[DE] Draft 13th Inter-State Broadcasting Agreement Published

IRIS 2009-6:1/14

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The State chancellery of Rhineland-Palatinate, which currently chairs the Broadcasting Commission of the *Länder* , has published a draft 13th *Rundfunkänderungsstaatsvertrag* (amendment to the Inter-State Broadcasting Agreement - RÄStV).

One of the issues covered by the amendment is product placement, which is to be defined in Art. 2(2)(11) of the *Rundfunkstaatsvertrag* (Inter-State Broadcasting Agreement - RStV). The ban on surreptitious advertising, product and thematic placement and related practices will be incorporated in the newly added Art. 7(7)(1) RStV (instead of Art. 7(6)(1), where it is at present). However, under Art. 7(7)(2) RStV, exemptions to the ban on product placement are allowed on condition that editorial independence is observed, there are no direct invitations to buy goods or services and the product is not given undue prominence. Viewers must be informed at the beginning and the end, as well as after any breaks in the programme, that it contains product placement.

For public service broadcasters, product placement will be allowed during cinema and television films, series, sports broadcasts and light entertainment programmes, provided they are not aimed at children and as long as no payment is made in return (Art. 15 RStV). Product placement is also prohibited in children's programmes on private channels (Art. 44 RStV). Product placement does not count towards the permitted duration of advertising (Art. 16(1)(2), 45(1)(2) RStV).

Furthermore, in future, television and cinema films, as well as news programmes will only be allowed to contain one advertising or teleshopping break per 30 minutes of programme time (Art. 7a(3) RStV) (see IRIS 2009-6: 10).

Arbeitsentwurf zur Umsetzung der Richtlinie 2007/65/EG des Europäischen Parlaments und des Rates vom 11. Dezember 2007 zur Änderung der Richtlinie 89/552/EWG des Rates zur Koordinierung bestimmter Rechts- und Verwaltungsvorschriften der Mitgliedstaaten über die Ausübung der Fernsehtätigkeit (Stand: 17. April 2009)

http://www.rlp.de/fileadmin/staatskanzlei/rlp.de/downloads/medien/entwurf_13_rundfunkaenderungsstaatsvertrag.pdf

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Working draft on the transposition of Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (as at 17 April 2009)

Position des öffentlich-rechtlichen Rundfunks zum Entwurf

http://www.epd.de/medien/medien_index_64917.html

Position of the public service broadcasters concerning the draft

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