



Comparative study on the impact of control measures on the television advertising markets.

REPORT : IRELAND

INTRODUCTION

This report is aimed at comparing the legal data on the one hand and the economic data on the other hand related to the television advertising market in order to assess the impact of the applicable regulation on the sector's economy.

We have followed the regulatory structure of the Directive in order to:

1. remind the applicable rules in Ireland and compare them with the regulatory standards foreseen by the Directive
2. confront those rules with the economic data issued from CARAT's reports (cf « *Quantitative impact of the regulation on TV advertising markets in EU Member States, EEA countries, the new Member States and a number of third countries* »)
3. draw a first list of conclusions on the impact of regulation on the television advertising market or raise some questions for future analysis.

The present study is based on 2003 data, as a reference year, compared with 2002.

As mentioned in the call for tender documentation (ref. 2003/S 107 - 095378 DG EAC 44/03) and Carat's proposal, the selection of countries covered by the study has been based on local specificities, in order to guarantee that the studied landscapes are representative.

The notion "Applicant countries" includes Czech Republic, Hungary, Poland, Romania and Turkey, since during the reference year of the study (2003) the first three countries, which are now Member States, were still candidate members. The reader should also take into account that the notion "European Union Countries" concerns data and analysis for 10 Member States, on the condition the necessary basic information is available.

In the report figures referring to "average data" were calculated taking into account the weight of every country (population) and the TV viewing time of their population (Weighted average).

For the calculation of the "average duration of the interruptions" (tables 4,5,7), the channels without advertising have been excluded (e.g.: UK and Sweden during all day and Germany during prime time). These countries have been taken into consideration in the "average number of interruptions per hour" in tables 7A and 7B (all channels).

When data are not available, the following symbol "--" is indicated. When data are available but results are zero, the following symbol "0" is indicated.

There are no standard figures available on the number of interruptions by type of programme, except in *Canada, Japan, USA, Poland and Belgium* where a specific analyse has been conducted (see Tab 6, 8 and 9 in the concerned report of these 5 countries).

In this report, and despite all our efforts, there is no measurement out of “audience share” and “advertising time proportions versus total broadcasting time”. This is due to the fact that advertising spots are only measured thanks to the media agencies estimates and compared with the theoretical time. Broadcast time and programmes are not measured.

The reader should bear in mind that certain economic patterns of the national markets are not always the direct, or indirect, consequence of the regulation. Other parameters have an influence on the economic situation of the studied media, in particular the overall volume of advertising investments.

The methodological explanatory note provides for useful indications to fully understand the way audience and advertising investments have been measured.

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<u>GENERAL INFORMATION</u>

1- The audiovisual landscape

Definitions

Audience rating

The « Rating » (%) is the portion of the audience which defines the average percentage of persons (adults universe) watching television during a defined period of time.

Prime time

Day part showing the highest individuals/households interest for TV watching ; this concept does not have a standard definition across the Member States, prime time slots are specific for each country and usually correspond to the end of the working hours till the end of the “social” evening.

Adult population

The adult definition is not a stable standard and may vary from one country to another. Usually the definition of “adult” corresponds to mature teenagers and older population. Often the legal definition of a “child” or “minor” does not correspond to the definitions in use in the advertising market.

Adult population universe

Number of individuals corresponding to the definition of “adult population” in a given country.

Audience Rating, day parts and target definitions (period 2003)

Average Prime vs. All Day (index): ratio obtained by the division of the “average rating – all day” by the “average rating - prime time”. Gives an indication of how more important is the audience during prime time compared with the rest of the day.

Average Prime part : proportion of the Prime time versus All Day, in terms of audience (expressed by the “rating” factor). This proportion is weighted by the prime time duration.

TAB 1	IRELAND	European Union Countries (10)	Applicant countries (5)	Countries Outside EU (3)	All Countries Observed (18)
Adult population definition	15+	13/16+	15/18+	18/20+	13/20+
Adult population universe	3.010.000	277.802.353	96.837.599	320.470.074	695.110.026
Average Rating - All Day*	12,8%	14,0%	16,7%	23,4%	18,7%
Average Rating - Prime Time*	32,0%	37,4%	39,8%	40,6%	39,2%
Prime Time slots definitions	18:00-23:29	18:55-23:00	18:30-23:00	19:00-23:00	19:00-23:00
Average Prime vs All Day (index)*	250	270	238	177	222
Average Prime part*	57%	34%	38%	26%	31%

* Weighted averages (cf. introduction)

Source : Carat

Comments

The average daily audience is slightly lower than the European average. The audience during prime time is significantly lower than the European average. During these hours the TV audience is almost 3 times more important than during All Day, and Prime Time contains almost 60% of the total audience, against 34% in the other European countries. This low level of audience seems comparable with other countries of the North of Europe as UK, Netherlands, Sweden, Belgium North but also Austria. Despite this situation, TV advertising investment is high in Ireland (38,7% of the total media investment – see Tab2). Four domestic channels (two public and two private channels) gather 54% of the audience share (see Tab3). One TV viewer out of three however, is watching a British channel, both channels of BBC gather 12% of Irish audience share.

