

## **Re: PUBLIC CONSULTATION ON THE REVISION OF THE "TELEVISION WITHOUT FRONTIERS" DIRECTIVE**

Gruppo Editoriale L'Espresso Spa, is an Italian company listed on the Italian stock exchange, operating in the media sector and proactive in the areas of dailies and weekly magazines, radio broadcasting, advertising, the Internet and television. Gruppo Espresso publishes one national daily, "la Repubblica", one weekly magazine, "L'espresso", fifteen local dailies (plus one biweekly magazine), owns three national radio stations, including Radio DeeJay (top of the Italian private radio ratings) and Rete A, a television network. "Kataweb Spa", its Internet company, promotes and manages all the online initiatives of the Group, offering radio and television broadcasting contents, web solutions and service to businesses.

### **General observations**

Pluralism and independence of media are crucial to guarantee endurance to any well-founded democratic system. Advertising is the core economic resource of media. It is, therefore, essential that a number of rules are drawn up to ensure that advertising distribution is balanced among the different media, that is, "printed paper" and new media, preventing domineering over each other. That is why one would hope that the Revision of the "Television Without Frontiers" Directive maintains strong interconnections with the television advertising system, so as to ensure that also "printed paper" has adequate access to this important source of revenue.

The following observations were made by the Group on the consultation section concerning commercial communications:

### **I – Rules common to all audiovisual commercial communications**

#### **Issue 1:**

- It was agreed that it is necessary to extend the TVSF Directive's basic regulations - concerning advertising and TV sales - to the "non linear" audiovisual content.
- The new definition to be adopted for "audiovisual commercial communications" is accepted and shared. However, it would be very important that community regulations include in this definition also the concept – still absent today – of "telepromotion", which is, in fact, a particular form of "audiovisual commercial communications".

#### **Issue 2:**

- No remarks

#### **Issue 3:**

- No remarks

#### **Issue 4:**

- The obligations provided for the identification of advertising with respect to the editorial contents shall be strictly and clearly defined.
- In particular, with the imminent introduction of rules for the new advertising techniques, it would be correct to provide a number of obligations imposing that their promotional character may be clearly identified and their difference from the editorial contents is neatly outlined.
- "Product placement" should be prohibited – or, alternatively, strictly regulated – in productions realized by the broadcasters themselves and/or for the programmes chiefly

meant for television, in fact any abuse of this advertising form would substantially consist in a breach of the provisions regulating the hourly limits of advertising transmission .

**Issue 5:**

- An agreement can be reached to design the possible enhancement of any information concerning sponsors' products and services; in any case, these shall always be clearly identified and, in contrast, influence on programme contents shall be always prohibited.

**Issue 6:**

- A strongly focused, extremely clear and detailed regulation is deemed opportune, to aim at reducing the discretionary power of the States concerned. In particular, this regulation shall indicate explicit and severe sanctions with a strong deterrent effect.
- Member States should more extensively delegate sanctioning powers to independent authorities.

## **II – Quantative rules on television advertising**

**Issue 1:**

- The abolition of the daily limit might be positively accepted if it allowed to definitely clarify what are the limit provisions for advertising plans. Therefore, the limit of 20% (12 minutes) on the one-hour period - which would be the only limit left in force - should strictly regard all the advertising forms, and provide for unambiguous regulations for the calculation modalities of the one-hour period “ceiling” of the new advertising forms (split screen etc).

**Issue 2:**

- No remarks

**Issue 3:**

- It is the Directive's duty to preserve the integrity and value of programmes, therefore, rules inhibiting any influence of advertisements on programmes shall be clearly stated. It has been deemed opportune that advertisements be inserted only between autonomous parts of programmes or during interruptions of programmes made of autonomous parts and in sport programmes, commentaries and similarly structured shows which include interruptions.
- As regards the “natural break” concept, the Directive should clearly indicate that this is a break in the programme continuity and not, instead, a temporary pause in the action performance.
- In particular, the Directive shall maintain rules for the protection of audiovisual works, and introduce more effective rules to prevent the bypassing of the provisions that indicate that just one interruption is permitted during the transmission of feature films and films made for television - when duration is over 45 minutes - (the Italian standard procedure permits to insert the news and subsequent meteo, so as to have at least two additional advertisements).
- Advertisements shall not be inserted in broadcasting of religious services. News and current affairs programmes, documentaries, religious programmes and children's programmes, when their duration is less than 30 minutes, shall not be interrupted by advertisements.