pour l’Ethique en Publicité (CLEP) receives complaints, particularly from consumers and NGOs, regarding the Code. The CLEP can also file complaints themselves if they come across an advertisement which could breach the Code. Complaints can be lodged via a series of channels and anonymous complaints are not considered. However, the industry sector cannot lodge complaints to the CLEP on possible breaches of the Code. The complainant and the organisation involved in the incompliant advertisement are notified of the receipt of the complaint within 10 working days of it being filed. If the advertising content is found to be in breach of the Code, the CLEP asks the accused party to either modify or remove it. If the party refuses to do so, the CLEP can involve the media, telling them to refuse or suspend the content. The CLEP does not hold any legal power to sanction offenders of the Code. In addition, broadcasters are able to ask the CLEP if an advertisement contains content which could be in breach of the Code before it is aired.

#### 3.2. Outcome

During previous version of the Code until the revision in 2015, there were an average of 4 complaints per year. The most common type of complaints concerns advertising on the internet as it is more difficult to regulate, since anyone can post information. Furthermore, large broadcasters know the rules and have experience in the sector, and many are part of the CPL. Therefore most of the complaints received are directed at small broadcasters’ advertisements as these smaller organisations are more likely to be unaware of the Code. All complaints are solved in a satisfactory manner, as most broadcasters are part of the CPL, and it is easy to communicate with them on the enforcement of the Code.

#### 3.3. Sanctions

If the party refuses to comply with Code rules or the CLEP ruling, the CLEP can involve the media, telling them to refuse or suspend the content. The CLEP does not hold any legal power to sanction offenders of the Code. The CLEP has never had to resort to the media to enforce a decision, which shows the positive collaboration between CLEP and the industry. Therefore, if the advertising content does breach the Code, it will be modified or removed from the media channel(s) in question.

### 4. Best practice criteria

#### 4.1. Reach

This Code appears to include a significant proportion of advertisers and broadcasters, between 70 and 80 members. Luxembourg and its media sector are not particularly large, and as such it is unclear to what extent the CPL include and represents all the relevant industry stakeholders.

#### 4.2. Accessibility

The Code is publicly available online and provides rules as to how to advertise. The Code and its contents seem relatively easy to understand and apply. Additionally, the membership fee is not exorbitantly high and does not appear to pose any administrative burden.
<table>
<thead>
<tr>
<th><strong>4.3. Effectiveness/impact</strong></th>
<th>The low levels of complaints could suggest that the Code is working well. Given that the CLEP can make complaints itself, the low level of complaints is unlikely to be due to consumers not being aware of the Code and how to complain. Additionally, stakeholders indicate that the Code helps build trust between consumers and the industry, which have set their own rules that they respect and follow. However, its enforcement is limited since the CLEP does not hold the legal power to sanction offences.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.4. Efficiency</strong></td>
<td>The scheme is financed by CPL’s members, who pay 150 euro per year to be part of the council. The Code was written by them, setting rules for them, and its implementation is financed by them. As the scheme is efficiently implemented by broadcasters and no costs are made to consumers or public authorities, the current financial system can be considered as efficient.</td>
</tr>
<tr>
<td><strong>4.5. Evaluation</strong></td>
<td>No evaluation has been conducted nor is one planned for the future.</td>
</tr>
<tr>
<td><strong>4.6. Implementation issues/administrative burden</strong></td>
<td>The administrative burden involved in developing and implementing this Code appears relatively low. Few organisations were involved in developing and implementing the Code and the rules of the Code do not appear to involve administrative issues to implement for the target group. Implementation issues with this Code centre more on the lack of power given to CLEP to sanction offences and the difficulty in regulating online advertising and audiovisual content.</td>
</tr>
<tr>
<td><strong>4.7. Transferability</strong></td>
<td>The Code seems transferable in that an industry association developed and implemented the Code; the institutional landscape in most countries would allow for a similar approach to developing the Code. The Code also does not appear to have cost disproportionate levels of financial resources, human resources or administration to develop and implement. It should be borne in mind though that Luxembourg is a smaller country and that a larger country implementing this Code would require the involvement of more and a more diverse range of stakeholder groups. Additionally, the nature of the sanctions appear to work in Luxembourg, but the acceptability of different types of sanctions can depend on the political will and public salience regarding inappropriate advertising in a country. This cultural aspect regarding the extremity of sanctions should also be considered.</td>
</tr>
</tbody>
</table>

**1.19 Malta**

n.a.
### 1.20 Netherlands

<table>
<thead>
<tr>
<th>Country</th>
<th>Netherlands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Dutch Advertising Code</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Nederlandse Reclamecode</td>
</tr>
</tbody>
</table>

#### Specific or thematic codes under general code
- Advertising code for alcoholic beverages 2014
- Letter box advertising, door-to-door sampling and direct response advertising code
- Advertising code for the use of the postal filter 2015
- Code for the distribution of unaddressed printed advertisements
- Code for distribution of advertisements by e-mail 2012
- Advertising code for telephone information services
- Advertising code for games of chance offered by licensees, by virtue of the Betting and Gaming act 2015
- Code for environmental advertising
- Code for passenger cars
- Advertising code for travel offers 2014
- Advertising code for tobacco products
- Advertising code for text messaging services
- Advertising code social media
- Telemarketing code 2012
- Advertising code for food products 2015
- Code for advertising directed at children and young people
- Advertising code for advertising medicine to the general public 2015
- Advertising Code for Self-Care Medical Products
- Advertising Code for Cosmetic Products

<table>
<thead>
<tr>
<th>Name of the organisation in own language</th>
<th>Stichting Reclame Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of the organisation in English</td>
<td>Dutch Advertising Code Authority</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>1964</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast</td>
</tr>
<tr>
<td></td>
<td>On-demand audiovisual media service</td>
</tr>
<tr>
<td></td>
<td>All media that deal with advertising</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td>General code for advertising, specific codes for specific products: see before.</td>
</tr>
</tbody>
</table>

### 1. Conception

#### 1.1. Participants
The advertising industry took the initiative to develop the scheme about 50 years ago. The general Code was developed then, based on the ICC code. Specific codes were developed later. All relevant trade organisations and NGO’s (such as the Consumers Association, the Dutch Heart Foundation, etc.) were involved in the development of the specific codes. There are three groups of specific codes: products and services that need social responsibility (alcohol, food, environmental claims); the
way in which advertising is disseminated; and industry specific.

| **1.2. Openness** | The development of the specific codes was open to all relevant stakeholders. The codes and all procedures for development and adjustments are open and available on the Dutch Advertising Code Authority website. |
| **1.3. Good Faith** | All types of NGO’s were consulted during the development of the scheme and its specific codes. The Dutch Advertising Code Authority assesses the developed schemes based on practicability, social relevance, and representativeness. All relevant opinions are heard and included in the codes. For example, for the distinguished age groups in the Code for advertising directed at children and young people incorporated the inputs from experts on protection of minors. Though the Dutch Advertising Authority aims to evaluate and adjust the code and its sub-codes using expert input, some stakeholders do not endorse the code. The Consumer Association does not endorse the whole code, which undermines the broader, societal good faith held towards the code. |
| **1.4. Objectives** | The Dutch Advertising Code Authority (Stichting Reclame Code) promotes responsible advertising which ensures the reliability and credibility of advertising. The aim of the authority is 100% compliance of advertisements with the Code, meaning that 100% of advertisers follow the recommendations of the Dutch Advertising Code Authority. At the moment the compliance rate is 96% and for the advertisements on television specifically, this is 100%. The Dutch Advertising Code is seen as a tool to achieve the objectives of the organisation and does not contain separate goals. The objective is clear if somewhat broad. The objective has been operationalised, with a clear target (100% compliance) and there is a clear indicator (compliance rate). |
| **1.5. Legal Compliance** | All advertisers have to comply with the Dutch Advertising Code. For the audiovisual advertisements the relevant law is the Media Act. |
## 2. Implementation

### 2.1. Iterative improvements

The general code is based on the ICC Code and the EU Directives on Unfair Commercial Practices. Changes in the ICC Code or the Directive may lead to adjustments to the general Code. The specific codes include processes for evaluation and adjustments. These processes usually take place one a year or once every two years. Adjustments of the codes are based on decisions by the Authority regarding complaints, technical developments, and public debates.

### 2.2. Monitoring

- Statement on whether stated objectives are monitored.
- Analysis of monitoring process

The compliance system is monitored by the Dutch Advertising Code Authority. The Authority counts the number of complaints. Since all complaints received are resolved, the compliance is considered to be very good. However, some argue that the number of complaints is not a good indicator for compliance with the Code. The fact that the number of complaints is limited does not mean that there are no violations of the Code. Nevertheless, compliance of the Code on traditional media, such as TV, is considered very high by the Authority. For alcohol commercials, there is an external assessment before the commercial is broadcasted.

### 2.3. Evaluation

The general code is based on the ICC Code and the EU directives on unfair commercial practices. Changes in the ICC Code or the Directive may lead to adjustments of the general Code. The specific codes include processes for evaluations and adjustments as well. The frequency with which these processes take place is usually once a year or once every two years. For example, the advertising code for alcoholic beverages is evaluated internally every two years.

### 2.4. Resolving disagreements

- Internal disputes between participants of the scheme
- External complaints are covered in section 3 on Complaint handling and enforcement

There are no internal disputes, because all relevant stakeholders are involved in the developments of the codes. It is unclear how internal disputes would be resolved should they arise. There is a well-functioning complaint handling system and enforcement. See below.

### 2.5. Financing

The system is financed by the business community. All advertisers pay a fee based on their advertising budget. The budget is € 1.3 million.

## 3. Complaint handling and enforcement

### 3.1. Functioning of complaint resolution mechanism

Everyone can submit a complaint via the online complaint form or by regular mail. The Dutch Advertising Code Authority is responsible for the complaints handling system (the chairman, the Advertising Code Committee, and the Board of Appeal are all involved in the process). All decisions made by the Advertising Code Committee and the Board of Appeal are accessible for third parties.

### 3.2. Outcome

Most complaints concern subjective norms. For television and on-demand television, the numbers of complaints were 649 in 2012, 497 in 2013, and 576 in 2014.
All complaints related to television have been resolved, because when an advertisement is not compliant the commercial is removed from television.

### 3.3. Sanctions
For television the effective sanction is removing the commercial from television. Furthermore, decisions are made public on the website of the Dutch Advertising Code Authority so that non-compliant advertisements which do not adjust their commercial communication would be subjected to naming and shaming.

### 4. Best practice criteria

| **4.1. Reach** | All advertisers have to comply with the Code. As such the entire target group is reached. |
| **4.2. Accessibility** | The code is transparent. All (specific) codes and procedures are easy accessible on the website of the Dutch Advertising Code Authority. It is also easy to submit a complaint. |
| **4.3. Effectiveness/impact** | The Code is quite effective. The compliance with the Code in the audiovisual field is 100%. Furthermore, research indicates that advertisers are cautious in their advertising practices because of public opinion. Strengths of the code are its accessibility, authoritativeness, expertise, professionalism and that it is applicable to all advertisers. The flexibility makes the Code successful. Furthermore, acceptance and credibility are considered as important success factors. |
| **4.4. Efficiency** | The Code seems to be quite efficient. The budget is limited and internal processes are fast. There is a lot of standardisation and the system is transparent. |
| **4.5. Evaluation** | Evaluation processes are included in the specific codes. For example the advertising code for alcoholic beverages is evaluated internally every two years. |
| **4.6. Implementation issues/administrative burden** | The Dutch Advertising Code has been in place for a long time. The code is transparent, efficient and easy accessible. |
| **4.7. Transferability** | Advertising codes based on the ICC Code already exist in several countries. The opportunity for self-regulation in countries depends on what is already regulated in legislation and on the regulatory culture of a country. Furthermore, the exact norms in the Code will differ because of differences in national preferences and tastes. |
1. Conception

1.1. Participants
The Kijkwijzer was developed by the audiovisual sector. Kijkwijzer is a classification system for programmes on television. The system is used to classify programmes for their possible harm towards children. For the classification, a questionnaire was developed to establish what sort of content is considered harmful to minors. The media enterprisers themselves are responsible for the classifications of programmes. All broadcasters are affiliated with the system. Broadcasters with a Dutch license are obliged to follow the Code and broadcasters with a foreign license can do so voluntarily. The Institute for the Classification of Audiovisual Media (NICAM) has an advisory body in which all kinds of interest groups are represented (education, ethnic groups, parents, elderly people, etc.). In this way a broad range of stakeholders are involved in developing the viewing guide.

1.2. Openness
The viewing guide is very transparent. The whole system and procedures surrounding the system can be found on the website of NICAM.

1.3. Good Faith
Since the 1980s, there were discussions between the government and the media industries. This resulted in the establishment of the Institute for the Classification of Audiovisual Media (NICAM). The institute was set up by the media organisations in close cooperation with various governmental Ministries. NICAM’s role in the development of this Code, suggests a diverse range of interests were involved in developing this scheme and a certain degree of good faith amongst the participants.
1.4. Objectives

- List objectives
- Analysis for criterion

NICAM is the code owner of the Kijkwijzer. “The foundation (NICAM) sets itself the general aim, without making a profit, to promote the provision of information as to the potential harmfulness of audiovisual products created by the audiovisual sector towards young people by means of classification, as well as the performance of all further actions related or beneficial to the above, in the broadest possible sense.” (Source: article 3 of BYE-LAWS (ARTICLES OF ASSOCIATION) of the Foundation Netherlands Institute for the Classification of Audiovisual Media (NICAM) as on 10 September 2014)

The ambition of NICAM is to achieve a 100% correctness of classification. The Media Authority (Commissariaat voor de Media), who is responsible for the supervision of NICAM, uses a lower limit of 80% of valid classifications.

There are clear objectives in place for the scheme. The objective has been operationalised with clear indicators and set targets.

1.5. Legal Compliance

The most important act for NICAM and Kijkwijzer is the Media Act. The Media Act prohibits broadcasters from broadcasting programmes that are harmful to young people under the age of 16. NICAM is the organisation that developed the classification system for programmes (Kijkwijzer). NICAM was accredited by the government.

2. Implementation

2.1. Iterative improvements

The Kijkwijzer is adjusted regularly. In 2001 it started with Kijkwijzer 1.0 and at the moment it Kijkwijzer 10.0 is in place. Important adjustments were the addition of new ages (6 and 9). Improvements are made following technological developments, scientific insights and remarks from coders.

2.2. Monitoring

- Statement on whether stated objectives are monitored.
- Analysis of monitoring process

As part of its monitoring system, NICAM checks around 50 classifications for television programmes on correctness on an annual basis. The Media Authority (Commissariaat voor de Media) uses the results for the yearly evaluation of the NICAM. Every two year research is conducted among parents. NICAM uses international classifications as a benchmark.

2.3. Evaluation

NICAM and the Kijkwijzer are evaluated every year by the Media Authority (Commissariaat voor de Media). The results of these evaluations are included in a letter to the government. These letters are published on the website of the Media Authority.

2.4. Resolving disagreements

- Internal disputes between participants of the scheme
- External complaints are covered in section 3 on Complaint handling and enforcement

There are no internal disputes, because the broadcasters classify their programmes themselves.

There is a well-functioning complaint handling system.

2.5. Financing

The Kijkwijzer is financed by the government (50%) and by the organisations of the broadcasters (50%). The annual budget for the Kijkwijzer is € 750,000.
In addition, the media have their own internal costs, in particular for the classification of the programmes.

3. Complaint handling and enforcement

3.1. Functioning of complaint resolution mechanism

There is a well-functioning complaint handling system. Anyone who identifies a possible breach of Kijkwijzer rules can submit a complaint to the NICAM. Relevant complaints are handled by the NICAM office or by the independent Complaints Committee. Only a small number of complaints have to be handled by the Complaints Committee.

3.2. Outcome

For television programmes the numbers of complaints were 140 in 2012, 172 in 2013, and 164 in 2014. Most complaints concern the times at which programmes are broadcast.

In principle, all complaints are handled and resolved. In general complainants are satisfied with the complaints handling procedure. Complaint handling is fast, complainants receive answers quickly, and the complaints are taken seriously. In nearly all cases decisions are followed by the broadcasters.

3.3. Sanctions

The most used sanction is the order to amend a classification. Furthermore, the Complaints Committee can impose a penalty.

4. Best practice criteria

4.1. Reach

All broadcasters are affiliated with the system, broadcasters with a Dutch license are obliged to comply with the viewing guide and broadcasters with a foreign license can do so voluntarily.

4.2. Accessibility

The classification system is transparent. The Kijkwijzer and procedures are easily accessible on the website of the NICAM. Submitting a complaint is straightforward. The use pictograms for the classifications are easy to understand for parents and for children. This makes the viewing guide an accessible scheme.

4.3. Effectiveness/impact

The Kijkwijzer is considered to be quite effective. The Kijkwijzer is used by 90% of the parents and lots of children use the Kijkwijzer as well. The results of surveys among parents show that parents are very satisfied with Kijkwijzer.

Strengths of the Kijkwijzer are:
- the simplicity of use and the easily understood pictograms,
- all audiovisual products are classified,
- a fast correction mechanism,
- dynamic (fast adjustments to scientific insights, needs from parents and audiovisual developments),
- transparency.

A weakness is that the Kijkwijzer is quite often interpreted as indicating for what age groups the programmes are “suitable”. This is a misinterpretation as the Kijkwijzer is an indication of the level risk or harmful content for children which different programmes may contain.

4.4. Efficiency

The budget for the viewing guide is relatively small. Evidence from foreign stakeholders indicate that it is a very cheap system. NICAM is continuously working towards improving its efficiency, for example through more automation of classification.
### 4.5. Evaluation
NICAM and the Kijkwijzer are evaluated every year by the Media Authority (Commissariaat voor de Media).

