[FR] Targeted advertising and cinema ads to be allowed on television

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Having been anticipated for several months but repeatedly delayed by the health crisis and the postponement of the audiovisual reforms, Decree No. 2020-983 of 5 August 2020 has brought with it a two-fold relaxation of the television advertising rules enshrined in Decree No. 92-280 of 27 March 1992 defining the obligations of service providers in relation to advertising, sponsorship and teleshopping.

Firstly, the decree allows television broadcasters to use targeted advertising under supervision. Targeted advertising, which enables broadcasters to show different advertisements in different broadcast areas, is one of a list of methods mentioned in an opinion published by the French Competition Authority in February 2019 designed to enable broadcasters to compete on equal terms with digital platforms.

The decree describes the conditions under which targeted advertising can be broadcast: it is not allowed before, during or after children's programmes and must be "appropriately identified as such" when it is broadcast. Adverts mentioning the advertiser's address or explicit location will only be permitted on channels that are obliged to show local or regional programmes (for example, the regional programmes of France Télévisions). Other targeted advertisements may not include the advertiser's address. Their maximum duration is "a daily average of one or two minutes per hour" depending on the service provider, and "six minutes in any one-hour period" (Article 15 of the amended 1992 decree).

The government will publish a report assessing the impact of the implementation of these provisions on radio services, the written press and local television stations within 24 months.

Under the decree's other main innovation, advertising for the cinema sector, which was previously prohibited, will be allowed for an 18-month period. Article 8 of the Decree of 27 March 1992 prohibits television advertising for certain economic sectors: alcoholic beverages, publishing, distribution and cinema. By way of derogation, Article 3 of the Decree of 5 August 2020 authorises, for 18 months, advertising for the cinema sector, which was previously only permitted on pay-TV film channels and on-demand audiovisual media services (Article 15-1 of the decree). As well as harmonising the regulation of traditional forms of

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broadcasting and delinearised services, this experimental measure is designed to encourage the public to return to cinemas that have been deserted as a result of the health crisis.

In order to decide whether to continue with this provision beyond the experimental period, the government is required to publish a report within the next 15 months, evaluating its impact on film distribution and cinema attendance, as well as on other media (radio, the written press, billboard advertisers). The decree entered into force the day after it was published.

Décret n° 2020-983 du 5 août 2020 portant modification du régime de publicité télévisée

https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000042211231&dateTexte=20200901

Decree No. 2020-983 of 5 August 2020 amending television advertising rules

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