



# RULES OF THE JURY

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These Rules of the Jury were approved by the Board of Directors of AUTOCONTROL, Association for the Self-Regulation of Commercial Communication, on the 23<sup>rd</sup> of April 1997. The latest amendments were approved by the Board of Directors on the 9<sup>th</sup> of October 2024.

This translation is provided as a courtesy only. In the event of any conflict between this English language version and the Spanish version of this policy, the Spanish version shall prevail.

# TITLE I

## COMPOSITION AND TASKS

### Article 1 | Nature and independence

1. The Jury is a specialized body in matters of advertising ethics, alternative dispute resolution, and the application and supervision of codes of conduct; composed by independent members with the competences specified in these Rules. As a specialized body, it is responsible for the out-of-court settlement of disputes and the resolution of complaints against commercial communications or related activities, as well as for the supervision and resolution of complaints in the application of its own codes of conduct or those of third parties; the Jury shall enjoy full and absolute independence in its functions.
2. The members of the Jury should abstain in case of conflict of interest.
3. AUTOCONTROL, Association for the Self-Regulation of Commercial Communication, will provide the Jury with the necessary resources for its correct functioning according to these Rules.

### Article 2 | Location

The Jury is located in Madrid, at the headquarters of AUTOCONTROL, Association for the Self-Regulation of Commercial Communication.

### Article 3 | Composition

1. Except as provided in paragraph 3 of this article, the Jury will be composed of one President, between three and six Vice Presidents, and between nine and twenty members, all of them of unquestionable impartiality. Each Vice President will act as permanent President of one Section of the Jury.
2. The President, Vice Presidents and members of the Jury shall be appointed and renewed by the Board of Directors of AUTOCONTROL. They will be chosen by a majority amongst independent experts of unquestionable high personal and professional prestige.
3. For the resolution of claims presented by individual consumers, the Jury will be composed as provided in Chapter II of Title III of these Rules.
4. The members of the Jury will not maintain any kind of employment, business, organic or any other kind of relationship that implies a stable collaboration with the associated companies, neither during their term of office, nor three years before it.
5. The President and all other members of the Jury will be appointed for a renewable term of office of two years, and they can be reappointed. The composition of the Jury will be partially renewed every year, as appropriate.

6. AUTOCONTROL's Director General, or the technical staff member in which he/she may delegate his/her power, will act as the Secretary of the Jury, with the right to speak, but not to vote.

#### Article 4 | Tasks

The Jury will have the following tasks:

- a) Analyse or draw up draft codes of ethics and other standards of conduct for commercial communications or related activities, submitted or requested by the Association's Board of Directors.
- b) Resolve, in accordance with these Rules, complaints or disputes arising in relation to possible infringements of its own codes or those of third parties applied by the Association, committed by associated companies, by those companies adhered to these codes or non-member third parties who accept -expressly or tacitly- the competence of the Jury.
- c) Issue, in the cases and under the terms and conditions provided in these Rules, deontological and non-binding opinions about the correctness of the conducts contemplated in the codes it applies and which have been carried out by unrelated third parties who do not agree to participate in the procedure described in the previous paragraph.
- d) Resolve requests for review of prior consultations issued by the Technical Office (AUTOCONTROL's Copy Advice® Team), which may be raised by the natural or legal person responsible for the advertising subject to consultation.
- e) Act as arbitrator on those matters submitted to its adjudication within its scope.
- f) Resolve, in accordance with these Rules, complaints or disputes arising from alleged breaches of the frameworks, programmes, principles, or codes of the *European Interactive Digital Advertising Alliance* (EDAA) against companies bound by them, on terms to be agreed by the *European Advertising Standard Alliance* (EASA), and subject to approval by the Board of Directors of AUTOCONTROL.
- g) Act as the supervisory body of the Code of Conduct on Data Processing in Advertising Activities, resolving complaints regarding any matters included in its objective scope, applying its sanctioning regime, and performing any other function entrusted to it by this code.
- h) Act as a supervisory body or dispute resolution body for any code of conduct on data protection matters, owned by third parties, with which the Association agrees on such role.
- i) Act as a supervisory body or dispute resolution body of any other code of conduct, including CONFIANZA ONLINE, on such terms as the Association may agree with the holders of those codes.
- j) Hear and resolve cross-border complaints in accordance with the procedures established by the *European Advertising Standards Alliance*.
- k) Any other function connected with deontology matters that are specifically entrusted to the Jury by the Board of Directors.

