

EU Member State Marketing Laws

Country	Law of Reference	Consent for Email & Text	Prior Relationship Exception (Applies to Email & Text)*	Consent for Phone Calls	B2B Exceptions
Austria	§ 107 of the new Telecom-Law 2003 (TKG 2003)	Prior consent required unless (1) the message is not sent for direct marketing purposes; (2) the message is addressed to fewer than 50 recipients; or (3) the prior relationship exception applies.	Yes	Prior consent required	None
Belgium	Article XII.13 of the Code of Economic Law Royal Decree of 4 April 2003 regulating advertising by electronic mail	Prior consent required unless prior relationship exception applies	Yes	Consent not required unless individual is listed in the national do not call registry.	None
Bulgaria	Electronic Communications Act, Chapter 15, Section III, Article 261	Prior consent required unless prior relationship exception applies	Yes	Prior consent required unless prior relationship exception applies	None
Croatia	Electronic Communications Act, Article 107	Prior consent required unless prior relationship exception applies	Yes	Prior consent required unless prior relationship exception applies	Phone Exception: Consent not required for non-automated phone calls to a business for marketing and sales purposes.
Cyprus	The Regulation of Electronic Communications and Postal Services Law (Law 112(I)/ 2004)	Prior consent required unless (1) prior relationship exception applies or (2) the person/entity has stated in the Cyprus Phonebook Database that they wish to receive such messages.	Yes	Prior consent required.	None

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Czech Republic	Act on Certain Information Society Services (480/2004 Coll.) Act on Electronic Communications (127/2005 Coll.), section 96	Prior consent required unless prior relationship exception applies	Yes	Consent not required unless individual is listed in the national do not call registry.	None
Denmark	Danish Marketing Practices Act no. 426 of 3 May 2017, article 10	Prior consent required unless prior relationship exception applies	Yes	Consent not required unless individual is listed in the national do not call registry.	None
Estonia	Electronic Communications Act Law of Obligations Act, Section 60	Prior consent required unless prior relationship exception applies.	Yes	Prior consent required	Email & SMS Exception: Consent not required for B2B email or SMS. Must provide opportunity to opt-out. Phone Exception: Law of Obligations Act only applies to "consumers," defined as natural persons entering transactions not related to professional activities. Consent requirements inapplicable to B2B transactions.
Finland	Information Society Code (917/2014), Chapter 24, Sections 200–202 Data Protection Ombudsman FAQs on Direct Marketing	Prior consent required unless prior relationship exception applies.	Yes	Prior consent required	Exception: Consent not required if marketed product/service is substantially related to the person's work duties. Must provide opportunity to opt-out.

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France	<p>Article L34-5 of the Postal and Electronic Communications Code</p> <p>CNIL's 28 December 2018 guidance on commercial prospecting by email</p> <p>Article L121-34 of the Law on Consumer Protection</p>	Prior consent required unless prior relationship exception applies.	Yes	Consent not required unless individual is listed on the national do not call registry.	<p>Email & SMS Exception: Consent not required if (1) the marketed product/ service is related to the individual's profession and (2) at the time the email address/phone number was collected, the individual was informed their information would be used for marketing purposes, and given an opportunity to opt-out.</p> <p>Phone Exception: Consumer protection law only applies to "consumers," defined as a person acting for purposes that don't fall within the scope of its commercial activities. Consent requirements inapplicable for B2B.</p>
Germany	§ 7. of the "Gesetz gegen den unlauteren Wettbewerb" (Law Against Unfair Competition)	<p>Prior consent required unless prior relationship exception applies. Per German DPA guidance and court cases, should obtain double opt-in consent.</p> <p>Double opt-in is a two stage process where two separate actions are required. The user must take an action to opt-in, and then the user must confirm their opt-in by taking a second action. For example, signing up to a mailing list on a website and then confirming consent to receive mailing list emails by clicking on a link in a confirmation email.</p>	Yes	Prior consent required.	Phone Exception: Only implied consent required. Implied consent met if the individual could reasonably be expected to be interested in the product or service.
Greece	Article 11 of Law 3471/ 2006	Prior consent required unless prior relationship exception applies.	Yes	Consent required if the individual or business has indicated to their provider of publicly available electronic communications service (i.e., phone service providers) that they do not wish to receive such communications. Otherwise, consent not required, but opportunity to opt-out must be provided.	None

