

[IT] Reference for a Preliminary Ruling of Court of Justice of the European Communities

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Tribunale Amministrativo Regional de Lazio (Regional Administrative The Second Chamber of the Court, Lazio) has made reference to the Court of Justice of the European Communities for a preliminary ruling in a case of a number of broadcasters against the Ministry of Post and Telecommunications.

The questions put to the Court are: 1. Is Directive 89/552/EEC (OJ EC 17.10.1989 No L 298: 23 - "Television without Frontiers" Directive) and, in particular, Articles 1 (b) and 18 thereof, to be construed as meaning that the expression 'forms of advertisements such as direct offers to the public' in Article 18 is used under Community law, for the purpose of raising the ceiling of advertising concentration to 20% of daily transmission time: (a) purely by way of example and is capable of covering other forms of advertising as well, apart from spot advertising, including for the purposes of this case 'telepromotions' which, while not containing 'offers to the public', could none the less be treated in the same way as such offers on account of some of their inherent characteristics (telepromotions themselves can be identified by the fact that, while suitable breaks clearly distinguish them from their editorial context, nevertheless there is generally a 'more time-consuming' element of continuity for the insertion of shows and/or games in the case of spot advertising); or: (b) by way of explanation or definition (in accordance with Article 12 of the contested legislation), as meaning that the possibility of increasing the daily concentration of advertising to 20% relates only to 'offers to the public' in the strict sense and not to forms of advertising such as 'telepromotions' as well, precisely because they lack the qualifying characteristics of an 'offer'? 2. Is directive 89/552/EEC, and in particular Article 17 (1) (b) thereof, to be interpreted as precluding altogether any forms of sponsorship in which the sponsor's name and/or logo may be shown during the programme at times other than the beginning and/or the end of the programme (as provided for, subject to certain derogations, by Article 4 of the contested decree), or as freely permitting repeated forms of sponsorship even during the programme itself?

Reference for a preliminary ruling of Court of Justice of the European Communities. Regional Administrative Court of Lazio. OJ EC 25.3.1995 No C 74: 2-3.

