

ARTICLE 19

TUNISIA: Specifications for Licensing and Content Regulation of Private TV Stations

Legal analysis

Executive summary

In March 2014, ARTICLE 19 analysed the Specifications on Private TV Station Standards for General Terms and Conditions for Licensing, Establishment and Utilisation (the Specifications) adopted by the Tunisian broadcast regulator, the High Independent Authority for Audiovisual Communication (HAICA). The Specifications on Private TV stations have been prepared along with the Specifications relating to private radio stations and community TV and radio stations.

ARTICLE 19 welcomes a number of positive features in the Specifications on private TV stations. These include, in particular, the setting of clear licensing conditions and criteria, the regulation of the right of reply, the regulation of broadcasting content aiming at protection of children and the inclusion of advertisement restrictions to protect the interests of viewers.

However, from the perspective of international human rights standards, the major problem of the regulation is the lack of safeguards for the right to freedom of expression. The Specifications do not recognise that licensing and content regulation affect freedom of expression; they also fail to ensure that all restrictions pursue legitimate aims and are necessary and proportionate to the aim as required by Article 19(3) of the International Covenant on Civil and Political Rights. The licensing process is not set out, including the time limits within which decisions must be made. Moreover, HAICA is not obliged to provide written motives of its decisions and consider the promotion of media pluralism and freedom of expression when deciding on licencing applications.

ARTICLE 19 hopes that the HAICA will address the shortcomings of the Specifications as soon as possible and bring them in full compliance with international law. We also remain at the disposition of the HAICA and other Tunisian authorities to offer advice on strengthening the protection of media freedom and freedom of expression in the broadcasting sector.

Summary of recommendations

1. The Specifications should include provisions on cable licensing, ‘must carry’ rules for cable operators and content on cable and satellite broadcasting. Cable operators should be made responsible to ensure that all their services comply with national content standards.
2. The Specifications should explicitly set out that the regulation does not apply for internet radio and web television.
3. The Specifications should set out that the licence indicates the geographic area to be covered by the licensee. If the licence is for a national coverage, the regulation should require that the broadcaster ensures that its services cover the entire population (“universal service obligations”).
4. The Specifications should set out that the licence includes technical specifications to prevent interference of transmission and ensure picture and sound quality.
5. The Specifications should stipulate that HAICA will provide written reasons if it decides not to grant or to renew a license. Tunisian legislation should also guarantee that a refusal to issue a licence should be subject to judicial review.
6. The licence term should be extended to minimum of 10 years.
7. Consideration should be given as to whether the ban of TV ownership by high-ranking politicians is necessary for media pluralism in view of the current media context in Tunisia.
8. The process for obtaining a broadcasting licence must be set out clearly and precisely in the Specifications or other legislation.
9. The members of HAICA should be obliged to protect the confidentiality of the information contained in the application documents.
10. HAICA should be required to promote media pluralism and freedom of expression as well as other broadcasting principles when deciding on licencing applications.

11. When deciding on licences, HAICA should be obliged to consider diversity and plurality not only at national but also at local level.
12. The content rules in the Specifications must be developed in close consultation with broadcasters and other interested parties, and should be finalised only after public consultation.
13. The Specifications should strengthen the protection of minors by introducing a watershed and defining the material which can harm children. To avoid confusion the terms “content violence” or “pornographic violence” should be replaced with generic terms such as “obscene material” or “indecent material”. The Specifications should include a definition of the chosen generic term.
14. The Specifications should include definitions of the different terms used, such as “commercial communications”, “publicity material”, “sponsorship”, “political publicity”, and “news programmes”.
15. The Specifications should set out that the general content standards apply for commercial communications.
16. The Specifications should protect editorial independence in cases of commercial communications by explicitly prohibiting the interference by sponsors and advertisers in editorial matters.
17. The Specifications should set out how the standards on commercial communications can be enforced. The enforcement bodies should be given powers to monitor the implementation of the standards. In addition they should be able to examine complaints by viewers and listeners and impose sanctions. Sanctions should include orders for removal and fines, if a broadcaster has been negligent or has intentionally disregarded a ruling for removal.
18. The Specifications should set out that broadcasters are responsible for the content of all commercial communications. If advertisement contains statements of quality, broadcasters should be able to prove their truthfulness. Broadcasters and advertisers should be able to dispute rulings of the enforcement body that they have violated the standards.
19. The Specifications should set out a requirement for honesty prohibiting advertisers from unfairly comparing their products with those of competitors.



