[RU] Advertising Ban Amended to Excerpt Russian Entities

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On 3 February 2015, the Russian President signed into law a bill adopted by the State Duma on 27 January 2015. The new law lifts the ban on commercials for pay cable and satellite television channels that do not broadcast (or rebroadcast) foreign content.

The ban, which prohibits any commercials on pay television channels if the channels do not hold a terrestrial broadcasting license or are not on the list of must-carry programmes, became effective on 1 January 2015 (IRIS 2014-8/34). Reportedly, it could negatively affect media plurality with the coming digital switchover, when hundreds of regional broadcasters will lose their terrestrial licenses, while, under the earlier amendment, there will be no economic rationale to broadcast in cable systems or even online.

As of now, pay-TV channels will again be able to run commercials, but only if their share of foreign shows, films and other programming does not exceed 25 percent of total content. Compliance with these regulations will be monitored by the Federal Antimonopoly Service (FAS), that traditionally oversees compliance with the advertising law.

The amendment adds a new term to legislation, “national media products,” meaning programmes created by Russian individuals or companies registered in Russia and/or under contracts with Russian media outlets, if upwards of 50 percent of production funding was provided by Russian investors. The translation, dubbing and subtitling of foreign films will not be considered national media products.

While OSCE Representative on Freedom of the Media, Dunja Mijatović, welcomed the softened restrictions for commercials on pay television channels, she reiterated her call for a complete end to the ban, as “this does not change the fact that foreign channels that rely on advertising will continue to be de facto barred from cable television in Russia.”

Федеральный закон от 3 февраля 2015 г. N 5-ФЗ "О внесении изменения в статью 14 Федерального закона "О рекламе"

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Federal law of 3 February 2015 N 5-ФЗ "On amending Article 14 of the Federal law "On advertising"

"Mijatović welcomes eased restrictions for commercial television channels in Russia, but reiterates call for complete lifting of ban", OSCE press statement of 28 January 2015

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