[PT] New rules for more transparency in branded content

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The Portuguese media regulatory authority (ERC) is calling for the clear identification of branded and sponsored content published in journalistic outlets. In a recent directive, the regulator recommended that news producers ensure that journalistic content is presented to audiences in a way that is clearly distinct from advertising/commercial content. This comes after the media regulator has issued, in recent years, several decisions condemning newspapers and other outlets for allowing confusion between these two types of content.

According to the ERC, designations such as “partnerships”, “collaborations”, and “supported by” may not be accurately interpreted by the audience, because they do not allow the public to understand sufficiently what the nature of the content is. Thus, the ERC has established that the use of such terms must always be supplemented with additional information. Also, when a “partnership” or a “collaboration” between the media outlet and third parties gives rise to journalistic content, this must have editorial relevance and explicitly contain this reference.

The directive by the ERC also states that newsroom councils – or journalists when those do not exist – should be consulted in cases of potential conflicts of interest. This should be guaranteed under the constitutional right of participation in editorial guidance guaranteed to journalists. Also, the ERC establishes that editorial directors must refrain, under any circumstances, from signing advertising/commercial contracts.

The ERC recognises the difficult economic and financial context in which media companies operate, and also the need to diversify the streams of revenue. Moreover, so-called native advertising, i.e. advertising that has appropriated the structure of journalistic work, has posed new challenges to the integrity of journalism. In this framework, the need to protect editorial independence and autonomy is enhanced, thus justifying the directive published by the ERC.

The regulatory authority also established that the advertising/commercial nature of the content must be immediately recognised by the public. This means that media companies should use designations that clearly indicate the presence of commercial content, right at the beginning of the piece, in which the advertiser is

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also identified. Moreover, commercial content must also be different from journalistic content from a graphic, visual, or acoustic perspective. Any support from commercial entities for journalistic work, such as travel and accommodation, should be disclosed to the public.

Media companies are also advised to create specific rules to ensure the separation between journalistic content and advertising/commercial content, which may be included in internal codes of conduct, thus making clear to all journalists the rules they must abide by.

DIRETIVA 2025/1 Separação entre conteúdos jornalísticos e conteúdos publicitários/ comerciais

https://www.erc.pt/document.php?id=MTNjMmYyMzYtMGRiNi00NTI0LWIxOTUtNWU3NDkwZTdkMmZl

DIRECTIVE 2025/1 Separation between journalistic content and advertising/commercial content

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