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Introduction

In this analysis, ARTICLE 19 reviews the Specification on Private TV Station Standards for General Terms and Conditions for Licensing, Establishment and Utilisation¹ (The Specifications) prepared by the Tunisian broadcast regulator, High Independent Authority for Audiovisual Communication (HAICA).

The Specifications are designed to set out standards on licensing and content for private and community TV and Radio broadcasters. Most provisions of the Specifications deal with obligations of licence applicants and of licensees.

Our analysis is based upon general international standards regarding freedom of expression binding on Tunisia, as reflected in ARTICLE 19's *Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation* (the ARTICLE 19 Principles),² a set of guidelines developed based on international standards, comparative constitutional law and best practice in countries around the world and the *Guidelines for Broadcasting Regulation* endorsed by UNESCO and the Commonwealth Broadcasting Association³.

Reference is also made to best practices for broadcast regulation, which, while not formally binding on Tunisia, represent generally accepted standards as to the nature and scope of the right to freedom of expression in the broadcasting sector.

ARTICLE 19 remains at the disposition of the HAICA to provide further support.

¹ In Tunisia, "specification" is a regulatory act that aims to define exhaustively terms of a product or service and to describe implementing rules. Generally, this regulatory act is approved by a Decision/Order of a competent regulatory agency.

² London, April 2002; available at <http://www.article19.org/publications/law/standard-setting.html>.

³ London, December 2008, Second Edition; available at <http://bit.ly/1djaTXS>.

Analysis of the Specifications

General overview

ARTICLE 19 finds the following main problems with the Specifications.

- The Specifications do not set out **principles on licensing and content regulation, including on promotion of diversity and media pluralism**. HAICA is not obliged to respect freedom of expression and ensure pluralism and the fairness and promptness of licensing proceedings.
- **It is unclear why the Specifications apply to private broadcasters only**: Typically, state, public and community broadcasters are subject to licensing and content regulation. In contrast, internet radio and television are not licensed. Internet radio and web television are treated like Internet-based newspapers or websites with text, images and sound.
- **It is unclear how the Specifications apply to cable and satellite broadcasting**: In some countries (e.g. Europe), cable operators are not licensed unless they provide broadcast programme services themselves. However cable operators are obliged to carry state or public services and certain community services. Cable operators must ensure that all the services they carry comply with national content standards. For example, this rule would prevent cable operators from carrying programmes with pornographic content. The rules on content apply for satellite transmission. Although satellite jamming should not be carried out as it violates the right to freedom of expression the regulator should be able to scrutinise satellite programmes and declare them unacceptable and thereafter take action by complaining to the International Telecommunication Union against the satellite broadcast.

Recommendations:

- The Specifications should include provisions on cable licensing, ‘must carry’ rules for cable operators and content on cable and satellite broadcasting. Cable operators should be made responsible to ensure that all their services comply with national content standards.
- The Specifications should explicitly set out that it does not apply for internet radio and web television.

Licensing conditions

Part III (3) of the Specifications set out a list of licensing conditions relating to the licence term, licence renewal, transfer of licences. The following elements of the licensing conditions are positive:

- The Licence term is clearly set out (Article 12);
- The licensees have a right to apply to amend their licence;
- Broadcasters are required to comply with legal requirements, including content standards in their advertising and programming (article 14).

On the other hand, ARTICLE 19 finds that the Specifications fail to specify and regulate a number of important issues, namely:

- **The coverage area of the licences**: We believe that the Specifications should set out that the licence indicates the geographic area to be covered by the licensee. If the licence is for a

national coverage, the regulation should require that the broadcaster ensures that its services cover the entire population (“universal service obligations”).

- **Technical specification:** The Specifications must prevent interference of transmissions by setting out rules concerning direction of transmission of licensees. Technical requirements may also include picture and sound quality.
- **Licence fee:** The Specifications should provide that the licence fee not be excessive and be determined on the basis of the development of the sector, the competition for licences and general considerations of commercial viability.

Further, we also find problematic that:

- The Specifications do not require the regulator to provide **written reasons** if it decides not to grant or to renew a license; and
- The **licence term is too short:** The Specifications set out that the licence term is seven years. This term may be insufficient for broadcasters to recoup their investment in both financial and human terms. A minimum term of 10 years is recommended.

