[FR] CSA Lays Down Conditions for Second Commercial Break in Programmes

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Amélie Blocman
Légipresse

The national rules applicable to television advertising, sponsorship on television, and teleshopping have been relaxed with the transposition of the "Audiovisual Media Services" Directive of 11 December 2007 into French law. Thus, although the Act of 5 March 2009 (see IRIS 2009-4: 10) put an end to the broadcasting of advertising on the France Télévisions channels, it nevertheless authorised the private channels, other than cinema channels, to include an extra commercial break in audiovisual and cinematographic works (Article 73). This second break, which previously the CSA had allowed only during works lasting longer than 2-and-a-half hours, is the result of the transposition of Article 11 of the AVMS Directive. The extra break is dependent on the nature and duration of the work. Thus cinematographic works, one-off audiovisual fiction works, transmissions of live shows and programmes for children and young people must last at least 30 minutes in order to be interrupted once, and at least 60 minutes to be interrupted a second time. Serials, soap operas and documentaries written for television can be interrupted twice, regardless of their duration.

On 21 April, the CSA gave its verdict on the relationship between the new Article 73 of the Act and Article 15 of the Decree of 27 March 1992 that lays down the framework for the inclusion of advertising in programmes. In compliance with Article 15(I) of the Decree, the CSA stated that there must be a period of at least 20 minutes between two successive breaks in works, regardless of which category they fall into. Furthermore, no commercial break in a cinematographic work may exceed 6 minutes. The periods of 30 or 60 minutes necessary for determining the number of breaks authorised during a programme means "programmed" periods as defined by ECJ jurisprudence. This means that the duration of the advertisements must be included in the calculation period, i.e., a 52-minute television film could be interrupted twice if the broadcaster decided to insert at least 8 minutes of advertising.

Décision du CSA du 21 avril 2009

http://www.csa.fr/actualite/decisions/decisions_detail.php?id=128405

CSA Decision of 21 April 2009

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