## TITLE II

### STRUCTURE AND COMPETENCES

#### Article 5 | Structure

1. The Jury may sit in Plenary Session or in Sections.
2. Except for what is indicated in Article 21, the Plenary Session of the Jury will be validly constituted when, at least, half plus one of all its members are present, excluding, for the purposes of this calculation, the members who abstained from voting or those whose challenge or rejection had been accepted. The Plenary Session of the Jury shall be chaired by the President of the Jury; in his/her absence, by one of the six Vice Presidents present at the meeting in turn, or failing this, by one of the members of the Jury, elected by vote amongst them.
3. Except as provided in the Chapter II of Tittle III for the resolution of complaints filed by individual consumers, the Sections will be composed of four members each, one of them being one Vice President of the Jury, who will chair the Section. Each Section will have, at least, three substitutes appointed amongst the members of the remaining Sections; they may be convened by the Secretary of the Jury to cover any absences.

#### Article 6 | Meetings

The Jury, both in Plenary Session and in Sections, will meet as often as necessary. Meetings shall be called at least 48 hours beforehand by the Secretary, who will provide the Jury with the corresponding agenda. In cases of special urgency, the 48-hour deadline may be ignored, but it should be motivated. The members of the Jury could participate in the meetings by distance communication means.

#### Article 7 | The President of the Plenary Session

1. The President of the Jury will chair the Plenary Session and will be in charge of maintaining order and good governance. He/she will make the necessary decisions to ensure its correct functioning, making sure that the members duly observe their obligations.
2. In the event of a tie vote, and when it's not possible to reach a decision agreed by a majority, the President of the Jury will have the casting vote.
3. The President of the Jury will decide upon the challenges submitted against the members of the Jury.

## Article 8 | Competences of the Plenary Session

The Plenary Session will be competent to:

- a) Review or develop draft codes of ethics and standards of conduct on commercial communication or related activities, submitted or requested by the Association's Board of Directors.
- b) Solve appeals against decisions issued by the Sections.
- c) Resolve requests for review of non-binding opinions on commercial communications or related activities of non-associated third parties issued by the Sections in accordance with Article 11 of these Rules.

## Article 9 | Sections

1. The Jury's Sections, all of them with the same competences, will be solely distinguished by their number: First Section, Second Section, Third Section, Fourth Section, Fifth Section, and Sixth Section.
2. To be validly constituted, the Sections will require at least three members; one of them must be its President who will have the casting vote.
3. If one Section cannot be formally constituted for reasons of participation, abstentions or accepted challenges, the Secretary will allocate the corresponding files to another Section.
4. For those complaints that need to be adjudicated during the month of August, a special Section composed of members of any of the Jury's Sections will be appointed; being one of its members the President of the Jury or one of the Vice-Presidents.
5. For the composition and constitution of the Sections that must resolve claims filed by individual consumers, the provisions of Chapter II of Title III of these Rules will apply.

## Article 10 | Distribution of cases

1. The cases will be distributed amongst the Sections in chronological order considering their availability. The Secretary of the Jury will allocate them; several cases may be grouped together to be studied by the same Section, in each session.
2. When deemed appropriate or necessary, the Secretary of the Jury may provide the Jury not only with the file of the case, but also with reports on legal background, case law and/or deontological precedents related to each case.