### 4.6. Implementation issues/administrative burden
Kijkwijzer is a simple and practical instrument to inform parents of the possible harm of programmes for their children. For the coders with in broadcasting companies, the practical questionnaires are available and company coders are trained by NICAM.

### 4.7. Transferability
The model of training coders in companies and pictograms is easy transferable to other countries. Criteria should be adjusted to the national norms.

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### 1.21 Poland

<table>
<thead>
<tr>
<th>Country</th>
<th>Poland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Television Broadcasters’ Agreement on the rules of distributing Advertisements and Sponsor Recommendations regarding foodstuffs or beverages containing ingredients whose presence in excess amounts in the daily diet is not recommended</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Porozumienie nadawców w sprawie zasad rozpowszechniania Reklam i Wskazan sponsorskich dotyczacych artykułów spożywczych lub napojów zawierajacych składniki, których obecnosc w nadmiernych ilosciach w codziennjej diecie jest nieuwagana</td>
</tr>
</tbody>
</table>

| Name of the organisation in own language | Związek Stowarzyszen "Rada Reklamy" and Krajowa Rada Radiofonii i Telewizji |
| Name of the organisation in English | Union of Associations Advertising Council and National Broadcasting Council |
| Year the scheme came into force | January 1st 2015 |
| Media covered | Television broadcast |
| Primary focus | Commercial communication |
| Specific products covered? | Food and beverages (of which over consumption is not recommended as part of the daily diet). |

### 1. Conception

#### 1.1. Participants
Public authorities, enterprises (the six largest Polish TV broadcasters), trade organisations (the Union of Associations Advertising Council and the Polish Federation of Food Industry Union of Employers) were all involved in developing the scheme. The scheme focusses on advertisements for food and drinks aimed at children. Most of the relevant private and public parties are represented. However, no consumer or civil society organisations were included.

#### 1.2. Openness
The private parties were involved in a relatively open manner; the Union of Associations Advertising Council and its some 100 members were consulted in the development, suggesting an open development procedure. However, the degree to which other types of stakeholders (such as consumer or civil society groups) were involved is not clear.
### 1.3. Good Faith

The Union of Associations Advertising Council and its members, as well as other stakeholders were consulted during the development of the scheme. This suggests a certain degree of good faith. However the degree to which the private stakeholders felt respected and involved in the process is not clear.

### 1.4. Objectives

- **List objectives**
- **Analysis for criterion**

The members (including the six largest television broadcasters) signing the Agreement declared, that they will not broadcast commercial communications (advertisement and related communications) related to the food products and drinks, which do not "meet specified nutritional criteria, based on accepted scientific baselines or national and international dietary recommendations, particularly those described in Appendix 2a 'Nutritional criteria for self-regulation on advertising food to children under the age of 12' to the Code of Ethics in Advertising".

Though there is a core objective, there are no operationalised objectives for this scheme, and no targets are identified. The indicators used to monitor the main objective of this Agreement consist of the number of advertisements and sponsorships which make references to food and drink which are not recommended in high amounts in a normal diet.

### 1.5. Legal Compliance

The establishment of this Agreement is recommended in the national Polish Broadcasting Act and as such appears to be legally compliant.

### 2. Implementation

#### 2.1. Iterative improvements

There is a process for feedback and improvement in place. However this has not yet been put into use as the scheme has been in operation since January of 2015 and at the time of reporting, had not been in place for a full year.

#### 2.2. Monitoring

- **Statement on whether stated objectives are monitored.**
- **Analysis of monitoring process**

The monitoring for this scheme is carried out by the National Broadcasting Council, a public body, and the Union of Associations Advertising Council, an industry body. The monitoring system is of an ongoing nature and monitors the achievement of the overall objective of the scheme. Although the use of concrete nutritional criteria helps to operationalise the behaviour of advertisers to a certain extent, the overall objective is not so concrete; there are no operationalised objectives, nor are there specific targets defined.

#### 2.3. Evaluation

No evaluation has been carried out yet but was scheduled for 2015. It is not clear when this evaluation will be published.

#### 2.4. Resolving disagreements

- **Internal disagreements between participants of the scheme**
- **External disagreements are covered in section 3 on Complaint handling and enforcement**

The process of handling complaints is the same for external and internal complaints. See below.

#### 2.5. Financing

Financing is provided by the Union of Associations Advertising...
Council (private financing) and the National Broadcasting Council (state financing). The overall budget and the contribution of the financial sources are not public.

### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

The process of handling complaints is the same for external and internal complaints. There are two bodies involved in complaints procedures, the Union of Associations Advertising Council and the National Broadcasting Council (NBC). The Union of Associations Advertising Council has a Commission of Ethics which handles the internal and external complaints received. Advertisements can be stopped, the time of the broadcast of the advert can be changed, or all broadcasters can be informed that the advert in question does not fulfil the proper nationally defined Nutritional Criteria. At least one of these three courses of action is taken if an advertisement is not compliant. The state authority, the NBC can also implement sanctions in the form of public fines.

#### 3.2. Outcome

No complaints have been received yet. As no evaluations are available either, evaluating the performance of the complaints resolution mechanism is difficult at this point in time.

#### 3.3. Sanctions

Sanctions do exist for this scheme but these do not appear to have been used during the short life span of the scheme. Sanctions include: stopping an advertisement, removing the advertisement from a specific time slot of broadcasting, informing all broadcasters that an advertisement does not comply with the national Nutritional Criteria for appropriate foods, or sanctions in the form of public fines.

### 4. Best practice criteria

#### 4.1. Reach

The relevant members of the target group of this scheme are reached, namely broadcasters and advertisers of food and beverages. The six major Polish television broadcasters are included as are some 100 advertising associations under the Union of Association Advertisers Council. However the degree to which these participants represent the entire relevant market share of advertisers covering food and beverages is unclear.

#### 4.2. Accessibility

The Agreement appears relatively easy to access. The scheme is online and there do not appear to be any major administrative obstacles to implementing the Agreement for advertising companies.

#### 4.3. Effectiveness/impact

Given that the scheme is relatively young (implemented in January 2015) and has not been evaluated yet, it is difficult to make statements on the effectiveness and impact of this scheme.

However, based on the general monitoring carried out by the National Broadcasting Council since the implementation of the Agreement (January 2015) there have not been any advertisements towards children which did not comply with the nutritional criteria.

Additionally, it should be noted, that the scope of the self-regulation covers all advertisers and broadcasters active on
the Polish market (even if they are not a signatory of the Agreement. An area for improvement could involve increasing the age of the children protected from 12 to 16 years old.

### 4.4. Efficiency

Given that the effectiveness and impact of this scheme are not fully known at this point, and that not much information is available about the size of the budget involved, judgements on the efficiency of this scheme are difficult to make at this stage.

### 4.5. Evaluation

No evaluation has been carried out yet but this was scheduled for 2015. Information on the evaluation is not yet published.

### 4.6. Implementation issues/administrative burden

The relatively strong position of the advertising companies in this scheme is considered as a potential implementation issue; the representation therefore should be balanced with other stakeholder groups in the development and implementation of the scheme. Besides this no major barriers to implementation or administrative burden were identified.

### 4.7. Transferability

The scheme appears easily transferable in that the national public regulator and industry association for advertising bodies came together to develop this scheme; such institutions are present in most countries and the institutional context is not likely to pose a barrier to transferability.

<table>
<thead>
<tr>
<th>Country</th>
<th>Poland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Code of Good Practice on the Protection of Minors in On-demand Audiovisual Media Services</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Kodeks dobrych praktyk w sprawie szczegółowych zasad ochrony maloletnich w audiowizualnych usługach medialnych na zadanie</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>IAB Polska</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>IAB Polska (Interactive Advertising Bureau) (IAB)</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>June 2014</td>
</tr>
<tr>
<td>Media covered</td>
<td>On-demand audiovisual media service</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Protection of minors</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td></td>
</tr>
</tbody>
</table>

### 1. Conception

#### 1.1. Participants

The IAB Polska, supported by the National Broadcast Council (public authority), initiated and developed the scheme. IAB Polska (as the trade union of the sector) represents around 200 companies active in VOD services. The Ministry of Digitalisation Republic of Poland was also involved. There were no other trade organisations involved in the conception, nor any consumer or civil society organisations or any other regulators. That being said, the stakeholders involved were considered to be the most relevant stakeholders for this area of the media market.

#### 1.2. Openness

The development process was relatively open towards
representatives from the VOD services branch. Public consultation processes were also used in developing the scheme. The process appears to have been relatively open. It is unclear however, to what extent individuals or consumer or other groups were able to provide input should they have wanted to.

### 1.3. Good Faith

The development of the scheme was quite participatory for the industry members involved with interactive advertising. The IAB Polska also represents many companies which are indirectly involved as a result. Consumer and civil society organisations were not involved which could undermine the broader societal good faith which the scheme enjoys.

### 1.4. Objectives

- **List objectives**
- **Analysis for criterion**

There are no formal objectives specified. The overarching rationale of the Code is to prevent minors from encountering inappropriate content on the internet, and under the Code this includes VOD services specifically. Publishing inappropriate content which minors could access is forbidden according to the Code.

There are no formal, operationalised objectives for this Code, nor any specifically defined indicators or targets.

### 1.5. Legal Compliance

This Code is based on national law, the Broadcasting Act. This Act specifically leaves room for the development of good practices in the protection of minors in VOD Poland.

### 2. Implementation

#### 2.1. Iterative improvements

There appears to be no reiterative or feedback processes in place.

#### 2.2. Monitoring

- **Statement on whether stated objectives are monitored.**
- **Analysis of monitoring process**

There are no formal objectives or indicators specified to monitor the performance. As such monitoring the progress of the scheme towards achieving its objective is difficult. The monitoring process is carried by the National Broadcasting Council has an on-going character and is developed by the National Broadcasting Council as one out of its duties indicated in the Broadcasting Act.

#### 2.3. Evaluation

No evaluation has been conducted nor is planned.

#### 2.4. Resolving disagreements

- **Internal disagreements between participants of the scheme**
- **External disagreements are covered in section 3 on Complaint handling and enforcement**

For internal complaints resolutions, the Code indicates that each party must obey the rules included. Additionally, every partner must evaluate (once every two years) the effectiveness of their technology to ensure that minors are not exposed to inappropriate content in VOD services. In case of breaches with the Code the IAB Polska approaches the provider and asks for clarification. The Peer Tribunal of the IAB Polska rules on the cases of possible non-compliance with the Code.

#### 2.5. Financing

No information is available regarding the sources of financing and the budget.

### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

Regarding complaints, the National Broadcasting Council (Krajowa Rada Radofonii I Telewizji), as the state body, is responsible for the supervision of the Polish media market, and is consequently responsible for the collection of all complaints.
### 3.2. Outcome

So far there have not been many external complaints.

### 3.3. Sanctions

The sanctions for this scheme centre on public fines which are applied by the National Broadcasting Council (NBC). The enforcement procedure is shared by the NBC and the IAB Polska.

### 4. Best practice criteria

<table>
<thead>
<tr>
<th>4.1. Reach</th>
<th>The main target group for this scheme are providers of VOD services in Poland. The IAB Polska is the employers union and representative for this part of the sector, representing some 200 companies and covering around 70% of the market share for this area. As such the reach is considered to be relatively good. It is unclear where the remaining 30% of the market share lies and why this is not covered by the Code.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2. Accessibility</td>
<td>The Code of good practices is relatively straightforward and this makes it quite accessible.</td>
</tr>
<tr>
<td>4.3. Effectiveness/impact</td>
<td>As there is not a systematic monitoring system in place, nor any evaluations conducted or planned, establishing the effectiveness and impact for this scheme is difficult. However, the National Broadcasting Council indicates that since the implementation of the scheme in June 2014, the Council did not receive any new complaints or breaches in compliance with the Code. Before the implementation of the Code there were 7 breaches within 30 broadcasts. A potential weakness of the Code is that the VOD services delivery market is based on IT technologies, and consequently, defining the technological criteria to be fulfilled by Code participants can be difficult. Ensuring that the minors are protected becomes difficult as the technological development of the tools used in the VOD market is changing rapidly.</td>
</tr>
<tr>
<td>4.4. Efficiency</td>
<td>Given the current lack of insight into the financing and budget of the scheme, as well as its effectiveness, making a judgment regarding the efficiency of the scheme is difficult.</td>
</tr>
<tr>
<td>4.5. Evaluation</td>
<td>No evaluation has been conducted nor is one planned.</td>
</tr>
<tr>
<td>4.6. Implementation issues/administrative burden</td>
<td>The implementation of the Code itself does not seem to present any major administrative issues. From political, cultural and economic perspectives, the relevance and social value of such a code is clear and no major economic hurdles seem to be caused for industry parties in setting up such a code. However the design and performance of the Code is vulnerable to the internet issues and VOD services deliverers. The group of its signatories includes the main actors from the media market. However, there is a (large) number of companies (VOD services providers) that are not the signatories of the Code. This is a challenge as the VOD services market is hard to control as it uses Internet as the medium of the delivery. The second problem is that the VOD services delivery market is based on the IT technologies and defining the technological criteria to be fulfilled by signatories is difficult, especially given that the technological development of the tools used in the VOD market is changing rapidly.</td>
</tr>
</tbody>
</table>
4.7. Transferability

The Code appears relatively transferable in that the industry association for VOD services developed this in collaboration with national public authorities. Such institutions are relatively common in EU Member States and therefore the institutional environment does not pose an obstacle to transferability. Regarding the finances, administrative and human resources involved in setting up such a Code elsewhere, there is not much information available. However, given the number of participants involved in developing the Code it does not seem that the resources involved were exorbitantly high.

<table>
<thead>
<tr>
<th>Country</th>
<th>Poland</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Code name ENG</strong></td>
<td><strong>Code of Ethics in Advertising</strong></td>
</tr>
<tr>
<td><strong>Code name NATIONAL</strong></td>
<td><strong>Kodeks Etyki Reklamy</strong></td>
</tr>
</tbody>
</table>
| If relevant: specific or thematic codes under general code | Standards of Food Advertising Aimed at Children Under 12
| | Beer Advertising Standards |
| Name of the organisation in own language | Związek Stowarzyszeń "Rada Reklamy" |
| Name of the organisation in English | Union of Associations Advertising Council |
| Year the scheme came into force | 2006 |
| Media covered | Television broadcast
| | On-demand audiovisual media
| | All other media |
| Primary focus | Commercial communication |
| Specific products covered? | General code for advertising, specific codes for specific products: see above. |

1. Conception

1.1. Participants

According to the Union of Associations Advertising Council in Poland, "the members of Union of Associations Advertising Council are the associations representing the advertising industry. They do not directly fund the SRO. The system is funded by individual advertisers, agencies and media organisations who, although not direct members of Rada Reklamy, are usually affiliated to its association members. These individual advertisers are known as sponsors and contribute a fee to the SRO. The fee is calculated, in the case of advertisers on advertising spend, and in the case of media on share of the media market. Agencies pay a fixed fee. Each sponsor signs an agreement to respect the code and receives a 'certificate of ethical advertising'."

1.2. Openness

The process of the Code development was open, and the issues to be included in the Code were consulted on with all kinds of stakeholders.

1.3. Good Faith

The industry was consulted extensively during the process of preparation of the scheme by the Union of Associations...
Advertising Council. In addition, information was disseminated through the press and media channels.

| 1.4. Objectives | The text of the Code does not include any operational objectives. The Code states that it only “constitutes a set of principles that should be obeyed by entrepreneurs, including especially advertisers and other legal and natural persons as well as organisational units without legal personality conducting advertising in the territory of the Republic of Poland”.
| - List objectives | There are no operational objectives, nor any specifically defined indicators or targets.
| - Analysis for criterion |

| 1.5. Legal Compliance | In the Polish legal system, there is the Act of August 23rd, 2007 on the countermeasures toward the unfair market practices, according to which, entrepreneurs can voluntarily accept and join the good practices codes devoted to fair market practices. The Code of Ethics in Advertising is an example of such a code.

| 2. Implementation |
| 2.1. Iterative improvements | According to the Statutes of the Union of Associations Advertising Council, “adopting, implementing, supplementing, updating and promoting the Code of Advertising Ethics” is one of its statutory tasks” (page 3), and the Advertising Council, “shall on an annual basis, thoroughly review the Code of Advertising Ethics in order to introduce, as and when necessary, amendments which may be required in the light of the experience of the Committee of Advertising Ethics (body of the Advertising Council responsible for the claims processing) or the need to protect advertising audiences and beneficiaries”.

The process of the improvement of the Code is based on the open process of data collection, opinions, and suggestions from the advertising environment from the Associations (members of the Union, which each have around 100 members in turn) and the Council’s own members. The sources of the collection of information to be used during future improvements, include: the opinions collected during the conferences, of arbiters responsible for the claims processing, and observation of the media market in Poland by the Union (including media monitoring). Furthermore the Union inquires amongst its members’ representatives, on the possible changes or improvements areas. Sometimes the members suggest the changes of their own initiative.

| 2.2. Monitoring | There is a monitoring process of claims and complaints about violations of the code. The results of this process are presented in annual monitoring reports, which are published on the website.
| - Statement on whether stated objectives are monitored. | - Analysis of monitoring process |

| 2.3. Evaluation | There has been no overall evaluation of the code. Nevertheless, the achievements of the code (claims and complaints) are monitored and presented in annual monitoring |
2.4. Resolving disagreements

- **Internal disagreements** between participants of the scheme
- **External disagreements** are covered in section 3 on Complaint handling and enforcement

The complaints handling process was described in detail in the separate document "Complaints and handling rules" prepared by the Union of Associations Advertising Council. See below for a further explanation of the complaint handling.

