

ESOMAR Summary of regulations covering unsolicited contacts (b-to-c) May 2013

Country	Aus	Bel	Czech Rep	Cyp	Den	Estonia	Finland	Fr	Ger	Gr	Hun	Ireland	Italy	Latvia	Lith	NL	Pol	Por	Rom	Slovakia	Slovenia	Spain	Sweden	Switzerland	UK	Arg	Brazil	Australia	Japn	S.Kor	Mex	NewZ	Sin	Can	USA
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UNSOLICITED CONTACTS

Regulations re unsolicited contacts by

Phone	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes a	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	no	no	yes	yes	yes	yes	
Mobile	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes a	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	no	no	yes	yes	yes	yes
Fax	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes a	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	na	no	no	yes	yes	yes	yes
e-mail	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes b	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	no	yes	yes	yes	yes

Prior permission required for unsolicited commercial contacts by

Phone	opt-in	opt-out	opt-out	opt-in	opt-out	opt-out	opt-out	opt-out	opt-in	opt-out	opt-out c	opt-out	opt-out	opt-in	opt-in	opt-out	opt-in	opt-out	opt-out	opt-in	opt-in	opt-in	opt-out	opt-out	opt-out	opt-out	na	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out
Mobile	opt-in	opt-out	opt-out	opt-in	opt-out	opt-out	opt-out	opt-out	opt-in	opt-out	opt-out c	opt-in	opt-out	opt-in	opt-in	opt-out	opt-in	opt-out	opt-out	opt-in	opt-in	opt-in	opt-out	opt-out	opt-out	opt-out	na	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out
Fax	opt-in	opt-in	opt-in	opt-in	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-in	opt-in	opt-in	opt-in	opt-in	na	opt-in	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out	opt-out
e-mail	opt-in	opt-in	opt-in	opt-in	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-in	opt-in	opt-in	opt-in	opt-in	na	opt-in	opt-in	opt-in	opt-out	opt-in	opt-out	opt-out	na

Must check against national opt-out list before unsolicited contact for commercial communications by:

Phone	no list	yes	yes	no list	yes	no list	yes	yes	No list	yes	yes	yes	yes	no list	no list	yes	no list	yes	yes	no list	no list	no list	yes	yes	yes	yes	no	yes	no	no list	no list	yes	na	yes	yes
Mobile	yes	yes	yes	no list	yes	no list	yes	yes	No list	yes	yes	yes	yes	no list	no list	yes	no list	yes	yes	no list	no list	no list	yes	yes	yes	yes	no	yes	no	no list	no list	yes	na	yes	yes
Fax	no list	no list	no list	no list	no list	no list	no list	no list	No list	yes	yes	yes	yes	no list	no list	no list	no list	no list	no list	no list	no list	no list	no list	no list	yes	na	no	no list	no	no list	no list	yes	na	no list	na
e-mail	yes	no list	no list	no list	no list	no list	no list	no list	No list	yes	no list	no list	yes	no list	no list	no list	no list	no list	no list	no list	no list	no list	no list	no list	yes	yes	no	no list	no list	no list	no list	no list	na	no list	yes
Other issues	1	2	3	4					5	6	7	8	9			11	13	15	16		17	18	19	20		22								23	

Must check against a national opt-out list before unsolicited contact for MR by (note ESOMAR Guidelines say no unsolicited emails or mobile contacts without reasonable expectation of a research contact):

Phone	no	no	no	no	no	no	no	no	Yes	no	no	no	yes	no	no	yes	yes	no	no	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	Yes	no	no	no	yes	no	no	yes	yes	no	no	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	no	opt-in	no	no	no	yes	no	no	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	no	opt-in	no	no	no	yes	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no
Other issues	1												10			12	14								21										

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

Note: Whilst every effort has been made to confirm this information, ESOMAR accepts no liability for its accuracy as this is not formal legal advice. Researchers are advised to do their own due diligence and to obtain local legal advice.

- Unsolicited contacts for advertising not allowed for phone or fax but there is no opt-out list. For mobile incl. SMS & e-mail, opt-in is mandatory & the list must be checked (RtR) for both commercial and market research purposes. § 107 TKG is valid for unsolicited contacts (business to consumer).
 - Since 5 July 2012 there is a mandatory do not call register, also to be used for existing customers
 - A marker is added in telephone directories noting that the subscriber doesn't want to be phoned for commercial purposes. Association comment: There is no opt in or opt out gov. programme for market research but many agencies have their own list of respondents that do not want to be contacted for research.
 - Cold calling for the purpose of selling insurance, rescue services, books and newspaper and magazine subscriptions is allowed provided the consumer has not registered with the Robinson list
 - According to Section 7 of the German Act Against Unfair Competition an unsolicited commercial contact to a consumer by telephone, fax machine or electronic mail is seen as "unconscionable pestering" and inadmissible by law. Therefore there are opt-out lists for commercial contacts by phone, fax machine or electronic mail. The ADM operates an opt-out list for market research by phone to avoid that people who have generally refused to participate in phone surveys are contacted again. The system is open for ADM member agencies only and does not include fax and email.
 - Although there is a partly opt-in system there is a Preference Service MPS, TPS, FPS, eMPS and SMS
 - No central Preference Service, every company has its own preference service lists. Association comment: a. Hungarian data protection law does not allow for a national Robinson list although it would make things easier for consumers and companies. b. 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 addresses are used eg info@company name). d: Except AVC.
 - List operated by Irish Communication Regulator has opt-out for landlines and opt-in for mobile numbers
 - On February, 1 2011 Italy introduced an opt-out regime including a mandatory do-not-call register (www.registrodelleopposizioni.it).
 - Needed because of Personal Data Protection Code, Legislative Decree no. 196 30 June 2003. Association comments: 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 the study meets the scientific/statistical research requirements ie no commercial activity associated, no interest in respondents at individual level and no impact on them as a result of a survey contact.
 - As of 1 October 2009 there is a mandatory Do not call register
 - Dutch market research association runs a Do not call research filter for prior unannounced market research calls by telephone
 - 13 & 14 In Poland there is a Robinson list for commercial communications by mail provided by Stowarzyszenie Marketingu Bezposredniego. For market research there is a Robinson list provided by Organizacja Firm Badania Opinii I Rynku.
 - In Portugal there are no mobile lists or directories.
 - A Preference Service System is being developed, company suppression lists are used now
 - There is a Mail Preference List
 - Association comment Spain: In theory people can add their name to a Robinson list but it is not working very well. The LORTAD (Ley Organica de Proteccion de datos) law which fixes standard rules.
 - The TPS is a mandatory list
 - Since 1 April 2012, this is regulated by the Swiss Unfair Competition Act, one can indicate in the telephone directory if one objects by adding an asterisk to their name.
 - There is selfregulation by MRS on predictive dialers, MRS Regulations for Use of Predictive Diallers September 2008.
 - Bill was expected end 2009, introducing a do-not-call register
 - Mandatory do not call register, text messaging is only allowed with prior consent, na is not applicable.
- 21 August 2009, updated 17 December 2009 and May 2013

