

Full title of law or regulation	<p>Resolution of 8th July, from Secretary of State for Telecommunications and the Information, by which a Code of Conduct on the provision of premium rate services based on the sending of mobile telephone messages (or premium SMS) is published ES (Relevant: 6.3.6) https://www.boe.es/buscar/doc.php?id=BOE-A-2009-12439</p> <p>Comisión de Supervisión de los Servicios de Tarificación Adicional endorsed the Code. Although a Supreme Court Ruling in 2015 held that the Code was invalid because the Commission was not classified as a National Regulatory Authority. It is included here because it may be helpful guidance, but check with specialist advisors before commitment</p>
Title of relevant section	6.3.6; this provision regulates the use of premium rate SMS messages for actions based on draws and contests. This Code establishes the following obligations:
Section 6.3.6	<p>The operator of numbers (who provide information, communication, entertainment or other services through sending of premium rate SMS messages) promoting a contest or draw, regardless of the means of communication used, must comply with the following rules:</p> <ul style="list-style-type: none"> - Any competition or draw that tests the user's skill or knowledge; random combination or any other form that involves luck or chance must contain the relevant rules (<i>lit.</i> legal bases) that regulate its operation (i.e. must have the corresponding legal bases). - The rules (bases) of the competition or draw must be submitted, prior to advertising and start/ draw, to a notary or relevant competent authority/ body, in a way that they are easily accessible to users. - All draws must be subject to the current regulations of games of chance, and, if applicable, must have the relevant authorisations. - The result of the competition or draw must be advertised/ publicised in a suitable way to allow it to be easily accessible by users. - Likewise, the recipient of the awarded prize must be personally informed, without incurring any cost. The operator of the numbers will have to provide proof of having notified the winner of the prize
Article 5.3	<p>Relevant in the case of Occasional Contests/ Games where participation or entry requires payment in the form of sending an SMS with an additional tariff system (i.e. premium rate text message). This usually happens on TV, where to participate viewers have to send a text; relevant rules re information requirements ref the SMS messaging can be found in Art. 5 Rules on information and advertising of services, especially Art. 5.3:</p> <p>5.3.1: The content of any type of advert which offer the provision of premium rate services based on sending messages must comply with the provisions of this Code, notwithstanding the current regulations on advertising and consumer protection.</p> <p>5.3.2: In addition, the content of the ad must not cause or spread offence, individually or collectively; mislead or be capable of misleading anyone; on the other hand, it must be appropriate to the true nature of the product or service provided.</p> <p>5.3.3: Any form of advertising by which promotions, offers, discounts, gifts, or the like are offered, must indicate the duration of the promotion, the conditions of participation and access, as well as the benefits for the consumer, notwithstanding compliance with other rules and obligations that may be applicable to it, in accordance with current legislation.</p> <p>5.3.4: Any form of advertising or promotion should not contain a direct exhortation to minors to purchase the services or convince the parents or adults for such acquisition.</p> <p>5.3.5: In order to provide the information adequately to the user, the use of abbreviations in the advertising of the services may be carried out as long as they are commonly accepted, and the content of the minimum information required by the present Code for each type of service must be expressed clearly and concisely. Each word or abbreviated term must contain with at least three alphanumeric characters excluded, the spelling character</p>

indicative of the abbreviation. The omission of these specifications will represent a breach of the Code.

Abbreviations

In case of using the terms or abbreviations that are detailed below, they must be expressed, compulsorily, in the following terms:

- Age Limit/ Recommendation: «Adultos» o «+ 18 años»
 - Indication of price: '€' or 'Eur.'
 - Customer Service Number: n.º atn clte (short for *número de Atención al Cliente*)
 - PO Box: Apartado de correos: «Apdo».
 - Advertising: Publicidad: "Publi"
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