2.5. Financing

According to the Union of Associations Advertising Council, "the members of Union of Associations Advertising Council – are the associations representing the advertising industry. They do not directly fund the SRO. The system is funded by individual advertisers, agencies and media organisations who, although not direct members of Rada Reklamy, are usually affiliated to its association members. These individual advertisers are known as sponsors and contribute a fee to the SRO. The fee is calculated, in the case of advertisers on advertising spend, and in the case of media on share of the media market. Agencies pay a fixed fee. Each sponsor signs an agreement to respect the code and receives a ‘certificate of ethical advertising’. No information on the overall budget was available.

3. Complaint handling and enforcement

### 3.1. Functioning of complaint resolution mechanism

On the website of Union of Associations Advertising Council the complaint handling system is summarised as follows: *The Council handles complaints from both consumers and competitors. Consumer complaints are handled free of charge, as are complaints lodged by members, but complaints by a company not a member of the Union of Associations Advertising Council must pay a fee.* *Consumer complaints can be submitted through an online form on the Rada Reklamy website or by sending a standard mail or fax.*

On receiving a complaint (with the necessary details to identify the advertisement in question) the Council asks the advertiser concerned for a formal response within 10 days. After this period the case is referred to an Adjudication Panel of the Committee of Advertising Ethics which delivers a ruling. The Council has a panel of experts, approved by its Board, and the Committee of Advertising Ethics may consult an external expert if the case requires it. On average a complaint adjudication takes 30 days.

### 3.2. Outcome

The number of complaints regarding TV advertisements amounted to 1,231 in 2013, 849 in 2012, 84 in 2011, and 4480 in 2010. Most complaints refer to social responsibility, the protection of minors, and gender stereotypes.

### 3.3. Sanctions

In case of infringements the Commission of Ethics makes recommendations to the responsible company. The recommendations are not binding, but almost 90% of the recommendations are implemented.
There is also the possibility of using faming and shaming.

### 4. Best practice criteria

#### 4.1. Reach
The code is open to all advertisers. Each advertiser who pays a fee and becomes a member, signs an agreement to respect the code and receives a ‘certificate of ethical advertising’.

#### 4.2. Accessibility
The code and the complaints handling system are available on the website of the code owner and complaints can easily be submitted.

#### 4.3. Effectiveness/impact
The code seems to be quite effective. According to the results of the annual monitoring reports, the self-regulation is effective in terms of achieving its broader policy goals. The recommendations of the Committee of Advertising Ethics (Związek Stowarzyszeń "Rada Reklamy) to advertisers to change their advertisements are in some cases related to gender equality or social issues. In this way the code has a contribution to the implementation of other national policies. A strength of the Code is that the most important advertisers in Poland are involved. A weakness is that small enterprises advertise increasingly on the Internet and are not willing to follow the code.

#### 4.4. Efficiency
No information on the budget was available making the assessments of the efficiency of the code difficult.

#### 4.5. Evaluation
There has been no overall evaluation of the code. Nevertheless, the achievements of the code (claims and complaints) are monitored and presented in annual monitoring reports.

#### 4.6. Implementation issues/administrative burden
There does not seem to have been major implementation issues or serious administrative burden. Complaints can be submitted easily and mostly costless.

#### 4.7. Transferability
The Code is easily transferable to other countries.

### 1.22 Portugal

<table>
<thead>
<tr>
<th>Country</th>
<th>Portugal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>ICAP conduct code</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Código de conduta do ICAP</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Specific or thematic codes under general code</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Self-regulation on product placement, production props and prizes, Acordo de Auto-regulação em Matéria de “Colocação de Produto” e “Ajudas à Produção e/ou Prémios”</td>
</tr>
<tr>
<td>• Self-regulation of sponsorships, Acordo de auto-regulação em Matéria de ‘Menções de Patrocínios’</td>
</tr>
<tr>
<td>• Self-regulation of commercial communication concerning food and beverages directed to children, Código de Auto-regulação em Matéria de Comunicação Comercial de Alimentos e Bebidas dirigidas a Criança,</td>
</tr>
<tr>
<td>• Good practice guide on digital marketing and online behavioural advertising, Guia de Boas Práticas de Comunicações de Marketing Digital e Publicidade Comportamental Online no âmbito da Auto-Regulação</td>
</tr>
<tr>
<td>• Self-regulating code on commercial communication on</td>
</tr>
</tbody>
</table>
alcoholic beverages, Código de Auto-Regulação da Comunicação Comercial em matéria de Bebidas Alcoólicas

| Name of the organisation in own language | ICAP - Instituto Civil de Autodisciplina da Comunicação Social |
| Name of the organisation in English | ICAP - Civil Institution for Self-discipline of the Media |
| Year the scheme came into force | 1991 |
| Media covered | Television broadcast On-demand audiovisual media service All other media |
| Primary focus | Commercial communication |
| Specific products covered? | There is a general code and some specific codes, i.a. for food and beverages and for alcoholic beverages. See above. |

1. Conception

1.1. Participants

The stakeholder groups involved in developing this scheme consisted of industry organisations and trade associations. No government bodies were involved, or any civil society groups or consumer groups.

1.2. Openness

The development process for this scheme was not particularly open. Only industry and trade associations were represented, with no apparent channel for other stakeholder groups to make their contributions to the scheme. Additionally, there does not seem to be much awareness concerning the scheme amongst the public.

1.3. Good Faith

Few stakeholder types were involved in this scheme conception, suggesting that the interests represented and considered in this scheme are not so diverse and encompassing. It is also unclear to what degree those stakeholders who were involved in the development felt respected in the process. However there is an assumption that those stakeholders who were involved in the development of the scheme did so of voluntary, suggesting a certain degree of good faith.

1.4. Objectives

- List objectives
- Analysis for criterion

The objectives for the Conduct Code of ICAP include:
- To prevent the misconduct, negligence, abuse, and misuse of advertising by advertising and media professionals.
- To show responsible and good practices in advertising and other commercial communications.
- To strengthen the public trust in commercial communication; to respect consumer privacy and preferences; to ensure a special responsibility towards commercial communication directed to children and youths.
- To safeguard the freedom of expression of people involved in commercial communication.
- To present effective practices and flexible solutions; to minimise the need for detailed state legislation and regulations.
- To foster self-regulation and good practices amongst the various involved agents.
- To strengthen the ethical component in the different
commercial communication fields without prejudice to the law.

Objectives of the specific sub-schemes:
- Self-regulating code on commercial communication on alcoholic beverage: To prevent the inappropriate use of television programmes and other media contents to advertise alcoholic beverages. (2014)
- Agreement of self-regulation on product placement, production props and prizes: To prevent the misuse of advertising of 'product placement' and production props and prizes in television programmes and other media contents. (2009)
- Self-regulation of sponsorships: To prevent the misuse of advertising of 'sponsorships' in television programmes and other media contents. (2008)
- Good practice guide on digital marketing and online behavioural advertising: To prevent the inappropriate use of new media platforms (internet, smart phones, etc.) in the digital and behavioural advertising. (2014)
- Self-regulation of commercial communication concerning food and beverages directed to children: To regulate the conditions under which commercial communication of food and beverages for children are included in TV and audiovisual programmes. (2010)

<table>
<thead>
<tr>
<th>1.5. Legal Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Conduct Code of ICAP is based on the ICC Consolidated Code of Advertising and Marketing Communications Practice. Beside this the ICAP Code supplements the provisions in the national Advertising Code (Decree-law no. 330/90).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.1. Iterative improvements</strong></td>
</tr>
<tr>
<td>The ICAP Code of Conduct is reviewed regularly to incorporate improvements concerning new commercial communications practices, new media channels and services, and other enhancements. The last revision was in 2014 to encompass more sector specific provisions.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>2.2. Monitoring</strong></th>
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</thead>
<tbody>
<tr>
<td>Statement on whether stated objectives are monitored.</td>
</tr>
<tr>
<td>Analysis of monitoring process</td>
</tr>
<tr>
<td>The objectives are monitored. However, without specified indicators it is unclear how monitoring of the progress towards the objectives is carried out in practice.</td>
</tr>
<tr>
<td>The ICAP receives complaints from industry and from individuals, and provides ex-ante Copy Advices to advertisers. The connection with this approach to monitoring, the assessment of the compliance with the Code, and the progress towards its objectives is not clear however.</td>
</tr>
<tr>
<td>Monitoring is not carried out in a systematic way. However, the ICAP provides copy advice to members and non-members. Under this system, a copy advice request must be sent with the advertisement or storyboard or script, and supporting documents, to the Technical and Legal Office of ICAP. Copy</td>
</tr>
</tbody>
</table>
advice is given within a maximum of 48 hours, in most cases within 24 hours. This advice states whether the advertisement is in compliance with the applicable legislations and with the code of conduct of ICAP.

### 2.3. Evaluation
No evaluation has been carried out and no evaluation is planned.

#### 2.4. Resolving disagreements

- Internal disagreements between participants of the scheme
- External disagreements are covered in section 3 on Complaint handling and enforcement

The complaint mechanism is the same for internal disputes and for external complaints. See below.

### 2.5. Financing
The scheme is financed by contributions from the target group. The overall budget for the scheme is 269,939 euro.

### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism
The complaints handling mechanism is the same for internal disputes and for external complaints. Conflict resolution is insured by an Ethics Jury (EJ). Deliberations of this jury are based on ICAP’s Codes, applicable legislation, and other statutory norms. Litigating parties have the option to resort to an Appeal Committee with regard to any deliberations on complaints, petitions, requests, charges, etc.

The jury has two sections with similar composition and scope. Each section is presided over by a law professional (judge, lawyer, legal councillor) and five members (one of which should also be a law professional). The Appeal Committee has three members, two of which should be law professionals.

Individual entities such as consumer associations as well as corporate entities may present a complaint (free of charge for consumer associations) whenever they feel that a commercial communication does not comply with ethical or legal rules.

#### 3.2. Outcome
Between 2012 and 2015 there were never more than 20 complaints received per year. Most complaints appear to have been resolved in a satisfactory manner, evidenced by the fact that not many complaints were sent to the Appeal Committee.

#### 3.3. Sanctions
Whenever the Ethics Jury considers ethical rules to have been breached, whether regarding ICAP’s Code of Conduct or the law in force, it requires the amendment of said advertising or the removal of the campaign. The Ethics Jury can also use faming, shaming and blaming, and membership suspension or exclusion as sanctions.

The use of the Copy Advice system also helps advertisements become more compliant in a preventative manner by offering a check of an advertisement beforehand.

### 4. Best practice criteria

#### 4.1. Reach
The ICAP Code targets the advertising and media sector.
Though not all relevant stakeholders for advertising were included in the development, it appears that members of the target group are reached by this scheme. The exact degree to which all advertising and media players are reached is unclear however. Indeed this was signalled as a potential weakness of the scheme.

### 4.2. Accessibility

The ICAP Code is publicly available and members as well as non-members can request a Copy Advice from the ICAP to check whether their advertisements are compliant. This makes the Code and understanding relatively accessible. The level of the membership could make the Code somewhat less accessible in practice however.

### 4.3. Effectiveness/impact

Although no systematic evaluations are carried out, overall the ICAP Code is considered to be effective. The most salient strength of the ICAP system is the recognition its system enjoys in the media and advertising communities. Without a formal evaluation system it is difficult to measure the effectiveness and impact of the scheme. However, there are external signs that corroborate a positive evaluation of the practice (for instance, the ICAP was recently subject to an international audit commissioned by the “The Brewers of Europe”, all litigations that ended up in the Portuguese Supreme Court were ruled in favour of the ICAP arguments).

The ICAP Code is considered successful also due to the promptness of responses to technological developments, flexibility in monitoring and enforcement, responsiveness to complaints and advice requests, and due to the diversity of Code members. Membership of ICAP includes major media companies, advertising agencies and associations and advertisers through ‘vertical’ and ‘horizontal’ business associations. This diversity precludes corporatist deviances that tend to arise in professional or vertical self-regulatory mechanisms.

One of the main weaknesses of the ICAP system is the incompleteness of the sector coverage. There are important segments that are currently not engaged in the Code of Conduct such as the distribution, finance and pharmaceutical sectors.

### 4.4. Efficiency

Given the scope of activities of the ICAP Code (complaints handling and resolution and Copy Advices), the system can be viewed as efficient. Given the scope of activities of the ICAP and the size of is budget the scheme is valued relatively efficient.

### 4.5. Evaluation

No evaluation has been carried out and no evaluation is planned.

### 4.6. Implementation issues/ administrative burden

For participants of the Code, there do not appear to be any major implementation or administrative burden issues. The Copy Advice system also suggests a good degree of support to advertisers in applying the ICAP Code to their advertisements.

### 4.7. Transferability

Having a system of co-regulation with standards, including industry specific standards, is not uncommon in other Member States (France, Lithuania amongst others). The monitoring,
complaints resolution and Copy Advice approach is also in use in other countries (UK, Spain). As such the approach appears quite transferable. That being said, the resources involved in developing, implementing and running such a Code are not clear and this could form an obstacle in countries with a smaller media sector where media regulation is less of a politically and/or socially salient issue.

<table>
<thead>
<tr>
<th>Country</th>
<th>Portugal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Classification of TV programmes</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Classificação de Programas de Televisão (RTP, SIC, TVI)</td>
</tr>
</tbody>
</table>

| Name of the organisation in own language | RTP, SIC and TVI |
| Name of the organisation in English | RTP, SIC and TVI (the three existing digital terrestrial television channels) |
| Year the scheme came into force | 2006 |
| Media covered | Television broadcast On-demand audiovisual media service |
| Primary focus | Protection of minors |

### 1. Conception

#### 1.1. Participants

The stakeholders involved in developing the Classification scheme included public authorities, namely the ERC (the national media regulator) as well as enterprises. The enterprises involved were the three main, largest television operators in Portugal (RTP, SIC and TVI). No consumer groups or civil society interest groups were involved.

#### 1.2. Openness

The process of developing the scheme was relatively closed. Two types of stakeholders were involved with limited opportunity for other stakeholder types to contribute or to give their opinions on the scheme.

#### 1.3. Good Faith

There were not many stakeholder types involved in the conception of the scheme, indicating that the opinions considered may not be fully representative of the interests relevant to this scheme. Additionally, there is limited insight as to the contributions of the stakeholders who were involved in the development. Besides this, it is difficult to establish the degree to which those organisations involved felt respected, though it can be inferred that the three TV networks initiating the scheme would logically also feel respected given that they were key players in the development process.

#### 1.4. Objectives

- **List objectives**

  There are no operational objectives for this scheme; instead there is a guiding principle in place indicating that an age classification scheme should be set up and implemented.

- **Analysis for criterion**

  There are also no targets or indicators defined to monitor.

#### 1.5. Legal Compliance

The classification scheme is based on the Television and on-demand audiovisual services law of 2007. This law advocates
setting up self- or co-regulatory schemes to contribute to the appropriate development of children.

### 2. Implementation

#### 2.1. Iterative improvements
There are no formal systems for reiterative improvements to be made to the classification system. The scheme has not been changed since its inception and there are no plans to adjust this.

#### 2.2. Monitoring
- Statement on whether stated objectives are monitored.
- Analysis of monitoring process

No concrete objectives have been established for monitoring compliance with the classification scheme. No targets or indicators have been established for the broader objective of the scheme either. There is no system of monitoring compliance with the classification system beyond the objectives established either.

#### 2.3. Evaluation
No evaluations have been made for this scheme and none are planned.

#### 2.4. Resolving disagreements
- Internal disagreements between participants of the scheme
- External disagreements are covered in section 3 on Complaint handling and enforcement

There is no procedure for resolving internal complaints between members of the target group, namely producers of audiovisual media content. There is a complaints procedure for external complaints which is organised by the ERC, the national media regulator.

#### 2.5. Financing
There is no information available on the financing sources for this scheme or on the overall budget involved in running the scheme.

### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism
Complaints should be submitted to the ERC, the national media regulator. The ERC must hear the offender and, should ERC consider the plaintiff is right, promote a conciliatory understanding between the parties or simply pronounce a remedy.

ERC decisions must be followed by the offenders and their executive directors are personally responsible for implementation of the rulings. Both the plaintiff and the offender have the right to recourse to a court of law. The ERC can introduce sanctions.

#### 3.2. Outcome
There does not appear to be any information available on the number of complaints received and resolved.

#### 3.3. Sanctions
The ERC, as the enforcement body for the classification system, can implement sanctions in the form of naming and shaming, and public fines.

### 4. Best practice criteria

#### 4.1. Reach
The main three Portuguese television networks are involved in this scheme but beyond this it is not clear how much of the television industry is reached by this scheme.

#### 4.2. Accessibility
The classification system appears relatively straightforward. It is unclear whether there are other obstacles to participating in the scheme, such as the nature of membership fees or other processes involved in achieving compliance, but they are unlikely to be very high.
**4.3. Effectiveness/impact**
The scheme is not considered very effective; most of the public is not aware of the system and there is no systematic monitoring. The scheme is not evaluated regularly and no evaluations planned.

**4.4. Efficiency**
Due to the overlap between the classification scheme’s objectives and those of the legal system in place, establishing the impact and the efficiency of the scheme is difficult. Additionally there is little information as to the financing of the scheme.

**4.5. Evaluation**
No evaluations have been made for this scheme and none are planned.

**4.6. Implementation issues/ administrative burden**
There seem to be no implementation issues of administrative burdens related to this scheme.

**4.7. Transferability**
Very easily transferable; the scheme is not particularly complicated nor are the monitoring and enforcement systems very complex.

<table>
<thead>
<tr>
<th>Country</th>
<th>Portugal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Agreement on the representation of violence in television</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Acordo sobre a Representação da Violência na Televisão</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>RTP, SIC and TVI</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>RTP, SIC and TVI (the three existing digital terrestrial television channels)</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>1997</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast On-demand audiovisual media service</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Protection of minors</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td></td>
</tr>
</tbody>
</table>

**1. Conception**

**1.1. Participants**
The three major television companies, the RTP, SIC and TVI (digital terrestrial television channels), took the initiative to develop the scheme. These companies were the main stakeholders involved in developing the scheme. Besides the three television broadcasting operators and ERC (the regulator) no other stakeholders were involved in the development of the scheme. Not all relevant stakeholders were involved either as children protection institutions were not part of the development process for this scheme.

