

Ethical Rules for Premium Rate Services

The Ethical Council for Premium Rate Services (ERB) was incorporated into Telekområdgivarna (TR) in 2022. TR is an independent and impartial organisation. In accordance with the standard agreements applicable in the market and the statutes adopted by its principals, the Council was responsible for developing and maintaining ethical rules governing the content of information provided through premium rate services and the marketing of such services. This responsibility now rests with TR.

In addition, TR shall consider cases submitted to it or initiated on its own initiative. Such cases may concern either the marketing of services or the content provided through them. The purpose of these rules is to promote a safe, sound and transparent premium rate services market.

On 1 October 2010, the mandate was extended to include supervision of those areas of the premium rate services sector governed by the Code of Conduct (CoC), developed jointly by telecommunications operators, the industry association MORGAN, and TR. TR may request the relevant operators to terminate, either temporarily or permanently, subscription agreements relating to premium rate services that breach the Ethical Rules or the provisions of the CoC. TR may also recommend that the relevant telecommunications operators terminate such subscription agreements if it finds that the content or marketing of a service constitutes a serious breach of accepted ethical standards.

The standard agreements stipulate that the parties are obliged, at their own expense, to provide TR with any written or oral information that TR considers necessary when assessing a case.

ERB (now incorporated into TR) has developed Ethical Rules and published them in printed form on several occasions.

Premium rate services are services for which the total charge paid by a consumer to the telecommunications operator includes remuneration to the service provider or content provider for the content of the service, or for another product or service delivered during the connection or as a direct consequence thereof.

The Ethical Rules apply to services whose content is made available through the numbering ranges 099, 0900, 0939 and 0944 allocated by the Swedish Post and Telecom Authority. The rules also apply to so-called premium SMS services delivered through short codes within the 72xxx short-code series jointly established by the four major mobile network operators.

This edition of the Rules contains, in all material respects, the same provisions as previous editions. The additional provisions are set out in Sections A.1.e, B.1.a, G.1 and the new Section H. TR encourages all companies and other stakeholders to familiarise themselves carefully with the revised Rules and to ensure that previous editions are replaced by this version.



Stockholm, 27 August 2014

Ann-Christine Zachrisson

Chair

Joakim Rolander

Secretary

A. Instructions for the Marketing of Premium Rate Services

1. Information on Applicable Tariffs, Telephone Numbers and Cancellation

a. General instructions applicable to all marketing

Information regarding the applicable tariff shall be included in all marketing of premium rate services. The tariff information shall be displayed immediately adjacent to the telephone number. Marketing of premium rate services shall always be conducted in Swedish.

b. Special rules for advertisements in newspapers and magazines

The tariff information shall be displayed horizontally and shall be clear, easily legible and of a size corresponding to at least one-third (1/3) of the size of the telephone number displayed.

c. Special rules for television, the internet and other visual media¹

The tariff information shall be displayed horizontally and shall be clear and easily legible with regard to size, colour and placement. The tariff information shall be displayed for at least the same length of time as the telephone number, and both shall be presented horizontally and immediately adjacent to one another. When premium rate services are marketed on television, the tariff information shall also be provided audibly if the cost of using the service may exceed SEK 20.

d. Marketing on radio or other audio media

Information regarding the applicable tariff shall be clearly stated whenever information about, or reference to, a premium rate service is provided on radio, by telephone or through other audio media.

e. Applicable tariff and cancellation

The term tariff means either the price per minute or, in the case of so-called *price-per-service* offerings, the total cost of the call. A price-per-service offering means that the cost of using a premium rate service is predetermined.

For mobile premium rate services², the principles for calculating the total cost of using the service shall be stated irrespective of the number of messages sent or received. For subscription services, the cost per message, the frequency of messages and the procedure for cancelling the service shall be specified.³

2. Direct Marketing of Premium Rate Services

Direct marketing of services by telephone may not take place without the customer's express consent. Such consent must be obtained separately and may not form part of the contractual terms for the purchase of another service.

¹ This includes, for example, mobile phone displays.

² For example, SMS, MMS or WAP services.

³ See also Rule B.1.c below.

Marketing may, however, be carried out where an established customer relationship exists. An established customer relationship shall be deemed to continue for a period following the fulfilment of the contractual obligations, normally for at least six months but no longer than one year unless special circumstances apply.

Each message shall contain a link enabling the consumer to opt out of future marketing immediately.