2- Socio economic data (2003)

TAB 2	IRELAND	European Union Countries (10)	Applicant countries (5)	Countries Outside EU (3)	All Countries Observed (18)
Total Adv. Investments All Media (000 €)	537.000	106.902.530	14.958.765	153.876.973	275.738.268
Total TV Invest. (000 €)	207.716	37.370.852	10.518.887	88.420.354	136.310.092
Part of TV Invest.*	38,7%	35,0%	70,3%	57,5%	49,4%
Share of Top 5 channels on. Total TV Invest.*	98,9%	84,4%	82,5%	31,6%	50,0%
Average Top 5 Channels Audience Share*	56,7%	60,5%	72,1%	50,8%	57,7%
Adults population universes	3.010.000	277.802.353	96.837.599	320.470.074	695.110.026
GDP (mo €)	134.786	8.668.867	601.106	14.296.881	23.566.853
Average Total Adv. Invest. All Media / GDP*	0,40%	1,23%	2,49%	1,08%	1,17%
Average Total TV Adv. Invest. / GDP*	0,15%	0,43%	1,75%	0,62%	0,58%
Average Adv. Invest. / inhab. (€ per year)	178,4	384,8	154,5	480,2	396,7
Average TV Adv. Invest. / inhab.* (€ per year)	69,0	134,5	108,6	275,9	196,1

*Weighted averages (cf. introduction)
source : Carat (Eurostat and local private sources)

3- Types of broadcast and Audience Shares

Audience Shares

Share (%) of each channel of total TV audience.

Channels

All channels which data are available.

TAB 3A

Adults

IRELAND	Name	Status	2003
Average Rating Audience % TOTAL TV (1)			12,8
			<i>of which :</i>
Channels with national coverage	RTE 1	Public service	27,4
	RTE Network 2	Public service	10,7
	TG4	Commercial channel free to air	2,9
	TV3	Commercial channel free to air	13,4
Local channels	-		-
Non domestic Channels	BBC1	Public service	7,6
	BBC2	Public service	4,5
	Channel 4	Commercial channel free to air	4,5
	E4	Commercial channel free to air	1,6
	Five	Pay TV (including adv breaks)	-
	Sky News	Commercial channel free to air	2,1
	Sky One	Commercial channel free to air	3,6
	Sky Sports 1	Pay TV (including adv breaks)	-
	Sky Sports 2	Pay TV (including adv breaks)	-
	Sky Sports 3	Pay TV (including adv breaks)	-
	UTV	Commercial channel free to air	7,7
International Channels	Bravo	Pay TV (including adv breaks)	-
	CNBC	Commercial channel free to air	-
	CNN	Pay TV (including adv breaks)	-
	Discovery	Pay TV (including adv breaks)	-
	Disney	Pay TV (including adv breaks)	-
	Eurosport	Pay TV (including adv breaks)	-
	MTV	Commercial channel free to air	-
	National Geographic	Pay TV (including adv breaks)	-
	Nickelodeon	Commercial channel free to air	-
	TNT	Pay TV (including adv breaks)	-
	TV5	Pay TV (including adv breaks)	-
Other channels	Chorus Digital	Pay TV (including adv breaks)	-
	Filmfour	Pay TV (including adv breaks)	-
	NTL Digital	Pay TV (including adv breaks)	-
	Sky Cinema	Pay TV (including adv breaks)	-
	Sky Digital	Pay TV (including adv breaks)	-
	Sky Moviemax	Pay TV (including adv breaks)	-
	Sky Premier	Pay TV (including adv breaks)	-
	Others	-	14,0
Total			100,0

(1) Definitions : Please, refer to Tab. 1 of this report
Highlighted channels are covered in the economic report.

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COMPARISON BETWEEN THE LEGAL AND THE ECONOMIC DATA

I. ADVERTISING IDENTIFICATION (Article 10 Directive)

1. Separation of advertising from the programmes by optical and/or acoustic means (Art.10.1 of the Directive)

Article 10.1 of the Directive is mirrored by section 8 of the BCI Codes which deals with “Identification of Advertisements”. Section 8.1 of the BCI Codes states that “Advertisements [and teleshopping material] shall be clearly distinguishable as such and recognisably separate from the other items of the programme service by optical and/or acoustic means.”

Section 7 of the BCI Codes deals with “Programme Separation” and provides “Advertisers shall not exercise any editorial influence over the content of programmes. No advertisement may include anything that states, suggests or implies, or could reasonably be taken to suggest or imply, that any part of any programme broadcast by a service has been supplied or suggested by an advertiser.” This complies with the requirement in Article 10.1 of the Directive that advertising be kept separate from other parts of the programme service.

The BCI Codes provide two additional rules on the identification of advertising, which are not contained in the Directive. Section 8.3 of the BCI Codes states that “Advertisements shall not feature, visually or orally, persons regularly presenting news and current affairs programmes, and the expression “News Flash” must not be used as an introduction to an advertisement, even if preceded by an advertiser’s name”.

Section 8.4 of the BCI Codes provides that “Situations and performances reminiscent of broadcast programmes must not be used in such a way as to blur the distinction between

programmes and advertisement. References to programmes are unacceptable in advertisements”.

