[FR] New ARCOM recommendation on commercial communications promoting gambling and games of chance

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Commercial communications promoting authorised gambling operators are permitted under certain conditions and limitations set out in Article L. 320-12 of the Internal Security Code which, as well as prohibiting such communications in services or programmes aimed at minors, requires the French audiovisual regulator (ARCOM) to set out in a resolution the conditions under which they may be broadcast.

Under ARCOM resolution no. 2022-57 of 19 October 2022, which revokes the resolution of 22 January 2013 on the conditions for the television and radio broadcasting of commercial communications promoting legally authorised operators of gambling services and games of chance, the rules governing audiovisual advertising for sports betting and other gambling services were extended to include streaming and replay platforms. The resolution covers commercial communications (advertisements, sponsorship and product placement) promoting all gambling operators authorised by the public authorities to provide services, including online services, under an exclusive right (Française des Jeux, PMU), a licence (casinos) or the approval of the *Autorité nationale des jeux* (national gambling authority).

The resolution sets out the criteria for defining television, radio and on-demand audiovisual media services aimed at minors, as well as programmes aimed at minors within the meaning of Article 15 of the law of 30 September 1986. It states that, with regard to on-demand audiovisual media services that are not specifically aimed at minors but that contain a section dedicated to them, the ban on commercial communications promoting operators of gambling services and games of chance applies to that whole section.

The resolution states that commercial communications promoting gambling should also respect the rules on televised advertising, sponsorship and product placement. They should clearly indicate that they are promoting a legally authorised gambling service and include the name of the advertiser. They must not make gambling and games of chance attractive for minors, nor feature celebrities or fictional characters who are popular with children and teenagers. Finally, in accordance with decree no. 2020-1349 of 4 November 2020, all

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commercial communications promoting a gambling operator must include a warning against the dangers of gambling.

According to Article L. 324-8-1 of the Internal Security Code, broadcasting, by any means, a commercial communication that violates the provisions of Article L. 320-12 is punishable by a fine of EUR 100,000. The relevant court can increase the fine to four times the sum spent advertising the illegal operation. Failure to comply with the ARCOM's resolution after receipt of a formal notice can also result in the sanctions described in Articles 42-1, 42-4, 48-2 and 48-3 of the law of 30 September 1986.

Referring to "abusive practices", the ARCOM said it was reserving the right to "impose, in a future communication, specific rules on the volume and concentration of such commercial communications."

At the same time, the national gambling authority gathered together the gambling operators and advertising industry representatives, who signed four charters concerning television, radio, billboard and digital advertising, in which they promised to reduce the pressure exerted by gambling advertisements and promote responsible commercial communications.

Délibération du 19 octobre 2022 relative aux conditions de diffusion des communications commerciales en faveur d'un opérateur de jeux d'argent et de hasard légalement autorisé

https://www.arcom.fr/nos-ressources/espace-juridique/decisions/deliberation-du-19-octobre-2022-relative-aux-conditions-de-diffusion-des-communications-commerciales-en-faveur-dun-operateur-de-jeux-dargent-et-de-hasard-legalement-autorise

Resolution of 19 October 2022 on conditions for broadcasting commercial communications promoting legally authorised operators of gambling services and games of chance

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