



TERMS OF REFERENCE

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1 - Scope

The CONFIO Trustmark, hereinafter referred to as CONFIO, is a website accreditation programme created to ensure compliance with digital market's best practices, namely the rules in the Code of Conduct, available for consultation at ww.confio.pt.

The CONFIO trustmark is thus a guarantee for consumers when purchasing products and services through ecommerce and when using the Internet in general.

Applications for CONFIO Trustmark certification must be made by the owner or person in charge of the website, who shall be fully responsible for compliance with the terms and conditions in this Regulation and Code of Conduct. The accrediting entity is responsible for the additional verification and validation of compliance with these rules, necessary to award the CONFIO; this is done through an audit process, carried out with rigour, independence, objectivity, transparency and integrity.

This audit also allows for the award of the Ecommerce Europe Trustmark.

2 - Nature

CONFIO is the result of a protocol celebrated between three entities: ACEPI - Association of Electronic Commerce and Interactive Advertising, DECO - Portuguese Association for Consumer Protection and Associação DNS.PT, with an underlying Code of Conduct.

The CONFIO is awarded by Associação DNS.PT, which has the responsibility of an accrediting entity under the mission and roles assigned under the above mentioned protocol.

The trustmark is awarded in digital format, as the "CONFIO" logo.

3 - Recipients

1. Websites of legal persons or natural persons active in ecommerce, where the website owner is engaged, in a professional and lawful manner, in the provision of services or in the sale of consumer goods may be eligible for accreditation.
2. Websites dedicated to online auctions and non-transactional websites may also apply for the CONFIO accreditation.
3. The following websites cannot apply for a CONFIO trustmark:
 - a) websites relating to transactional financial services, namely investment services, insurance and reinsurance operations, banking services and pension fund operations;
 - b) websites relating to gambling, including lotteries, bingos, casino gambling and betting transactions, and services relating to term or option transactions;
 - c) websites relating to health care services and sale of medicines;
 - d) websites relating to construction, substantial reconstruction, purchase and sale or other rights regarding real estate, except for rental.
4. As an exception, on a case-by-case basis, websites of ACEPI affiliated companies that sell or provide online services not exclusively directed to consumers may be eligible for accreditation.

4 - Objectives

The CONFIO aims to ensure visitors and users that a given website is reliable and governed by good Internet practices, namely respecting the requirements imposed by the Code of Conduct and by this Regulation.

In this context, the following objectives are also highlighted:

- a) To ensure the website is legally registered, that it respects the principles of security and privacy in the processing of personal data as far as its online activity is concerned, that the terms of

sale and delivery procedures are transparent and fair, among other applicable requirements in accordance with the Code of Conduct;

- b) To ensure that the website owner has adhered to an extra-judicial mediation and arbitration mechanism for disputes and that its website features a complaints registration space;
- c) To ensure the website's technical reliability, particularly in the use of DNSSEC protocol and IPv6 compliance.

5 - Application procedure

Anyone wishing to start the CONFIO accreditation process must submit an online application at www.confio.pt, stating that its website will accept and enforce the technical procedures, contents and other terms and obligations required by the Code of Conduct.

5.1 - CONFIO Application Process

- a) Applicants must register at www.confio.pt; they are then given access to the registration website's reserved area;
- b) At the reserved area, they must apply for the CONFIO Trustmark by filling out the application, acceptance and validation form of the Code of Conduct's requirements;
- c) Should the registration be made by an entity with a CONFIO Trustmark Sales Agent statute, applicants must check the "parceiro oficial CONFIO" [official CONFIO partner] field; the remaining application process will take place in the same way;
- d) After submitting the form, the applicant shall be redirected to a page with the payment options;
- e) After payment, the website will be audited.

5.2 - Audit/Accreditation Process

- a) The CONFIO application process shall be subject to an audit, which will result in the production of a website compliance assessment report. Should the answer be negative, non-

complying areas will be pointed out, which will have to be corrected so the website can be awarded the Trustmark;

- b) After a positive assessment of the website's compliance, and ensuring the necessary requirements for awarding the CONFIO Trustmark are met, the website is duly accredited and, consequently, awarded the trustmark.

5.3 - Use

- a) The CONFIO Trustmark must be displayed on the accredited website's main page with the associated information elements, with a link to the "CONFIO" website so that any consumer can have access to information regarding the trustmark's authenticity and validity;
- b) The CONFIO Trustmark is valid for one year and is renewable for equal periods of time, unless the website owner expresses interest to the contrary or loses, by any means, the right to use it;
- c) On the www.confio.pt website, consumers can consult CONFIO Trustmark public information and assign a ranking to the websites awarded the trustmark;
- d) The www.confio.pt website shall also have a White List with all websites accredited with the CONFIO Trustmark, and a Black List with all non-complying websites and which have had consumer disputes.

6 - Ecommerce Europe Trustmark

In addition to the Portuguese CONFIO trustmark, it is also possible to apply for an Ecommerce Europe Trustmark.

