[DE] Regional Media Authorities Publish Revised Television Advertising Guidelines

IRIS 2013-5:1/20

Peter Matzneller
Institute of European Media Law (EMR), Saarbrücken/Brussels

At the beginning of March 2013, the Landesmedienanstalten (regional media authorities) published the revised version of the Gemeinsame Richtlinien für die Werbung, die Produktplatzierung, das Sponsoring und das Teleshopping im Fernsehen (Joint Guidelines on Advertising, Product Placement, Sponsorship and Teleshopping on Television), which came into force on 22 February 2013.

Authorised to issue such guidelines under Article 46 of the Rundfunkstaatsvertrag (Inter-State Broadcasting Agreement - RStV), the media authorities have therefore put the advertising rules contained in the RStV in concrete form.

While the provisions on the separation and labelling of traditional advertising in particular remain unchanged, the regional media authorities have tightened the rules on split-screen advertising. From now on, the word “Werbung” (advertisement) must be clearly legible in the advertising space (previously called the advertising window) throughout the advertisement. Whereas the actual location of the wording was not previously specified, the advertising guidelines now require it to be placed inside or directly adjacent to the advertising space. The wording must also stand out clearly from the background by means of its size, form and colour. This new provision is a response to the “move splits” that the Kommission für Zulassung und Aufsicht (Licensing and Monitoring Commission - ZAK) has complained about in the past.

In terms of the requirement for correct labelling of product placement, the amended guidelines provide that the relevant label may only be broadcast at the beginning and end of a programme and after any advertising breaks during the programme. It is therefore no longer possible to show the label at any other time during the programme, particularly while the placed product is visible on the screen. The reference to the code of conduct on product placement, which is now available, has been removed.

The rules on sponsorship have been amended to take into account the fact that the Audiovisual Media Services Directive 2010/13/EU only bans services that directly encourage the purchase of goods or services. However, the passage in which sponsored programmes were deemed to encourage such purchases if, in particular, the sponsor itself was mentioned on advertising boards in the stadium

© European Audiovisual Observatory (Council of Europe) 2026

during sports broadcasts was removed.

Finally, the guidelines clarify the situation regarding self-advertising by television broadcasters. In future, spots that contain references to the broadcaster's own programmes will not count towards the maximum hourly advertising limit. In the regional media authorities' opinion, the concept of self-advertising also includes references to other programmes attributable to the broadcaster under the terms of Article 28 RStV. Referring to the provision of the RStV that, in order to ensure plurality, defines the minimum shareholding that must be held in order for television broadcasters to be considered "connected", the advertising guidelines therefore expressly state that so-called cross-promotion within a group of broadcasters does not need to count towards maximum hourly limits.

Überarbeitete Werberichtlinien für Fernsehen (in der Fassung vom 12. September 2012)

http://www.die-medienanstalten.de/fileadmin/Download/Rechtsgrundlagen/Richtlinien/2012-09-18_Werberichtlinien_Fernsehen_Flie%C3%9Ftext.pdf

Revised television advertising guidelines (in the version of 12 September 2012)

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026