[ES] Ministry Issues Guidelines on TV Advertising Regulation

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The Spanish regulation relating to television advertising can be found in Chapter III of Act 25/1994 on the incorporation into Spanish law of the EC "Television without Frontiers" Directive. In 2001, the European Commission initiated infringement proceedings against Spain for its poor application of the provisions of Directive 89/552/EEC dealing with television advertising (see IRIS 2001-4: 3).

The national authority in charge of applying those provisions, the Ministerio de Ciencia y Tecnología (Ministry for Science and Technology), considered that in order to enforce them properly, it was necessary to clarify some legal concepts. In December 2001, the Secretaría de Estado de Telecomunicaciones y para la Sociedad de la Información (the "State Department for Telecommunications and for the Information Society" of the Ministry for Science and Technology - SETSI) held a meeting with the main Spanish broadcasters and explained to them the criteria to be followed when applying these rules. These criteria have been enshrined in a document which establishes clearer rules as regards television advertising and which covers some matters that were not expressly mentioned in Act 25/1994, such as virtual advertising.

However, it is necessary to bear in mind that these new guidelines had to be drafted in accordance with Act 25/1994, some provisions of which on television advertising may go beyond what is allowed by the EC Directive. For example, Act 25/1994 establishes that sponsorship can be placed during programmes and in advertising spots (art. 15.1.a) and that the transmission time devoted to sponsorship (including "sponsorship" placed in advertising spots) shall not be taken into account when applying the limits on the transmission time devoted to advertising (art. 15.4).

Criterios interpretativos de emisiones publicitarias aplicados por la Subdirección General de Contenidos de la Sociedad de la Información en sus servicios de inspección y control Secretaría de Estado de Telecomunicaciones y para la Sociedad de la Información del Ministerio de Ciencia y Tecnología, 17 de Diciembre de 2001

Criteria for the interpretation of the rules on television advertising - Ministry for Science and Technology, 17 December 2001

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