[FR] Amendment to the Decree of 27 March 1992 on Advertising and Sponsorship

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In the context of the regulations adopted recently with a view to the launching of digital terrestriallybroadcast television, Decree no. 2001-1331 of 28 December 2001 has now extended the scope of the decree of 27 March 1992 "laying down the general principles for the scheme applicable to advertising and sponsorship" to all television services however they are broadcast (analog or digital, unencrypted or onpayment from users). It is intended to apply also to services other than television services broadcast terrestrially in digital mode (cable, satellite, encrypted channels).

A new Article 15-1 included in the 1992 decree continues the ban on cinema and pay-per-view services broadcasting advertisements during their programmes where special access conditions apply. However, waiving Article 8 of the decree which bans any advertising on television for alcoholic beverages, literary publications, the cinema, the press or distribution, where these same services are broadcast by cable, satellite or terrestrially in digital mode they are allowed to broadcast advertising for the cinema on condition that this is done during encrypted broadcasting. This new scheme waiving the ban on television advertising in favour of the cinema is one of the main innovations contained in the decree. The other area of reform in the regulations concerns the transposition of the Television Without Frontiers directive, as amended in 1997. This improves the wording of Article 7 of the 1992 decree, concerning the protection of minors. There is also a provision that "isolated advertising should remain the exception". A general rule contained in the new Article 15 V of the decree henceforth limits the maximum amount of time that may be devoted to the broadcasting of advertisements; this is a matter that, for the private terrestrially-broadcast channels, has until now only been covered in their agreements. Another major aspect of the reform lies in the transposition of the provisions of the TWF directive on self-promotion and teleshopping. According to the Act of 6 January 1988, the CSA has until now been the only body able to lay down rules on these points for services broadcast terrestrially or by satellite. Only teleshopping programmes broadcast on cable networks were regulated under the amended decree of 1 September 1992. The decree of 27 March 1992 is thus supplemented in order to lay down the rules for broadcasting this type of programme, depending on the various modes. Thus even the title of the text has been supplemented; its object is now to "lay down the general principles defining the obligations incumbent on service editors as regards advertising, sponsorship and teleshopping".

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Décret n° 2001-1331 du 28 décembre modifiant le décret n° 92-280 du 27 mars 1992 pris pour l'application du 1° de l'article 27 de la loi du 30 septembre 1986 relative à la liberté de communication et fixant les principes généraux concernant le régime applicable à la publicité et au parrainage

Decree no. 2001-1331 of 28 December amending Decree no. 92-280 of 27 March 1992 adopted in application of Article 27(1) of the Act of 30 September 1986 on freedom of communication and laying down the general principles for the scheme applicable to advertising and sponsorship

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