Finally, the Specifications **restrict high ranking politicians from owning of and holding managerial positions at TV stations**. We note that from freedom of expression view point such bans are permitted as long as they aim at securing media pluralism. Media pluralism would be affected if, for example, the most influential media outlets were owned by a politician who used them for political propaganda. For example, Italy has been criticised for the lack of media pluralism due to the ownership of influential TV stations by the former prime minister Berlusconi who used them in his election campaign and afterwards. However the media pluralism would not be affected if politicians own media outlets without major political influence or if every significant party owns or controls a TV channel. We also observe that the ownership of TV stations by political parties and politicians is restricted in some countries (UK and Norway) and allowed in others. Therefore, the Specifications should take into account the political and media context in Tunisia, notably whether the ban of TV ownership by high-ranking politicians is necessary for media pluralism in view of the media context in Tunisia.

Recommendations:

- The Specifications should set out that the licence indicates the geographic area to be covered by the licensee. If the licence is for a national coverage, the regulation should require that the broadcaster ensures that its services cover the entire population (“universal service obligations”).
- The Specifications should set out that the licence includes technical specification to prevent interference of transmission and ensure picture and sound quality.
- The Specifications should provide that the licence fee should not be excessive and be determined on the basis of the development of the sector, the competition for licences and general considerations of commercial viability.
- The Specifications should stipulate that the HAICA must provide written reasons if it decides not to grant or to renew a license.
- The licence term should be extended to a minimum of 10 years.
- Consideration should be given as to whether the ban on ownership of media outlets by high-ranking politicians is necessary for media pluralism in view of the current media context in Tunisia.

Licensing process

The Specifications include no rules on licensing process. As already noted, the Specifications set out exclusively obligations for would be and current licensees. We note that, typically, licensing regulations set out numerous obligations for the regulator, who should ensure fair and expedient licence process. The failure to guarantee the fairness and promptness of the proceedings can lead to violations of the right to freedom of expression and the right to fair trial.

Recommendations:

- The process for obtaining a broadcasting licence must be set out clearly and precisely in the Specifications or in other legislation.
- The Specifications or other legislation must stipulate that the call for applications must be advertised, preferably in the Official Gazette, and set out the relevant parameters for that licence and the licence fee. Candidates should be given sufficient time to prepare their applications (normally at least six months).
- The Specifications should specify the time limits for each procedure before the HAICA, allowing time for effective public input and opportunity for the applicant to be heard.
- The members of HAICA should be obliged to protect the confidentiality of the information contained in the application documents.
- HAICA should be obliged to provide time to licence candidates to correct errors in their applications.

Licence awards

The Specifications set out the criteria for granting a licence. It includes ownership, financial and technical capacity and programming requirements. Article 7 provides that the same person shall not be granted more than one license. A licence holder is not allowed to own a communications or publicity company or a company that gauges opinion. Article 10 obliges licensees not to allow any person to own more than five percent (5%) of the company capital if he/she is the owner of shares, quotas or subscriptions to the capital of another media facility. The transfers of licences must be authorized by the regulator.

The Specifications also contain several positive licensing criteria, which will strengthen media sector and promote plurality:

- The Specifications aim to ensure pluralism through limitations of ownership based on availability of broadcasters;
- Foreign ownership is allowed;
- The regulator authorises the transfers.

However, ARTICLE 19 finds the following aspects problematic from the perspective of freedom of expression:

- The Specifications **do not require diversity and media pluralism** to be the key criteria for the regulator when deciding on licence applications.
- There are **no objective criteria or mechanisms in place to ensure that new licences contribute to diversity and media pluralism**: We recommend the regulator is given powers to require a market survey from applicants or it should be able to order such surveys, showing that there is demand for the new service and how it would increase diversity in the market.
- The Specifications do **not differentiate between national and local media markets**: We believe that the failure to distinguish between national and local media markets can lead to undue

restrictions on ownership and could affect the viability of the broadcasting market. There should not be restrictions on ownership of companies who have licences for broadcasting in different regions or towns. Hence, we recommend that diversity and plurality are considered not only nationally but also locally.

We note that the Specifications bans vertical and cross- ownership. This ban is problematic for the freedom of expression unless it is justified by the specific context in Tunisia. We note that all restrictions on ownership should aim at media pluralism. The purpose is to allow viewers and listeners access to different types of media and views. If one individual or company owns the most influential print and broadcast media in the country media pluralism would be affected. However, this would not be the case if the media outlets owned were not influential in terms of audience or readership or revenues. It is recommended that consideration be given if the ban on vertical and cross-ownership is necessary for media pluralism taking into account the current media context in Tunisia.

