[CS] Serbian Law on Advertising Adopted

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The National Assembly of the Republic of Serbia adopted the Law on Advertising at its session held on 14 September 2005, and it was published in the Official gazette of Serbia on 16 September 2005. The Law is based upon the expert draft of 2001 (see IRIS 2002-2: 15) and the proposal adopted by the Government of Serbia in 2004 (see IRIS 2005-3: 7), but it underwent some last minute changes prior to adoption.

The Law has eleven chapters. The first chapter deals with general provisions, defining the subject matter of the law, the terms used therein as well as principles of advertising: freedom of advertising, truthfulness, completeness and determination of advertising, recognisability of advertising, ban on misuse of trust, ban on discrimination, ban on breaches of morality, ban on unsolicited advertising, and ban on breaches of competition. The second chapter defines the conditions and manner of advertising. As for the conditions, the Law requires every advertiser to, upon request of the media, issue a declaration containing data on the producer of the advertisement, the advertiser and the contents of the advertisement. This has been introduced along with the joint liability of media, advertiser and the agency (producer) of the advertisement. The media may request the declaration as a condition for publishing the advertisement, so if there is anything wrong the media knows the advertiser and the producer. As for the manner, the Law contains the ECTT rules on TV advertising and tele-shopping, as well as rules on radio and outdoor advertising. The third chapter regulates untruthful, comparative and fraudulent advertising, and bans many practices such as showing the unjustified use of force or dominant gender position in the advertisements. The fourth chapter defines "special cases", including advertising on tobacco and alcohol. Tobacco advertising is completely banned, whereas alcohol advertising is banned except for beer and wine, where it is allowed with some limitations. The fifth chapter deals with advertising aimed at minors (children) assuring their special protection. The sixth chapter regulates advertising by state and political parties. Further, the law provides in its seventh chapter rules on sponsorship. In the eight chapter it provides for the protection of the recipients of advertisements. The ninth chapter regulates supervision followed by very strict penal provisions (Chapter 10) and transitory and final provisions (Chapter 11). The law entered into force on 24 September 2005 but shall begin to be applied three months thereafter (a longer vacatio legis should enable the advertising market participants to adapt to the new rules for their industry).

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