## Article 11 | Competences of the Sections

The Sections are competent to:

- a) Resolve in the first instance, in accordance with these Rules, complaints or disputes arising in relation to possible infringements of its own codes or those of third parties applied by the Association, committed by associated companies, by those companies adhered to these codes, or non-member third parties who -expressly or tacitly- accept the competence of the Jury.
- b) Issue in the first instance, in the cases and under the terms and conditions provided in these Rules, deontological and non-binding opinions about the correctness of the conducts contemplated in the codes it applies and which have been carried out by unrelated third parties who do not agree to participate in the procedure described in the previous paragraph.
- c) Resolve in the first instance requests for review of prior consultations issued by the Technical Office (AUTOCONTROL's Copy Advice® Team), which may be raised by the natural or legal person responsible for the advertising subject to consultation.
- d) Act as arbitrator on those matters submitted to its adjudication within its scope.
- e) Resolve, in accordance with these Rules, any complaints or disputes arising from alleged breaches of the frameworks, programmes, principles, or codes of the European Interactive Digital Advertising Alliance (EDAA) against companies linked to them, on terms to be agreed within the European Advertising Standards Alliance (EASA), and subject to the approval of the Board of Directors of AUTOCONTROL.
- f) Act as the supervisory body of the Code of Conduct on Data Processing in Advertising Activities, resolving, in the first instance, complaints regarding any matters included in its objective scope, applying its sanctioning regime, and performing any other function entrusted to it by this code.
- g) Act in first instance as a supervisory body or dispute resolution body, of any code of conduct on data protection matters, owned by third parties, with which the Association agrees on such role.
- h) Act as a supervisory body or dispute resolution body in first instance of any other code of conduct, including CONFIANZA ONLINE, on such terms as the Association may agree with the holders of those codes.
- i) Hear and resolve, in the first instance, cross-border complaints submitted in accordance with the procedures established by the *European Advertising Standards Alliance*.
- j) Any other function connected with deontological matters that are specifically entrusted to the Jury by the Board of Directors.

# TITLE III

## OPERATING PROCEDURE OF THE JURY

### CHAPTER I

#### BREACH OF CODES AND STANDARDS OF CONDUCT

#### Article 12 | Procedure

1. In general, proceedings before the Jury are governed by the principles of independence, neutrality, transparency, efficiency, speed and fairness.
2. The procedure may be initiated by any party having a legitimate interest against a specific commercial communication or any other conduct contrary to the codes applied by the Jury. The complaints procedure may also be initiated ex officio by AUTOCONTROL's governing bodies, whenever the circumstances may require so.
3. Where the Codes of Conduct applied by the Jury contain procedural regulations, those regulations shall be considered together with the provisions of these Rules.

#### Article 13 | Complaints

1. All complaints concerning the infringement of ethical codes or standards of conduct must be duly submitted in writing, including the following information:
  - a) Complainant's name and surname or company name as well as address and, in case of representation, the power of attorney proving such representation.
  - b) An e-mail address where notifications may be addressed; any notification will be valid from the moment it is addressed to the indicated e-mail address, once the delivery to such address is confirmed.
  - c) Identification of the person responsible for the commercial communication that is the subject the complaint, as well as the facts constituting the possible infringement being complained and the corresponding petition, accompanying or sufficiently identifying the specific commercial communication being complained.
  - d) The pleading shall attach any documents and evidence in support of the facts.
  - e) Where applicable, the proposal to challenge a member of the Jury.
2. Complaints clearly unfounded or concerning advertisements or conducts which have not been done within the previous 12 months will not be accepted.
3. Complaints accepted by the complained party shall not be referred to the Jury for assessment, provided that the respondent undertakes in writing to cease definitively the dissemination of the

claimed conduct. Notwithstanding the foregoing, the acceptance or the undertaking to cease or rectify, shall not be admissible if ex officio or at the request of a party, it is alleged that there are evidence that imply that the claimed commercial communication or conduct is in breach of a previous undertaking to cease or a mediation agreement. In these cases, the Jury shall initiate proceedings, continuing the process until the corresponding decision is issued, in which, in addition to the corresponding pronouncements, the Jury shall determine whether the conduct breaches the cease or the prior mediation agreement, in which case the file shall be submitted to the competent bodies of the Association.