**1.2. Openness**
A relatively closed group of stakeholders was involved in developing this code. Additionally, the scheme does not appear to be publically well known or to have been made public as most of the people are not aware of this classification scheme.

**1.3. Good Faith**
Only a few stakeholders were involved in the development of this scheme. There is no evidence to suggest that the
organisations involved did not feel respected or represented during the development process.

### 1.4. Objectives

The main challenge this classification scheme seeks to address is to minimise the risk of television programmes containing inappropriate content being viewed by children and other minors (e.g.: pornography, violence). The classification of television programmes aims at making an orientation for selecting age appropriate shows available to consumers and educators.

Besides this, no concrete objectives were developed, nor any targets set. No specific indicators were developed either to measure the progress being made towards the existing objectives of the scheme. That being said, the main objective of the scheme is considered to be straightforward and clear enough for the code to function.

### 1.5. Legal Compliance

The scheme is compliant with existing national legislation.

### 2. Implementation

#### 2.1. Iterative improvements

There are no systematic, formalised processes in place for improving the scheme. There are also no plans to improve the current classification system. The last revision of the scheme was in 2006.

#### 2.2. Monitoring

The national public authority, the ERC is formally in charge of monitoring compliance and the performance of the classification scheme. However, in practice there are no systematic monitoring systems in place.

#### 2.3. Evaluation

No evaluations have been carried out, nor are any planned.

#### 2.4. Resolving disagreements

For internal disputes amongst signatories there are no systems for resolving disputes in place.

#### 2.5. Financing

The scheme is financed by private television broadcasting companies. However the exact budget and distribution of the financing is not known.

### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

There is a complaints resolution mechanism in place for this scheme. Complaints should be submitted to the ERC, the national media regulator. The ERC must hear the offender and, should ERC consider the plaintiff to be right, promote a conciliatory understanding between the parties or simply pronounce a solution.

ERC decisions must be followed by the offenders and their executive directors are personally responsible for implementing the rulings. Both the plaintiff and the offender have the right to recourse to a court of law.

#### 3.2. Outcome

There is no data available on the complaints with sufficient detail to be broken down by violation types.

#### 3.3. Sanctions

The types of sanctions used are indirect in nature, namely faming, shaming and blaming. However, no entity monitors this and the enforcement responsibility is not legally assigned to any official body. The sanctions are therefore not considered to be very effective for achieving the objective of the scheme.
<table>
<thead>
<tr>
<th>4. Best practice criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.1. Reach</strong></td>
</tr>
<tr>
<td><strong>4.2. Accessibility</strong></td>
</tr>
<tr>
<td><strong>4.3. Effectiveness/impact</strong></td>
</tr>
<tr>
<td><strong>4.4. Efficiency</strong></td>
</tr>
<tr>
<td><strong>4.5. Evaluation</strong></td>
</tr>
<tr>
<td><strong>4.6. Implementation issues/ administrative burden</strong></td>
</tr>
<tr>
<td><strong>4.7. Transferability</strong></td>
</tr>
</tbody>
</table>

### Romania

<table>
<thead>
<tr>
<th>Country</th>
<th>Romania</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>The Code of Advertising Practice</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Codul de practica in publicitate</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Consiliul Roman pentru Publicitate</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Romanian Advertising Council (RAC)</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>1999</td>
</tr>
</tbody>
</table>
**1. Conception**

### 1.1. Participants

The Romanian Advertising Council (RAC) and its 70 members elaborated the Code of Advertising Practice. The members encompass most industry sectors in Romania, such as alcohol, food, cosmetics or telephone companies, as well as industry associations and advertising agencies. The participation of stakeholders from a diverse range of sectors during the elaboration of the Code assured sufficient level of representation and contributed to the successful development of the Code. Nevertheless, while the public authority (National Audiovisual Council) recognised RAC’s work, they were not involved in the elaboration of the Code. Furthermore, RAC does not represent consumers, hence the absence of consumer organisation participation. Therefore, a large proportion of the industry was represented, but civil society and consumer stakeholders were not.

### 1.2. Openness

The elaboration of the Code was limited to RAC members, i.e. industry representatives. Therefore the conception of the Code was not shared with the public until its publication, which means that the development process was not open to the all interested stakeholders. Indeed, not all points of view were taken into account during the conception of the Code, and the openness of the process was therefore limited to the industry sector.

### 1.3. Good Faith

All of the RAC’s members had a say in the development of the Code, and were free to draft an Annex with more specific rules for their sector (e.g. alcoholic beverages or food supplements) if they felt that the Code did not sufficiently go into detail. There are currently seven annexes: beer (two annexes), alcohol, food, food supplements, cosmetics, and food and drink products high in fat or salt or sugar for children. Therefore, the level of good faith among RAC members seemed to be satisfactory. Indeed, a variety of sector representatives were involved, and some went beyond the Code to draft specific rules to better regulate their sector, proving their deep involvement.

### 1.4. Objectives

The main objectives of the Code are:
- to protect the consumers’ interests;
- to protect the general public interest against any negative consequences from commercial communication;
- to ensure the necessary framework for fair competition in the market.

The main objectives are clear and unambiguous, and are in line with those of the EASA Charter and the AVMS Directive. Therefore, stakeholders who comply with the Code are aware of the goal they are striving towards. However, there are no
specific indicators defined for these objectives, nor are any
targets established to reach, which makes it difficult to evaluate
the impact of the Code on the advertising sector in detail.

<table>
<thead>
<tr>
<th>1.5. Legal Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Code is based on EASA’s best practices, as well as on relevant national legislation, specifically the national Law no148/26.07.2000 regarding publicity. In addition, the Code is reviewed every two years so as to check whether it still complies with the relevant legislation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.1. Iterative improvements</strong></td>
</tr>
<tr>
<td>The Code is reviewed every two years based on EASA’s best practices, the types of complaints received, and the feedback from the RAC’s members. Therefore, the scheme is improved on a regular basis to ensure that it is in keeping with the current situation in the marketing sector. The RAC’s members input is considered as valuable in improving the Code. The suggestions and comments given are taken into account, and used to determine areas of improvement. However, while consumer complaints are taken into account in the process, consumers cannot directly suggest areas of improvement. Therefore, the improvement process is to some extent limited to the recommendations from the industry sector. RAC Members can provide feedback for areas of improvement. The recommendations must be approved by the General Assembly before being integrated in the Code by the Technical Committee. The RAC’s Technical Committee is in charge of elaborating the final text of the Code. It takes any possible amendment suggestions as approved by the General Assembly of the RAC into account.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>2.2. Monitoring</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Monitoring of the scheme is not formally conducted. However RAC members provide feedback regarding areas of improvement for the Code. RAC members give recommendations on how the scheme can better achieve its objectives based on the complaints they have had to address. These are then approved by the General Assembly before being integrated in the Code by the Technical Committee. In addition, the Code is compared to EASA’s best practices, and modified accordingly. However, as the Code lacks targets and indicators, the monitoring process is at a small scale, and does not allow for a systematic assessment of the progress being made towards the objectives.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>2.3. Evaluation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The evaluation of the Code is carried out through the improvement of the Code. In this process, weaknesses are identified and the overall satisfaction of members and consumers (through an analysis of the types of complaints received) is determined. This is conducted on a regular basis (every two years). However, the impact of the Code is not formally assessed. It is only deduced from the complaints received and how they were addressed by offending advertisers. There does not appear to be a systematic evaluation procedure.</td>
</tr>
</tbody>
</table>
### 2.4. Resolving disagreements

- **Internal disagreements between participants of the scheme**
- **External disagreements** are covered in section 3 on Complaint handling and enforcement

If a member of the RAC has breached the Code, and the Ethics Committee has made a decision (e.g. to modify the advertisement), the member has five working days to implement this decision. If this is not done within this time, the RAC will discuss with the member involved so as to ensure that they have understood the sanction. The RAC will then advise the member on how to implement the decision in the most satisfactory manner. Therefore, disagreements are dealt with peacefully, through advice and communication. With the help of the RAC’s council and its Copy Advice, the offender and the RAC’s board have always come to a mutual agreement and application of the decision.

### 2.5. Financing

The largest source of finance are the annual membership fees. In addition, public funds are provided by the government. Another source of finance is the Copy Advice provided to non-members. The annual budget is € 77,000.

### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

Regarding external complaints about the Code, the RAC is in charge of enforcing the Code and handling complaints through its Ethics Committee. A complaint is fully dealt with within ten days after being received, as RAC acts fast on these matters. Furthermore, members of the Ethics Committee are selected based on their expertise with the issue at hand and to avoid conflicts of interest. This provides for a more objective resolution mechanism. Complaints are dealt with in a satisfactory manner for both the complainant and the accused, and the RAC ensures that the decision is implemented. Furthermore, sanctioning appropriate to the degree of the offence is selected. This can lead to membership exclusion from the RAC, creating another incentive to comply with the Code. The complaints resolution mechanism is very well structured within the Code, with deadlines for each step (assessment, establishment of the Ethics Committee, Ethics Committee meeting, decision, implementation of the decision, etc.). This mechanism is respected and followed by the RAC members. However, only complaints towards RAC members are subject to sanctioning; non-members are free not to observe the RAC’s decision. That being said, many non-members implement the decision as the RAC is recognised by the government and non-members are able to seek RAC’s council when implementing the decision.

#### 3.2. Outcome

The number of complaints received in recent years were: 119 in 2012, 138 in 2013, 139 in 2014, and 100 in 2015. The complainant and the accused parties are both notified once the decision has been made. The accused then has 5 days to implement the decision, and can ask RAC for advice on how to do this, whether they are members or not. According to RAC, the outcome is satisfactory in almost all the cases, as the decision are quickly applied by accused parties where necessary.

#### 3.3. Sanctions

Sanctions for non-compliance with the Code range from naming and shaming to membership exclusion (if the offender is a RAC
### 4. Best practice criteria

#### 4.1. Reach

While the Code mostly applies to RAC members, it is not limited to them. Indeed, non-members can be the subject of complaints. Therefore, many actors in the marketing sector are being reached. The 70 members do not cover all the stakeholders in the sector, and additional members would be required to expand the reach of the Code.

#### 4.2. Accessibility

The Code is available to download freely in its entirety on the RAC's website. All stakeholders and consumers have access to it, and it is also translated in English. Therefore, it is easily accessible to all.

#### 4.3. Effectiveness/impact

The Code directly participates in the establishment of a recognised self-regulation system in the advertising sector. However, the lack of specific targets for the Code reduces the ability to establish to what extent the Code reaches its overall objectives. Indeed, the objectives are not measurable.

#### 4.4. Efficiency

The scheme can be considered as cost-effective as the regulation is actively in place, while complaints can be lodged for free, and only RAC members pay membership fees. The multiple sources of funding provide added financial security, and the fact that the target group finances the largest part of the Code acts as a higher incentive to comply with it. Furthermore, complaints are dealt with very quickly compared to the National Audiovisual Council (within 10 days), which shows the level of efficiency regarding the decision-making process.

#### 4.5. Evaluation

While there is an effective iterative feedback and improvement process in place for the industry sector, formal evaluations of the scheme is lacking due to the absence of a more systematic monitoring system. No operationalised objectives are in place with defined indicators and targets. It is therefore difficult to clearly know if the objectives are being reached. Furthermore, the lack of feedback from consumers through for instance, consumer organisations limits the evaluation process of the Code.

#### 4.6. Implementation issues/administrative burden

The implementation process was straightforward. There have been no administrative burdens identified in the implementation and development of the Code, or in the decision-making process.

#### 4.7. Transferability

Some aspects that are not accepted in Romania may be accepted in other Member States due to cultural differences and vice versa. The scheme is the result of the collaboration of Romanian stakeholders for Romanian consumers. When elaborating the scheme, other Member States were not taken into consideration. However, the efficient and quick decision-making process as well as the enforcement mechanism of the Code can be transferable to other Member States and sectors. Furthermore, the country would need to set up a council that
the State would have to recognise, which might be time-consuming and lead to administrative burden depending on the country’s policy. In addition, while the long-term costs would be low, during the set-up phase both the new organisation and the government would have to financially invest in the process.

<table>
<thead>
<tr>
<th>Country</th>
<th>Romania</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Deontological Code</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Cod Deontologic</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Asociatia Română de Comunicatii Audiovizuale (ARCA)</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Romanian Association for Audiovisual Communications</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>2006</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast Radio broadcast</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Protection of minors</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td></td>
</tr>
</tbody>
</table>

1. Conception

1.1. Participants

ARCA and its members developed the Deontological Code. ARCA’s members consist of 63 broadcasters, with 60 TV stations and 168 radio stations, and is the largest association of broadcasters in Romania. Therefore, the broadcasting sector was well represented when the Code was drafted, including broadcasters of various sizes and involving different sectors. However, consumer organisations and civil society groups were not involved in the process. Therefore, their views on what was needed to be regulated were not taken into account.

1.2. Openness

The conception of the Code was limited to ARCA and its members. Its development was not known to the general public or to other stakeholders. However, when the National Audiovisual Council (CNA, public authority) was aware of the drafting of the Code and encouraged it so as to promote self-regulation in the broadcasting industry.

1.3. Good Faith

While ARCA’s members all had the possibility to contribute to the drafting of the Code, most of it was drafted by ARCA’s board. However, implementing the Code, the members consider it as their own and comply with it.

1.4. Objectives

- List objectives
- Analysis for criterion

The scheme’s objectives are not stated within the Code. However, according to ARCA, the Code aims to encourage broadcasters to provide higher quality programmes to the public.
The objectives of the Code are not set out concretely, as they do not explicitly figure within the Code. There are no operationalised objectives in place and no indicators or target to use to monitor the progress of the scheme. While the objectives are known by ARCA and the broadcasters who comply with the Code, the lack of clarity does not ensure that all the members work towards the same targets.

### 1.5. Legal Compliance

During the conception of the Deontological Code, all existing national legislation on broadcasting was taken into account. Furthermore, the Code was created so as to provide additional rules towards more ethical broadcasting in Romania, and does not duplicate existing legislation.

### 2. Implementation

#### 2.1. Iterative improvements

Areas for improvement were only identified once since the creation of the Code, in light of CNA’s Decision No 286 of 14 April 2011, requiring all broadcasting companies to adopt a code of self-regulation and make it publicly available. Furthermore, there is no regular improvement process, and areas for improvement within the Code are not identified.

#### 2.2. Monitoring

- **Statement on whether stated objectives are monitored.**
- **Analysis of monitoring process**

The Code’s objectives are not monitored, as there is no monitoring process in place. Consequently, achievements are difficult to measure, and the effectiveness of the Code cannot be formally assessed.

#### 2.3. Evaluation

The performance of the scheme has not been evaluated, due to the lack of monitoring and enforcement. There is little information available to judge the effectiveness of the Code.

#### 2.4. Resolving disagreements

- **Internal disagreements between participants of the scheme**
- **External disagreements are covered in section 3 on Complaint handling and enforcement**

There is no monitoring or enforcement process in place, and disagreements regarding the Code are not dealt with formally. Members of ARCA can exchange thoughts but there is no formal way of resolving disagreements about the Code, as these do not occur due to the freedom left to broadcasters regarding the application of the Code.

#### 2.5. Financing

The exact amount of funding dedicated to the scheme is not known as it is included in ARCA’s total budget, and the amount spent on activities in relation to the Code is not recorded. ARCA receives public funding.

### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

As the scheme is not enforced, and ARCA cannot receive complaints regarding offences to the Code, there is no complaint resolution mechanism. This affects the effectiveness of the Code, as compliance cannot be verified and consumer satisfaction cannot be assessed. Therefore, while broadcasters may appear to comply with the Code, this may not be the case, and there is currently no way to establish the extent of compliance.

#### 3.2. Outcome

As complaints cannot be received, no comment can be made on
### 3.3. Sanctions

ARCA has no legal power to sanction breaches in advertisements in connection with the Code, nor to identify these offences as complaints cannot be received.

### 4. Best practice criteria

| 4.1. Reach | The Code is publicly available on ARCA’s website, and is promoted by all broadcasters who comply with it, as they are legally required to publish their Code (usually via their website). ARCA’s members (over 200 broadcasters, including the largest ones in Romania) comply with the Code, which attests its reach. |
| 4.2. Accessibility | As the Code provides additional guidelines to what is already available in legislation, it is helpful to broadcasters who wish to fully commit to ethical broadcasting. The Code is easily accessible to all, as it is available for free on ARCA’s website, and all broadcasters who comply with it are legally required to make it available on their own website. Furthermore, ARCA is promoted on the public authority National Audiovisual Council’s website. Therefore, everyone can access the Code in its entirety. |
| 4.3. Effectiveness/impact | There is no method of measuring the extent to which the objectives have been reached, as there is no monitoring or enforcement system. Therefore there is little insight as to the impact of the Code on the industry or on consumer satisfaction. The Code does however provide additional guidelines to current legislation, which can be effective in helping broadcasters to provide more ethical broadcasting content. |
| 4.4. Efficiency | The costs related to the running of the scheme appear to be minimal. However, this could also be linked to the fact that few activities are carried out, as there is a lack of enforcement and monitoring. As the exact level of financing which goes into the functioning of the scheme is not known, it is not possible to judge its efficiency. |
| 4.5. Evaluation | The lack of data available to assess the performance of the Code does not allow for its evaluation, therefore it is difficult to improve it and observe how the objectives are met. |
| 4.6. Implementation issues/ administrative burden | The Code is easily implemented by broadcasters, who are only required to publish it on their website once they have taken it on. Furthermore, broadcasters are free to concentrate on specific areas of the Code and adapt it to the broadcasting sector they are involved in. There do not appear to be any administrative burdens involved in implementing the scheme. |
| 4.7. Transferability | The Code acts as a complementarity tool to existing national legislation in Romania, thus hindering its transferability as not all Member States carry the same legislation. However, having a self-regulatory Code which is adopted by most broadcasters at the national level is an effective method of promoting collaboration in the sector towards more ethical broadcasting content across the country. Having a code owner which is a large association of broadcasters is a practice that
would be transferable to other countries.

