[CS] Proposed Law on Advertising

IRIS 2005-3:1/9

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In late December 2004, the Government of Serbia adopted a Proposal of an Act on Advertising and passed it on to the Parliament to be adopted in an urgent procedure. The proposed text relies on a draft prepared by an expert group in 2001 (see IRIS 2002-2: 15), which was submitted to the former Government of Serbia in 2002 but was not deliberated on until autumn 2004. In September 2004, the new administration started working on the expert draft and produced the current text of the proposal.

As far as the contents of the proposed text and its impact on the audiovisual sector is concerned, it should be noted that the proposed Law on Advertising ensures the implementation of the provisions set in European Convention on Transfrontier Television (ECTT) as revised in 1998, and also compliance with the provisions of the Television Without Frontiers Directive. Basic concepts of television advertising and sponsorship in Serbia are presently included in Part VII of the Law on Broadcasting 2002 (see IRIS 2002-8: 11), which was also based upon the ECTT. However, due to the problems in implementation of that law (see IRIS 2003-9: 7) and the fact that the technical level of wording of this part was not good enough, it was decided to include provisions on television advertising and sponsorship in the proposed Law on Advertising. So the whole of Part VII of the 2002 Law on Broadcasting will be replaced. The standard provisions on duration (20% of total air time, 12 minutes per hour for advertising), form and presentation (distinguishability, ban on subliminal advertising etc) and insertion of advertising and teleshopping are included in the proposed text. As for particular products, there is a total ban on tobacco advertising on TV and radio. Advertising for alcoholic beverages is prohibited, excluding advertising for beer in the period from 18.00 h to 6.00 h. This provision is even more restrictive then Art. 15 para. 2 ECTT. Special parts of the proposed law refer to the programs of the public service broadcaster (national radio television). The duration of advertising is reduced to 10% of total air time, equivalent to 6 minutes per hour, the only exception being the broadcasts of international sports events of national importance, when 9 minutes per hour is allowed. The Public service broadcaster is also limited in the possibility of selling its advertising space to media buying agencies, because not more then 60% of advertising space (by value, not duration) may be sold in advance, and not more then 10% to one individual media buying agency. This last provision was introduced in order to prevent abuses that happened during the nineties, when the state broadcaster sold practically all of its

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advertising space in advance to some companies that subsequently resold it at a price far beyond that of the regular state TV price.

It should be noted that some key provisions of the expert group version have been altered, mostly the ones regarding advertising of tobacco and alcohol which is made even more restrictive. This has caused turmoil among the advertising agencies, which are advocating the revocation of the current proposal, because unlike the expert group, the Government did not consult any representatives of the interested industries while drafting the current proposal. Things being as they are, it may be expected that the Parliament shall vote on the proposal in early spring 2005.

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Governmental Proposal of an Act on Advertising of December 2004

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