4. Similarly, complaints on issues related to commercial communications or related activities that have been solved or are being processed by a judicial court or are undergoing an administrative procedure will not be accepted. In case of complaints filed by individual consumers, neither will be processed those that have already been submitted to another entity accredited under the Law 7/2017, November 2<sup>nd</sup>, incorporating into the Spanish Law through Directive 2013/11/EU of the European Parliament and of the council of 21 May 2013 on alternative dispute resolutions for consumer disputes.
5. In those cases in which, by application of the preceding paragraphs, a claim is not admitted for processing by the Secretary, the mentioned non-admission will be notified to the claimant who, within a maximum period of ten calendar days, may file an appeal before the President of the Jury within a period not exceeding ten calendar days. The President of the Jury will resolve within a maximum period of ten calendar days.
6. The admission by the Courts of Justice of any claim against a commercial communication or related activities subject of a complaint before the Jury shall entail the suspension of the proceedings before the latter.

#### Article 14 | Challenge and abstention

1. The members of the Jury should abstain and may be challenged on the following grounds:
  - a) Having a direct or indirect interest in the case submitted before the Jury.
  - b) Provide or having provided professional services to any of the complaining parties, within a period of less than one year.
  - c) Having or having had an employment relationship with either of the parties.
  - d) Being accused or having been accused of a crime or offense by either of the parties.
  - e) Complaining or having complained against any of the parties.
  - f) Having had or have a legal dispute pending with any of the parties.
  - g) Having a manifest close friendship or conflictive relationship with any of the parties.
  - h) Any other circumstance which may give rise to a conflict of interest, or which may give rise to doubts as to its independence and impartiality.



2. The member of the Jury in any of the aforementioned circumstances, should abstain from hearing the case without waiting to be challenged.
3. The parties of the complaint as well as AUTOCONTROL's governing bodies, are entitled to challenge a member of the Jury.

The complainant should include the challenge request in the complaint document. The complained company may request the challenge within 3 working days upon reception of the formal notice and the complaint document. The President of the Jury will analyse the motivated request for challenge and decide. The Secretary of the Jury will inform both the President of the competent Section and the parties about the decision of the President of the Jury and shall appoint a substitute within the alternate members in the same Section. In case of the applicant who challenges would be an individual consumer, and if it's not possible the appointment of a substitute, the Secretary to the Jury, shall inform the applicant about the possibility to challenge the complaint with any other entity, certified for the alternative dispute resolutions and competent.

4. The members of each Section will be informed in advance of the cases to be processed in each meeting, so that they may abstain if necessary.

## Article 15 | Time limits

1. For the purposes of calculating the time limits, the following days will not be considered working days: Saturdays, Sundays, public holidays, the entire week including Holy Thursday and Good Friday and, if either party resides in an Autonomous Community where it is a public holiday, the Monday of the following week; the days from December 24th until December 31st and the month of August.
2. However, and despite the previous paragraph, concerning the month of August, the complainant may request in its complaint a meeting of the Jury in August by submitting all statements and evidence that may justify the urgency to initiate the proceeding. In this case, the Secretary of the Jury, with the previous approval of the President or the President of the Section on duty, will analyse the statements and evidences submitted by the complainant and, in case of detecting reasons to urgently initiate the proceeding, he/she will authorise for the adjudication to be done in August and will try to call the Section on duty mentioned in Article 9 of these Rules. Decisions on the allocation of non-working time shall not be subject to appeal.

## Article 16 | Summons

1. As soon as the Secretary of the Jury receives the complaint and verifies that it complies both with AUTOCONTROL Statutes and these Rules, he/she will send a copy of the complaint and enclosed documentation to the complained party or parties, asking them to reply within the time limit of five working days upon reception of those documents. The complained party or parties shall reply in writing attaching any evidence to AUTOCONTROL headquarters.