3. Information About the Service Provider

The service provider is responsible for ensuring that both the content of the services and the marketing of those services, regardless of who produces them, comply with the provisions of these Rules.

A service provider means the company or other party that has entered into an agreement with a telecommunications operator for the provision of premium rate services.

Details of the service provider or the content provider⁴ shall always be included in the marketing of the services. Such information shall be presented horizontally and in a clear typeface and shall include the company's name, street address (or post office box), postcode and postal address.

The telephone number of the service provider's or content provider's customer service department shall always be included in the marketing of the services.

4. Marketing Directed at Children

Marketing of premium rate services shall not be permitted where such marketing is primarily directed at persons under the age of 14 and where the cost of using the service may exceed SEK 10.

5. Advertising services of a sexual or erotic nature

a. General instructions – applicable to all media

Information intended to promote sexual services for financial gain (procurement) is prohibited. The text may not include allusions to minors (under 18 years of age). In the marketing of premium rate call services the wording shall not allude to, or in any other way present children in a sexual way or in a child pornographic context.

This applies to text and images:

b. Special rules for advertisements in publications having the character of a daily newspaper as well as TV, radio and direct advertising ⁵

The information provided may not include allusions to or descriptions of sexual acts or circumstances. This also applies to allusions to sexual violence, sadism or cruelty.⁶

⁴ Content provider means the party on whose behalf the service is marketed.

⁵ By direct marketing is also meant marketing via mobile telephone or the equivalent.

⁶ ERB has prepared a list for guidance in this regard.

Drawings or other types of illustrations are allowed provided they are not of a sexual or erotic nature. Photographs may not, however, be used in advertisements for a premium rate call service of a sexual or erotic nature or for "personal ad" lines.

6. Advertisements for competitions

a. Advertisements must include a clear and thorough description of the competition objective and conditions. They must also include details of the judging procedures and criteria.

In the case of competition programmes on TV, where the main competitive element requires the competitor to call a premium rate number, thereby becoming able to access the programme by making a random choice and then going through a further competitive element with the aim of winning a prize, the information must make it clear that the consumer will also incur a cost for calls that do not open the door to the actual programme. The programme anchor must also, at the beginning of the programme and at least once every ten minutes thereafter provide information about the cost of calling the programme and that all calls will incur a charge, not only those that are allowed through to the programme. Information regarding exactly how many calls were made to the applicable telephone number during the programme shall be displayed on the TV screen continually. The information regarding the number of calls received must be displayed in a size that is at least as large as that of the premium rate call number displayed on the TV screen.

b. Advertisements must specify how winners are selected. If a panel judges the entries, the panel members must be named.

c. The closing date and the date by which winners will be selected must also be stated.

d. Prizes shall be described in terms of value, brand, model and such like.

e. Information stating that the winner might be liable to pay tax on the prize must be included.

f. The information included in points A.6.a – A.6.e must be presented in such a way that it can be expected to be accessible to all contestants.

7. Lotteries

Under the terms of the Lotteries Act, a specific permit is required to arrange lotteries directed at the general public. This rule also applies to premium rate call lotteries.

8. Collections for charity

In advertisements for premium rate call services used to raise funds for charity, the proportion of the donation⁷ that goes to the charity concerned must be stated clearly.

9. Professional counselling

The marketing of services which imply the provision of professional counselling must include information on the consultant's business name, or, in the case of a physical person, the name

⁷ Refers to the charge for the call and any additional contribution

and profession of the person(s) providing the counselling. By professional counselling is meant the consultancy services provided by doctors, solicitors, engineers, craftsmen, etc.

10. Multi-number services

A service or information provider may not market the same service in any one newspaper using one or more advertisements that list different telephone numbers without stating that all numbers connect to the same service. This rule also applies to marketing on television or other media when such marketing has the same effect.

11. All legal rules must be followed

In addition to the provisions of paragraphs 1-10, all marketing of premium rate call services must comply with current marketing legislation.

B. Rules Governing the Content of Premium Rate Services

1. Information on Applicable Tariffs

a. For every premium rate call that may cost more than SEK 20, the customer shall, within 10 seconds, be informed of the applicable tariff by means of an automated voice response system, an operator or other appropriate means.

b. In the case of so-called *price-per-call* services (see Section A.1.e), the total cost of the call shall be stated, notwithstanding the provisions of Section B.1.a above.

c. For mobile premium rate services, the principles for calculating the total cost of using the service shall be stated irrespective of the number of messages sent or received. Each time a user is charged for a mobile premium rate service that may cost more than SEK 10, an SMS message shall be sent to the user immediately. The message shall contain information about the service and the amount charged.