Split screen techniques: there is no specific regulation in Ireland.

Impact on commercial practices

The majority of advertising and teleshopping spots are included in traditional blocks. The Irish economic report does not contain any figures in relation to the average duration of breaks.

Split screen techniques are not used in Ireland.

Average duration of advertising interruptions (seconds - all day)

TAB 4A	Austria	Belgium NS	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries*
Break durations (#sec) - Total	246	129	165	199	-	188	185	136	143	236	185
Break durations (#sec) of Public Channels	173	90	140	126	-	157	221	129	0	0	140
Break durations (#sec) of Private Channels	257	146	202	201	-	197	180	147	143	236	195
Break durations (#sec) of Pay TV (including advertising)	-	83	107	-	-	-	-	101	-	-	-

* weighted average (cf. introduction)

Note that Telepromotions are excluded of these figures and have an average duration of 88 seconds in Italy.

TAB 4B	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*
Break durations (#sec) - Total	132	167	120	83	315	-	105	141	185
Break durations (#sec) of Public Channels	72	105	100	71	143	-	-	-	140
Break durations (#sec) of Private Channels	150	238	128	85	338	-	105	141	195
Break durations (#sec) of Pay TV (including advertising)	-	153	51	-	-	-	-	-	-

* weighted average (cf. introduction)

Note that Telepromotions are excluded of these figures and have an average duration of 88 seconds in Italy.

2. Isolated advertising and teleshopping spots

(Article 10.2 of the Directive)

Section 8.1 of the BCI Codes provides: “In principle, advertisements and teleshopping material shall be transmitted in blocks and isolated advertising blocks shall remain the exception.”

Impact on commercial practices

Isolated spots are used in Ireland as an advertising format but it can be supposed there use is only exceptional since the regulation provides that advertising must be grouped in blocks. According to the economic report this technique is sometimes used during sports programmes.

Proportion of advertising interruptions under 60 seconds (all day)

TAB 5A	Austria	Belgium N/S	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries*
Total	-	27,4%	9,5%	13,5%	-	5,0%	7,5%	33,5%	20,6%	4,0%	12,8%
Public Channels	-	42,1%	9,7%	0,3%	-	7,0%	0,03%	29,6%	0,0%	0,0%	10,3%
Private Channels	-	20,9%	6,4%	13,9%	-	4,5%	8,7%	41,7%	20,6%	4,0%	13,3%
Pay TV (including advertising)	-	42,9%	25,3%	-	-	-	-	2,2%	-	-	-

* weighted average (cf. introduction)

Note that Telepromotions are excluded of these figures (Italy : 3% in public channels and 9% in private channels).

TAB 5B	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*
Total	25,2%	19,2%	23,1%	47,4%	12,9%	-	2,0%	12,0%	12,8%
Public Channels	49,9%	22,4%	24,4%	56,2%	27,0%	-	-	-	10,3%
Private Channels	17,6%	7,3%	21,6%	46,0%	11,0%	-	2,0%	12,0%	13,3%
Pay TV (including advertising)	-	28,6%	59,8%	-	-	-	-	-	-

* weighted average (cf. introduction)

Note that Telepromotions are excluded of these figures (Italy : 3% in public channels and 9% in private channels).

3. Subliminal advertising

(Art. 10.3 Directive)

Section 10 of the BCI Codes provides that “No television advertisement or teleshopping material may include any technical device which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of members of an audience without their being aware or fully aware, of what has been done”.

4. Surreptitious advertising

(Art.10.4 Directive)

Section 8.2 of the BCI Codes provides that surreptitious advertising and teleshopping is prohibited.

Section 26 of the BCI Codes prohibits “product placements” and provides:

“It is not always possible in the interests of authenticity to avoid references to the names of commercial products or services or their incidental portrayal in radio and television programmes, but the practice known as “product placement” is strictly forbidden.”

In relation to sports programmes, the BCI Codes state that product placement by the sponsor is forbidden as is the display of advertising material “in studio””.

Impact on commercial practices

Product placement as a promotion technique is not used in Ireland.

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II. INSERTION PRINCIPLES **(Art. 11 of the Directive)**

Preliminary remarks

Figures in relation to the volume of advertising attributed to a type of programme (Film, Documentary, Series & Soaps, etc ...) include advertising inserted IN and BEFORE this type of programme. The term "insertion" is in conformity with article 11 of the Directive;

1. Insertion of advertising and teleshopping spots between and during the programmes **(Art. 11. Directive)**

The provisions of Irish law exactly replicate Article 11 of the Directive and there are no more detailed rules regulating this matter.

Impact on commercial practices

In Ireland there are no standard figures available on the duration and frequency of interruptions.

There are no standard figures available on the number of interruptions by type of programme.

Average number of interruptions per hour during and between the programmes

The following average number of blocks per hour is calculated taking into account to the real number of hours broadcast, excepted during Prime Time. (Theoretical - Please, refer to Chapter II of the economical report of the concerned country).

Please, note that the data of table 7 and table 18 are calculated on a different panel of channels. For the net proportion of the advertising broadcast volume, please refer to table 18A.