1.24 Slovak Republic

<table>
<thead>
<tr>
<th>Country</th>
<th>Slovakia</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Code name</strong></td>
<td>ENG</td>
</tr>
<tr>
<td><strong>NATIONAL</strong></td>
<td>The Ethics Code of Advertising Practice</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Rada pre reklamu (RPR)</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>The Slovak Advertising Standards Council</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>1995</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast</td>
</tr>
<tr>
<td></td>
<td>On-demand audiovisual media service</td>
</tr>
<tr>
<td></td>
<td>All other media</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td></td>
</tr>
</tbody>
</table>

1. Conception

1.1. Participants

The Ethical Code was set up in 1995 and as such no detailed information is available on the conception phase. The initiative was taken by the Club of advertising agencies in Slovakia, the association of outdoor advertising, association of Periodical Press Publishers and the Association of Independent Radio and Television Stations. At present, the participants represent a variety of actors: public authorities, enterprises, trade organisations, and other interest groups. Tens of agencies active in advertising are represented by their associations, and major clients ordering adverts and the media also participate. Furthermore, evidence indicates that all relevant participants were included. That being said, consumer groups were not involved.

1.2. Openness

The Council was set up over 20 years ago and no detailed information is available on the involvement of stakeholders in the conception phase.

1.3. Good Faith

A diverse group of stakeholders was involved in developing the Code, though the exact roles of each stakeholder type is not known. Participating organisations do so voluntarily. In addition the members are involved in the organisation of the Council. The Plenary Assembly is the supreme body of the Council. Each member is represented by their legitimate representative at the Plenary Assembly. The Plenary Assembly is competent to carry decisions in all matters concerning the activity of the Council. Each member has one vote when voting at the Plenary Assembly. The Control Commission is the auditing body of the Council. It is mainly responsible for auditing and managing the allocation
of the Council budget. The Control Commission consists of three (3) members. The Committee is the body of the Council, which is exclusively competent to issue fines. The Committee consists of at least seven (7) members.

<table>
<thead>
<tr>
<th>1.4. Objectives</th>
<th>The Slovak Advertising Standards Council’s primary goal is to maintain ethical promotion, particularly in advertising. For the purpose of achieving this goal the Council issues a Code of Ethics for advertising activities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>List objectives</td>
<td>There are no formal, operationalised objectives, nor any targets or indicators in place for the code.</td>
</tr>
</tbody>
</table>

| 1.5. Legal Compliance | The Ethics Code of Advertising Practice is not related to specific national laws. However, the Council became the institution from which bodies supervising adherence to the law (such as the regional Trade Licensing Offices, the Ministry of Health of the Slovak Republic, Ministry of Culture of the Slovak Republic, the Ministry of Economy of the Slovak Republic, etc.), may request expert opinions concerning practical applications of Act No. 147/2001 Coll., on advertising. |

<table>
<thead>
<tr>
<th>2. Implementation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1. Iterative improvements</td>
<td>No reiterative or feedback processes are in place. The Council’s practical activity of evaluating submissions or execution of expert opinions concerning the issue of adverts can be affected by inaccuracies in or the ambiguity of the Code. In such cases, the Arbitration Committee will present an operational interpretation and propose further detail or specification to be added to the text of the Code.</td>
</tr>
<tr>
<td>2.2. Monitoring</td>
<td>There is no monitoring mechanism in place.</td>
</tr>
<tr>
<td>2.3. Evaluation</td>
<td>No evaluation or review has been held, nor is one planned. The culture of evaluation in the Slovak Republic is at a very low level, which is chiefly demonstrated by the low number of evaluations in general.</td>
</tr>
<tr>
<td>2.4. Resolving disagreements</td>
<td>In case of internal disputes, the Council has an Arbitration Committee which judges disputable cases and issues a statement. This statement is subsequently reviewed by the Council’s collective bodies.</td>
</tr>
<tr>
<td>2.5. Financing</td>
<td>Besides the financial contributions from the Council’s members, the Council also charges for a preliminary opinion on commercial communications before their dissemination (Copy Advice). The revenue from this service is allegedly marginal in comparison with the financial contributions from the members. The exact size of the budget is not publicly available.</td>
</tr>
</tbody>
</table>
### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

The Council’s main purpose is dealing with external complaints concerning the non-compliance of advertisements with the Code of Ethics. The Slovak Advertising Standards Council is only authorised to initiate a decision-making process (a process for hearing the complaint) in compliance with the Rules of Procedure of the Slovak Advertising Standards Council, namely in the following cases:

- if it receives a complaint against a specific advertisement (such a complaint may be submitted by any natural person or legal entity or government body)
- at its own initiative if the Council becomes convinced that a specific advertisement may be in violation of any of the provisions of the Advertising Code.

A protest may be filed against the results of the judgement process and the Council subsequently decides whether to acknowledge or deny the protest against the results of the judgment process.

#### 3.2. Outcome

The Council classifies complaints concerning the non-compliance of an advert with the Code of Ethics in the following categories:

- women in advertising, sexism
- comparative, misleading or deceptive advertising
- consumer protection

The number of complaints during the last few years were as follows: 114 in 2012, 103 in 2013, 83 in 2014, and 59 in 2015. All complaints were resolved.

From the perspective of the actors making the complaints, on average 40 - 50 % of submitted complaints were solved in a satisfactory way by the Arbitrary commission. Opinions and conclusions from the Slovak Advertising Standards Council are, with very few exceptions, respected by the affected stakeholders.

#### 3.3. Sanctions

The sanctions used is faming, shaming and blaming. If there is a violation, the case can also be handed over to legal action.

### 4. Best practice criteria

#### 4.1. Reach

The variety of parties involved indicates that there is a high reach of the Code amongst the target group. The Code is also voluntarily adhered to by non-members of the Council, who also use the Copy Advice system to evaluate planned advertising campaigns.

#### 4.2. Accessibility

There do not appear to be major accessibility issues. Members and non-members alike adhere to the Code.

#### 4.3. Effectiveness/impact

The self-regulatory scheme has been a stable institution in the advertising scene for 20 years, and participates in its development.

Procedures to assess compliance with the Code are consistent, and decision making procedures and results are consistent.

The Council is the recognised arbiter in the field of advertising and advertisers handle their opinions on controversial cases very responsibly.

Self-regulation forms a counterbalance to the essential
measure of regulation by legal regulations. During the existence of the Slovak Advertising Standards Council (20 years), a balanced situation has been established between essential legal regulation and self-regulation. The broader political objective of self-regulation is the promotion of an ethical environment without the need for outside interference. It is generally agreed amongst stakeholders that functioning self-regulatory mechanisms are desirable. The system demonstrates all the positive aspects of self-regulation and has been in operation for 20 years. It is respected by clients ordering advertisements and the Council’s respect in the advertising community is also generally quite high. Even though the results of the decision-making process are not legally binding, the affected parties respect them. They only apply the right to file a protest in exceptional cases. The Slovak Advertising Standards Council’s Rules-Code are also voluntarily adhered to by non-members of the Council, who use the opportunity to have the compliance of their advertisements with the Code be evaluated in advance. The Slovak Advertising Standards Council is a member of the European Advertising Standards Alliance (EASA).

Weak aspects are related to the unenforceability of the results of the self-regulation decision-making process. The number of positive findings, which are not quite a legal offence, and which are ceded to the Trade Licensing Office is around 40%. In most cases the submission is found groundless and the advertisement complies with the Code.

The main success factor of the scheme is that a wide range of stakeholders participate in the Council. Tens of agencies active in the advertising are represented by their associations. Regulation through the self-regulatory body is faster, more flexible and cheaper than enforcement through the courts.

| 4.4. Efficiency | As far as the financial claims are concerned, the advertising self-regulation system is very economical. The financing of activities is independent from public budgets and is based on the contributions of Council´s members. Economic activities (Copy Advice) are non-essential in terms of financing.

The Council operates with minimum administrative costs, and the apparatus consists of an executive director and the director’s assistant. Contributions by members and fees for Copy Advice are the only sources of funding. |

| 4.5. Evaluation | No evaluations are carried out, nor are any planned. It is unclear to what degree internal monitoring of the Council’s activities or the Code takes place. |

| 4.6. Implementation issues/ administrative burden | Some of the implementation issues are related to the unenforceability of the results of the self-regulation decision-making process. No other implementation issues were reported. |

| 4.7. Transferability | The Code is considered very easily transferable. Most countries have an industry body for the media and advertising sectors which undertakes extra measures to supplement legal statutes |
on media, broadcasting, or unfair commercial practices. As such, and given the fact that running the Code does not involve monitoring or reiterative processes, it does not seem to require a large investment in resources to establish this scheme. The scheme was developed in a relatively straightforward manner and as such, seems quite transferable.

1.25 Slovenia

<table>
<thead>
<tr>
<th>Country</th>
<th>Slovenia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name</td>
<td>Slovenian Code of Advertising Practice (SCAP).</td>
</tr>
<tr>
<td>Code name</td>
<td>Slovenski oglaševalski kodeks</td>
</tr>
<tr>
<td>Name of the</td>
<td>Slovenska oglaševalska zbornica- SOZ</td>
</tr>
<tr>
<td>organisation in own language</td>
<td>The Slovenian Chamber of Advertising.</td>
</tr>
<tr>
<td>Name of the</td>
<td>The Slovenian Chamber of Advertising.</td>
</tr>
<tr>
<td>organisation in English</td>
<td>2009</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>Television broadcast On-demand audiovisual media service All other media</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td>The Code explicitly mentions alcoholic beverages, tobacco and tobacco products, medical products and devices, food and non-alcoholic beverages, health and beauty products and motor vehicles. Services are represented by gambling and games of chance. The Code also mentions political advertising.</td>
</tr>
</tbody>
</table>

1. Conception

1.1. Participants

The SCAP was developed by the Code Task Force, an ad-hoc group, which was coordinated by the Slovenian Advertising Chamber (SOZ). It involved government bodies and NGOs. As such, a wide range of actors was involved in the development of the scheme. The Code brings together the whole advertising industry, clients (economic operators), advertising agencies and media. In addition, during its development, it also involved representatives of users (consumers) and the legislator, thus taking into account these interests as well.

1.2. Openness

The Code was developed by a wide range of actors, engaged in the National Code Task Force. The development of the Code appears to have involved all stakeholders willing to take part in the process. However, the Slovenian Society for Public Relations (PSPR) claimed that it was not involved in the preparation of the Code. Therefore, PSPR is critical as to the definition of advertising, namely that it excludes public relations.

1.3. Good Faith

Organisations involved in the Code Task Force were well respected, informed and involved in drafting the Code. It should be understood, however, that the Code is a
compromise among a range of different, often conflicting interests. It is, therefore, difficult to judge objectively whether all stakeholders were properly involved and all their interests were properly addressed.

1.4. Objectives
- List objectives
- Analysis for criterion

The Code strives to ensure that advertisements in all media are legal, decent, honest and truthful, protecting people and helping them, business, and society towards a better trust in advertising.

The objective (goal) of the Code as a self-regulation act, is ensuring that advertising:
- Is unlimited in its constructive creative freedom within the boundaries of the protected rights of third parties;
- Follows the morals and principles of honesty and fairness;
- Is responsible to individuals, groups and the society as a whole, with special attention given to the characteristics of highly vulnerable groups (e.g. children and minors);
- Respects the fundamental principles of fair competition;
- Is aesthetic in its form of presentation and conforms to the requirements of the cultural environment;
- Is to the least possible extent additionally regulated by mandatory provisions adopted by public authorities;
- Is respectful towards the Slovenian language.

The objectives appear to be concrete enough to achieve some broader policy goals. However, no operationalised objectives are in place, nor are there any targets or indicators defined to monitor the progress of the scheme towards its goals.

1.5. Legal Compliance
The Slovenian Code of Advertising Practice (SCAP) is directly associated with the following laws:
- Act Regulating the Sanitary Suitability of Foodstuff; Products and Materials Coming into Contact with Foodstuffs
- Consumer Protection Act;
- Consumer Protection against Unfair Commercial Practices Act;
- Mass Media Act;
- Protection of Competition Act;
- Radiotelevizija Slovenija Act;
- Restriction of the Use of Tobacco Products Act.

2. Implementation
2.1. Iterative improvements
There are no reiterative or feedback processes in place.

2.2. Monitoring
- Statement on whether stated objectives are monitored.
- Analysis of monitoring process

According to the Slovenian Advertising Chamber, achievements of the objectives are not monitored systematically. The Chamber itself has no financial or human resources available to carry out systematic monitoring. To some extent, and in accordance with its capacities and resources, the Code is monitored by the Slovenian Consumers Association.

2.3. Evaluation
No evaluation or review has taken place yet. The code-owner has no resources available for a systematic evaluation. However, it collects comments from its members, follows the legislation, and monitors the implementation of the
Code through the work of the Advertising Arbitration Court. Since new legislation was adopted or amended in the field of advertising, (in 2011, 2013 and 2015), the Advertising Chamber plans to start an evaluation in the near future.

**2.4. Resolving disagreements**  
- Internal disagreements between participants of the scheme  
- External disagreements are covered in section 3 on Complaint handling and enforcement

Disputes between actors involved in the Slovenian Code of Advertising practice are addressed by the Advertising Arbitration Court. The Court rules on complaints concerning the compliance of published advertisements with the Code. It also imposes measures in accordance with its Rules of procedure.

**2.5. Financing**  
There is no data available on the distribution of financing or annual budget.

### 3. Complaint handling and enforcement

**3.1. Functioning of complaint resolution mechanism**  
The same procedure of addressing internal complaints applies to external complaints.

**3.2. Outcome**  
Between the 2012 to 2015, between 9-13 complaints were received annually.  
Complaints:  
- 2012: 10 (5 resolved)  
- 2013: 10 (3 resolved)  
- 2014: 13 (6 resolved)  
- 2015: 9 (5 resolved)  
The most common types of complaints in 2014 and 2015 included complaints filed by legal persons, in most cases competitors (nine complaints), while four complaints were filed by consumers. Most complaints related to misleading advertising, often with elements of direct or indirect comparative advertising. Most complaints concerned advertising of food products, which were followed by telecommunication services.

**3.3. Sanctions**  
The following sanctions are used:  
- Faming, shaming and blaming;  
- Judicial sanction;  
- Other, namely:  
  - Public shaming (e.g. press release)  
  - Request for corrigendum  
  - Public appeal to withdraw or suspend the advertisement  
  - Notifying responsible authorities for further measures, e.g. the Market Inspectorate in case where possible violation of a legal act is discovered.  
The Advertising Arbitration Court has no legislative power; therefore, its decisions have no legal consequences. Despite this, decisions of the Court are respected. For instance, in case of a justified complaint, the advertiser is invited to withdraw the advertisement, and it has never happened that the advertiser did not respect the decision.
## 4. Best practice criteria

### 4.1. Reach
A wide range of actors was involved in developing the scheme. They were gathered in an ad hoc working group (the Code Task Force), which was coordinated by the Slovenian Advertising Chamber (SOZ) and involved the above mentioned actors. The reach can therefore be considered to be relatively good.

### 4.2. Accessibility
There appear to be no major accessibility issues.

### 4.3. Effectiveness/impact
The scheme is considered to be quite effective in achieving the scheme’s objectives. The work of the Advertising Arbitration Court is considered quite good and is widely accepted, also by governmental bodies.

The fact that the number of inappropriate advertisements is growing cannot be attributed only (or at all) to the Code. However, the prevailing ethical values of the industry resulting also from their efforts to increase a competitive edge in a small market should also be considered. This is not considered to be attributable to the Code, as it results from the fact that the whole area of advertising in Slovenia is not regulated in a clear, transparent way.

One of the strengths of the Code (adopted in 2009), was the fact that it regulated some issues that had not been regulated earlier (e.g. food in advertisements targeted at children, environmental issues). After the adoption of the Audiovisual Media Services Act in 2011, this feature of the Code became less important.

### 4.4. Efficiency
There are no data available on the cost of development, implementation, monitoring and evaluation, and enforcement of the co-regulation scheme.

### 4.5. Evaluation
No evaluation or review has taken place yet.

The code-owner has no resources available for a systematic evaluation. However, it collects comments from its members, follows the legislation and monitors the implementation of the Code through the work of the Advertising Arbitration Court.

Since new legislation was adopted in the field of advertising (2011, 2013 and 2015), the Advertising Chamber plans to start an evaluation in the near future.

### 4.6. Implementation issues/administrative burden
The main issues regarding implementation are the lack of resources for monitoring and systematic evaluation. Besides this there are no major issues regarding the implementation.

### 4.7. Transferability
It is not clear whether the current Slovenian co-regulation concept as a whole is readily transferable to any other region or country. The main barriers to implementing the scheme in other member states may include:

- First, respective national legal framework already in place, i.e. what is already regulated, where and how; which are connections between individual legal acts; and

- Second, it is necessary to attain agreement among all main stakeholders on what needs to be regulated by law. In Slovenia, it is suggested that the law should regulate at the product (standards for dangerous products/services, e.g. for high fat, salt sugar contents in food with low-nutrition...
value), and the consumer (several age groups of children and minors based) elements;

- Third, it is assumed that transferability of the scheme would significantly depend on the structure of the economy in a country.

