

ESOMAR Summary of regulations covering unsolicited contacts (business-to-consumer) January 2010*

Country	Aus	Bel	Czech Rep	Cyp	Den	Fin	FR	Ger	Gr	Hun	Ir	IT	NL	Pol	Por	Rom	Slov	SP	Sw	UK	Arg	Australia	Jap	S-Kor	Mex	NewZ	Sin	Can	USA	
Unsolicited communications																														
Regulations re unsolicited contacts by																														
Phone	yes	yes	no	yes	yes	yes	yes	yes	yes	yes a	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	yes	no	no	no	yes	yes	yes	yes
Mobile	yes	yes	no	yes	yes	yes	yes	yes	yes	yes a	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	yes	no	no	no	yes	yes	yes	yes
Fax	yes	yes	no	yes	yes	yes	yes	yes	yes	yes a	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	yes	na	no	no	yes	yes	yes	yes
e-mail	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes b	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	
Prior permission required for unsolicited commercial contacts by																														
Phone	opt-in	opt-out	n/a	opt-in	opt-out	opt-out	opt-out	opt-in	opt-out	opt-out c	opt-out	opt-in	opt-out	opt-out	opt-out	opt-in	opt-in	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out
Mobile	opt-in	opt-out	n/a	opt-in	opt-out	opt-out	opt-out	opt-in	opt-out	opt-out c	opt-in	opt-in	opt-out	opt-in	opt-out	opt-out	opt-in	opt-in	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out
Fax	opt-in	opt-in	n/a	opt-in	opt-in	opt-in	opt-in	opt-in	opt-in	opt-out	opt-out	opt-in	opt-in	opt-in	opt-in	opt-in	opt-in	opt-in	opt-in	opt-in	opt-out	opt-in	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out
e-mail	opt-in	opt-in	n/a	opt-in	opt-in	opt-in	opt-in	opt-in	opt-in	opt-in d	opt-in	opt-in	opt-in	opt-in	opt-in	opt-in	opt-in	opt-in	opt-in	opt-in	opt-out	opt-in	opt-in	opt-in	opt-out	opt-in	opt-out	opt-in	opt-out	opt-out
Must check against national opt-out list before unsolicited contact for commercial communications by:																														
Phone	no list	yes	n/a	no list	yes	yes	yes	yes	yes	no	yes	yes	yes	no list	yes	yes	no list	no list	yes	yes	yes	yes	yes	no	no list	no list	yes	na	yes	yes
Mobile	yes	yes	n/a	no list	yes	yes	yes	yes	yes	no	yes	yes	yes	no list	no list	yes	no list	no list	yes	yes	yes	yes	no	no list	no list	yes	na	yes	yes	yes
Fax	no list	no list	n/a	no list	no list	no list	no list	yes	yes	no list	yes	yes	no list	no list	no list	no list	no list	no list	no list	yes	na	no list	no	no list	no list	yes	na	no list	na	na
e-mail	yes	no list	no list	no list	no list	no list	no list	yes	yes	no list	no list	yes	no list	no list	no list	no list	no list	no list	no list	yes	yes	no list	no list	no list	no list	no list	na	no list	yes	
Other issues	1		3		4			5	6	7	8	9	11	13	15	16	17	19	20							22			24	
Must check against a national opt-out list before unsolicited contact for MR by:																														
Phone	no	no	no	no	no	no	no	no	no	no	no	opt-in	yes	yes	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no
Mobile	yes	no	no	no	no	no	no	no	no	no	no	opt-in	yes	yes	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no
Fax	no	no	no	no	no	no	no	no	no	no	no	opt-in	no	yes	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no
e-mail	yes	no	no	no	no	no	no	no	no	no	no	opt-in	no	yes	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no
Other issues	2											10	12	14													23			

Sources Singewald Consultants Group BV and national associations VMOE in Austria, SIMAR in Czech Republic, BVM in Germany, HAMRO in Hungary, ASSIRM in Italy, AMAI in Mexico, MRSNZ in New Zealand, PTBRio in Poland.

