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| Full title of law or regulation | Various – see below |
| Title of relevant section | N/A. This is a commentary by Autocontrol on the validity of Autocontrol Jury decisions in the context of the Volvo case: http://www.gregsregs.com/downloads/SP_ACResolution_5thSection_03.12.2015_Volvo_ES.pdf |
| Clauses | <p>The Resolution states “Resolutions will only have binding force on those members who have voluntarily declared their adherence to the Advertising Code of Conduct upon which the pronouncements of the Autocontrol Jury are based. For a company not bound to the self-regulatory system, this resolution is just a mere opinion, not binding, on the ethical and deontological correctness of the advertising campaign in question, issued by experts in the field”</p> <p>In any case, it cannot be ignored that most of the resolutions issued by this jury are fulfilled voluntarily even by those companies that are not affiliated or associated with the SR system. Probably this fact is explained by the recognised moral force that such resolutions enjoy.</p> <p>This moral force would derive from the certified and recognized prestige of the members of the Jury, and from the legal backing granted to the system at community level (see recital 18, Arts 6 & 8 Directive 2006/114/EC MACAD: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:376:0021:0027:EN:PDF, recitals 32, 40, 49 and 51, and Arts 16 and 17 from E-Commerce Directive 2000/31/EC: http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:32000L0031</p> <p>At state level, see the explanatory memorandum in general Advertising Law 34/1988; to which regulatory provisions has been added the explicit recognition of the codes of conduct and the promotion of self-regulation introduced by Law 29/2009, of December 30, in Law 3/1991, of January 10, Unfair Competition (see its new Chapter V): http://www.g-regs.com/downloads/SPUnfairCompLaw3_1991.pdf, as well as by Law 7/2010, of March 31, General Audiovisual Communication (see its explanatory memorandum and Article 12). In all likelihood, it is this same moral force that also explains the substantial overlap between the rulings and resolutions of the Jury and the decisions of Judges and Law Courts in those cases in which, consecutively, they have been party to the same facts.</p> |