Recommendations:

- HAICA should be required to promote media pluralism and freedom of expression as well as other broadcasting principles when deciding on licencing applications.
- The Specifications or other legislation must stipulate that a refusal to issue a licence should be accompanied by written reasons and should be subject to judicial review.
- When deciding on licences, the HAICA should be obliged to consider diversity and plurality at both the national and regional level.
- Consideration should be given as to the necessity of the ban on vertical and cross-ownership in view of media pluralism and the current media context in Tunisia.

Frequency allocation

We observe that the Specifications do not set out the procedure for allocation of frequencies for licensees. In some countries licensees have to apply separately for a frequency allocation; in others they are automatically provided with a frequency upon receiving a licence.

Recommendation:

- Licensees should not go through a separate decision-making process to obtain a frequency.

Transfer of licences

The Specifications provide that license transfers are possible with authorisation from the regulator. However, it contains no rules on transfer of licences and no criteria for authorisation thereof.

Recommendation:

- The Specifications or other legislation should set out rules and criteria for authorisation of license transfers.

Content restrictions

Part IV (4) of the Specifications sets out a number of obligations relating to broadcasting activities and content restrictions. Article 21 obliges licensees to ensure the integrity of information, the plurality of ideas and opinions and that these are objectively balanced. Article 22 provides that licensees value all different political, cultural and religious sensitivities of various groups without prejudice to international conventions. Article 24 prohibits the broadcasting of testimonies that

would offend individuals or groups; notably, materials that are calling for exclusion, marginalization and defamation. Broadcasters are obliged to prevent defamation and insults towards individuals, whether committed by journalists themselves. Furthermore, broadcasters are obliged to prevent the dissemination of false news and accusations which have no basis in fact. They should not broadcast children's testimonies which are inconsistent with their best interests or the testimonies of vulnerable groups' in case of an incident, etc. Article 28 sets out that "news programmes shall value the features of the press release and be processed in accordance with the standards of professionalism, objectivity and impartiality, as well as being provided by professional journalists".

ARTICLE 19 notes that from freedom of expression perspective, broadcasting content regulation is an interference with media freedom. International human rights law permits such interference within the confines of the right to freedom of expression as defined by Article 19 paragraph 3 of the ICCPR.⁴ In the context of content regulations, it requires that

- Content restrictions are legitimate **only on the grounds specified** in Article 19 paragraph 3 of the ICCPR, any restriction on other grounds is in violation of international law.
- Content restrictions are legitimate only if it is **set out in "law"** which could be both a statute adopted by parliament or in an act adopted by regulators (code, decree, regulation).
- A restriction, to be characterized as a "law", must be formulated with **sufficient precision** to enable an individual to regulate his or her conduct accordingly and it must be made **accessible** to the public.
- Content restrictions should **not confer unfettered discretion** for the restriction of freedom of expression on those charged with its execution.
- Content restrictions on content must be "**necessary**" for a legitimate purpose. They must be appropriate to achieve their protective function and limit as little as possible the right to freedom of expression.
- Content restrictions must conform **to the principle of proportionality**. This principle must take account of the form of expression at issue as well as the means of its dissemination.
- Content provisions must **not be discriminatory**.

ARTICLE 19 considers that some of the content obligations set out by the Specifications are vague while others are in conflict with international law. The Specifications are very problematic from freedom of expression point of view as they may result in self-censorship or in the abuse of power and restriction on legitimate speech. In particular:

- **The principle of "information integrity"** (Article 21 of the Specifications) is not defined and is unclear. Likewise the obligation in Article 22 of the Specifications to "value the political, cultural and religious sensitivity" is too broad and may be interpreted in various ways. Although the obligation for news to be impartial and objective is worth commending, the Specifications simply refer to "the standards of professionalism, objectivity and impartiality" without including a definition of them. Although, it is standard for broadcast regulation to regulate content, we note that the principles on content regulation are set out in detail and in taking account of concrete situations. For example, the UK Ofcom Broadcasting Code has

⁴ See also General Comment 34 on Article 19: Freedom of Opinion and Expression

special chapter on protection of minors, privacy, reporting on religion and crime, accurate and impartial news reporting, etc.