TAB 7A - All Channels	Austria	Belgium N/S	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries*
Duration of the interruptions All Day (#sec)	246	129	165	199	-	188	185	136	143	236	185
Number of interruptions per hour All Day	1,0	1,4	1,5	1,8	-	1,8	1,6	3,4	1,8	1,8	1,9
Duration of the interruptions Prime Time** (#sec)	-	183	174	212	-	205	225	132	163	261	198
Number of interruptions per hour Prime Time **	-	1,9	2,4	1,4	-	2,1	2,2	3,1	3,1	1,5	2,1

* weighted average (cf. introduction)

** Theoretical dayparts

TAB 7B - All Channels	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*
Duration of the interruptions All Day (#sec)	132	167	120	83	315	-	105	141	185
Number of interruptions per hour All Day	1,0	1,3	1,8	1,9	1,0	-	5,3	5,5	1,9
Duration of the interruptions Prime Time** (#sec)	162	174	129	98	378	-	125	147	198
Number of interruptions per hour Prime Time **	1,9	1,5	2,4	3,0	1,2	-	6,4	5	2,1

* weighted average (cf. introduction)

** Theoretical dayparts

TAB 7C - Public channels	Austria	Belgium N/S	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries*
Duration of the interruptions All Day (#sec)	173	90	140	126	-	157	221	129	0	0	140
Number of interruptions per hour All Day	0,5	1,1	1,3	0,3	-	0,9	1,2	3,7	0	0	1,1
Duration of the interruptions Prime Time** (#sec)	-	133	157	0	-	168	278	127	0	0	159
Number of interruptions per hour Prime Time **	-	1,3	2,2	0	-	1,7	1,3	2,7	0	0	2,0

* weighted average (cf. introduction)

** Theoretical dayparts

TAB 7D - Public channels	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*
Duration of the interruptions All Day (#sec)	72	105	100	71	143	-	-	-	140
Number of interruptions per hour All Day	0,4	1,0	1,8	1,9	0,6	-	-	-	1,1
Duration of the interruptions Prime Time** (#sec)	93	101	132	91	193	-	-	-	159
Number of interruptions per hour Prime Time **	1,9	1,2	2,5	2,8	0,9	-	-	-	2,0

* weighted average (cf. introduction)

** Theoretical dayparts

TAB 7E - Private Channels	Austria	Belgium N/S	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries*
Duration of the interruptions All Day (#sec)	257	146	202	201	-	197	180	147	143	236	195
Number of interruptions per hour All Day	1,2	2,0	1,7	2,0	-	2,4	1,7	4,2	2,4	1,9	2,2
Duration of the interruptions Prime Time** (#sec)	-	207	207	212	-	224	218	145	163	261	210
Number of interruptions per hour Prime Time **	-	2,5	3,3	1,6	-	2,5	2,4	4,0	3,9	1,5	2,5

* weighted average (cf. introduction)

** Theoretical dayparts

TAB 7F - Private Channels	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*
Duration of the interruptions All Day (#sec)	150	238	128	85	338	-	105	141	195
Number of interruptions per hour All Day	1,6	1,8	2,0	1,8	1,1	-	5,3	5,5	2,2
Duration of the interruptions Prime Time** (#sec)	215	293	132	99	406	-	125	147	210
Number of interruptions per hour Prime Time **	1,9	1,7	2,6	3,0	1,3	-	6,4	4,7	2,5

* weighted average (cf. introduction)

** Theoretical dayparts

Proportion of broadcasting volume and advertising investment by type of programmes

Children's programmes - All Day 2003

TAB 10A	Austria	Belgium N/S	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	10,3%	6,0%	9,3%	4,9%	-	6,8%	14,6%	-	3,0%	7,7%	7,5%
Part in the global advertising investment	-	2,0%	-	-	-	3,3%	3,8%	-	-	8,8%	-

TAB 10B	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	2,1%	9,0%	15,5%	7,0%	5,1%	-	3,2%	7,8%	7,5%
Part in the global advertising investment	0,1%	-	2,3%	0,7%	2,0%	-	-	2,7%	-

Documentary - All Day 2003

TAB 11A	Austria	Belgium N/S	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	0,6%	3,3%	11,6%	11,6%	-	4,6%	2,6%	-	12,8%	15,9%	9,8%
Part in the global advertising investment	-	0,6%	-	-	-	2,9%	1,6%	-	-	18,1%	-

TAB 11B	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	4,9%	1,4%	10,0%	8,7%	3,1%	-	3,6%	3,6%	9,8%
Part in the global advertising investment	0,9%	-	3,1%	1,4%	2,3%	-	-	4,4%	-

Entertainment and Music - All Day 2003

TAB 12A	Austria	Belgium N/S	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	5,5%	11,1%	15,1%	10,8%	-	13,2%	22,5%	-	32,2%	7,5%	12,5%
Part in the global advertising investment	-	14,7%	-	-	-	33,7%	30,3%	-	-	8,5%	-

TAB 12B	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	16,4%	13,3%	12,0%	32,0%	15,0%	-	20,6%	16,9%	12,5%
Part in the global advertising investment	21,8%	-	18,7%	26,9%	16,3%	-	-	18,7%	-