For subscription services or chat services, information regarding the tariff, message frequency and the procedure for cancelling the service shall be included in the first message.

Each message shall include information regarding the applicable tariff together with the telephone number of the responsible service provider or content provider.⁸ Where the number of messages is not clearly determined in advance, no more than ten messages may be sent before the customer has again confirmed that they wish to receive additional messages.

Cancellation of a subscription service shall not incur any charges beyond the normal telecommunications tariff.

2. Unnecessary Delay of a Service

A service provided through a premium rate service shall not be unnecessarily delayed, postponed or prolonged through irrelevant information or by any other means.

⁸ May not be a foreign number or a premium rate call number.

3. Services of a Sexual or Erotic Nature

- a. Information intended to promote sexual relationships for financial gain (procurement) is prohibited.
- b. Minors, by which is meant persons under the age of 18, or others claiming to be minors, may not figure in descriptions of a sexual or erotic nature.
- c. Descriptions of sexual violence are prohibited.
- d. Sexual descriptions may not include animals.
- e. The rules in points B.3.a-d also apply to the use of premium rate calls for the indirect provision of services.

4. Personal ads

- a. A personal ad distributed through a premium rate service shall not contain the advertiser's name or any other information, such as an address or telephone number, that could identify the advertiser.
- b. Persons under the age of 18, or others claiming to be under 18, must not figure in contact ad services which include advertisements of an erotic or sexual nature, or which are marketed in a context that could indicate that such contact ads are included in the service (e.g. in a pornographic magazine).

5. Professional Advice

Services that imply the provision of professional advice must begin by stating the name and profession of the person or persons who will provide such advice.

6. Competitions

- a. Competitions conducted through premium rate services shall be carried out in accordance with the information provided in the marketing of the competition.
- b. The results shall be presented in such a way that participants can easily access them. It is not sufficient merely to notify the winners. Information shall be provided regarding where and when the names of the prize winners will be published.
- c. Prizes shall be dispatched to the winners within 21 days of the close of the competition, or within 21 days of the winners being selected.

C. Special Rules for Services Involving Direct Calls Between an Operator and a Customer ("Personal Response" Services)⁹

Company: The party that has entered into an agreement with a telecommunications operator to provide the service in question.

⁹ These rules apply regardless of whether the service is marketed under a different name, such as chatline, chatbox or the like. The rules also apply to premium rate services such as SMS-chat, WAP-GPRS chat or the like.

Operator: A telephone operator or other person employed by or acting on behalf of the company.

Customer: The caller.

1. The customer shall, within 10 seconds, be informed of the applicable tariff by means of an automated voice response system, an operator or by other appropriate means; see Section B.1.
2. Direct calls between operator and customer are prohibited if the purpose of the call could be assumed to be to offer the customer sexual stimulation.
3. Operators shall not disclose their address or telephone number while providing the service. Nor shall they disclose information that could identify a colleague.
4. Operators, or any other person acting on behalf of the company, shall not contact, permit themselves to be contacted by, or arrange to meet a customer in any manner.
5. Any person acting as an operator must be at least 18 years of age.
6. Marketing for the service in question shall clearly state that the call is conducted with an operator.
7. If an operator suspects that the customer is not an authorised user of the telephone subscription, the call shall be terminated immediately.
8. The provisions set out in Sections C.1-C.7 above shall also apply where premium rate services are used for the indirect provision of services.
9. Sections C.3-C.5 shall not apply to professional advisory services; see Sections A.9 and B.5.

D. Special Rules for Services Involving Direct Calls in Which More Than Two Customers May Participate (Conference Line Services)¹⁰

Company: The party that has entered into an agreement with a telecommunications operator to provide the service in question.

Operator: A telephone operator or other person employed by or acting on behalf of the company.

Customer: The caller.

1. The customer shall, within 10 seconds, be informed of the applicable tariff by means of an automated voice response system, an operator or by other appropriate means; see Section B.1.
2. The conference line is to be monitored by an operator and the customer immediately informed accordingly. The operator must be constantly available to answer questions concerning the service.