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Hungary	<p>Act XLVIII of 2008 on the Basic Requirements and Certain Restrictions of Commercial Advertising Activities (Advertising Act).</p> <p>Act CVIII of 2001 on Electronic Commerce and on Information Society Services (E-commerce Act).</p> <p>Act C of 2003 on Electronic Communications</p>	Prior consent required.	None	Consent not required unless individual has indicated in subscriber directories that their information can't be used for direct marketing. Must provide opportunity to opt-out.	Exception: Consent requirements only applicable to natural persons acting for purposes outside their occupation or economic activity; consent not required for marketing sent to legal entities. Must provide opportunity to opt-out.
Ireland	The European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011, Section 13	Prior consent required unless prior relationship exception applies.	Yes, but only applicable to email (not SMS)	"Landlines: Consent not required unless individual has indicated in the National Directory Database that their information can't be used for direct marketing. Mobile: Prior consent required."	Email Exception: Consent not required if (1) marketing is sent to an email address used in context of a commercial or official activity and (2) the message relates solely to that commercial or official activity. Must provide opportunity to opt-out.
Italy	The Italian Personal Data Protection Code (Legislative Decree No. 196 of 30 June 2003) as amended by Legislative Decree No. 101 of 10 August 2018, Chapter X, Section 130	Prior consent required unless prior relationship exception applies.	Yes	Prior consent required unless the individual's phone number is listed in the public telephone directory and is not enrolled in the public opt-out register.	None
Latvia	Law on Information Society Services, dated 4 November 2004	Prior consent required unless prior relationship exception applies.	Yes	Prior consent required.	Exception: Consent requirements only applicable to natural persons; consent not required for marketing sent to legal entities. Must provide opportunity to opt-out.

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Lithuania	Law on Legal Protection of Personal Data 1996. Law of Electronic Communications 2004. Law on Advertising 2000	Prior consent required unless prior relationship exception applies.	Yes	Prior consent required unless prior relationship exception applies.	None
Luxembourg	Law of 30 May 2005 on electronic communications networks and services.	Prior consent required unless prior relationship exception applies.	Yes	Prior consent required.	Exception: Consent requirements only applicable to natural persons; consent not required for marketing sent to legal entities. Must provide opportunity to opt-out.
Malta	Processing of Personal Data (Electronic Communications Sector) Regulations – – Subsidiary Legislation 586.01 the "Regulations".	Prior consent required unless prior relationship exception applies.	Yes	Consent not required. Must provide opportunity to opt-out.	None
Netherlands	Article 11.7 of the Dutch Telecommunication Act dated 5 June 2012	Prior consent required unless prior relationship exception applies	Yes	Opt-in consent required if the person is listed in the national register, unless prior relationship exception applies.	Email & SMS Exception: Consent not required to communicate to a person acting in the exercise of their profession or business if: (1) the sender is using contact information "intended and provided by the user" for such purposes; or (2) the person is based outside of the EEA and the applicable country's laws are complied with.
Poland	The Act on e-Services ('e-Services'). Telecommunications Law ('Telco').	Prior consent required unless the individual made their email address available for marketing purposes.	None	Prior consent required.	None