<table>
<thead>
<tr>
<th>Country</th>
<th>Spain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>AUTOCONTROL Advertising Code of Conduct</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Código De Conducta Publicitaria de AUTOCONTROL</td>
</tr>
</tbody>
</table>

If relevant: specific or thematic codes under general code

This is a General Code. This Code is complemented by several agreements signed between AUTOCONTROL and Public Authorities (26 agreements) and agreements between AUTOCONTROL and sectoral organisations (14 agreements). Additionally, AUTOCONTROL developed Sectorial Advertisement Codes that reinforced advertising self-discipline in several business sectors (16 sectoral codes):


10. Advertising on medicines for the general public: Code of Ethics for the promotion and advertising of drugs authorised without medical prescription not financed by the National Health System and other products for health self-care from the Association for Health Self-care (ANEF - Asociación para el Autocuidado de la Salud) (2007).


<table>
<thead>
<tr>
<th>Name of the organisation in own language</th>
<th>Asociación para la Autorregulación de la Comunicación Comercial (AUTOCONTROL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of the organisation in English</td>
<td>Spanish Association for Self-regulation of Commercial Communication (AUTOCONTROL)</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>1996</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast On-demand audiovisual media service All media that deal with advertising</td>
</tr>
</tbody>
</table>
1. Conception

1.1. Participants

The code was developed in 1996 by AUTOCONTROL, the Spanish advertising self-regulatory organisation. AUTOCONTROL was created in 1995 in order to manage the advertising self-regulation system in Spain. It is a non-profit self-regulatory organisation composed of advertisers, advertising media agencies, media, and professional associations related to the advertising industry in Spain. It was the Advertising Industry which took the initiative to set up AUTOCONTROL and to develop this Code. Thus, the main participants are enterprises from the advertising industry, and AUTOCONTROL owns the code.

1.2. Openness

AUTOCONTROL is a non-profit self-regulatory organisation, recognised by the public authorities. AUTOCONTROL consists of 470 direct members and 4,000 indirect members representing approximately 70% of the advertising investment in Spain. In this way, a relatively diverse set of professional and industry interests are involved in developing the scheme. Though other stakeholders can easily access the Code through an open complaints system, no consumer groups, NGOs, or public authorities were involved in the actual development of the Code.

1.3. Good Faith

The organisations which have made (and still make) the biggest efforts in developing the scheme are the enterprises in the advertising industry. In the case of the sectorial codes, enterprises (or related trade organisations) in those specific sectors also play a key role. The processes of developing the codes in Spain appears to be good. The members have agreed to comply with the Code rules voluntarily and pay for the fees established for it.

1.4. Objectives

The main objective of Spanish Advertising Code of Conduct is to establish ethical rules that apply to all advertising communication activities. Therefore, the main aim of AUTOCONTROL and its Advertising Code of Conduct is to make advertising activity legal, honest, fair and truthful. More precisely, and as established by the Advertising Code of Conduct, the specific objectives of AUTOCONTROL are:

- To draw up advertising codes of ethics, both general and sectorial, which cover the basic rules of conduct that are to be respected in advertising activities.
- To settle controversies and conflicts.
- To draw up reports and studies of any type or form on issues concerning advertising, when requested either by a member or by a third party.
- To place itself on the court record in order to defend the

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4 [http://www.autocontrol.es/pdfs/folleto Ingles.pdf](http://www.autocontrol.es/pdfs/folleto Ingles.pdf)
purposes of the AUTOCONTROL and general interests, in compliance with the advertising legislation in force in Spain.

- To collaborate actively with Public Offices, Public Bodies and International Entities to ensure that advertising adheres to the rules under which it is governed, as well as to carry out requests, draw up proposals, carry out suggestions, or issue reports for those organisations and authorities in advertising issues.
- To contribute to the development and improvement of Spanish advertising legislation.
- To work actively with national and international associative organisations which are of interest for the purposes of the AUTOCONTROL.
- Any other activities that are complimentary to or arise as a result of the aims detailed above.

The objectives do not include targets for the objectives to achieve, and no indicators were defined to measure and monitor the performance of the code. However, based on the research conducted for this scheme, a number of indicators are used to measure the activity of AUTOCONTROL (e.g. number of complaints, sanctions, etc.). These indicators are also used to monitor the functioning of this scheme. However, these indicators do not appear to directly measure the objectives defined above.

### 1.5. Legal Compliance

The Advertising Code of Conduct has its legal basis in several Spanish national laws relating to advertising practices, unfair competition and the law on audiovisual communication. Thus, this Code reinforces existing laws and supports compliance with the legislation in place.

### 2. Implementation

#### 2.1. Iterative improvements

The last adjustment of the scheme took place in 2011. The Monitoring Commission of the Code holds an annual meeting and it revises the Code and decides if it is necessary to introduce modifications or adjustments in relation to recent technological or media advancements, or legal changes, etc.

#### 2.2. Monitoring

The institution responsible for monitoring the Advertising Code of Conduct is AUTOCONTROL itself. There are three main tools for carrying out the monitoring process:

1. Voluntary prior control (pre-launch control service), based on the issuing of Copy Advice. AUTOCONTROL checks if advertising campaigns comply with the applicable laws and ethical codes before public broadcasting. This process is voluntary, confidential and non-binding. The advertiser, the agency or the media can ask for a Copy Advice assessment.
2. The decision-making process of the Advertising Jury, when a complaint has been submitted.
3. The proactive monitoring process: AUTOCONTROL checks a sample of certain types of advertisements, such as all the advertisements in a particular sector and during a particular period for their compliance with the Code.

#### 2.3. Evaluation

AUTOCONTROL carries out an internal evaluation of the application of the Code on an annual basis. Additionally, they
elaborate annual reports which present AUTOCONTROL’s annual activities. All this information is presented at their Annual Meeting and published on the AUTOCONTROL website, in order to promote transparency.

<table>
<thead>
<tr>
<th>2.4. Resolving disagreements</th>
<th>Internal disagreements between participants of the scheme are resolved internally by the governing bodies of AUTOCONTROL and the Monitoring Commission of the Code. In the particular case of sectorial codes, it is the specific Monitoring Commission for each code which decides how to resolve disagreements.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.4. Resolving disagreements</strong></td>
<td>Internal disagreements between participants of the scheme are resolved internally by the governing bodies of AUTOCONTROL and the Monitoring Commission of the Code. In the particular case of sectorial codes, it is the specific Monitoring Commission for each code which decides how to resolve disagreements.</td>
</tr>
<tr>
<td><strong>2.5. Financing</strong></td>
<td>The implementation of the scheme is financed by the contributions or fees paid by members, as well as by the amounts collected via the provision of services (Copy Advice, assessment, training, etc.). The actual amount of the budget was not disclosed.</td>
</tr>
<tr>
<td><strong>3. Complaint handling and enforcement</strong></td>
<td>Concerning external disagreements, any interested party can submit a complaint. These can be companies or trade organisations, individual consumers or consumer organisations, public administrations, etc. This is a free system for users, their associations, public administrations and the members of AUTOCONTROL. The Advertising Jury is an independent body in charge of solving complaints submitted on advertising issues. Its decisions are binding for AUTOCONTROL members. Its activity is based on independence, transparency, and accountability, amongst other principles. The Legal &amp; Technical Team and the Advertising Jury (“Jurado de la publicidad” in Spanish,) are responsible for enforcing the scheme. The Legal &amp; Technical Team is composed of experts on law and advertising ethics. The Jury is fully composed of independent experts from other related sectors: prestigious academics on law, economics, sociology, and commercial communications; retired advertising practitioners; or former civil servants specialised in consumer affairs. In order to ensure their impartiality, the Jury and its members are not directly involved with or members to AUTOCONTROL. 25% of the Jury members are appointed by the Spanish National Institute of Consumer Affairs (INC) - now integrated in the Spanish Agency of Consumer Affairs, Food Security and Nutrition (AECOSAN), as well as independent and prestigious academics, experts in consumer affairs, etc. All the Jury’s decisions are clearly motivated and described, and are published in AUTOCONTROL's monthly magazine and on its website. The procedural rules governing the Jury’s activity are clearly established in its Rules of procedure, which are publicly</td>
</tr>
</tbody>
</table>
### 3.2. Outcome
According to the latest information available, in 2015, the preventive activity of AUTOCONTROL consisted of 27,297 Copy Advices, and legal or ethic consultations. Through its ex-post, proactive monitoring system, the Advertising Jury of AUTOCONTROL resolved 305 claim settlements, and 100 advertisements and websites were revised. Currently, nearly 80% of all complaints received by AUTOCONTROL are submitted by consumers and other citizen organisations, and around 10% are intra-industry complaints. The rest are cross-border cases. All in all, over 3,270 complaints on advertising have been resolved by the Jury since 1996. Around 30.5% of these cases were solved through mediation or acceptance of the dispute within 5 days on average.

### 3.3. Sanctions
The main sanction applied by the Advertising Jury in relation to the Spanish Advertising Code of Conduct is naming and shaming, which consists of making the resolution public (thus having a negative impact on the advertiser’s image).

Other types of sanctions can include:
- Modifying or taking the advertising campaign off the market.
- In particular sectors, there are also economic sanctions or penalties (e.g. in the PAOS Code of Food and Beverage Advertising directed at children).
- Warning and dissemination of the resolution on the AUTOCONTROL website and magazine.
- Expulsion from AUTOCONTROL in case of repeated non-compliance with the Code.
- In case of severe non-compliance, the issue could be transferred to public authorities.

### 4. Best practice criteria

#### 4.1. Reach
Compliance with the Code is voluntary, but those who sign up to the Code must adhere to it. This Code affects AUTOCONTROL members (470 direct members), which are mainly advertisers, advertising media agencies, media and professional associations related with the advertising industry in Spain. AUTOCONTROL estimated that they represent approximately 70% of the advertising investment in Spain.

#### 4.2. Accessibility
The Code is transparent. It is accessible on the website of AUTOCONTROL and it is easy to submit a complaint.

#### 4.3. Effectiveness/impact
The scheme is considered to be highly effective in achieving the scheme’s objectives. This is based on the fact that there is a very high participation in the pre-launch control services (requests for Copy Advice), which promotes compliance with the Code and the relevant legislation, reducing the number of complaints and sanctions required. The self-regulation system established by AUTOCONTROL has become the preferred mechanism for resolving advertising disputes in Spain instead of the Courts of Justice. Since its creation until January 1st 2016, AUTOCONTROL has received approximately 158,000 Copy Advice requests.

According to AUTOCONTROL data, the results from the
monitoring tools for 2014 included:
- Copy Advice: 20,790, classified into 18,706 positive resolutions (90%), 1,567 modified (7.5%), and 517 negative resolutions (2.5%).
- Complaints dealt with by the Advertising Jury: 289 cases resolved
- Monitoring: 204 advertisements and websites were analysed.

The Code pays special attention to the protection of minors. In 2014, there were 3,255 requests for Copy Advice (prior assessment process). 85% of the Copy Advice were positive, 14% underwent some modification, and only 1% of advertisements received the suggestion that they should not be broadcast. All in all, in 2014 approximately 90% of all advertisements directed at minors were revised.

The enforcement process, led by the Advertising Jury is considered to be quite effective. In fact, it is the preferred out-of-court dispute settlement mechanism in Spain for advertising matters.

The main reasons behind its importance are that the Advertising Jury is very fast and carries no costs for consumers. All complaints are resolved quickly (around 14 days on average) compared to 1 year on average through the Courts of Justice. Moreover, it is a specialised body focused on advertising matters.

### 4.4. Efficiency

The Spanish Advertising Code of Conduct seems to be quite efficient. The process is fast and for members, most of the services they can receive are included in the standard membership fee they pay. Furthermore, it is free for consumers to submit a complaint.

### 4.5. Evaluation

AUTOCONTROL carries out an annual internal evaluation of the application of the Code. Additionally, they elaborate annual reports where the activity of the year is described. All these data are presented at their Annual Meeting and published on the AUTOCONTROL website to promote transparency.

### 4.6. Implementation issues/administrative burden

Evidence has not provided any indications of implementation issues.

### 4.7. Transferability

The scheme is considered to be easily transferable to other Member States as no barriers have been detected. That being said, AUTOCONTROL fulfils a range of activities and without insight into its budget and operating costs, it is difficult to judge how transferable a large organisation like this would be to another national context.

AUTOCONTROL Advertising Code of Conduct is based on the International Code of Advertising Practice of the International Chamber of Commerce. Additionally, it follows the model established by EASA (European Advertising Standards Alliance).
<table>
<thead>
<tr>
<th>Country</th>
<th>Spain</th>
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</thead>
<tbody>
<tr>
<td>Code name</td>
<td>ENG</td>
</tr>
<tr>
<td>Code name</td>
<td>Code of self-regulation for audiovisual contents and minors</td>
</tr>
<tr>
<td>Code name</td>
<td>NATIONAL</td>
</tr>
<tr>
<td>Code name</td>
<td>Código de Autorregulación de contenidos televisivos e infancia</td>
</tr>
<tr>
<td>Name of the</td>
<td>Principales cadenas de televisión españolas</td>
</tr>
<tr>
<td>organisation</td>
<td>The main Spanish television networks</td>
</tr>
<tr>
<td>in own</td>
<td>Year the scheme came into force</td>
</tr>
<tr>
<td>language</td>
<td>Media covered</td>
</tr>
<tr>
<td></td>
<td>Primary focus</td>
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<tr>
<td></td>
<td>Specific products covered</td>
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</tbody>
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<table>
<thead>
<tr>
<th>1. Conception</th>
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</thead>
<tbody>
<tr>
<td>1.1. Participants</td>
</tr>
<tr>
<td>1.2. Openness</td>
</tr>
<tr>
<td>1.3. Good Faith</td>
</tr>
</tbody>
</table>
| 1.4. Objectives | The scheme lists a series of goals and rules which it wishes to implement in the sector. The main goals of the Code are as follows:  
- To improve the protection of children as television viewers in their legally established ‘protected times’,  
- To avoid unjustified broadcast messages or unsuitable scenes for children during the protected viewing times (sex, explicit violence and others),  
- To ensure privacy, dignity and security of minors when they appear or are mentioned on TV,  
- To promote parental control and adequate information about television content, |
To spread widely and regularly the contents of the Code through televisions, during spaces with large audience.

There are no operational objectives provided. The policy goals are relatively concrete but stakeholders indicate there are no operationalised objectives. There also do not appear to be targets in place and the indicators (complaints received) appear somewhat limited to measure the progress towards the Code’s goals.

1.5. Legal Compliance

The Code is related to several national laws in Spain, including the Audiovisual Communication Law and the Spanish constitution, which established the protection of minors.

2. Implementation

2.1. Iterative improvements

There are systems in place for regular reflection and evaluation of the Code of Self-Regulation. The Joint Monitoring Commission (JMC), composed of equal parts of television network representatives and social and consumer organisations, has regular meetings throughout the year with members to discuss and analyse the implementation of the code. At the end of each year the JMC presents a report of its activities, as well as the complaints and suggestions received concerning the contents and scheduling of television programmes.

2.2. Monitoring

There are two monitoring organisations. The first is the Self-Regulation Committee consisting of representatives from television networks. This body receives complaints from consumers and members alike and makes a ruling on the complaint. There are clearly defined criteria which have been operationalised explicitly to aid in making a ruling. The JMC (half composed of members from the Self-Regulation Committee and half composed of social and civil organisations), then checks the complaint and ruling made by the SRC. In the case of a breach, the JMC contacts the SRC. The JMC also has the mandate to approach operators where breaches in the content or timing of an advertisement persist. There is a more functional monitoring of the Code, as well as a broader monitoring of how it functions and the overall rate of compliance. That being said, the objectives and goals are not monitored specifically.

2.3. Evaluation

Although regular evaluations are carried out concerning the number of complaints received for which TV companies, the evaluations do not appear to cover progress of the scheme towards achieving its policy goals or its objectives. As such the impact of the scheme does not seem to be evaluated regularly.

2.4. Resolving disagreements

- Internal disagreements between participants of the scheme
- External disagreements are covered in section 3 on Complaint

See below.
### 2.5. Financing

The Code does not seem to generate any costs according to the data collected. The sources of financing and overall budget are not clear.

### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

Complaints can be made by both consumers and industry members. The system for resolving agreements involves a two-tiered approach with the SRC receiving and handling complaints, and the JMC analysing these complaints and the rulings of the SRC. Explicit criteria have been established for judging the complaints received as well. The JMC can approach operators in cases of continued breaches of the Code and the CNMC can implement sanctions in the form of private fines. Though the complaints mechanism appears to work well in its design, the low though growing numbers of complaints could suggest that the Code and its complaint mechanism are not so well known (although this could be changing).

#### 3.2. Outcome

The monitoring mechanisms for the Code keeps track of how many complaints are received, what the cause was, and how these were resolved. Between 2012 and 2014 (at the time of reporting there was no data for 2015), the number of complaints have been relatively low. According to stakeholders, this suggests that the code and the complaint mechanisms are not so well known. Most complaints received are rejected for not having enough foundation, though in 2014, out of 131 complaints, 33 were accepted (which was a jump compared to 2013 were out of 44 complaints, 6 were accepted). The time span required for the complaints resolution is not known. It is unclear whether the complaints were handled in a satisfactory manner for those who made the complaints.

#### 3.3. Sanctions

The first responses of the SRC and JMC are to engage in a dialogue with the non-compliant party to remedy the breach. Where this does not work, sanctions in the form of public fines are implemented. These are enshrined in the General Law on Audiovisual Communication and are enforced by the public authority, the CNMC. This approach to sanctions is considered to be effective. The collaborative first response to a case is a positive feature, but the sanctions used are not established in the Code of Self-Regulation but in a law instead. They are enforced by a public authority which collaborates with the SRC and JMC.

### 4. Best practice criteria

#### 4.1. Reach

The direct target group of the scheme, TV operators and media companies, were reached with this scheme. However, only six of Spain’s larger television networks signed the Code, thus not involving all members of the direct target group.

