[ES] New agreement for the promotion of co-regulation concerning commercial communications on television

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On 6 April 2021, the Spanish regulator *Comisión Nacional de los Mercados y la Competencia* (National Commission on Markets and Competition - CNMC), and the independent advertising self-regulatory organisation *Asociación para la Autorregulación de la Comunicación Comercial* (AUTOCONTROL) signed an agreement to promote the co-regulation of commercial communications on television.

AUTOCONTROL manages the Spanish system of self-regulation of commercial communication which helps to ensure the correct application and compliance with the General Act 7/2010 on Audiovisual Communication, and other advertising rules. The agreement states that television operators and advertisers will be encouraged to voluntarily use the prior verification tool (Copy Advice®), managed by AUTOCONTROL, for audiovisual commercial communications on television. This tool consists of a non-binding assessment of the correctness of advertisements or draft advertisements, prior to their broadcast, at the request of the advertiser itself, its agency or the medium where the campaign is to be broadcast. Broadcasters may inform the CNMC of any prior positive assessment provided by AUTOCONTROL in cases of a complaint by the regulator. AUTOCONTROL will keep the CNMC regularly informed about the decisions adopted by its Advertising Jury, as well as about its activity of voluntary prior control of advertising.

AUTOCONTROL will use the guiding criteria for the appropriate time classification of television content established in the Code of Self-Regulation of Television Content and Children. When a complaint concerning the protection of children is received within the framework of the "Agreement for the promotion of self-regulation of television content and children", AUTOCONTROL will resolve it according to the Regulations of its Advertising Jury and will inform the parties concerned, the CNMC and the adhering television operators and publish it in AUTOCONTROL's magazine, website or other media.

In the context of an ex officio investigation, on its own initiative or as a result of a complaint received, the CNMC may request AUTOCONTROL's opinion and intervention on specific commercial communications that have not been subject to prior consultation. In such cases, AUTOCONTROL’s Advertising Jury will decide in accordance with its Regulations. In the event that such communications have

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already been subject to positive prior consultation, AUTOCONTROL will inform the CNMC of their content.

The agreement also provides for the creation of a Commission composed of three representatives of both parties of the agreement. This Commission will be responsible for the implementation and constant monitoring of the development and application of the agreement, for ensuring compliance with it, and for resolving conflicts or discrepancies, holding regular meetings for this purpose.

Convenio para el fomento de la corregulación sobre comunicaciones comerciales en televisión entre la Comisión Nacional de los Mercados y la Competencia (CNMC) y la Asociación para la Autorregulación de la Comunicación Comercial (AUTOCONTROL), 6 April 2021

https://www.cnmc.es/sites/default/files/3433891_0.pdf

Agreement for the promotion of co-regulation on commercial communications on television between the National Commission for Markets and Competition (CNMC) and the Association for the Self-Regulation of Commercial Communication (AUTOCONTROL), 6 April 2021

La CNMC y AUTOCONTROL firman un nuevo acuerdo para el fomento de la corregulación sobre comunicaciones comerciales en televisión

https://www.cnmc.es/prensa/autocontrol-convenio-20210420

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