Film, TV Films and Mini Series - All Day 2003

TAB 13A	Austria	Belgium N/S	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	22,2%	17,7%	10,2%	11,9%	-	16,1%	4,3%	-	8,3%	13,0%	12,9%
Part in the global advertising investment	-	28,2%	-	-	-	17,4%	10,6%	-	-	14,9%	-

TAB 13B	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	18,8%	17,9%	17,9%	7,1%	14,0%	-	2,8%	3,7%	12,9%
Part in the global advertising investment	30,7%	-	20,8%	23,3%	14,1%	-	-	3,8%	-

Information (News, Flash and Info Magazines) - All Day 2003

TAB 14A	Austria	Belgium N/S	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	2,6%	12,4%	11,3%	6,8%	-	23,1%	9,4%	-	1,9%	13,4%	12,8%
Part in the global advertising investment	-	11,7%	-	-	-	18,3%	8,7%	-	-	15,2%	-

TAB 14B	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	10,7%	7,6%	5,9%	8,2%	22,3%	-	10,6%	14,4%	12,8%
Part in the global advertising investment	6,1%	-	24,7%	17,7%	13,1%	-	-	8,0%	-

Political, Religious, Philosophical, Unions programmes - All Day 2003

TAB 15A	Austria	Belgium N/S	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	2,0%	1,4%	0,8%	0,5%	-	2,4%	3,2%	-	0,0%	0,0%	1,1%
Part in the global advertising investment	-	0,1%	-	-	-	0,6%	0,7%	-	-	0,1%	-

TAB 15B	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	0,3%	4,7%	2,3%	0,3%	3,6%	-	0,4%	0,0%	1,1%
Part in the global advertising investment	0,0%	-	0,9%	0,1%	2,2%	-	-	0,0%	-

Series and Soap - All Day 2003

TAB 16A	Austria	Belgium N/S	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	9,8%	18,7%	11,6%	11,5%	-	14,1%	8,0%	-	13,9%	5,1%	11,3%
Part in the global advertising investment	-	16,1%	-	-	-	15,4%	22,5%	-	-	5,8%	-

TAB 16B	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	20,6%	5,2%	13,5%	11,8%	11,6%	-	9,4%	22,4%	11,3%
Part in the global advertising investment	26,0%	-	25,9%	15,4%	23,9%	-	-	37,5%	-

Sports - All Day 2003

TAB 17A	Austria	Belgium N/S	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	1,9%	5,1%	3,1%	8,6%	-	3,5%	2,7%	-	8,4%	7,5%	5,6%
Part in the global advertising investment	-	2,3%	-	-	-	5,9%	7,1%	-	-	8,6%	-

TAB 17B	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*
Proportion of broadcasting volume vs total broadcasting	4,7%	11,3%	7,9%	3,3%	1,6%	-	5,9%	9,4%	5,6%
Part in the global advertising investment	5,7%	-	2,1%	3,9%	3,3%	-	-	22,5%	-

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III. QUANTITATIVE RESTRICTIONS **(Art. 18 of the Directive)**

1. Quantitative restrictions on advertising and teleshopping spots

In relation to public broadcasters, the maximum period of advertising and teleshopping in any hour is subject to the approval of the Minister. Currently, RTE and TGH are allowed to broadcast up to 6 minutes of advertising and teleshopping per hour and up to 7,5 minutes during prime time. RTE however self imposed stricter quota during children's television (maximum 5 minutes per hour).

Private broadcasters can broadcast up to maximum 15% advertising of the total daily broadcasting time and maximum 10 minutes per hour.

The BCI codes provide that forms of advertising such as direct offers to the public for the sale or rental of products/services shall not exceed 1 hour per day.

Note: New rules were in process of being adopted at the time the legal report was drafted. This study takes into account the rules that were applicable during the reference years 2002 and 2003.

Impact on commercial practices

There are no figures available in relation to the average volume of advertising and teleshopping spots broadcast in an hour or in a day.

According to the table below the total advertising time can be estimated around 11,5% of total broadcasting time which is rather high compared to the European average and taking into account the stricter rules applicable to public broadcasters. It's important to note that this proportion is the result of 9 channels of which only 4 are Irish. The five other ones are commercial British channels which sell airtime directly to the Irish market. They gather 19,5% of the audience share in the Irish market and 12,3% in the British market. As in the Austrian market, it appears that specific blocks adapted for overflow are increasing the total volume of advertising.

**Advertising time, Sponsoring time and Self-Promotion time proportions
vs Total broadcasting time**

TAB18A	Austria	Belgium N/S	France	Germany (2)	Ireland	Italy	Netherlands	Spain (1)	Sweden	United Kingdom	European Union Countries*(2)
Total Advertising time (out of sponsoring and self-promotion)	7,2%	4,5%	6,6%	6,2%	11,5%	9,2%	8,6%	6,8%	9,4%	12,3%	8,0%
Total Sponsoring time	-	0,2%	0,6%	2,1%	-	0,8%	-	0,4%	1,1%	-	1,1%
Self- promotion time	0,1%	3,1%	2,9%	0,1%	-	0,1%	3,5%	-	0,8%	0,0%	1,0%

(1) In some countries, total sponsoring proportion is estimated and could contain house style's logos of advertising breaks.

