

[IE] Rules on Broadcast Advertising Limits

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In September 2009, shortly before its demise and the setting up of the new Broadcasting Authority of Ireland (BAI), the Broadcasting Commission of Ireland (BCI) published rules on advertising and teleshopping daily and hourly limits. Such rules had been in operation for many years and were enforced via BCI's contracts with its licensed broadcasters. BCI was required to draft such rules under s.19(3) of the Broadcasting Act 2001. In publishing the rules in September 2009, BCI, according to its Chairman, was simply formalising long standing practice and bringing to a conclusion BCI's responsibility to develop Codes and Rules under the 2001 Act (see IRIS 2001-4: 9). Henceforth the responsibility will lie with the BAI under the Broadcasting Act 2009 (see IRIS 2009-10: 13).

The draft rules, which reflected existing practice, were published on 7 September 2009. A short public consultation period followed and the rules were then published on 30 September 2009. They apply to all commercial and community broadcasters licensed by BCI. They do not apply to the public service broadcasters RTÉ and TG4. It is the Minister for Communications who determines the amount of broadcasting in relation to public service broadcasters. In the case of commercial broadcasters, total daily times for advertisements must not exceed 15% of the total daily broadcasting time and must not exceed ten minutes per clock hour. Community broadcasters are limited to a maximum of six minutes per clock hour, while institutional and special event broadcasters may not carry advertising. Teleshopping segments on channels not exclusively devoted to teleshopping must be of a minimum duration of fifteen minutes and the maximum number of segments per day is eight, up to a maximum daily time of three hours.

In light of the requirement to transpose the Audiovisual Media Services Directive into national law by 19 December 2009, BAI, which came into existence on 1 October 2009, published draft rules and began a public consultation on them on 16 November. BAI is required by s.43(1) of the Broadcasting Act 2009 to prepare and from time to time revise rules on such matters as advertising limits. The draft rules it has published are in fact the rules published by BCI in September and which reflect existing practice. However, as the Broadcasting Act 2009 offers greater flexibility regarding limits on advertising and teleshopping, BAI is seeking preliminary responses inter alia on the desirability or otherwise of increasing the hourly and daily limits permitted on commercial television services and community radio and television services. Further consultation will follow.

BCI Press Release, 30 September 2009

http://www.bci.ie/news_information/press238.html

BCI Rules

http://www.bci.ie/documents/bci_advertising_teleshopping_daily_hourly_limits.pdf

BAI Consultation Document

http://www.bai.ie/pdfs/bai_advertisingteleshopping_consultation.pdf