- The Specifications contain **blank prohibitions** which may be used to restrict legitimate expression: For example, the prohibition in Article 24 on the broadcasting of testimonies that would offend people could prevent victims of abuse of power speaking out for fear of sanctions. We note that in order to ensure that regulation of broadcasting content is necessary in a democratic society broadcasting codes or legislation must contain detailed rules taking into account the type of programme, the author of the expression, his/her intent, the time and manner of expression and the like.

Recommendations:

- All content rules set out in the Specifications should be clear and take into account the characteristics of individual programmes.
- The meaning of the terms - such as 'impartial and objective news reporting' or 'information integrity' - should be defined.
- The content rules must be developed in close consultation with broadcasters and other interested parties, and should be finalised only after public consultation.

Protection of minors

Along with the bans on broadcasting testimonials of minors which aim at protection of their interests, the Specifications contain special rules on the protection of children. They are included in the Annex. The Annex defines children as human beings who are less than 18 years old. Under Chapter I of the Annex broadcasters are obliged to respect children's privacy, their best interests, take into account their views, not to publish any news story that may expose the child to risk and to protect children from content violence including pornography violence. In order to protect children, broadcasters must - by visual signs - notify viewers before the start of any show of graphic scenes. When dealing with children who have been the victim of abuse or are suffering from AIDS broadcasters must ensure their anonymity, either by changing their names or obscuring their faces in photography.

ARTICLE 19 welcomes the efforts to protect children and the introduction of ratings for programmes. However, we consider that the protection of children is weak and suffers from flaws which could prejudice freedom of expression rights. It is regrettable that it does not set a watershed or define "content violence" and "pornographic violence". Although this rule may be established in other laws, the Specifications do not contain reference to these.

Since the most sensitive issues in terms of protection of minors relate to morality, states have a wide discretion as to their regulation. However, under the international standards mentioned above, the restrictions should be clearly defined. By way of example, the content rules defined by the US broadcast regulator, the Federal Communication Commission Obscene (FCC) prohibits the broadcasting of obscenity at all times. According to the U.S. Supreme Court, to be obscene, material must meet a three-prong test to be obscene:

- an average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest;
- the material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and

- the material, taken as a whole, must lack serious literary, artistic, political, or scientific value.⁵

Minors can be protected with adoption of a **watershed** – a time when children do not normally watch TV and adult materials, violence and offensive speech could not be witnessed by them. Usually the watershed in Europe is from 22:00 until 6:00. Adult programmes are broadcast after the watershed. During the watershed it is assumed that children watched TV with the approval of their parents who have agreed that they stay up late at night.

Recommendations:

- The Specifications should strengthen the protection of minors by introducing a watershed and defining the material which can harm children. To avoid confusion the terms “content violence” or “pornographic violence” should be replaced with generic terms such as “obscene material” or “indecent material”. The Specifications should include a definition of the chosen generic term.

Commercial communications

Part V of the Specifications regulates commercial communications.

Under Article 48 of the Specifications, the regulation aims at ensuring social responsibility towards consumers and respect for the competition principles. The duration of advertisements cannot be longer than 8 minutes within 60 minutes. Article 50 of the Specifications requires a clear separation between commercial communications and other broadcast content. Advertising during broadcasting of news is prohibited. Likewise political advertising, astrology and advertisement of prescription medications, of tobacco, alcohol, weapons and materials whose trade is prohibited by law are not allowed. It is prohibited to exploit the lack of experience of consumers and to influence their decisions. The Specifications foresee the development of further ethical rules on advertisement. The commercial communications should be “authentic” and must not contradict with reality. Sponsorship of programmes should be clearly indicated. Sponsorship by political parties of news broadcasts is not allowed.

Special rules on advertisement relate to children. Children should not appear in commercial advertisement unless the product is aimed at them. If the product subject to publicity is dangerous for children an alert should indicate this in the beginning of the advertisement. Advertisement relevant to foods shall imply, at the end of the advertisement, that excessive consumption of these foods may harm the children’s health.

ARTICLE 19 points out that commercial communications are a form of expression. Therefore, their regulation should comply with international law and in particular with the three-part test set out by Article 19 para 3 of the ICCPR (see above). There are also international standards relating to different forms of commercial communications such as advertisement, product placement, teleshopping and sponsorship.

In view of these standards, we welcome that the Specifications set out that:

- Commercial communications should be clearly recognisable
- Commercial communications should be clearly separated from other content
- Commercial communications should be truthful

⁵Miller v California, 413 U.S. 15 (1973).

