[RS] Changes in the Application of TV Advertising and Sponsorship Rules

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The Council of the Serbian Broadcasting Agency (SBA) has, in late 2009, announced that, starting from 1 January 2010, it shall establish permanent monitoring of TV programmes in order to determine the breaches of the provisions of the 2005 Law on Advertising that refer to TV advertising and sponsoring and to apply this statute rigorously.

On 5 March 2010 the SBA published the results of its monitoring carried out in January and February 2010, finding that all monitored broadcasters breached the law more than once. As a result, it has filed a misdemeanour report with the competent Misdemeanour Court against all six TV stations that have national coverage licenses, requesting that they should be fined in line with the law.

Judging from the statement given by SBA Council Vice-chairperson the most common breaches of advertising regulations refer to the duration of advertising slots and a lack of observance of the proper duration of the period between such breaks, as well as the failure to audio-visually separate commercial breaks from other content and the failure to abide by the regulations pertaining to teleshopping programmes. The SBA announced that, this time, it shall treat all breaches it found as one misdemeanour on the part of each respective broadcaster, so it filed one report against each of the six broadcasters. In future, however, each breach shall be followed by a report to the Misdemeanour Court, so that the broadcasters are encouraged to strictly apply the statutory rules.

It is worth mentioning that the SBA analysis did not include some highly disputed practices, such as product placement and so-called "chyrons" (also called "crawls" or "tickers" which in fact are advertising in a form of text and/or graphic that appear to move over the screen while some other content is being shown). This was omitted due to the fact that their legality under the current Law on Advertising was disputed and not quite clear, as the SBA explained. However, following a legal opinion the SBA requested and received from the Ministry of Trade and Services which found that the "chyrons" are indeed forbidden under the current legislation, the SBA recently announced it shall not tolerate such practices from 15 March 2010 onwards.

Last, but not least, in order for the national legislation to keep up with recent European legislative developments in this field, a working group of the Ministry of

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Trade and Services is preparing new legislation on advertising which is supposed to be more precise than the current law.

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