[LU] Government replies to alleged violations of `Television without Frontiers' Directive by RTL

IRIS 1996-8:1/26

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By letter of 20 June 1996, the Prime Minister of Luxembourg has replied to a letter from the Dutch Minister of Culture concerning the alleged violations by (Luxembourg-based) RTL4 and RTL5 of the "Television without Frontiers" Directive. In his letter of 19 December 1995, the Minister informed the Luxembourg Government that the Dutch Media Authority (Commissariaat voor de Media) had detected persistent violations in the form of surreptitious advertising and unclear or favourable mentioning of names of sponsors (see IRIS 1995-10: 11). The Dutch Government asked for the opinion of the Luxembourg Government in this matter in view of fair competition between the private commercial broadcasters which target the Dutch market, and RTL's persistance in its position towards sponsoring. In his reply, the Luxembourg Prime Minister informs the Minister that the Government Commissioner for CLT, after consultations, has concluded that the matters raised do not constitute a violation of applicable Luxembourg law (the law of 27 July 1991 on electronic media, which implements the Directive's provisions on advertising and sponsorship). The Prime Minister shares the Commissioner's views, inter alia, that the presentation of products or services of the sponsor cannot be considered as surreptitious advertising if the programme is clearly identified as a sponsored programme and the name of the sponsor is indicated at the beginning or the end of the programme. However, because sponsored programmes must not encourage the purchase of the products of the sponsor, the Luxembourg Government asked CLT to pay specific attention to compliance of its programmes with this provision. The Dutch Minister has accepted the Luxembourg Government Commissioner's invitation, with which he concluded his report, for a meeting between himself and other representatives of the Dutch Ministry of Culture, and representatives of the Luxembourg 'Service des Médias et de l'Audiovisuel'. Topics that will be discussed during this meeting will be the interpretation of the articles of the `Television without Frontiers' Directive concerning surreptitious advertising and sponsoring, in particular articles 1(c) and 17(1)(d).

Salient fact is that during the inaugural meeting of the European Platform for Regulatory Agencies (EPRA - an informal structure in which media authorities of different European countries meet from time to time and of which the European Institute for the Media runs the secretariat) in the framework of its European Television Forum held in Crete, 1-3 November 1995, videos have been shown of RTL4's and RTL5's sponsored programmes. The experts present were unanimous

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in their opinion that these showed surreptitious advertising in the sense of the Directive.

Lettre du 19 décembre 1995 (MLB/J/OP/95.3306), Rapport du Commissaire du Gouvernement auprès de la CLT à l'attention de Monsieur le Premier Ministre (18 juin 1996), lettre du 20 juin 1996 et lettre du 28 août 1996 (MLB/J/OP/96.2346).

Letter of 19 December 1995 (MLB/J/OP/95.3306), Rapport du Commissaire du Gouvernement auprès de la CLT à l'attention de Monsieur le Premier Ministre (18 June 1996), letter of 20 June 1996 and letter of 28 August 1996 (MLB/J/OP/96.2346).

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