Standing Committee on Transfrontier Television: Consultation on Advertising, Sponsorship and Teleshopping Provisions in ECTT

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In the context of its ongoing review of the European Convention on Transfrontier Television (ECTT), the Standing Committee on Transfrontier Television recently oversaw a public consultation process concerning the ECTT's provisions on advertising, sponsorship and tele-shopping (Articles 11-18). The consultation was initiated in October and concluded on 31 December. The basis for the consultation was a discussion document prepared by the Delegate of Austria; submissions were to focus on questions on which consensus had not yet been reached within the Standing Committee. Those issues were indicated in the discussion document. As regards terminology employed in the ECTT, the discussion document pointed out that the retention of "comprehensive definitions" was to be preferred to the adoption of "'individual-case'-legislation" and that "any change in the definitions will have to achieve a workable definition that does not hamper new forms of advertising". The consultation therefore prioritised matters such as: "a definition of surreptitious advertising"; "a revision of the definition and regulations of sponsorship" and "a clearer definition of self-promotion". There was consensus that the principles enshrined in Article 11 (General standards), ECTT, are "necessary and adequate". It was deemed that the wording of the Article could be applied to "new forms of advertising" without "specific problems" and that it should be more closely aligned with Articles 12 and 16 of the EC "Television without Frontiers" Directive. The consultation therefore inclined instead towards the issue of "more detailed rules with respect to the protection of minors in the field of advertising" and "the important role of `self-regulatory' measures". As regards Article 12 (Duration), ECTT, time limits, tele-shopping windows and the classification of specific forms of sponsorship or virtual advertising with respect to the time limits, were among the issues placed on the table for discussion. Matters arising in connection with Article 13 (Form and presentation) included whether general conditions/rules should be elaborated for splitscreen, interactive and virtual advertising, while relying on self-regulatory measures to work out the necessary details. Under Article 14 (Insertion of advertising and tele-shopping), comments were also invited on whether the regulations contained in Article 14 (2)-(4) should be eased (a majority favoured retaining the principles contained in Article 14(1) and (5)). A clearer definition of intervals and natural breaks and "special restrictions for split screen for specific programmes", were other topics on which feedback was sought. Concerning Article 15 (Advertising and tele-

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shopping of particular products), the discussion document revealed a lack of consensus on whether children's programmes and the advertising of alcohol should be subject to stricter regulation. Whether greater clarity is required for the rules governing "political" advertising was another open question. Opinions were solicited on the view that notwithstanding the import of Article 16 (Advertising and tele-shopping directed specifically at a single Party), national measures are of limited effect and impact. According to the discussion document, a majority of the Standing Committee opposed the extension of prohibited forms of sponsorship (see: Article 18, ECTT). The document nevertheless noted that there had been some calls to prohibit the sponsorship of programmes directed at children and the sponsorship of programmes by companies involved in the production of "beverages of higher alcoholic content".

Final version of the discussion document prepared by the Delegate of Austria on questions concerning advertising, sponsorship and tele-shopping, T-TT(2004)013, Standing Committee on Transfrontier Television of the European Convention on Transfrontier Television, 15 September 2004 (adopted at its 37 meeting on 11-12 October 2004)

http://www.coe.int/T/E/Human_Rights/media/2_T-TT/3_Texts_and_documents/T-TT(2004)013%20E%20Ad_sponsor_teleshop.asp#TopOfPage

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