(2) Germany : the percentage of sponsoring includes infomercials, humanitarian and public interest campaigns (broadcast free of charge or against important discount).

30% of the sponsoring time is equal to the standard definition of the sponsoring (billboards); therefore the estimate of the net volume of sponsorship in Germany would generate an EU average of 0,6%

* weighted average (cf. introduction)

TAB18B	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*(2)
Total Advertising time (out of sponsoring and self-promotion)	3,6%	6,1%	6,0%	4,3%	6,3%	-	11,7%	17,4%	8,0%
Total Sponsoring time	0,2%	-	0,1%	0,4%	0,2%	-	5,0%	3,4%	1,1%
Self- promotion time	0,1%	9,2%	5,8%	5,0%	5,0%	-	0,0%	3,4%	1,0%

2. Quantitative restrictions on teleshopping programmes

Irish law does not refer to “teleshopping windows”. As mentioned above, the BCI Codes provide that “Forms of advertisements such as direct offers to the public for sale, purchase or rental of products or for the provision of services shall not exceed one hour per day on any broadcasting service.”

Impact on commercial practices

The economic report shows no data concerning teleshopping programmes broadcast by the examined channels.

Proportion of teleshopping programmes vs Total broadcasting

TAB 19 A	Austria	Belgium N/S	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries*
% in total broadcasting time	3,9%	5,0%	1,1%	3,5%	-	0,8%	11,6%	1,3%	0,0%	0,0%	1,9%

* weighted average (cf. introduction)

TAB 19 B	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*
% in total broadcasting time	6,2%	3,3%	2,2%	1,1%	1,3%	-	1,6%	0,6%	1,9%

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IV. SPONSORSHIP **(Art. 17 of the Directive)**

The principle of editorial independence of the broadcaster provided in art.17 of the Directive is included in the Irish regulation.

The BCI Codes provide that sponsored programmes must be clearly identified as such by the name and/or logo of the sponsor at the beginning and/or end of the programmes. In view of this identification requirement, logos would be acceptable as “bumper” credits around advertising breaks during the programme

The RTE sponsorship Guidelines contain a similar provision and also indicate how the sponsor must be mentioned in the credits.

In relation to the content of the sponsoring message, the RTE Sponsorship Guidelines provide:

“Sponsor credits at the beginning and end of a programme may be both visual and verbal...Current advertising strap lines or those used in the past three years may not be used in sponsorship credits. Nor can credits be subsequently used for advertising material while the sponsorship relationship is still in place. Credits may however be programme related and may also include product use. While credits and advertising messages must be different, credits must still comply with all relevant Advertising Codes of Practice in force at the time.”

In relation to “product use” in credits, the BCI Codes state that a product may be included verbally and visually if the product is the sponsor of the programme. If the brand is the sponsor, then no reference may be made to a product as this would amount to product placement.

Concerning the maximum duration of the message the BCI codes do not contain any rules. RTE Sponsorship Guidelines provide: “Credits at the beginning and end of a programme may be both visual and verbal but must not exceed 10 seconds in length. Where two or more sponsors are involved this may be extended to 15 seconds. In and out of commercial breaks on television, credits may also be visual and verbal but must not exceed 7 seconds in length....”

Tobacco manufacturers are excluded from sponsoring as well as other companies marketing products or services for which advertising is prohibited. Sponsorship by undertakings involved in the manufacture or sale of medicinal products and medicinal treatment in Ireland may not promote medicines and medical treatments which are only available on prescription.

The BCI codes mention that sponsorship of news, current affairs and religious programmes is prohibited. Magazine and information style programmes are not considered to be news/current affairs programmes.

The RTE Sponsorship Guidelines provide that news programmes, current affairs programmes, religious programmes, station announcements and children programmes are not suitable for sponsorship.

Specific rules apply in relation to the showing of prizes in game shows: substantial prizes offered should be paid for at best competitive prizes by the broadcaster and should be appropriate to the programme and in good taste. In any reference to the prize, the use of advertising copy is strictly prohibited as this constitutes surreptitious advertising and contravenes the requirement on programme separation contained in the Codes of Standards, Practice and Prohibitions in Advertising in Broadcasting Services (BCI Codes). Broadcasters must ensure that public or private undertakings and natural or legal persons whose principal activity is the manufacture or sale of products or provision of services, the advertising of which is prohibited, are not using the mechanism of supplying prizes to circumvent this prohibition.” A similar provision is contained in the RTE Sponsorship Guidelines.

Impact on commercial practices

Sponsoring “billboard” / short spots, breakbumpers, sponsored self promotion spots, bartering and infomercials, are existing and used formats in Ireland, but they are not measured for audience or investment.

There are no standard figures available in relation to the volume of sponsoring or sponsoring investment in Ireland.