2. For the purpose of time limits, the documents required to initiate the process shall be received within office hours of the Association (taking into account, where applicable, summer schedule or other exceptional schedules).
3. Companies that are members of AUTOCONTROL, as well as those who urge the actions of its bodies or that in any other way submit to their procedures, will be required to provide a valid e-mail address where they may receive notifications. Any notification will be valid from the moment of the confirmed delivery to the address provided.

## Article 17 | Mediation

1. If it is possible to reach an agreement between the parties, the complaint will be solved through AUTOCONTROL's mediation, so it may not need to be sent to the Jury.
2. The Secretary of the Jury will try to mediate between the parties, if requested by any of the parties. If the complainant refuses the mediation attempt, the complaint will be archived.
3. If the parties do not reach an agreement before the meeting of the Jury, the Jury will adjudicate on the complaint within the time limits established in this Chapter. Under no circumstances, the time limit to reply to the complaint shall be interrupted by the attempt of mediation.
4. Mediation will be carried out in accordance with what is prescribed by Law 5/2012, of July 6th, of mediation in civil and commercial affairs.

## Article 18 | Complaint procedure

1. Once the reply of the complained party has been received within the established time limit in Article 16, the competent Section will study the complaint and the evidence submitted by the parties. After examining them, the Section will adopt a ruling.

The parties might present reliable opinion surveys to the Jury to support their claims. As long as such surveys are validated by independent, reliable and specialised market research organisations recognised by AUTOCONTROL or the Jury, they will be taken into consideration by the Jury together with the rest of elements and evidence included in the file of the case.

2. If a complaint is submitted against a commercial communication or related activity, of a non-member or non-under the scope of the Jury, and the complained company replies by specifically refusing to take part in the procedure, the Section will not adopt a ruling. Notwithstanding the former, upon the complainant's request, the Section will issue its deontological non-binding advisory opinion about the correctness of the commercial communications or related activities done by the non-member company.

## Article 19 | Appeal and revision of non-binding advisory opinions

1. Rulings adopted by a Section may be appealed before the Plenary Session of the Jury within four working days upon reception of the ruling.
2. Similarly, the revision of a non-binding deontological advisory opinion issued by a Section may be requested before the Plenary Session of the Jury within four working days upon reception of the opinion.

## Article 20 | Appeal procedure

1. Appeals shall be submitted in writing, and they must clearly indicate the reasons for appealing the Sections' ruling.
2. Once the written appeal is received by AUTOCONTROL, the Secretary of the Jury will immediately send it to the other party, so that this other party may reply within the time limit of four working days upon reception.
3. Once the reply has been received within the aforementioned time limit or if such time limit has expired, the Plenary Session of the Jury will meet and adopt a ruling.
4. Within the appeal procedure, the Plenary Session of the Jury will only accept the evidence which could not be submitted before the Section due to duly proved objective or temporary reasons.

## Article 21 | Ruling on appeals and revision of non-binding advisory opinions

Within both the procedure of appeal and/or revision of non-binding advisory opinions, the Plenary Session of the Jury will be composed of the President of the Jury and the President and members (regular or substitute members) from two Sections different from the Section of the Jury which had adopted the ruling or opinion on a first instance. Article 5.2 of these Rules shall be applied for the purposes of quorum and substitution of the President.

## Article 22 | New evidence

New evidence may be ordered to enable a better clarification of the facts, both at instance and at the appeal stage, if the Jury or its President deems it appropriate. If the evidence consists of the intervention of an expert, the latter shall be subject to the same causes for abstention and disqualification as the members of the Jury.

Among others and without prejudice of Article 18, the Jury may commission reliable opinion surveys, in agreement with the parties, who will pay for their costs.

If the decision imposes the payment of the costs of the proceedings to one or more of the parties, the cost of the evidence agreed upon by the Jury shall be considered as the cost of the proceedings.