#### 4.2. Accessibility

The Code has been written in an explicit and systematic manner with criteria for judging commercial messages aimed at children. Potential members can sign up with relative ease. Upon signing the Code one is a member. There do not appear to be (high) membership fees to participating either making the
4.3. Effectiveness/Impact

The CNMC (the public authority) indicates that the scheme is effective because TV companies agree together with other stakeholders, on how to make their media content appropriate to children. There is a point of origin approach which appears to be effective as the content aimed at children is improving in quality. There are no concrete analyses of the impact of the scheme however.

4.4. Efficiency

There was little information available on the financing of this scheme and as such judgments on the efficiency of the scheme are difficult to make.

4.5. Evaluation

Although regular evaluations are carried out on the number of complaints received and for which TV companies, the evaluations do not appear to cover progress of the scheme towards achieving its policy goals or its objectives. As such the impact of the scheme is not evaluated regularly.

4.6. Implementation issues/administrative burden

There do not appear to be any major implementation issues regarding the scheme. Discussions are being held on whether the scope should be extended to cover content which can be viewed on mobile phones and personal devices.

4.7. Transferability

The scheme is relatively easy to transfer. Most EU Member States have self-regulatory organisations in place as well as a public media authority. Setting up a body such as the Joint Monitoring Commission and other relevant bodies could involve extra administrative and financial resources if introduced in another country, but there is little insight into the exact level of resources required to do so. Developing the Code and having organisations involved on the other hand seems relatively straightforward to transfer to another national context.

1.27 Sweden

<table>
<thead>
<tr>
<th>Country</th>
<th>Sweden</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>The Swedish Advertising Ombudsman</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Reklamombudsmannen (RO)</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Reklamombudsmannen</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>The Swedish Advertising Ombudsman</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>2009</td>
</tr>
</tbody>
</table>
| Media covered | Television broadcast  
On-demand audiovisual media service  
All types of media are covered |
<p>| Primary focus | Commercial communication |
| Specific products covered? |</p>
<table>
<thead>
<tr>
<th>1. Conception</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.1. Participants</strong></td>
</tr>
<tr>
<td><strong>1.2. Openness</strong></td>
</tr>
<tr>
<td><strong>1.3. Good Faith</strong></td>
</tr>
<tr>
<td><strong>1.4. Objectives</strong></td>
</tr>
</tbody>
</table>

- List objectives
- Analysis for criterion
### 1.5 Legal Compliance

The Reklamombudsmannen is related to: the Radio and TV act (SFS No. 2010:696); the Tobacco act (SFS no. 1993: 581); the Marketing Act (SFS no. 2008:486); the Breast Milk Substitute and Infant Formula Act (SFS no. 2013:1054).

There is no reason to suspect any issues with regard to legal compliance.

### 2. Implementation

#### 2.1 Iterative improvements

A feedback process is built into the system for handling complaints where the advertiser is given the opportunity to give a statement regarding each complaint regarding the advertisement in question. Furthermore, the RO receives feedback from the general public, but no specific structure exists for collecting general feedback.

### 2.2 Monitoring

- **Statement on whether stated objectives are monitored.**
- **Analysis of monitoring process**

There is no formal monitoring system in place.

### 2.3 Evaluation

There has not been any formal evaluation. Only the annual report on the ROs activities is developed and made available.

### 2.4 Resolving disagreements

- **Internal disagreements between participants of the scheme**
- **External disagreements are covered in section 3 on Complaint handling and enforcement**

Internal disputes are almost non-existent but if a dispute would occur it would be solved by consulting the by-laws.

### 2.5 Financing

Financing comes from fees or contributions from the target group. The annual budget is 7,850,000 SEK (837,876 EUR).

### 3. Complaint handling and enforcement

#### 3.1 Functioning of complaint resolution mechanism

A description of the procedures in case of a complaint is available, including deadlines to be adhered to when processing a complaint.

A complaint is received and a judgment is made on whether it is well founded. If this is the case, the advertiser in question is approached for comment by the RO, and the RO Jury must decide on the appropriateness of the advertiser’s response. If the non-compliant behaviour is not remedied, the Jury takes a decision. In each scenario, all parties are informed and decisions are made public. In every scenario an appeal can be made against the decision within four weeks.

#### 3.2 Outcome

The most common are complaints regarding sexually discriminatory commercial advertisement. In 2014, 664 complaints were received, out of which 285 were resolved. However, many complaints regard the same commercial and this should be borne in mind when analysing complaints information for the RO.

All complaints are read and handled in one way or another. The
RO writes personalised answers to every actor who files a complaint with the organisation. 46% of the resolved cases in 2014 resulted in a "conviction" of the commercial. In this regard, a little less than half of the complaints could be said to be resolved in a satisfactory manner from the perspective of the actor filing the complaint.

### 3.3. Sanctions
Faming, shaming and blaming is the type of enforcement used. This is considered quite effective. Most serious actors in the business follow the verdicts of the RO and the RO functions as a relevant complement to the legal framework. (Moreover, some advertisers even retract an advertisement as soon as a complaint is filed, even before a verdict is given by the RO jury.)

### 4. Best practice criteria

#### 4.1. Reach
Public authorities, trade organisations, consumer organisations and enterprises from all industries were involved in the development of the scheme. This indicates a high reach of the target group.

#### 4.2. Accessibility
There do not appear to be any major accessibility issues.

#### 4.3. Effectiveness/impact
RO is considered to be quite effective. The RO is respected by relevant stakeholders such as the authorities, trade-organisations, and consumer organisations. Most serious actors in the business seem to follow the verdicts of the RO and the RO functions as a relevant compliment to the legal framework.

#### 4.4. Efficiency
Stakeholders indicate that the RO is an efficient organisation and when looking at the amount of cases handled by the RO, it can be considered to be an efficient organisation.

#### 4.5. Evaluation
There has not been any formal evaluation, only annual reports of the RO’s activities are developed and published.

#### 4.6. Implementation issues/administrative burden
There do not appear to be any major implementation issues. An issue indirectly related to implementation is that the RO relies on complaints, and this can be problematic if the general public is unaware of the existence of the RO and its rules, and therefore do not file complaints with the organisation.

#### 4.7. Transferability
The RO is considered to be easily transferable. The scheme itself is based on Consolidated ICC Code of Advertising and Marketing Communication Practice (ICC, 2011) and because this code is international and already accepted by a wide range of actors the scheme should be easily transferable.

Part of the legitimacy of the RO stems from the cultural context in Sweden where citizens and companies generally trust public authorities and follow the decisions made by authorities. Though the RO is not a public authority it functions as an extension of the public authorities by further supplementing legislation and supporting the sector. In countries where citizens have less trust in public authorities the RO scheme might not be as effective. Furthermore the financing system which is based on voluntary contributions based on the revenue of companies might not be as easy to implement in countries where private sector companies have low trust in each other.
1.28 United Kingdom

<table>
<thead>
<tr>
<th>Country</th>
<th>United Kingdom</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code name ENG</td>
<td>Broadcast Committee of Advertising Practice Code (BCAP Code)</td>
</tr>
<tr>
<td>Code name NATIONAL</td>
<td>Broadcast Committee of Advertising Practice Code (BCAP Code)</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Advertising Standards Authority (ASA)</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Advertising Standards Authority (ASA)</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>2004</td>
</tr>
<tr>
<td>Media covered</td>
<td>Television broadcast</td>
</tr>
<tr>
<td></td>
<td>Radio broadcast</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td>Alcohol, Food, Medicine, E-cigarettes, Gambling, etc. (including advertising of those products to under 18s)</td>
</tr>
</tbody>
</table>

1. Conception

1.1. Participants
The statutory regulator, the Office of Communications (Ofcom) and the private self-regulator of advertising communication, the Advertising Standards Authority (ASA), were the main initiators for the establishment of the scheme. After creating the proposal for new regulation of commercial communications in broadcasting, Ofcom conducted a consultation that allowed a range of interested stakeholders to get involved and express their concerns, or support, of the scheme. The list of participants contained almost a hundred responses and included stakeholders representing the interests of consumers, the advertising, media, broadcasters, press, food, alcohol and pharmaceuticals industries, the broadcasters, etc. Among those who contributed were the National Consumer Council (NCC), the Consumers’ Association, Mediawatch-UK, the National Family and Parenting Institute (NFPI), the National Heart Forum, etc.

1.2. Openness
The BCAP Code was developed in an open manner which is evident from the fact that every possible stakeholder could participate through the consultation. As outlined above, the co-regulators allowed a wide range of stakeholders (including, consumer and interest organisations, enterprises and industry representatives, etc.) to get involved in the development process.

1.3. Good Faith
The level of good faith held by stakeholders while developing this process appears to be good. This was reflected in stakeholder contributions to the consultations that accompanied the development and reviews of the BCAP Code.
### 1.4. Objectives

- List objectives
- Analysis for criterion

"The overarching principles of this BCAP Code are that advertisements should not mislead or cause serious or widespread offence or harm, especially to children or the vulnerable" (BCAP, 2014:8). The ASA has seven core objectives (ASA and CAP, 2015):

1. Make every UK ad 'a responsible ad';
2. Protect the vulnerable, particularly children, from inappropriate offensive, harmful or misleading advertising;
3. Continue to implement the strategy Having More Impact: Being More Proactive;
4. Improve management and empower and equip employees;
5. Increase awareness of, and confidence in, the ASA;
6. Help industry comply with the Advertising codes;
7. Begin to implement an updates IT strategy.

The overarching operational objectives of the BCAP code are clear and unambiguous. Indicators, targets and a reflective, systematic monitoring system is in place to monitor the stated objectives.

### 1.5. Legal Compliance

The BCAP Code has its main legal basis in the Communications Act 2003 but it is also strongly aligned with the AVMS Directive. Besides, an extensive list of other legislative documents related to food regulations, children protection, etc. can be included as relevant to commercial communication and the BCAP Code.

### 2. Implementation

#### 2.1. Iterative improvements

Adjustments to the scheme are undertaken continuously based on new research and emerging issues. Areas for improvement are identified through research, reviews, consultations and surveys.

As required by the Memorandum of Understanding (Ofcom, 2004), customer satisfaction surveys run every six months. An Annual awareness survey should be published in the ASA’s annual report.

Besides these processes, the ASA has annual meetings with Ofcom where performance of the Codes is discussed. In addition, every month ASA and Ofcom attend executive meetings that discuss policy issues.

#### 2.2. Monitoring

- **Statement on whether stated objectives are monitored.**
- **Analysis of monitoring process**

ASA and Ofcom have shared responsibility to monitor the performance of the BCAP Code. The monitoring framework is commonly agreed through the Memorandum of Understanding (MoU) between Ofcom, ASA, BCAP and Basbof (which manages the ASA budget). In order for Ofcom to monitor the system, ASA/BCAP reports regularly on pre-agreed Key Performance Indicators.

Specific targets are set annually. They are communicated before the start of the period through a public statement by the ASA and consequently evaluated at the end of the period. The process is highly transparent and the results are made available to the general public.

The private co-regulator aims to meet a number of quantitative and qualitative indicators set either by itself or by Ofcom. Quantitative indicators are mainly concerned with the speed of resolving complaints, while qualitative related to transparency,
public awareness, industry participation, independent stakeholders' involvement, appropriate review systems, etc. Performance data are sent to Ofcom on a quarterly basis. To assure the transparency of the process, ASA and BCAP publish an annual statement every year in October. The statement sets out ASA's performance for the past period and its objectives and targets for the forthcoming calendar year, which often go beyond what's required from them under the MoU.

2.3. Evaluation

The Annual Reports published by ASA are one source of evaluation material as they signal to the Ofcom whether the scheme continues to be effective in regulating the industry. A major evaluation by Ofcom is conducted every 10 years. The outcome of it determines whether the existing contractual arrangement between ASA and Ofcom would be renewed for another 10 years period.

In addition to that ASA also conducts its own reviews on the effectiveness of the scheme. Those can be described as ongoing due to the fact that ASA conducts a large amount of internal research into the regulatory needs in certain product markets, etc. and is also as willing to consider external research from other interested organisations. Such information is then used to review the goodness of fit of the Code and make the relevant adjustments. Reviews of this type were conducted in the areas of food and alcohol in 2005-07.

2.4. Resolving disagreements

Complaints are generally handled by ASA. It has produced a set of procedures governing the handling and resolution of complaints (in accordance with Section 325 of the Act). With a few exceptions, the procedures for internal and external complaints are almost the same. See below.

2.5. Financing

The implementation of the scheme is financed by contributions or fees paid by the industry. A levy of 0.1% is applied to advertising space costs. This approach assures that industry stakeholders contribute proportionately to their advertising activities. Basbof collects the fees. This guarantees that the anonymity of the contributors is preserved, which in turn protects the independence of ASA. The budget was said to be around € 4 million for 2014.

3. Complaint handling and enforcement

3.1. Functioning of complaint resolution mechanism

While consumers submit their complaints directly to ASA, if a competitor wants to complain, they should first raise their concerns with the advertiser in question. A five day period is allowed for the competitor to respond. In the cases where no response is received or no agreement could be reached, the complainant can submit the complaint to ASA. Complaints must be made within three months of the marketing communication's appearance, although in exceptional circumstances complaints about older marketing
communications will be considered. The ASA Council is the independent jury that is solely responsible for deciding if the Advertising Codes have been breached. The composition of the Council members, including independent individuals, consumer, industry and other relevant representatives, ensures that stakeholder interests are well accounted for, while the rules governing their activities guarantee that decisions are evidence based.

Both advertisers and complainants can request a review of the ASA Council decision if they disagree with the outcome. Both sides have 21 days to ask the Independent Reviewer of ASA Adjudications to review the case, starting from the day the final decision was announced. This option aims to assure that all cases are resolved objectively and in a fair manner.

3.2. Outcome

In 2015, ASA investigated approximately 8,000 complaints in broadcasting. The majority of complaints submitted relate to misleading advertising. Data regarding broadcasting complaints from the last two years indicates that around 30% of all received complaints are referred to the ASA Council, while the rest were dismissed without the need for further investigation. Around 60% of all formally investigated complaints were upheld and 11% were withdrawn.

The large majority of the complaints (80% or over) are resolved within the recommended case time period for the type of complaint. On a very few occasions ASA failed to meet the 80% target in relation to resolving complex cases. Nevertheless, in those instances the performance was just slightly under the targeted 80%.

Research indicates that complaints are resolved in a satisfactory manner. The large number of informal investigations (over 40%) which are based on persuasion and consensus, suggests that the industry is often willing to cooperate and voluntarily undertake the necessary actions required by the regulator. It should be noted that Ofcom retains legislative backstop powers as a measure of last resort and this might be an additional explanation for the exhibited strong compliance levels.

3.3. Sanctions

ASA is a non-statutory body and as a result it cannot impose fines, nevertheless, this does not appear to be affecting the effectiveness of the rules’ enforcement by the private co-regulator.

Broadcasters are obliged due to a conditional requirement included in their broadcast licensing agreements to enforce ASA rulings. If they are found to repeatedly in breach of the Code, broadcasters could be referred to Ofcom by the ASA. Ofcom can impose fines and even withdraw their licence to broadcast. Nonetheless, those measures of last resort are hardly ever deployed.

The ASA is rather focused on bringing compliance rather than punishing advertisers. Advertisers can face bad publicity because of an upheld complaint or loose potential revenues.
because of a banned ad. Those negative impacts of non-compliance are seen as fairly strong motivators for the industry to comply. While the non-fine based sanctions demonstrate strong effectiveness, Ofcom acts as a legislative backstop which is said to help enhance compliance.

### 4. Best practice criteria

#### 4.1. Reach

A diverse range of stakeholders, including different industry representatives, consumer interest groups, broadcasters and advertisers, were all involved in the development of the BCAP Code, indicating a good level of reach among the main target group.

#### 4.2. Accessibility

The clear and well defined provisions of the Code make it very accessible to stakeholders, making it easy for them understand and apply the scheme. In addition, the copy advice services provided by ASA makes the implementation of the rules of the Code easier. This suggests a strong level of accessibility.

#### 4.3. Effectiveness/impact

One of the broader policy goals of BCAP is to successfully implement effective self- and co-regulation. Having regulation enforced by a single organisation, the ASA appears to have enhanced the consistency of the scheme across media channels. Past evaluations point to the fact the scheme is effective in achieving its objectives.

The scheme is consistently found to meet its targets with relation to speed and effectiveness of complaint resolution, transparency, visibility, etc. For example, ASA generally resolved over 90-95% of the complaints within the year in which they were received. Nevertheless, in order to further increase the speed of response and complaint resolution the ASA recently started to work on a set of Prioritisation Principles, which were developed through a pre-consultation procedure with other regulatory bodies, consumer groups and business groups.

#### 4.4. Efficiency

The BCAP appears to be cost effective. One of the reasons is that it is an industry funded scheme which means that public funds are not used for it. Additionally, the size of ASA and the fact that it regulates advertising across all media channels allows it to explore economies of scale. Given the size of the UK advertising industry, this suggests that the scheme is capable of delivering good value for money. According to Ofcom, the fact that ASA is strongly independent and has successfully developed a good funding structure based on a voluntary levy collection, are some of the most prominent strengths of the scheme.

#### 4.5. Evaluation

The BCAP code is evaluated both by Ofcom and the ASA. The ASA conducts regular reviews and evaluations of all of its advertising codes and its own internal performance. Some of the outputs of those evaluations include the quarterly report on performance indicators as well as in the Annual report. To ensure a common understanding of the performance needs and targets, the ASA attends monthly meetings with Ofcom where both regulators have the chance to discuss existing or emerging
policy and market issues. Besides this the ASA conducts its own research to ensure that emerging issues or covered and taken up in adjustments to the scheme.

### 4.6. Implementation issues/ administrative burden

There do not appear to be any major implementation or administrative issues surrounding the BCAP Code. Though the organisations Ofcom and ASA are well resourced and have a large mandate, they have grown so organically over the years and as such there appear to be no large administrative issues at work.

