[SK] Supreme Court Rules on Differentiation Between Sponsorship Announcements and Advertising

IRIS 2013-8:1/35

Juraj Polák
Office of the Council for Broadcasting and Retransmission of Slovak Republic

On 29 May 2013, the Supreme Court ("Court") confirmed the decision of the Council for Broadcasting and Retransmission of the Slovak Republic ("Council") imposing a fine of EUR 3,319 on a major Slovak commercial TV broadcaster for exceeding the advertising time limit of 12 minutes per broadcasting hour.

With its confirmed decision, and with other ones, the Council stated that the only criterion for the qualification of a spot as either sponsorship announcement or advertising is its purpose. If the spot contains promotional messages referring to the sponsor of the programme or his goods and services the purpose is promotion, regardless of the fact whether the spot also informs the viewer about the sponsor of the programme.

According to the Council, there is no legal exception for sponsorship announcements that would rule them out from the definition of advertising. Even if there was such an exception it would clearly contradict the provisions of the AVMSD by creating the possibility of exceeding the hourly advertising limit by selling advertising spots as sponsorship announcements. The broadcaster however refused this interpretation and claimed that even if the sponsorship announcement contains promotional references it must be assessed under the rules of sponsorship.

The Court fully supported the Council's reasoning and stated that the given spot did not merely inform the viewers about the sponsor of the programme but also emphasized the effects of the advertised product by using slogans such as "Acutil, memory in a pill", "Acutil will solve memory problems". According to the Court, broadcasting of such a spot was capable to promote consumption of the product and therefore must be qualified as advertising.

It must be noted, however, that there are several decisions of the Court (though different tribunals) annulling similar decisions and fully supporting the broadcasters' interpretation that sponsorship announcements must be assessed exclusively under the rules of sponsorship. Although legally bound by the opinion of the Court, the Council challenged the Court's interpretation in its further decisions and suggested the Court to initiate a preliminary ruling procedure at the Court of Justice.

© European Audiovisual Observatory (Council of Europe) 2026

Najvyšší súd, 6Sž/21/2012, 29.05.2013

http://www.justice.gov.sk/Stranky/Sudne-rozhodnutia/Sudne-rozhodnutie-detail.aspx?PorCis=B1F14E02-E219-4B6C-885A-3562302F7219&PojCislo=6501

Decision of the Supreme Court of 29 May 2013 (6Sž/21/2012)

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026