## Article 23 | Oral hearing

The parties may request an oral hearing before the Jury. The President of the Section or of the Plenary may approve the request made by the parties or, if he considers it appropriate for the best resolution of the dispute, may decide to hold an oral hearing of the parties prior to the deliberation of the Jury. At all stages of the same proceedings, each party may request only one oral hearing.

## Article 24 | Decisions of the Jury

1. The Jury's rulings will be adopted by majority of its members. Dissenting members may formulate an individual opinion, which shall be enclosed in the ruling. In case of a tie, the President of the Jury (Section or Plenary Session) will have a casting vote.
2. The ruling upholding the complaint –and therefore declaring the complained advertisement or conduct assessed in breach of the Code– will include, at least, one of the following elements:
  - a) Declare that the complained advertisement or conduct is incorrect.
  - b) Urge the advertiser to withdraw or amend such advertisement or conduct.
  - c) Issue a warning.
  - d) Dissemination of the resolution in the manner deemed appropriate by the Board of Directors in those cases in which, in the opinion of the Jury, the matter is particularly serious.
  - e) In case of infringement of the frameworks, programmes, principles, or codes of the European Interactive Digital Advertising Alliance (EDAA), as provided for in those frameworks, programmes, principles, or codes.
  - f) If appropriate under the criteria in force, identification of the party or parties, if any, to bear the costs of the proceedings.
  - g) Where provided for in the Code applied by the Jury, impose the appropriate financial penalty.

## Article 25 | Motivation

All the Jury's rulings for breaching codes of ethics or standards of conduct applied by the association shall be motivated.

## Article 26 | Request for clarification

1. Any of the parties in the complaint may ask the Jury for a clarification of its ruling within a maximum period of two calendar days from the date of notification by means of a letter addressed to the Secretary of the Jury, who will immediately refer it to the President of the Section that had adopted the ruling on the case or to the President of the Plenary Session in case of an appeal.
2. The request for clarification will never interrupt the time limit for an appeal.
3. The clarification issued by the President of the Section or of the Plenary, shall be notified to all parties who have participated in the proceedings and shall not be subject to appeal.

## Article 27 | Enforcement

1. The rulings adopted by the Jury (Section or Plenary Session) shall be immediately communicated to the parties and affected members for their enforcement.
2. The Board of Directors will supervise the enforcement of the Jury's final rulings.

## Article 28 | Publication of rulings

All decisions and rulings of the Jury shall be made public by their inclusion in the AUTOCONTROL Magazine, website or other AUTOCONTROL media, except for decisions rendered in proceedings in which the complained party has expressly rejected the competence of the Jury.

## Article 29 | Effects of the rulings of the Jury

1. Jury's rulings will be binding for all AUTOCONTROL members, for those under its scope of competence, and for those other parties that expressly accept the competence of the Jury.
2. In particular, and without excluding other assumptions, acceptance of the jurisdiction of the Jury shall be deemed to exist in those cases where a non-member or non-under the scope of competence, submits a complaint before the Jury in any procedure; when such person has submitted a complaint one year prior to the date in which it must be decided if there is acceptance of the competence of the Jury; or when such person answers a complaint without objecting the competence of the Jury.
3. Rulings solving complaints issued by individual consumers will be binding for the complained company if member or under the scope of competence of the Jury, but not for the consumer who has filed the claim and has raised opposition to the motion for a resolution under the terms provided in the Article 33.7 of these Rules.

## Article 30 | Effects of the Jury's non-binding advisory opinions

The non-binding Opinions issued by the Sections or by the Plenary of the Jury in accordance with the provisions of these Rules, shall be communicated to the applicant and to the competent administrative or jurisdictional authorities, when so provided for in the codes applied by the Association, in the agreements signed with the Administration or third parties, or when agreed by the Jury or the governing bodies of AUTOCONTROL.