### 4.7. Transferability

The national characteristics of individual Member States do matter significantly. The UK regulatory system of commercial communication is very complex and literal transferability might be difficult. Regarding the financial, human and organisational resources some of the requirements might be too demanding for a small country with a smaller media landscape, or a country with little experience in self- or co-regulation. In the case of the BCAP code, even though the UK’s regulatory scheme for broadcast advertising was only established in 2004, the ASA existed as a self-regulator in non-broadcast advertising for over four decades before. This made it much easier to implement such a scheme in broadcast advertising, suggesting that the presence of a large, well-recognised and trusted regulator could be a factor enhancing transferability of the scheme in another country. Generally speaking, transferability is likely to strongly depend on the industry’s and the statutory regulator’s readiness for a co-regulatory scheme.

<table>
<thead>
<tr>
<th>Country</th>
<th>United Kingdom</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Code name ENG</strong></td>
<td>The Committee of Advertising Practice Code (CAP code)</td>
</tr>
<tr>
<td><strong>Code name NATIONAL</strong></td>
<td>The Committee of Advertising Practice Code (CAP code)</td>
</tr>
<tr>
<td>Name of the organisation in own language</td>
<td>Advertising Standards Authority (ASA)</td>
</tr>
<tr>
<td>Name of the organisation in English</td>
<td>Advertising Standards Authority (ASA)</td>
</tr>
<tr>
<td>Year the scheme came into force</td>
<td>1961; 2011 (extended online remit)</td>
</tr>
<tr>
<td>Media covered</td>
<td>On-demand audiovisual media service Non-broadcast media (e.g. print and cinema)</td>
</tr>
<tr>
<td>Primary focus</td>
<td>Commercial communication</td>
</tr>
<tr>
<td>Specific products covered?</td>
<td>Alcohol, Food, Medicine, E-cigarettes, Gambling, etc. (including advertising of those products to under 18s)</td>
</tr>
<tr>
<td>1. Conception</td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td><strong>1.1. Participants</strong></td>
<td>The statutory regulator, the Office of Communications (Ofcom) together with the private self-regulator of advertising communication, the Advertising Standards Authority (ASA), were the main initiators for the establishment of the scheme following the publication of the Byron Review (2008) and the Buckingham Report (2009) which highlighted growing concerns about children’s vulnerability in the online space. The list of participants included stakeholders representing the interests of consumers, the advertising, media, broadcasters, press, industries etc. While consumer organisations were much less represented than industry organisations at the initial stage of delegation of powers, the consequent major consultation conducted by ASA in 2010 assured a balanced stakeholder representation.</td>
</tr>
<tr>
<td><strong>1.2. Openness</strong></td>
<td>The CAP Code was developed over many years. The last review of 2010 was conducted in an open manner which is evident from the fact that every possible stakeholder could participate. A wide range of stakeholders (including, consumer and interest organisations, enterprises and industry representatives, etc.) were involved in the development process. The large number of received responses to proposed adjustments also suggests that interested stakeholders were aware of the proposed changes and took the opportunity to support it or challenge it.</td>
</tr>
<tr>
<td><strong>1.3. Good Faith</strong></td>
<td>The level good faith held by stakeholders while developing this process appears to be good.</td>
</tr>
</tbody>
</table>
| **1.4. Objectives** | The ASA has seven core objectives (ASA and CAP, 2015):  
1. Make every UK ad ‘a responsible ad’;  
2. Protect the vulnerable, particularly children, from inappropriate offensive, harmful or misleading advertising;  
3. Continue to implement the strategy Having More Impact: Being More Proactive;  
4. Improve management and empower and equip employees;  
5. Increase awareness of, and confidence in, the ASA;  
6. Help industry comply with the Advertising codes;  
7. Begin to implement an updates IT strategy.  
There seems to be no specific objectives for the CAP Code. |
| **1.5. Legal Compliance** | The CAP Code has its main legal basis in the Communications Act 2003 but it is also strongly aligned with the AVMS Directive. |
| 2. Implementation |  |
| **2.1. Iterative improvements** | Adjustments to the scheme are undertaken continuously based on new research and emerging issues. Areas for improvement are identified through research, reviews, consultations and surveys. Besides this, the ASA has annual meetings with Ofcom where performance is discussed. In addition, every month, the ASA |
and Ofcom attend executive meetings that discuss policy issues.

### 2.2. Monitoring
- Statement on whether stated objectives are monitored.
- Analysis of monitoring process

With relation to VOD, both the statutory and the private regulators conduct monitoring of the CAP Code. Apart from the frequent reviews aiming to assess the goodness of fit of the regulatory scheme undertaken by Ofcom approximately every two years, ASA reports on its performance indicators on a quarterly basis. Additionally, ASA and the CAP publish an annual statement every year in October. The statement sets out ASA’s performance for the past period and its objectives and targets for the forthcoming calendar year.

### 2.3. Evaluation

The Annual Reports published by ASA are one source of evaluation material as they signal whether the scheme continues to be effective in regulating the industry. Ofcom has also conducted regular reviews of the delegation of regulatory powers in relation to VOD services. In addition to this, ASA also conducts its own reviews on the effectiveness of the scheme. Those can be described as ongoing due to the fact that ASA conducts a large amount of internal research into the regulatory needs in certain product markets, etc. The ASA is also as willing to consider external research from other interested organisations, which is then used to review the goodness of fit of the Code, and make the relevant adjustments.

### 2.4. Resolving disagreements
- Internal disagreements between participants of the scheme
- External disagreements are covered in section 3 on Complaint handling and enforcement

Complaints are generally handled by the ASA, which has produced a set of specific procedures governing the process. With a few exceptions, the procedures for internal and external complaints are almost the same. See below.

### 2.5. Financing

The implementation of the scheme is financed by contributions or fees paid by the industry. A levy of 0.1% is applied to advertising space costs. This approach ensures that industry stakeholders contribute proportionately to their advertising activities. The Advertising Standards Board of Finance (Asbof), an independent from ASA body, collects the fees. This guarantees that the anonymity of the contributors is preserved, which in turn protects the independence of ASA. The annual budget is € 7,152,631.

### 3. Complaint handling and enforcement

#### 3.1. Functioning of complaint resolution mechanism

The ASA Council is the independent jury that is solely responsible for deciding if the Advertising Codes have been breached. The composition of the Council members, including independent individuals, consumer, industry and other relevant representatives, ensures that stakeholder interests are well accounted for, while the rules governing their activities guarantees that decisions are evidence based. Both advertisers and complainants can request a review (by an independent reviewer) of the ASA Council decision if they
disagree with the outcome. This option aims to assure that all cases are resolved objectively and in a fair manner. While consumers submit their complaints directly to ASA, if a competitor wants to complain, they should first raise their concerns with the advertiser. A five day period is allowed for the competitor to respond. In the cases where no response is received or no agreement could be reached, the complainant can submit the complaint to ASA.

### 3.2. Outcome

In 2014, ASA investigated approximately 17,000 complaints in non-broadcasting (and likely reviewed as many which were subsequently dismissed). The majority of submitted complaints relate to misleading advertising. Data regarding complaints in the last two years indicates that around 30% of all received complaints are referred to the ASA Council, while the rest were dismissed without the need for further investigation. Nearly 80% of all formally investigated complaints were upheld and 10% were withdrawn. According to the available data, 95% or over of the complaints received by ASA are resolved within the same year. ASA’s annual reports indicate that complaints are resolved in a satisfactory manner. The large number of informal investigations (around 60%), which are based on persuasion and consensus, suggests that the industry is often willing to cooperate and voluntarily undertake the necessary actions required by the regulator.

### 3.3. Sanctions

There are several CAP Code sanctions, which can be employed in different circumstances. The CAP can issue alerts to its members to withhold access to advertising, withdraw trading privileges, require pre-vetting of marketing material and Ad Alerts. The CAP Code can issue alerts to its members, including the media, advising them to withhold services such as access to advertising space. As measure of last resort, ASA can refer cases for further sanctions to Trading Standards or Ofcom.

### 4. Best practice criteria

#### 4.1. Reach

The strong efforts by the ASA (dating back to the 80s) to popularise its activities among the general public has increased the awareness of the scheme. While the overall ASA accessibility is strong, the co-regulator admits that there is a need for further efforts to be put in this direction, making sure that ASA’s profile is well recognised across a wide audience. The reach amongst the target group (advertisers across media forms) appears to be good.

#### 4.2. Accessibility

The CAP Code seems to be largely accessible. The Code and guidance documents as well as research from ASA are all presented on its website and that of the CAP. The Code is thus easily accessible for companies and industry organisations which must implement it. Besides, ASA also provides reviews for companies and the advertisements they wish to disseminate, improving the accessibility of the Code.

#### 4.3.

One of the broader policy goals of CAP Code is to successfully
### Effectiveness/Impact

Implement effective self- and co-regulation. Having regulation enforced by a single organisation appears to have enhanced the consistency of the scheme across media channels.

The scheme seems effective in achieving its objectives. The scheme has established codes that correspond to concerns about harmful and misleading advertising and have won the support of the industry.

The ASA is more focused on bringing compliance rather than on punishing advertisers. The negative impacts of non-compliance are seen as fairly strong motivators for the industry to comply. While the non-fine based sanctions demonstrate strong effectiveness, the existence of legislative backstop in the face of Ofcom is certainly enhancing compliance.

The scheme is consistently found to meet its targets in relation to speed and effectiveness of complaint resolution, transparency, visibility, etc.

### 4.4. Efficiency

The CAP Code appears to be cost effective. One of the reasons is that it is an industry funded scheme which means that public funds are not used for it. Additionally, the size of ASA and the fact that it regulates advertising across all media channels allows it to explore economies of scale. Last year, ASA investigated approximately 17,000 complaints in non-broadcasting (and likely reviewed as many which were subsequently dismissed) with a budget of around 7 million euro, which suggests that the scheme is capable of delivering good value for money. The fact that ASA is strongly independent and has successfully developed a good funding structure, based on a voluntary levy collection, are prominent strengths of the scheme.

### 4.5. Evaluation

The CAP Code is evaluated both by Ofcom and ASA. The ASA conducts regular reviews and evaluations of all of its advertising codes and its own internal performance. A regular review of the CAP Code is conducted to check whether the regulation is still suited to structuring the online media and non-broadcast media. The ASA also conducts annual reviews of its own internal processes, has monthly meetings with Ofcom to discuss contentious or emerging issues in the market, and has annual meetings with Ofcom to discuss performance as a whole. Besides this the ASA conducts its own research to ensure that emerging issues or covered and taken up in adjustments to the scheme.

### 4.6. Implementation issues/administrative burden

There do not appear to be any major implementation or administrative issues surrounding the CAP Code. The industry appears to be satisfied with the way in which ASA is managing enforcement of the code and there are hardly any complaints of the scheme in this regard.

### 4.7. Transferability

The UK regulatory system of commercial communication is very complex and the literal transferability might be difficult. Regarding the financial, human and organisational resources required for the CAP Code might be too demanding for a small country with smaller media landscape or a country with little...
experience in self-and co-regulation. In the case of the CAP code, the ASA existed as self-regulator for over four decades before. This made it much easier to extend the scope to online (VOD) advertising, suggesting that the presence of a large, well-recognised and trusted regulator could be a factor enhancing transferability of the scheme in another country. Generally speaking, transferability is likely to strongly depend on the industry’s and the statutory regulator’s readiness for a co-regulatory scheme.
## 2 Appendix 2 Interviewees

### 2.1 Interviews EU stakeholders

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Interviewees</th>
</tr>
</thead>
<tbody>
<tr>
<td>EASA - European Advertising Standards Alliance</td>
<td>Oliver Gray</td>
</tr>
<tr>
<td></td>
<td>Chiara Odelli</td>
</tr>
<tr>
<td>IAA - International Advertising Association</td>
<td>Carla Machiotti</td>
</tr>
<tr>
<td>EDAA - European Interactive Digital Advertising Alliance</td>
<td>Oliver Gray</td>
</tr>
<tr>
<td></td>
<td>Ionel Naftanaila</td>
</tr>
<tr>
<td>EACA - European Association of Communications Agencies</td>
<td>Stevan Randjelovic</td>
</tr>
<tr>
<td>Better Internet for Kids</td>
<td>Hans Martens</td>
</tr>
<tr>
<td>Alcohol Policy Youth Network</td>
<td>Daša Kokole</td>
</tr>
<tr>
<td>EUCAM - The European Centre for Monitoring Alcohol Marketing</td>
<td>Irma Kilim</td>
</tr>
<tr>
<td>EPHA - European Public Health Alliance</td>
<td>Nikolai Pushkarev</td>
</tr>
<tr>
<td>EUROCARE</td>
<td>Mariann Skar</td>
</tr>
<tr>
<td>ICC – International Chamber of Commerce</td>
<td>Anders Stenlund</td>
</tr>
<tr>
<td>WFA – World Federation of Advertisers</td>
<td>Adam Gagen</td>
</tr>
<tr>
<td>FEDMA - Federation of European Direct and Indirect Marketing</td>
<td>Mathilde Fiquet</td>
</tr>
<tr>
<td>DG Connect, Unit G4 - Better Internet For Kids Initiative</td>
<td>Martra Manuela</td>
</tr>
<tr>
<td>Vodafone Group</td>
<td>Paul Cording</td>
</tr>
<tr>
<td>Mediaset</td>
<td>Carolina Lorenzon, Giovanna Lazzarini</td>
</tr>
<tr>
<td>EGTA – European Association of Television and Radio Sales Houses</td>
<td>Conor Murray, François Lavoir</td>
</tr>
<tr>
<td>EBU – European Broadcasting Union</td>
<td>Wouter Gekiere</td>
</tr>
<tr>
<td>BEUC - the European Consumer Organisation</td>
<td>David Martin</td>
</tr>
<tr>
<td>CIRCOM – European Association of Regional Televsions</td>
<td>Johan Linden, Fernando R. Ojea</td>
</tr>
<tr>
<td>EBU – European Broadcasting Union</td>
<td>Wouter Gekiere</td>
</tr>
<tr>
<td>EGTA – European Association of Television and Radio Sales Houses</td>
<td>Conor Murray, François Lavoir</td>
</tr>
<tr>
<td>ACT in Europe – Association of Commercial Television in Europe</td>
<td>Ms Masa Lampret (ACT in Europe), Mr Jan Vlcek (Nova Group)</td>
</tr>
<tr>
<td>CME- member of ACT</td>
<td>Mr John Millar (CME – Central European Media Enterprises)</td>
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<tr>
<td>ERGA</td>
<td>Prof. Madeleine De Cock Buning, Ms Nienk Meester</td>
</tr>
<tr>
<td>IAB Europe</td>
<td>Sofia Dilinos</td>
</tr>
<tr>
<td>EHN – European Heart Network</td>
<td>Marleen Kestens</td>
</tr>
<tr>
<td>Brewers of Europe</td>
<td>Simon Spillane, Mathieu Schneider</td>
</tr>
<tr>
<td>SpiritsEurope</td>
<td>Laure Alexandre</td>
</tr>
</tbody>
</table>
## 2.2 Interviewees in the Member States

<table>
<thead>
<tr>
<th>Country</th>
<th>Name</th>
<th>Company/Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>Andrea Stoidl</td>
<td>Austrian Advertising Council</td>
</tr>
<tr>
<td></td>
<td>Prof. Dr. Josef Trappel</td>
<td>University of Salzburg</td>
</tr>
<tr>
<td></td>
<td>Corinna Drumm</td>
<td>Austrian Association of Private Broadcasters (VOP)</td>
</tr>
<tr>
<td></td>
<td>Daniela Zimmer</td>
<td>Viennese Chamber of Labor</td>
</tr>
<tr>
<td></td>
<td>Bernhard Jungwirth</td>
<td>OIAT, Internetombudsmann, SaferInternet.at</td>
</tr>
<tr>
<td>Belgium</td>
<td>Bart Du Laing</td>
<td>Jury d’Ethique Publicitaire/ Jury voor Ethische Praktijken inzake reclame</td>
</tr>
<tr>
<td></td>
<td>Dirk Peereeman</td>
<td>Flemish Regulator for the Media (Vlaamse Regulator voor de Media)</td>
</tr>
<tr>
<td></td>
<td>Christian Van Roey</td>
<td>UBA- Union Belge des Annonceurs - Unie van Belgische Adverteerders</td>
</tr>
<tr>
<td></td>
<td>Nikolai Pushkarev</td>
<td>EPHA - European Public Health Alliance</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>Georgie Lozanov</td>
<td>Council of Electronic Media</td>
</tr>
<tr>
<td></td>
<td>Elly Guerganova</td>
<td>National Council for Self-Regulation</td>
</tr>
<tr>
<td></td>
<td>Prof. Veselka Duleva</td>
<td>National Centre of Public Health and Analyses</td>
</tr>
<tr>
<td></td>
<td>Prof. Nelly Ognyanova</td>
<td>Sofia University</td>
</tr>
<tr>
<td></td>
<td>Milena Nikolva</td>
<td>National Network for Children</td>
</tr>
<tr>
<td></td>
<td>Kamelia Nikolova</td>
<td>State Agency for Child Protection</td>
</tr>
<tr>
<td></td>
<td>Anna Goranova</td>
<td>Association of Bulgarian Broadcasters - ABBRO</td>
</tr>
<tr>
<td></td>
<td>Mehti Melikov</td>
<td>National Council for Journalistic Ethics</td>
</tr>
<tr>
<td>Croatia</td>
<td>Robert Tomljenovic</td>
<td>Agency for electronic media</td>
</tr>
<tr>
<td></td>
<td>Tonko Weissmann</td>
<td>RTL Hrvatska d.o.o.</td>
</tr>
<tr>
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## 3 Appendix 3 Core team and ENSR partners

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Effectiveness of self- and co-regulation in the context of implementing the AVMS Directive

APPENDICES

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