[FR] CSA Lays down Conditions for Broadcasting Audiovisual Advertising of On-line Games and Betting

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The Act designed to open up to competition and regulate the on-line gaming sector adopted on 6 April 2010 was gazetted on 13 May 2010, after validation by the Constitutional Council, thereby achieving the French Government's aim of allowing the market to be liberalised before the start of the football World Cup. The Act is intended to open up the market for on-line gaming (betting on sporting events, betting on horse racing, and poker) in a regulated fashion by authorising, through the new authority regulating on-line gaming (Autorité de Régulation des Jeux en Ligne - ARJEL), operators who will be required to observe strict specifications. Article 7 of the Act lays down the conditions for broadcasting advertising in favour of the approved operators, which must be accompanied by a message warning against excessive or pathological gaming. Advertising is prohibited in publications, audiovisual communication services and on-line services directed at minors, and also in cinemas showing works that may be viewed by minors, on penalty of being fined between EUR 30,000 and 100,000, and will be prohibited for non-approved operators.

On 18 May 210, after a very wide-ranging consultation with the parties involved, the Conseil Supérieur de l'Audiovisuel (audiovisual regulatory body - CSA) adopted a deliberation on the conditions for radio and television services broadcasting commercial communications (advertising, sponsorship, product placement) on behalf of on-line gaming operators. The deliberation refers to all the operators legally authorised by the State, whether by virtue of an exclusive right (Française des Jeux, Pari Mutuel Urbain), an authorisation (casinos), or an approval issued by the ARJEL (activities on the physical network and on line). The first part of the text defines the radio and television services and the programmes "presented as being directed at minors" within the meaning of Article 7 of the Act of 12 May 2010, during which commercial communications on behalf of gaming operators are prohibited, based on a range of factors (the tone used, visual identity, subjects broached, time of day, prizes offered, etc) intended to inform players on the guidelines to be used by the CSA in applying the Act. Commercial communications on behalf of gaming operators are also prohibited during the thirty minutes before and after these programmes. The second part of the deliberation defines the conditions for broadcasting commercial communications on behalf of gaming operators. Lastly, the text includes provisions concerning the identification of commercial communications on behalf of gaming operators and of their object, the protection of minors, and combating addiction. The Act

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provides that a joint report by the CSA and the professional advertising regulation authority (Autorité de Régulation Professionnelle de la Publicité) assessing the consequences of advertising by on-line gaming and betting operators in the media should be presented to Parliament within eighteen months of the Act being promulgated.

Loi n° 2010-476 du 12 mai 2010 relative à l'ouverture à la concurrence et à la régulation du secteur des jeux d'argent et de hasard en ligne, JO du 13 mai 2010

http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000022204510&dateTexte=&categorieLien=id

Act No. 2010-476 of 12 May 2010 on opening up to competition and regulating the on-line gaming sector, gazetted on 13 May 2010

Délibération n° 2010-23 du 18 mai 2010 relative aux conditions de diffusion, par les services de télévision et de radio, des communications commerciales en faveur d'un opérateur de jeux d'argent et de hasard légalement autorisé, JO du 21 mai 2010

http://www.csa.fr/infos/textes/textes_detail.php?id=131199

Deliberation No. 2010-23 of 18 May 2010 on the conditions for radio and television services broadcasting commercial communications on behalf of a legally authorised gaming operator, gazetted on 21 May 2010

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