¹⁰ See note 9

3. Conference line services shall be monitored by an operator. Customers shall be informed immediately that communications on the service are being monitored. The operator shall at all times be available to answer questions concerning the service.
4. If the operator intends to participate in conversations on the conference line, each customer shall be informed accordingly. In such cases, the provisions of Sections C.2-C.4 shall also apply.
5. The operator shall be responsible for ensuring that nothing occurs on the service that is contrary to Swedish law or to the Ethical Rules of TR.
6. Operators, or any other person acting on behalf of the company, shall not contact, permit themselves to be contacted by, or arrange to meet a customer in any manner.
7. Any person acting as an operator must be at least 18 years of age.
8. If an operator suspects that a customer is not an authorised user of the telephone subscription, the call shall be terminated immediately.
9. If two customers are connected to an individual call, the rules set out in Section E shall also apply to that call.
10. The provisions set out in Sections D.1-D.9 above shall also apply where premium rate calls are used for the indirect provision of services.

E. Special Rules for Services Providing the Opportunity for Direct Calls Between Two Customers ("One-to-One" Services)¹¹

These rules also apply to premium rate calls that are connected to freephone services or other telephone numbers.

Company: The party that has entered into an agreement with a telecommunications operator to provide the service in question.

Operator: A telephone operator or other person employed by or acting on behalf of the company.

Customer: The caller.

1. The customer shall be informed of the applicable tariff within 10 seconds; see Section B.1.
2. Any line used for a one-to-one service shall be monitored by an operator, whose responsibility is to ensure compliance with the rules set out in Sections E.4-E.7 below. Customers calling a premium rate line, or a line connected to a premium rate line, shall be informed immediately that communications on the service are being monitored.
3. Any person acting as an operator must be at least 18 years of age.

¹¹ These rules apply regardless of whether the service is marketed under a different name, such as one-to-one, one+one, chat direct, or the like. The rules also apply to premium rate services such as SMS-chat, WAP-GPRS chat or the like.

4. Minors (persons under the age of 18) may not use one-to-one services, either directly or through connection to such services.
5. If there is reason to suspect that a customer is not an authorised user of the telephone subscription, or does not satisfy the requirement set out in Section E.4 above, the call shall be terminated immediately.
6. Calls that can be assumed to be intended to offer the customer sexual stimulation are prohibited.
7. Information that is intended to promote sexual relationships for financial gain (procurement) is prohibited.
8. The provisions set out in Sections E.1-E.7 above shall also apply where premium rate calls are used for the indirect provision of services.

F. Special Rules Governing the Use of Premium Rate Services for the Provision of Services via the Internet or Other Visual Media

1. Premium rate calls may not be used for the provision of interactive or otherwise directly transmitted video and/or audio clips if the purpose of the clip can be assumed to be to offer the customer sexual stimulation.
2. Before a call is made to a premium rate service number, the customer must first be informed of the telephone number being called and the applicable call charges and must also expressly consent to the call being made.

While connected to a premium rate service, information regarding the applicable tariff shall remain permanently visible on the screen throughout the duration of the connection.

The software used to connect to a premium rate service must be designed in such a way that the customer cannot proceed to other websites on the internet without first being disconnected and then reconnecting through the customer's normal internet service provider.

The software used to connect to a premium rate service must not be designed so that it becomes permanently installed on the customer's computer.

G. Special Rules for Customer Service

1. The service provider shall maintain a customer service function for all services. Customer service shall be available on weekdays, excluding public holidays, between 09:00 and 16:00. The customer service department shall have a Swedish telephone number and shall be reachable from both fixed-line and mobile telephones. Customer service staff shall be proficient in spoken and written Swedish. When customer service is closed, information regarding opening hours shall be provided in Swedish via an answering service. No charge in

excess of the operator's standard call tariff may be imposed for calls to the service provider's customer service department.

2. Complaints shall be handled within one day of receipt. Each complaint shall be dealt with individually. If a complaint does not result in the action requested by the user, the reason for this shall be communicated to the user in writing. The response shall also reproduce the complaint in full.

3. If customer service is unable to answer a telephone call within 10 minutes, the user shall be given the opportunity to leave a message on an answering service or provide contact details through an IVR (Interactive Voice Response) solution. The service provider shall, in the answering message/IVR solution, ask the user to specify how they wish to be contacted and to leave their contact details. The answering service or IVR system shall be provided in Swedish. A response shall be given within 24 hours or on the next business day. This service shall also be available when customer service is closed.

H. Purpose of the Ethical Rules

In addition to the provisions set out in Sections A-G above, neither the content of the information provided through premium rate services nor the marketing of such services may clearly contravene the purpose of these Ethical Rules, namely to create a safe, sound and transparent premium rate services market.