Proportion of sponsorship broadcasting time and Part of investment relating to sponsorship vs Total advertising and Sponsoring

TAB 20	Austria	Belgium N/S	France	Germany (1)	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries* (1)
% of sponsorship broadcasting time	-	3,6%	8,7%	25,2%	-	8,3%	-	3,8%	10,4%	-	12,6%
% of sponsorship investment vs Total	-	6,9%	12,2%	6,9%	-	11,7%	-	5,3%	-	-	9,0%

(1) Germany : in this percentage are also included infomercials and humanitarian and public interest campaigns broadcast free of charge or against important discount.

30% of the sponsoring time is equal to the standard definition of the sponsoring (billboards); therefore the estimate of the net volume of sponsorship in Germany would generate an EU average of 7,3%

** weighted average (cf. introduction)*

TAB 21	Czech Republic	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA	European Union Countries*(1)
% of sponsorship broadcasting time	5,2%	-	1,4%	9,2%	3,0%	-	29,9%	16,0%	12,6%
% of sponsorship investment vs Total	1,9%	-	3,6%	3,8%	1,4%	-	7,6%	17,3%	9,0%

* weighted average (cf. introduction)

V. NEW ADVERTISING TECHNIQUES

There are no specific rules or guidelines in relation to split screen techniques, virtual advertising or interactive advertising under Irish law. There are no decisions or guidelines of public media authorities on this issue.

Impact on commercial practices

These techniques were not used during the reference years on Irish broadcasting channels.

TAB 22A	Austria	Belgium N/S	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	UK
Used or not	Y	N	N	Y	N	N	Y	Y	Y	Y
Measured	N	-	-	Y	-	-	N	*	N	N

* Measured as Advertising Spots

TAB 22B	Czech Rep.	Hungary	Poland	Romania	Turkey	Canada E/F	Japan	USA
Used or not	Y	Y	N	N	Y	Y	N	N
Measured	*	N	-	-	Y	N	-	-

* Measured as Advertising Spots

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**VI. GENERAL PRINCIPLES ON ADVERTISING AND
TELESHOPPING CONTENT**

(Article 12 of the Directive)

The principles set out in Article 12 of the Directive are provided for in Irish law in the BCI Codes and in self-regulation.

The BCI Codes and ASAI Code however provide further detail regulating the content of Advertising (for example in relation to misleading advertising, right of privacy etc ..).

Impact on commercial practices

It is not possible to measure the concrete economic impact of regulation in relation to the content of advertising. Nevertheless it can be presumed the impact of such regulation is positive and encourages consumer confidence in advertising. This is probably also the reason why the industry self imposes this type of rules by adoption of self regulatory codes.

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VII. SPECIFIC PRODUCTS AND TARGETS
(Articles 13, 14, 15 and 16 of the Directive)

By reason of the existing statutory regime, BCI Codes and RTE Sponsorship Guidelines, advertising of tobacco and related products and sponsorship by undertaking involved in the manufacture and sale of cigarettes and other tobacco products is prohibited on television in Ireland.

The current Irish law is stricter than that required by the Directive. Although all parts of Article 15 of the Directive are reproduced exactly in section 15 of the BCI Codes, the Irish provision is more detailed.

Irish law, while incorporating the key prohibition in Article 14 of the Directive provides more detailed regulation of advertising of medicinal products in respect of prescription and non-prescription medicines.

Article 16 of the Directive is replicated in Irish law.

The BCI Codes state that “Advertisers must exercise the utmost care and discrimination with regard to the content and presentation of advertisements transmitted during breaks within or near or adjacent to programmes designed for children”. Section 14 of the BCI Codes implements Article 16 of the Directive but it is framed in different language. Section 14 of the BCI Codes appears to be limited to advertisements transmitted “during breaks within or near or adjacent to programmes designed for children.

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Advertising for the following products/services is prohibited under Irish law:

Moneylenders; Fortune-tellers and the like;

1. Organisations/companies/persons seeking to advertise for the purpose of giving betting tips;
2. Betting – advertising encouraging people to bet is not acceptable. Firms who wish to advertise their services for those who want to bet is acceptable;
3. Products for treatments for bust development or – except as permitted by the regulations incorporated in Appendix 3 – slimming, weight reduction or limitations, or figure control;
4. Clinics for the treatment of hair and scalp;
5. Smoking cures;
6. Products for treatment of alcoholism;

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7. [Contact or corneal lenses;](#)
8. [Breath testing devices and products which purport to mask the effects of alcohol;](#)
9. [Unacceptable products or services listed in Appendix 3 of the BCI Codes.](#)

Also, in Ireland specific rules exist in relation to advertising in various sectors. For example : cars, airfares, consumer credit, contraceptives, cosmetics, financial services etc ...

Impact on commercial practices

In terms of broadcast advertising minutes and number of insertions, amongst the measured categories, the important category is “food”, followed by “cosmetics and personal hygiene” and “cleaning products” (see tab 13, p31-34).

The categories: non prescription medicines, alcohol and products dedicated to children are clearly less advertised on television.

In terms of gross advertising spendings the important categories are the same but the categories “alcohol” and “non prescription medical products” clearly generate more revenues for less advertising minutes than the category “cleaning products” (see tab 13, p 35-36).

