

## Overview of EASA Best Practice Recommendations

### **Best Practice Recommendation on Advertising Monitoring**

The BPR on Advertising Monitoring deals with an important activity which, by contrast with reactive complaints handling, enables an SRO to play a proactive role in ensuring advertising code compliance and the implementation of its complaints adjudications. The document suggests ways of obtaining systematic access to advertising and explains how to conduct monitoring on specific sectors, media or issues that have attracted high levels of complaints or are linked to societal concerns. The BPR provides guidance on monitoring procedure, follow-up action and reporting of results.

### **Best Practice Recommendation on Claims Substantiation**

The BPR on Claims Substantiation addresses a central principle of advertising self-regulation, the reversal of the burden of proof. The principle requires advertisers to prove that an advertising claim is truthful, rather than the complainant having to demonstrate that it is not. The BPR describes how the principle works in practice, what types of claims need to be substantiated, the criteria for assessing claims, the role of experts in this process and the appropriate length of time to be allowed for providing evidence.

### **Best Practice Recommendation on Code Drafting and Consultation**

The BPR on Code Drafting and Consultation offers advice on the procedure for reviewing and revising national advertising codes. The aspects covered include ownership of the code, its scope, coverage and content, the frequency of updates and the processes of drafting, consultation and adoption, implementation and creating awareness of the code. The document examines in detail key procedural issues, notably consultation with interested parties outside the advertising industry, which are regarded as essential features of a credible self-regulatory model.

### **Best Practice Recommendation on Complaints Handling**

The BPR on Complaints Handling emphasises the importance of dealing with complaints quickly and efficiently and provides guidance on how this can be achieved. The BPR also offers advice on the notification of the outcome to complainants and advertisers, the appeals procedure, and guidelines on how SROs should manage complaints handling against defined standards of service, including specific performance targets.

### **Best Practice Recommendation on Confidentiality of Identity of the Complainant**

The BPR on Confidentiality describes the differing national approaches regarding the disclosure of the identity of the complainant. When it comes to B2B cases, the SROs usually disclose the identity of the complaining party, but not necessarily in B2C cases. The BPR gives advice on this topic and recommends when prior consent needs to be sought before information is transferred to another SRO under the cross-border procedure.

### **Best Practice Recommendation on Copy Advice**

The BPR on Copy Advice describes one of the key elements of the self-regulatory system – the copy advice. Copy Advice is a service for advertisers, agencies, media owners and media service providers who want to check the compliance of their prospective advertisements or marketing campaigns against the national advertising codes. Copy advice is provided by the SRO on a confidential basis and usually accompanied by advice on how non-complaint advertisements need to be amended to be compliant. The BPR defines the difference between copy advice and pre-clearance and explains how the service can be funded and in what form it should be provided. The BPR also offers guidance to SROs on the type of information that should be included and how long the process should take.

### **Best Practice Recommendation on Digital Marketing Communications**

The BPR on Digital Marketing Communications was first published in October 2008 to offer advice and support to SROs and industry members on the application of self-regulation to Digital Marketing Communications (DMCs). More specifically it explained how SROs could extend the remit of their advertising codes to include DMCs. In 2015 the Digital Marketing Communications BPR was revised to be 'futureproof' against new technological developments in advertising. A special emphasis has been placed on the need for all marketing communications to be easily identifiable for consumers, no matter where or how they are displayed.

### **Best Practice Recommendation on Jury Composition**

The BPR on Jury Composition addresses the principle that the self-regulatory system must be, and be seen to be, independent. For this reason, decisions of the self-regulatory juries must be reached in an impartial manner and this should be reflected in the complaints handling process and the composition of the jury. This Recommendation provides guidance on the composition and size of the jury, the selection process and conditions of service, as well as the composition of the appeals body.

### **Best Practice Recommendation on Online Behavioural Advertising**

The BPR on Online Behavioural Advertising was first published in April 2011 to providing for a pan-European, industry-wide self-regulatory standard for online behavioural advertising (OBA), to ensure consumer privacy protection across Europe. In practical terms, the Best Practice Recommendation promotes the identification of OBA data collection and use practices on ads and websites via a uniform European-wide icon, which clicks through to a simple mechanism that provides consumers with full transparency and control, allowing them to exercise their online choices. The BPR incorporates and complements IAB (Interactive Advertising Bureau) Europe's self-regulatory Framework for OBA that applies across the EU and EEA, which was also released at the same time. EASA has worked with IAB Europe to deliver the BPR which applies an industry-wide scope, covering all parts of the advertising industry. In 2016 the BPR was revised to be adapt the OBA rules to the mobile environment. The Mobile Addendum incorporated into the BPR extended the types of data relevant to OBA self-regulation, to include cross-application data, location data, and personal device data.

### **Best Practice Recommendation on Publication of Decisions**

The BPR on the Publication of Decisions offers guidance to SROs on making public the adjudications of their juries (also known as complaints committee). Transparency in decision making is essential to establishing and maintaining the credibility of the system and building consumer confidence. The BPR explains the purpose of publishing decisions, both as a deterrent and as an information source for advertisers, to help prevent future breaches of the advertising codes. It also lists the important features of an effective system, including the right information to be included in the report, and suggests media for publishing the decisions.

### **Best Practice Recommendation on SRO Funding**

The BPR on Funding explains why adequate and properly resourced long-term funding is essential to enable self-regulatory systems and SROs to comply with EASA's Best Practice Model. It examines the strengths and weaknesses of the membership and levy systems and assesses four different European national self-regulation funding methods against the criteria of the EASA Best Practice Model and Charter Principles.

### **Best Practice Recommendation on SRO Communications**

The BPR on Communication emphasises that to achieve effectiveness at national level, SROs must work to create awareness of the self-regulatory system among key stakeholders, i.e. consumers, regulators and the advertising industry, so that all concerned understand and can participate in the system. It points out the importance of transparency in self-regulatory

procedures and provides guidelines on communication strategies, tools, measurement and resources.

**Best Practice Recommendation on Standards of Service**

The BPR on Standards of Service aims to establish recommended standards of service for SROs in their daily operational activities.