## CHAPTER II INDIVIDUAL CONSUMER COMPLAINTS

### Article 31 | Filing of complaints

1. When a claim is filed by a consumer on an individual basis against a company submitted to the Jury in the terms expressed in these Rules, it shall be processed in accordance with the provisions of this Chapter and, in matters not covered by it, by the rest of the provisions of these Rules.
2. When the same advertisement has been claimed by an individual consumer and, in addition, by another entity not included in the scope of the Law 7/2017, November 2nd, whereby Directive 2013/11/UE of the European Parliament and the Council is incorporated into the Spanish legal system, on alternative dispute resolution for consumer disputes, all the claims shall be grouped together to be processed in accordance with the provisions of this Chapter.

### Article 32 | Seventh Section

1. To examine the claims of individual consumers, a section of the Jury will be formed, composed by one representative from each of the categories listed below:
  - The first one composed by expert jurists of recognized personal and professional prestige, appointed by the Board of Directors of AUTOCONTROL.
  - The second one formed by representatives appointed by consumer associations with which AUTOCONTROL will sign the corresponding agreement for this purpose.
  - The third one composed by representatives of the advertising industry appointed by the Board of Directors of AUTOCONTROL amongst the members of the Jury who have been professionals in the advertising industry.
2. The representative of the first of the three aforementioned categories will act as President of the Section, and the Secretary of the Jury as Secretary.

3. These members of the Jury must fulfil, in the exercise of their performance in the framework of the seventh section, the following characteristics:
  - They must be in full enjoyment of their civil rights, not having been disqualified by final judgment for the development of functions related to the settlement of disputes and not being involved in incompatibility with the practice of their usual profession.
  - They must also be appointed for a term of two years and may not be removed without a just cause. This appointment may be renewed. The partial renewal of the members of the Jury, as appropriate, shall take place every year.
  - They should not receive instructions from any of the parties, or their representatives, or maintain a personal, professional, or commercial relationship with them, or have kept it in the previous three years.
  - The retribution they receive for the performance of their duties will not be related to the outcome of the procedure.

## Article 33 | Procedure handling

1. Any consumer acting in an individual capacity and having a legitimate interest may submit claims under this Chapter.
2. The claim, which may be filed online or not, must sufficiently identify the person of the claimant and the specific commercial communication claimed (accompanying a piece or reproduction thereof whenever possible). Likewise, the reasons for the claim shall be stated therein, and any documents or evidence deemed appropriate may be attached to it.
3. Once a claim has been filed by an individual consumer, the Secretary of the Jury will inform the parties about the following:
  - The individual will not be obliged to participate in the procedure.
  - Any agreement subscribed prior to the claim on submission to the Jury will not be binding for the individual.
  - The parties will not be obliged to act assisted by a lawyer or legal adviser, being able to do so nevertheless, communicating it to the Secretary of the Jury within three days following the date of presentation or reception of the claim. Likewise, the parties will have access to the procedure in any of its phases, being able to appear by themselves, represented or assisted by a third party and request, if they so wish, independent advice.
  - The procedure for the consumer will not have any cost associated.

In the event of impossibility of providing the commercial communication claimed or a reproduction of it, the Secretary of the Jury will seek to obtain it from the identification made by the consumer, if it contains the elements that makes it possible. If this is not achieved, the consumer will be notified for him/her to provide it, the procedure will be archived if the claimant is not able to provide it within a period of 30 calendar days.