The stricter rules or conditions in relation to some categories of products such as alcohol or medicines do not necessarily have an impact on the revenues generated from those categories.

It has to be reminded that the figures in the economic report do not include some important advertisers, such as telecom, cars and financial services.

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IX. GENERAL OBSERVATIONS

In Ireland TV advertising represents 38,7% of total gross media investments which represents an important share and is slightly above the European average.

The audience fragmentation is increasing as a result of the increased number of thematic channels and the digital platform. Several channels were launched during 2003. The great number of channels (and greater competition) affect the audience and channel's revenue, but the daily reach has remained relatively stable throughout the period covered and to date. Main station RTE is a public service broadcaster that is also supported by advertising revenue with no immediate IDTV plans. UK stations will be the first to introduce IDTV in Ireland, which will be subject to UK regulations in relation to digital television. Sky Digital is set to introduce IDTV early 2005.

TAB 24A	Austria	Belgium NS	France	Germany	Ireland	Italy	Netherlands	Spain	Sweden	United Kingdom	European Union Countries*
Total Media Investments (000 €)	2.160.947	2.137.479	15.900.000	17.157.223	537.000	25.600.000	4.044.066	12.079.033	1.611.067	11.986.590	106.902.530
Total TV Invest. (000 €)	463.085	945.281	6.070.563	7.443.792	207.716	9.140.000	2.066.192	6.773.889	382.283	5.237.400	37.370.852
Average part of TV Invest.*	21,4%	44,2%	38,2%	43,4%	38,7%	35,7%	51,1%	56,1%	23,7%	43,7%	35,0%
Average part of Top 5 TV vs Total TV Invest.*	85,8%	94,7% N 92,0% S	91,9%	78,8%	98,9%	74,4%	70,1%	82,6%	100,0%	81,3%	84,4%
Average Top 5 Audience Share*	62,4%	85,6% N 43,4% S	85,3%	40,2%	56,7%	79,4%	52,1%	79,5%	46,4%	35,2%	60,5%
Adults population universes	6.505.800	8.256.000	45.660.000	63.036.553	3.010.000	49.540.000	13.308.000	34.588.000	7.235.000	46.663.000	277.802.353
GDP (mo €)	226.142	267.480	1.557.245	2.128.200	134.786	1.300.926	454.276	743.046	267.297	1.589.468	8.668.867
Average Total Media Invest. / GDP*	0,96%	0,80%	1,02%	0,81%	0,40%	1,97%	0,89%	1,63%	0,60%	0,75%	1,23%
Average Total TV Invest. / GDP*	0,20%	0,35%	0,39%	0,35%	0,15%	0,70%	0,45%	0,91%	0,14%	0,33%	0,43%
Average Adv. Invest. / inhab.	332,2	258,9	348,2	272,2	178,4	516,8	303,9	349,2	222,7	256,9	384,8
Average TV Adv. Invest. / inhab.* (€ per year)	71,2	114,5	133,0	118,1	69,0	184,5	155,3	195,8	52,8	114,7	134,5

TAB 24B	Czech Republic	Hungary	Poland	Romania	Turkey	Canada EF	Japan	USA	Applicant countries	Countries Outside EU	All Countries Observed
Total Media Investments (000 €)	1.056.282	1.460.785	2.416.794	1.358.000	8.666.904	4.273.026	42.573.909	107.030.038	14.958.765	153.876.973	275.738.268
Total TV Invest. (000 €)	508.937	956.867	1.437.035	1.143.817	6.472.230	1.783.930	14.590.520	72.045.904	10.518.887	88.420.354	136.310.092
Average part of TV Invest.*	48,2%	65,5%	59,5%	84,2%	74,7%	41,7%	34,3%	67,3%	70,3%	57,5%	49,4%
Average part of Top 5 TV vs Total TV Invest.*	99,8%	100,0%	94,6%	92,8%	73,9%	79,0%	56,8%	25,3%	82,5%	31,6%	50,0%
Average Top 5 Audience Share*	93,6%	80,5%	79,5%	69,7%	59,2%	40,8% English	77,5%	41,4%	72,1%	50,8%	57,7%
Adults population universes	8.453.632	7.799.734	30.514.000	16.222.000	33.848.233	24.268.903	84.801.171	211.400.000	96.837.599	320.470.074	695.110.026
GDP (mo €)	80.097	73.213	185.176	50.352	212.268	768.969	3.800.189	9.727.723	601.106	14.296.881	23.566.853
Average Total Media Invest. / GDP*	1,32%	2,00%	1,31%	2,70%	4,08%	0,56%	1,12%	1,10%	2,49%	1,08%	1,17%
Average Total TV Invest. / GDP*	0,64%	1,31%	0,78%	2,27%	3,05%	0,23%	0,38%	0,74%	1,75%	0,62%	0,58%
Average Adv. Invest. / inhab.	125,0	187,3	79,2	83,7	256,1	176,1	502,0	506,3	154,5	480,2	396,7
Average TV Adv. Invest. / inhab.* (€ per year)	60,2	122,7	47,1	70,5	191,2	73,5	172,1	340,8	108,6	275,9	196,1

* weighted average (cf. introduction)

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Brussels, June 2005.