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Portugal	Law 41/2004 of August 18 on processing of personal data and the protection of privacy in the electronic communications sector (amended by Law 46/2012 of August 29).	Prior consent required unless prior relationship exception applies.	Yes	Consent not required unless individual is listed in the national do not contact registry. Must provide opportunity to opt-out.	Email & SMS Exception: Consent not required for "legal person" (business) unless it is entered into the national do not contact registry. Must provide opportunity to opt-out.
Romania	Law No. 506/2004 on the processing of personal data and the protection of privacy in the electronic communications sector	Prior consent required unless prior relationship exception applies.	Yes	No legal provisions specifically regulating live marketing by phone. Under GDPR, must provide opportunity to opt-out.	None
Slovakia	Act on Electronic Communications (351/2011 Coll.).	Prior consent required unless prior relationship exception applies.	Yes, but only applicable to email	Prior consent required	Exception: Act requirements only apply to natural persons. No language specifically governing communications for B2B purposes.
Slovenia	Electronic Communications Act (Zakon o elektronskih komunikacijah; ZEKom-1). Personal Data Protection Act (Zakon o varstvu osebnih podatkov; ZVOP-1).	Prior consent required unless prior relationship exception applies.	Yes	Prior consent required	Exception: Act requirements only apply to natural persons. No language specifically governing communications for B2B purposes.
Spain	Law 34/2002 on information society services and electronic commerce (LSSI). Law 9/2014 on General Telecommunications.	Prior consent required unless prior relationship exception applies	Yes	Consent not required unless individual is listed on national do not call registry ("Robinson lists"). Must provide opportunity to opt-out.	None

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Sweden	Marketing Practices Act (Sw. marknadsforingslagen (2008:486)) amended 21 July 2019. The Electronic Communications Act (Sw. lagen om elektronisk kommunikation (2003:389)) amended 1 October 2019.	Prior consent required unless prior relationship exception applies.	Yes	Consent not required. Must provide opportunity to opt-out.	Exception: Act requirements only apply to natural persons. No language specifically governing communications for B2B purposes.
Non-EU: Iceland	Electronic Communications Act No 81/2003	Prior consent required unless prior relationship exception applies.	Yes	Consent not required unless individual is listed in the national do not call registry.	None
Non-EU: Lichtenstein	Law of 17 March 2006 on Electronic Communications DPA guidance on direct marketing	Prior consent required unless prior relationship exception applies	Yes	Consent not required if the individual is listed in a public telephone directory or a business directory and has not added an exclusion regarding use for advertising purposes.	None
Non-EU: Norway	Article 11.7 of the Dutch Telecommunication Act The Marketing Control Act dated 9 January 2009	Prior consent required unless prior relationship exception applies	Yes	Consent not required unless individual is listed in the national do not call register. Must provide opportunity to opt-out.	None

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Non-EU: UK	Privacy and Electronic Communications Regulations (PECR)	Sole traders and some partnerships treated as individuals, and express consent required unless prior relationship exception applies. For corporate bodies (company, Scottish partnership, limited liability partnership, government body), only need to provide ability for individual employees to opt-out.	Yes	Express consent required for live calls to individuals and businesses who are listed in the UK's do not call lists (Telephone Preference Service (TPS), and Corporate TPS (CTPS)). Opt-out consent required for individuals not listed in the do not call lists.	Exceptions: Consent not required for phone calls to companies not listed in the TPS or CTPS. Consent not required for emails/texts to certain companies.
Non-EU: Switzerland	Article 3(1)(o) of the Federal Act on Unfair Competition Article 88 of the Ordinance on Telecommunications Services	Prior consent required unless prior relationship exception applies	Yes	Consent not required unless individual is listed on national do not call registry. Must provide opportunity to opt-out.	None
Non-EU: Canada	Canada Anti-Spam Legislation (CASL) Unsolicited Telecommunications Rules Canadian Radio-Television and Telecommunications Commission FAQs on CASL	Prior consent required unless (1) existing business relationship exception applies; or (2) the individual receiving the message has conspicuously published their email address and (a) the publication does not include a statement that the individual does not want to receive marketing messages and (b) the message is relevant to the individual's business or functions in a business or official capacity.	Yes	Consent not required unless individual is listed on the national do not call registry. Must provide opportunity to opt-out.	Email & SMS Exception: Consent not required if there is an existing business relationship between the two businesses arising from the purchase or lease of goods or service within 2 years immediately before the message was sent. Phone: Consent not required if there is an existing business relationship between the two businesses arising from the purchase or lease of goods or services within 18 months immediately before call is made.

*Prior relationship exception requires:

- (1) Email address was obtained from the individual in connection with a prior sale of goods/services;
- (2) Email address is used to market similar goods/services;
- (3) Individual has not opted-out from such use; and
- (4) When the email address is collected and each time it is used, the individual is advised that he/she can opt-out at any time."