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Commission of the Bishops' Conferences of the European Community
Kommission der Bischofskonferenzen der Europäischen Gemeinschaft**

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Issues Paper for the Liverpool Audiovisual Conference

Commercial Communications - Part Four

Response by the Working Group on Information Society, Communication and Media Policy of the Commission of the Bishops' Conferences of the European Community (COMECE).

I - Rules common of audiovisual commercial communications

1. The concept of Audiovisual Commercial communications

We support the idea of a technologically neutral concept of audiovisual commercial communications to include advertising, sponsorship, teleshopping etc.

Once again, for clarity and consistency we would expect the definition of an audiovisual commercial communication to be exactly the same as that set out in the e-Commerce Directive.¹

2. Rules on human dignity and the protection of minors

We are strongly in favour of applying the rules on human dignity and protection of minors to all audio-visual commercial communications.

4. Identification of commercial communications in general, including sponsored spots

We are happy that the dual requirement of identification and separation of advertising and teleshopping is to be kept in the Directive.

However, we recognise that there is a problem with unregulated product placement and agree that it should be authorised and regulated though we are conscious of the risks to editorial independence and the circumvention of rules concerning public health.

¹ Article 2 (f) of the e-Commerce Directive (2000/31/EC)

We agree that there should be clear identification at the beginning of the programme concerned but we also want to see this identification at the end of the programme and at the end of any advertising breaks. We are also sympathetic to the idea that there should be a permanent on-screen logo indicating the programme's commercial nature.

Programmes with product placement should be subject to the provisions of Article 10.1, 3, and 4. The requirement of Article 10.1 is met by the clear identification at the beginning and end of the programme.

We are glad to see that product placement will not be allowed in religious, news or children's programmes and is subject to Articles 12 to 16.

5. Identification of sponsored content in particular

We agree with the consumer organisations in their view that the public should be alerted by a verbal or visual reference to products or services of a sponsor. We also agree with the Commission's view in its 2004 Interpretative Communication that the programme should 'not make reference to the products or service of the sponsor or a third party, except where such a link serves the sole purpose of identifying the sponsor or making explicit the link between the programme and the undertaking sponsoring it'.

6. Application of the rules

We are in agreement with the views of consumer' and viewers' organisations that self-regulation is insufficient and that there should be co-regulation backed by penalties imposed by public authorities. We also agree with them that there should be a control mechanism set up by the Commission to verify the application of qualitative rules in Member States.

II - Quantitative rules on television advertising

3. Insertion of advertising

We do not agree with the proposal to relax the rules on inserting advertising in programmes. Certainly the existing ban on such insertions in religious programmes, and the restrictive rules for news and children's programmes and films should be retained.