[IT] Results of Public Consultation on Radio and Television Advertising and Sponsorship

IRIS 2000-9:1/21

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In September 2000 the Autorità per le garanzie nelle comunicazioni (Italian Communications Authority) published the final report of a public consultation launched on 10 March 2000, concerning advertising and sponsorship on radio and television. The aim of the consultation is the creation of a framework for the adoption of a regulation concerning radio and television advertising and sponsorship pursuant to the Communications Act of 31 July 1997, no. 249 (Istituzione dell'Autorità per le Garanzie nelle Comunicazioni e norme sui sistemi delle telecomunicazioni e radiotelevisivo, see IRIS 1997-8: 10). Broadcasters, advertisers and consumers associations were thus asked to give their opinion regarding existing legislation on the following issues:

- the separation of advertisements and programmes, with particular attention to break identification (split-screen, virtual advertising and impression of brands);

- the gross and net principle and the allowed amount of advertising per day and in any given clock hour;

- advertising restrictions by product (medicines, alcoholic drinks and tobacco), age and audiotext services.

Some contributions have dealt with the so-called telepromotions as defined in the RTI case (ECR 1996, I-6471) and with the debated question of whether programme anchormen should be prevented from taking part in advertisements which are broadcast during the same programme.

Another controversial issue is the interruption of sporting events. Particular attention has been paid to the definition of what is to be considered as "interval" under the "Television without Frontiers" Directive 89/552/EEC. As the Directive allows the insertion of advertising breaks only in the intervals, another problem relates to the determination of how breaks may be taken in coverage of long continuous events.

Many participants have shown great interest in the challenges arising from the use of new technology in the creation of advertisements, such as the use of electronic imaging systems or virtual advertising.

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Several contributions have dealt with the question of whether the net or the grossed-up principle should be used as the benchmark for the calculation of transmission time in Italian broadcasting. The recent judgment of the European Court of Justice in the ARD case (see IRIS 1999-10: 5) has been used as the main argument in order to justify the gross principle, while other participants have principally made reference to the wording of the relevant provision and opted for the net principle.

Sintesi delle risultanze della consultazione pubblica per un'indagine conoscitiva in materia di pubblicità radiotelevisiva

http://www.agcom.it/provv/sintesi_pubbl.htm

Final report of a public consultation concerning advertising and sponsorship on radio and television broadcasting

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