4. Likewise, once the claim has been admitted for processing, the Secretary of the Jury shall inform the claimant consumer about:
  - He/She can withdraw from the procedure at any time in case he/she is not satisfied with its functioning or processing and the consequences of its abandonment.
  - He/She is not obliged to accept the proposed solution and the legal effects of his/her acceptance or rejection.
  - His/Her participation in the procedure does not exclude the possibility of going to court to obtain reparation of his/her rights.
  - A court decision on the same matter could be different from the one adopted in the present proceedings.
5. Once the claim is completed, the claimant consumer will be informed of it and of the date of reception and it will be transferred to the claimed company, which, within five working days from the day following its reception, can:
  - a) Accept the claim and commit in writing to the cessation of the claimed conduct, in which case the procedure will be finished by communicating it to the claimant.
  - b) Submit a written response formulating as many allegations as deemed appropriate, accompanied by whatever documents and evidence deemed pertinent to support its claims.
6. In the case listed in letter b) of the previous paragraph, the complete file shall be transferred to a Section of the Jury composed in accordance with the criteria set in Article 32, for the purpose of adopting the corresponding resolution proposal.
7. If the parties reach an agreement before the Jury reaches its decision, they shall immediately inform the Secretary of the Jury, who shall file the case.
8. The resolution proposal will be notified to the parties of the procedure within a maximum period of fifteen business days from the date on which the claim was completed, having the complainant the right to express disagreement with it within three days. If the individual claimant does not show its disagreement during that period, the resolution shall become binding for the claimed company under the competence of the Jury in the terms provided for in these Rules, without prejudice to the provisions of Article 19 of these Rules.



## CHAPTER III PRIOR CONSULTATION AND ARBITRATION

### Article 34 | Prior consultation request

1. Advertisers and/or their agencies may submit to prior consultation their own advertising projects which are at production stage or in any phase before their publication or broadcast. AUTOCONTROL's Copy Advice® Team will provide them with its advice on a confidential basis.
2. Media may also request previous consultation in relation with those advertisements they have received for publication or broadcast. In an urgent preliminary analysis, AUTOCONTROL's Copy Advice® Team will indicate whether there are significant reasons advising not to broadcast or publish the ad, as a preventive measure.
3. Prior consultations shall be drawn up by the Technical Office of the Association and shall not bind the Jury. Nor shall they bind the applicant of the consultation, unless the consultation has been issued in relation to a code that provides otherwise.
4. In case the requester is not satisfied with the report issued by AUTOCONTROL's Copy Advice® Team, he/she might ask the Jury (Section) for a review, providing any argument, document or evidence deemed appropriate. The review decision that the Jury may adopt will be binding for the requester.
5. If a complaint is submitted against a commercial communication which had been previously submitted to prior consultation, the complaint will be adjudicated to one of the Sections of the Jury. If such prior consultation report had also been submitted to review, the Section of the Jury having reviewed shall abstain.

### Article 35 | Ban of advertising use

It is not allowed to mention in advertising neither the conclusions of a previous consultation report issued by AUTOCONTROL's Copy Advice® Team nor even the mere fact of its request or issuing, unless it is authorized by the Code of Conduct applied by AUTOCONTROL to the correspondent commercial communication.

In cases where the existence of a prior consultation is made public by an advertiser, agency or media, the content of such prior consultation shall no longer be confidential for AUTOCONTROL.

### Article 36 | Arbitration

1. The Jury may act as an institutional arbitrator if both parties in conflict agree.
2. In this case, the parties may choose the arbitrators from among the members of the Jury: one, three or five. If there is no agreement on the appointment of the arbitrators, an arbitrator shall be appointed by lot from among the members of the Jury graduated in law.

## Article 37 | Arbitration procedure

1. In their proceedings, the arbitrator or arbitrators shall comply with the provisions of Law 60/2003 of 23 December 2003 on Arbitration.
2. Under no circumstances may the arbitration decision be appealed before the Plenary Session of the Jury.

## Article 37 | Cooperation with the Public Administration

In the event that an administrative or judicial authority might ask AUTOCONTROL for its opinion on a commercial communication, AUTOCONTROL shall provide them with the Jury ruling and/or the previous consultation report received for such advertisement in case this report was positive. If there is no ruling nor previous consultation report, as well as in those cases where the aforementioned authorities send a request for intervention to AUTOCONTROL, the request will be referred to the Jury, and a complaint procedure (Article 12) will be then initiated ex officio to obtain the Jury's ruling or opinion, in accordance with these Rules.

## Final provision | Entry in to force

The changes made to these Rules shall enter into force one month after its publication in the Magazine and website of AUTOCONTROL.



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