- Advertisement of tobacco, prescription medication, alcohol, weapons and other materials whose sale is prohibited is not allowed
- Sponsorship by political parties of news broadcasts is not allowed.

At the same time, we consider that the following aspects of the regulation fail to meet established best practices and standards (such as the European Union Audio-visual Directive):

- The Specifications use **different terms** in Part V such as “commercial communications”, “publicity material”, “sponsorship”, “political publicity”, “news programmes” without providing definitions for them. Without definitions the regulation is unclear and the enforcement is difficult to predict.
- The Specifications **do not provide content standards for commercial communications**. Normally the content standards for other programmes (standards on decency, prohibitions of hate speech, incitement to crime or disorder, etc.) apply for commercial communications.
- The Specifications do not set out **watershed for certain commercial communications**. Normally the scheduling of advertisements is done in view of the nature of the product or service being advertised. For example, ads that contain treatment that may terrify children should be shown at times the children are typically asleep.
- The Specifications have **no rules on teleshopping and product placement**. It is a standard that the rule on teleshopping set out the interval between teleshopping programmes whereas the rules on product placement include prohibition of product placement in children programmes. Product placement is allowed in certain kinds of programmes such as cinematographic works, films, sports and light entertainment. There should be clear information for viewers on product placement in the beginning and at the end of the programmes. In the EU tobacco products cannot be object of product placement.
- The Specifications **do not prohibit the sponsorship of tobacco, alcohol and other companies who cannot advertise**.
- The Specifications do not protect **editorial independence in cases of commercial communications**. Normally laws explicitly prohibit the interference by sponsors and advertisers in the editorial matters. Furthermore, companies are not allowed to sponsor programmes relating to the matter of their activities because there is a likelihood that the programme content can be influenced by the sponsor (e.g. a programme on tourism cannot be sponsored by a company owner of hotels on the grounds that it could influence the programme makers to promote the company’s hotels.)
- The Specifications do not determine how **the standards on commercial communications can be enforced**. In some state (e.g., the UK), there is a special body in charge of advertising standards and enforcement, in others this can be done by the regulator. Enforcement bodies are given powers to monitor the implementation of the standards. In addition, they can examine complaints by viewers and listeners and impose sanction. Typically, sanctions include orders for removal and fines, if a broadcaster has been negligent or intentionally disregards a ruling for removal.
- The Specifications do not **define broadcasters’ responsible for the content of all commercial communications**. Broadcasters should review all advertising before they broadcast it. If it contains statements of quality, they should be able to prove its truthfulness. However broadcasters and advertisers should be able to dispute rulings of the enforcement body that they have violated the standards.

- The Specifications **do not set out a requirement for honesty**. Normally advertisers are prohibited from unfairly comparing their products with those of competitors. Such comparison is possible only on the basis of scientific evidence established by an independent body.

Recommendations:

- The Specifications should include definitions of the different terms used in Part V such as “commercial communications”, “publicity material”, “sponsorship”, “political publicity”, “news programmes” without providing definitions for them.
- The Specifications should set out that the general content standards apply for commercial communications.
- A consideration should be given for imposing a watershed for commercial communications and rule on teleshopping.
- Rules on product placement should be introduced as the latter amounts to surreptitious advertisement. Product placement should be defined and prohibited in children programmes. It can be allowed only in certain kinds of programmes such as cinematographic works, films, sports and light entertainment. There should be clear information for viewers on product placement in the beginning and at the end of the programmes. Tobacco products should not be object of product placement.
- The Specifications should prohibit sponsorship by tobacco and alcohol companies as well as other companies who are not allowed to advertise.
- The Specifications should protect editorial independence in cases of commercial communications by explicitly prohibiting the interference by sponsors and advertisers in the editorial matters.
- The Specifications should set out how the standards on commercial communications are enforced. The enforcement bodies should be given powers to monitor the implementation of the standards. In addition it should be able to examine complaints by viewers and listeners and impose sanction. Sanctions should include orders for removal and fines, if a broadcaster has been negligent or intentionally disregard a ruling for removal.
- The Specifications should set out that broadcasters are responsible for the content of all commercial communications. If advertisement contains statements of quality, broadcasters should be able to prove its truthfulness. Broadcasters and advertisers should be able to dispute rulings of the enforcement body that they have violated the standards.
- The Specifications should set out a requirement for honesty prohibiting advertisers from unfairly comparing their products with those of competitors.