[RS] New Advertising Law in effect as of 6 May 2016

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The new Advertising Act (”Official Gazette of RS“, No. 6/2016), which was adopted by the Serbian Parliament on 26 January 2016, became effective as of 6 May 2016. The new law supersedes the former Advertising Act, which has been in force since 2005 (“Official Gazette of RS“, No. 79/2005). According to the statements made by the representatives of the Serbian Ministry of Trade, Tourism and Telecommunications, the new law aims to harmonise with the relevant European legislation, as well as to establish a legal framework that would be able to withstand technological challenges. The new law is applicable to all forms of commercial advertising, irrespective of the medium used. It covers print, outdoor and online advertising, and incorporates the rules regulating audiovisual commercial communications that were harmonized with the EU Audiovisual Media Services Directive in the Law on Electronic Media 2014 (”Official Gazette of RS“, No. 83/2014).

The noteworthy changes introduced by the law include a new set of rules regulating misleading, comparative and surreptitious advertising; the recognition of the importance of self-regulation and co-regulation (especially in the field of advertising products with high levels of fat, sugar or salt); new rules for advertising directed towards children below the age of 12, and minors, below the age of 18; the implementation of the mere conduit and notice and takedown principles from the Directive on electronic commerce 2000/31/EC for online advertising; a new advertising regime for alcoholic beverages, that is to some extent liberalised compared to the old law; the clear prohibition of the advertising of tobacco products and electronic cigarettes; and a new set of rules regulating gambling and new monitoring mechanisms.

However, some of the bylaws that were due to be adopted, and would allow the full and proper implementation of the new law, are still lacking. The most important of those will regulate the manner of advertising on broadcast media in more detail (TV/radio advertising, teleshopping, product placement, etc.). It is expected to be passed by the Regulatory Authority for Electronic Media in the near future.

On the other hand, the Serbian Chapter of the International Advertising Association (IAA) has already drafted the Code of Marketing Communicationsin 2013. The Code will now be followed by the introduction of the first self-regulatory body in the field of advertising, aiming to enhance the responsibility and ethics of

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marketing communications and provide an important supplement to the new rules introduced by the Advertising Act.

Zakon o oglašavanju ("Sl. glasnik RS", br. 6/2016)

http://www.paragraf.rs/propisi/zakon_o_oglasavanju.html

Advertising Act (”Official Gazette of RS“, No. 6/2016)

KODEKS MARKETINŠKIH KOMUNIKACIJA

http://www.iaa.rs/assets/Kodeks-radni-dokument.pdf

The Code of Marketing Communications

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