



EUROPEAN COMMISSION

General-Directorate for education and culture

Directorate Culture, Audiovisual policy and Sport
Unit «Audiovisual policy»

Minutes of the Information Meeting on 20/06/2003 concerning Call for Tender No. GD EAC/44/03 of 5 June 2003 regarding:

Comparative study on the impact of control measures on the televisual advertising markets in European Union Member States and certain other countries.

Final date for receipt of tenders at the post office or at the designated service: 14/08/2003

Meeting chaired by the Head of Unit “Audiovisual Policy”.

Opening of the meeting at 10h05.

With the agreement of all the participants, the meeting is opened and conducted in French.

Introduction

The Commission reminded the three phases of the study, which aims principally at analysing the economic impact of legislation also through the comparison of the realities of the different countries covered by the study.

In a first phase, the consultant will analyse the regulatory frameworks of EU Member States, the EEA States, the thirteen applicant countries and four third countries with reference to the areas covered by Chapter IV of the Directive. In a second phase the consultant will describe the prevailing commercial practices covered by the provisions of Arts. 10, 11, 18 and 18a of the Directive and will evaluate the impact of the applied regulation. In a third phase the study will provide an analysis similar to the one of phase two concerning the other provisions of Chapter IV of the Directive. The third phase is inclusive of a perspective analysis of possible alternative or complementary provisions, of a different nature than merely quantitative, which could introduce elements of flexibility in the regulatory framework without hampering the pursuing of the general interests set by the Directive

Questions by tenderers

Question - Since the study is supposed to entail a large number of countries (up to 35), does the Commission expect a large analysis/catalogue of all the possible relevant points or rather a more straight-to-the-point analysis ?

Answer – The Commission is looking for an impact study rather than an exhaustive inventory of regulatory regimes and commercial practises. The aim of the study is to identify the relationships between the regulation and the markets, taking into account the exogenous factors influencing TV advertising.

Question – Can the approach to identify more or less restrictive rules than those of the Directive proposed for the third countries be utilised for the candidate countries, as well ?

Answer - Candidate countries are applying, or will do soon, the Directive, therefore, the analysis concerning these countries should principally aim at identifying more restrictive regimes.

Question – It is extremely difficult to regroup the countries *a priori* for the purpose of the study, the most appropriate classification being very often the end result of the analysis.

Answer – The grouping of countries is a possibility foreseen already in the second phase. In any case, the rationale for grouping countries will have to be detailed by the consultant.

Question – The requirement that the study should examine the feasibility of other regulatory measures to limit TV advertising instead of, or in addition to, the quantitative limits provided by the Directive, should be interpreted as giving purely theoretical ideas or it should take account of their feasibility in terms of existing legislation/reactions from the industry?

Answer – This subject, which remains marginal in the overall context of the study, will be a kind of ‘brain storming’ on innovative measures to be potentially introduced. However, in order to remain realistic, the EU regulatory context should be duly taken into account and existing examples could be analysed.

Question – The definitions of advertising/sponsorship vary greatly between the states concerned by the study. Should the analysis highlight them ?

Answer – The differences in definitions should be signalled in the first phase of the study

Question – Would the Commission see a value-added in video samples illustrating the study work ?

Answer – In principle yes, provided that they remain proportionate.

Question – Should the possible examples provided originate exclusively from the reference period (2002) ?

Answer – In general, the study refers to the situation in the year 2002. However, it can cover a larger period if it is deemed necessary for a full comprehension of the impact of the Directive provisions on the reality of today TV advertising.

Question – What type of financial guarantee is meant in the specifications to be provided?

Answer – A bank guarantee.

Question – In the case of USA, what is the level of precision required: should the study take into consideration all states?

Answer – It depends on which specific rules or commercial practices are considered as relevant by the consultant in the context of the study. However, the main local regulations and the relevant impact should be analysed.

Question – The terms of reference include a requirement to provide a presentation of the report to the public. What does this involve?

Answer – It involves supplying PC charts and slides suitable for a presentation to the professionals and media after finalising the study.

Question – What should be the language of the study?

Answer – English or French. If mixed, a coherent terminology should be used throughout the study.

Other specifications

The Commission provided some comments on the specifications. The regulations envisaged by the study should cover both legislative and self- or co-regulatory measures. The implementation and monitoring of existing mechanisms have to be referred to, as well.

Phase three of the study indicates that analysis should be made in quantitative and qualitative terms; This means that should available quantitative data be non-exhaustive or difficult to compare for methodological reasons, a qualitative approach can be used.

Phase three of the study also indicates that TV advertising spending has to be evaluated, inter alia, in "real terms". This means that the study should make a comparison between the dimensions of the broad sectors subject of TV advertising and their advertising spending.

Closing of the meeting at 11h00