[BA] Revision of the Framework for Audiovisual Media Content Regulation

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On 11 April 2011, the Regulatorna agencija za komunikacije (Communications Regulatory Agency) launched a public consultation on several revised regulatory documents, most prominent of which are the Draft Code on Audiovisual Commercial Communications and Commercial Communications in Radio Media Services and the Draft Code on Audiovisual and Radio Media Content.

The revision principally aims at bringing the existing regulation into line with the EU Audiovisual Media Services Directive (AVMSD). A two-tiered approach to the regulation of audiovisual media content has been established. In addition, its scope of application is extended, where appropriate, to radio media services as well.

In this vein the current Broadcasting Code of Practice and the Code on Advertising and Sponsorship have been substantially amended as well as renamed in order to cover all audiovisual and radio media services, including on-demand services. The Draft Codes introduce some substantial novelties to content regulation of both audiovisual and radio media services in Bosnia and Herzegovina. First and foremost, they introduce new terminology and concepts, such as audiovisual/radio media services, audiovisual/radio media services on demand, audiovisual commercial communication and product placement.

The Draft Code on Audiovisual Commercial Communications and Commercial Communications in Radio Media Services introduces and defines misleading and comparative audiovisual commercial communication, as well as split-screen, virtual advertising and product placement. In line with the AVMSD, limits on the quantity of television advertising are now more flexible: daily limits have been abolished, but the hourly limit for advertising and teleshopping spots remains. New provisions on sponsoring introduce the obligation of media service providers to clearly identify sponsored programmes at the beginning, during and/or the end of the programmes, as well as the obligation to inform viewers of the existence of a sponsoring agreement. Product placement will be allowed under certain conditions in cinematographic works, films and series made for audiovisual or radio media services, sports programmes and light entertainment programmes. The proposed visual symbol for the identification of product placement consists of the capital letters PP inside a circle which will appear in the bottom right corner of

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the screen for at least 30 seconds at the start and the end of the programme, as well as after advertising breaks.

The most prominent change in the Draft Code on Audiovisual and Radio Media Content concerns the protection of minors. For the first time, a uniform system for audiovisual content classification and rating is introduced, the proposed categories being “12+”, “16+” and “18+”. While acknowledging full editorial responsibility of a media service provider for the classification of content, there are some indicators given for each category according to the level of potential harm. In the case of on-demand audiovisual and radio media services, provisions have been included to ensure that minors are not able to see or hear content which might seriously impair their physical, mental and moral development. The Draft Code also introduces more detailed provisions on the right of reply and the participation of the audience in audiovisual and radio programmes such as more transparency and security, particularly in relation to premium rate services.

The Draft documents are open for public consultation until the end of May 2011.

Nacrt - Kodeks o audiovizuelnim komercijalnim komunikacijama i komercijalnim komunikacijama u medijskim uslugama radija

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Draft Code on Audiovisual Commercial Communications and Commercial Communications in Radio Media Services

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Draft Code on Audiovisual and Radio Media Content

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