

51. Federation of European Direct Marketing (FEDMA). European Principles for the use of the telephone as a marketing medium by business.

Questo codice di autoregolamentazione è ripreso dal sito ufficiale della FEDMA: www.fedma.org.

1. Law and self-regulation applicable. Marketers should ensure that outbound calls comply with the national legislation and self-regulatory practices applicable in the country from which the calls are made (country of origin), except in the specific cases mentioned in these principles; and that inbound calls comply with national legislation and self-regulatory codes applicable in the country from which the call is made as well as where the call is received.

2. Definitions. “Marketers” means the advertiser, and those acting on their behalf.

3. Outbound calls-contact. When making an outbound call marketers should promptly state their name, the organization they are calling on behalf of, and contact details of this organization if requested (including the full company name), and repeat this information if requested to do so. The call should be politely terminated if the prospect does not wish to take the call. Marketers must clearly state at the beginning of the conversation the purpose of the call and restrict the call to matters directly relevant to this purpose. Marketers should at all times be courteous.

4. Contractual information . Marketers making offers by telephone that allow individuals to buy products or services should provide any mandatory information required by national legislation in respect of the products and services.

5. Honesty . Marketers should not knowingly mislead the caller. Sales or marketing calls must not be made under the guise of research or a survey (“SUGGING”).

6. Termination of calls. Marketers shall have the right to end a call at any time especially if the individual becomes abusive, or confrontational. Marketers should end a call where it is apparent that the individual is confused and/or does not understand the purpose, e.g., due to language difficulties, infirmity of the mind.

7. Reasonable hours. Outbound calls should, unless expressly requested by the prospect, only be made during hours that are generally regarded as reasonable in the relevant country.

8. Waiting times . Callers should not have to wait an unreasonably long time before their call is handled. Where appropriate, so callers can avoid queuing, a call-back service should be offered to them.

9. Premium rate telephone numbers . When promoting a premium rate telephone number an advertiser shall clearly state that the number is at a premium rate and what the rate is, either as cost per minute or as cost per call (including any minimum charge).

10. Data protection . When data are collected by marketers, prospects should be advised of any non-obvious purposes to which it is intended that the data will be put. Information gathered during the call and processed should conform with data protection regulations as to what can be processed and the length of retention.

11. Silent calls by automated dialling equipment

11.1 Definition: For the purpose of this section “dialling equipment” means any equipment capable of dialling a telephone number prior to live operator being available to exclusively handle the call. This includes predictive diallers, progressive diallers, power diallers, auto diallers, preview diallers, adoptive diallers and automatic diallers. A “live call” is a call where an individual answers a call made by the dialling equipment and an “abandoned call” is any call where the dialling equipment releases the line after the call has been answered by a live individual.

11.2 Marketers should ensure their dialling equipment is adjusted to ensure a minimum ring time as prescribed by legislation or self regulatory codes.

11.3 If a “live” operator is unavailable to take the call generated by the dialling equipment the line must be released within one (1) second from when the call is picked up by the individual.

11.4 The dialling equipment should be adjusted to ensure that the rate of calls abandoned is no more than the specified percentage of live calls for that campaign in any given stated period as recommended by the self regulatory codes.

11.5 Individuals calling back on the number provided through caller line identification should be informed of:

- a. the name of the organization from which the call was made
- b. the purpose of the call.

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c. how to avoid further calls from the organisation on whose behalf the call was made if requested to do so.

11.6 Outbound automatic calling units used to deliver pre-recorded messages may be used to contact a prospect directly only where either the prospect has previously consented to receive such call without live operator intervention or where the call is initially introduced by a live representative.

12. *Monitoring of calls*

12.1 Marketers should only monitor or record telephone communications where the monitoring or recording is:

- a. for quality control and training purposes (being standards which should be or ought to be achieved),
- b. to confirm facts,
- c. to comply with mandatory regulatory or self regulatory practices or to protect the individual,
- d. carried out to prevent or detect a criminal offence or investigate or detect unauthorized use of a telephone system,
- e. to ensure the telephony system is only used for authorised business purposes, or
- f. where the caller has given their express consent

The marketer should inform the caller at the start of the call that the call may be recorded or monitored.

12.2 Marketers may record or monitor a telephone call for any purpose where callers have been informed before or at the beginning of the call.

12.3 Information gathered and stored for monitoring should conform with data protection regulations

12.4 Subject to 11.1,(d) recordings may not be played publicly without the consent of any party to the call identifiable to the audience.

13. *In-house do-not-call lists.* Marketers *should* have and respect a documented system where prospects and customers can register their request not to receive telephone calls from that organization.

14. *Telephone preference list*

14.1 Where marketers plan to call prospects they should check their list of prospective callers against the Telephone Preference Service/Robinson list system in the country of the prospect.

14.2 Marketers should not encourage consumers to register with the TPS /Robinson List for the sole purpose of preventing further calls being made to a consumer by competitors.

15. *Protection of minors* . Marketers should take all reasonable steps not to make outbound marketing calls to minors When during a call whether outbound or inbound the marketer is explicitly informed by the caller that he is a minor or marketer has reasonable grounds to conclude the person is a minor, the marketer must not take unfair advantage of the person's age and lack of experience.

16. *Compliance* . The national Direct Marketing Associations are responsible for the strict application of these principles in their respective countries and should apply the same sanctions stipulated in their countries for the breach of national codes.

If a national Direct Marketing Association is unable to solve a complaint due to its cross-border aspects, it should refer the matter to FEDMA. Any contravention of these principles by FEDMA members should be brought to the FEDMA Board for consideration. The Board, taking due regard to the type of contravention, may decide the expulsion of the member or other sanctions, according to its rules of procedure. The FEDMA Board will consider the possibility of initiating action against a non-member that is in breach of its principles

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