1. For this application, websites must already have the CONFIO Trustmark, that is, a prior certification that the website complies with good ecommerce practices and with the Code of Conduct in force;
2. By fulfilling the requirements for the award of the CONFIO Trustmark, the website owner also fulfils the requirements for the

award of the Ecommerce Europe Trustmark, not having to bear additional costs with the audit;

3. The CONFIO Code of Conduct provides for all the requirements defined by the Ecommerce Europe Trustmark. The Ecommerce Europe Trustmark must be displayed on the accredited website's main and must have the associated information elements, with a link to the www.ecommercetrustmark.eu website so that any consumer can have access to information regarding the trustmark's authenticity and validity;
4. During this initial launch phase, subscription to the Ecommerce Europe Trustmark is free of charge for the website owner, although maintenance costs may be later defined;
5. The Ecommerce Europe Trustmark is automatically renewed with the CONFIO Trustmark.
6. Without prejudice to the provisions of the preceding paragraph, the withdrawal of the CONFIO Trustmark or the option not to renew it shall imply the loss of certification provided by the Ecommerce Europe Trustmark.

ACEPI, an associate of Ecommerce Europe, is the Portuguese representative of the Ecommerce Europe Trustmark; its responsibilities include ensuring the CONFIO Trustmark complies with European standards.

7 - Complaints management systems

The award of the CONFIO Trustmark is based on the provision of a complaints analysis and forwarding system should an accredited website owner not have its own complaints system in place, thus ensuring all that consumers have the right to file complaints.

1. The complaints system guarantees the consumer who has accessed a website in order to file a complaint regarding any non-compliance detected that it will be analysed and dealt with;
2. The consumer will always have the option to file the complaint directly on the CONFIO trustmark dedicated webpage, at www.confio.pt;

3. After the consumer files the complaint on the dedicated platform, the website owner will be notified of it;
4. Without prejudice to the provisions of the preceding paragraph, the consumer is always entitled to submit a complain to DECO, through a specific window for that purpose on the CONFIO Trustmark platform;
5. Additionally, the website owner must adhere to an extra-judicial mediation and arbitration mechanism for disputes;
6. In addition to the provisions of the preceding paragraphs, consumers may also file their complaints and follow up on them on the following entities' websites:
 - a) Ecommerce Europe Trustmark, for subscribers to the Ecommerce Europe Trustmark;
 - b) European Commission.
 - c) (<https://webgate.ec.europa.eu/odr/main/?event=main.home.show>)

8 - Sanctions

The CONFIO may be withdrawn if the website owner fails to comply with the terms and conditions upon which it was awarded. In that case, any amount previously paid shall not be reimbursed.

9 - Price

1. The award of the CONFIO Trustmark implies payment of a variable price according to the website's nature, disclosed at www.confio.pt.

The current price is as follows:

Table 1

	Transactional Website ¹	Non-transactional Website ²
Application price	€300	€100
Renewal price	€150	€50
Audit price	€150	€50

* VAT at the legal rate in force is added to the above mentioned prices

2. The website's audit is mandatory upon award of the CONFIO Trustmark and optional upon its renewal, the prices of Table 1 applying.
3. By not requesting an audit upon the CONFIO Trustmark annual renewal, the website owner takes full responsibility for maintaining compliance with the terms and conditions upon which it was awarded.
4. The CONFIO Trustmark annual renewal without a new audit request may only occur up to a maximum of two renewals.
5. CONFIO promoters may carry out promotional campaigns for their members and other promotional campaigns aimed at promoting the CONFIO Trustmark, which shall be advertised on the www.confio.pt website together with the applicable rules.

1 For CONFIO trustmark award purposes, a transactional website is defined as a website that integrates ecommerce platforms, allowing the online marketing of goods and/or services.

2 For CONFIO trustmark award purposes, a non-transactional website is defined as a website not allowing the online marketing of goods and/or services.

10 - Acquisition of the CONFIO Trustmark Sales Agent Statute

1. The CONFIO Trustmark Sales Agent Statute is acquired by concluding a signed partnership agreement with the CONFIO accrediting entity, Associação DNS.PT.
2. The partnership agreement concluded with the accrediting entity shall set the terms and conditions applicable to said agreement's signatories.
3. The assignment of the CONFIO Trustmark Sales Agent statute is preceded by a prior approval process by the entities subscribing to the CONFIO initiative. It is also dependent on the analysis of compliance with technical criteria, possible conflicts of interest, knowledge of the market and target viewers, and proven interest for the CONFIO Trustmark.
4. After concluding the partnership agreement to acquire the CONFIO Trustmark Sales Agent statute, applications coming from the Sales Agent shall be check marked in a field appropriate for this purpose, designated "parceiro oficial do CONFIO" [official CONFIO partner].
5. CONFIO Trustmark Sales Agent may make the trustmark logo available in their newsletters, website and social media pages in order to promote the "CONFIO" initiative.

12 - Entry into force

This Regulation shall enter into force on March 23, 2020.

DISCLAIMER: The English version is a translation of the original in PORTUGUESE for information purposes only. In case of a discrepancy, the Portuguese original will prevail.