Notes

* Please note that this is not formal legal advice and whilst every effort has been made to confirm this information, ESOMAR accepts no liability for its accuracy and researchers are advised to do their own due diligence on related matters and local legal advice should be obtained.

- 1&2. No unsolicited contact for advertising purposes allowed for phone and fax, but there is no opt-out list. For mobile (including SMS) and e-mail, opt-in is mandatory and list has to be checked (RTR) for both commercial and market research purposes. Additional comment: § 107 TKG is valid regarding unsolicited contacts (business to consumer)
- 3. A marker is added in the telephone directories noting that the subscriber doesn't want to be phoned for commercial purposes. Comment by association: No opt in or opt out gov. program is utilized in the Czech Republic for either commercial activities nor for market research, of course, many research agencies have their own "black list" of respondents that do not want to be contacted for any kind of research.
- 4. Cold calling for the purpose of selling insurance, rescue services, books and subscriptions for newspapers and magazines is allowed, provided the consumer has not registered with the Robinson list.
- 5. In Germany there is an opt-in system, but you are allowed to call if the consumers details were collected in the context of a sale; the products/services being marketed are similar to those bought by the consumer in this sale, the client has been given the opportunity to object free of charge to receiving future communications. For these reasons there is a Telephone Preference Service list, in which a consumer can indicate that he/she doesn't want to receive calls from certain categories of advertisers. Comments from association: As market research is no commercial contact, relevant regulation does not apply. Industry guidelines & standards may regulate how consumers are approached by researchers (e.g. information requirements, when to call etc.)
- 6. Although there is a partly opt-in system there is a Preference Service MPS, TPS, FPS, eMPS and SMS

7.
 - a. There is no central Preference Service, every company has its own preference service lists. Comment from association: The Hungarian Data Protection Law does not permit the legislation of a national Robinson list, even though it would make both companies' and the population's life easier. For the time being, no such list exists on a national level.
 - b. "Contact by phone is opt-out except automated voice calls which is permission based contact by phone is opt-out except automated voice calls which is permission based (opt-in)
 - c. B2C is permission based (opt-in), B2B is opt-out if general business e-mail addresses are used (e.g: info@, companyname@, etc.)
 - d. Except AVC
 - e. B2C is permission based (opt-in), B2B is opt-out if general business e-mail addresses are used (e.g: info@, companyname@, etc.)"
8. List operated by Irish Communication Regulator, contains opt-out for landlines and opt-in for mobile numbers
9. Since it is opt-in, the preference service list is a mail preference service. Comments by association: Market research is ruled by the Code for Statistics and Scientific Research signed by Assirm with the data privacy authority. MR can call/contact people provided that the study/survey meets the requirements of scientific/statistic research (no commercial activity associated, no interest in respondent at individual level and no impact on him/her as a result of the survey contact).
10. Need because of the Personal Data Protection Code, Legislative Decree no. 196 of 30 June 2003
11. Since 1 October 2009 there is a mandatory Do not call register.
12. The Dutch Market Research Association runs a "Do not call research" filter for prior unannounced market research by telephone
- 13&14. In Poland there is a list called "Lista Robinsona" for commercial communications by mail. Lista Robinsona for commercial communications is provided by "Stowarzyszenie Marketingu Bezpośredniego". For market research there is a list called "Lista Robinsona". Lista Robinsona for market research is provided by "Organizacja Firm Badania Opinii i Rynku"
15. In Portugal there are no mobile list's (Directories)
16. A Preference Service System is being developed, company suppression lists are used now
17. There is a Mail Preference List
- 18&19. Comment from association: In theory there is a list called "listas robinson" that people could add their name to, but it's not working very well. We have the LORTAD (Ley Organica de Protección de datos), law that controls issues and fixes standard rules
20. The TPS is a mandatory list
21. There is self regulation from MRS on predictive dialers; MRS Regulations for Use of Predictive Diallers September 2008
- 22&23. Unsolicited contact per email is considered SPAM in NZ, need opt-in from customers or use a panel
24. Mandatory do not call register, text messaging is only allowed with prior consent