[BE] Deregulation of Advertising and Sponsoring Rules for Flemish Commercial Broadcasters

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On 24 January 2007, the Flemish Parliament approved new modifications of the *Decreten betreffende de radio-omroep en de televisie* (Audiovisual Media Decree 2005) . Aside from broadening the possibilities for alliances between regional and national private radio stations and abolishing some administrative obligations for private radio and television broadcasters, the new provisions deregulate some of the restrictions and limitations that commercial broadcasters have had to observe since 1991 regarding advertising and sponsoring.

In essence, the Flemish Community is abandoning its policy of imposing more detailed and stricter rules on television advertising and sponsoring than those in the TWF Directive 89/552/EEC. The possibility to advertise during audiovisual works such as feature films and films made for television is now aligned with Art. 11.3 of the TWF Directive. Also the provision that television advertising shall be readily recognisable as such and kept separate from other parts of the programme by optical and/or acoustic means is now aligned with Art. 10.1 of the TWF Directive. Displaying, mentioning, showing or revealing products or services with the intention of making them available as a prize in a programme, will from now on be less restricted. With regard to sponsoring, the time limitations imposed on mentioning sponsors (five seconds per sponsor and ten seconds in total) have been abolished.

The most controversial and debated modification is the abolition of the so-called five-minute rule. Flemish broadcasting law prohibits advertising in the immediate proximity of children's programmes (under 12 years) since 1991. "Immediate proximity" meant within a period of five minutes before or after the children's programmes. Sponsoring of these programmes was also prohibited. The new Act has abolished these provisions for commercial broadcasters. The prohibition to introduce advertising in children's programmes however has not been modified. In Art. 111 of the Audiovisual Media Decree an amendment is introduced stating the code of advertising and sponsoring contains provisions regarding advertising and sponsoring that specifically target children and youngsters. With this new Act, the Flemish legislators aim to put an end to the stricter rules on advertising and sponsoring that reduce the income of commercial broadcasters in comparison to that of other EU broadcasters available on the Flemish television cable networks.

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The de-regulation with regard to sponsoring of children's programmes is not applicable to the public broadcasting organisation VRT, which may in any case not broadcast advertising on television (apart from self-promotion). According to the new Act, the VRT is not allowed to have its children's programmes sponsored, as it may not mention the sponsor five minutes before or after children's programmes. The time limitations for sponsoring messages (five seconds per sponsor and ten seconds in total) also remain applicable to the VRT.

Decreet houdende wijziging van sommige bepalingen van titel III en titel IV van de decreten betreffende de radio-omroep en de televisie, gecoördineerd op 4 maart 2005

http://jsp.vlaamsparlement.be/docs/stukken/2006-2007/g1021-3.pdf

Act modifying the Audiovisual Media Decree 2005, approved by the Flemish Parliament on 24 January 2007

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