

# **BCI Consultation Document**

## **Draft BCI Rules on Advertising and Teleshopping Daily and Hourly Times**

### **1. The Broadcasting Commission of Ireland (BCI)**

The BCI is an independent statutory organisation responsible for a number of key areas of activity with regard to television and radio services in Ireland. The work of the Commission is guided by four pieces of legislation, namely the Radio and Television Act, 1988 ("1988 Act"), the Broadcasting Act 2001 ("2001 Act"), the Broadcasting (Funding) Act, 2003 and the Broadcasting (Amendment) Act, 2007.

The key functions of the BCI include: the licensing of independent broadcasting services; the licensing of three commercial Digital Terrestrial Television (DTT) multiplex platforms, in advance of analogue TV switch-off; the development of codes and rules in relation to programming and advertising standards; the monitoring of all licensed services to ensure that licence holders comply with their statutory obligations and terms of their contracts, and; the administration of 'Sound & Vision', the Broadcasting Funding Scheme.

### **2. BCI Rules on Advertising and Teleshopping Daily and Hourly Times**

The BCI is required, further to sub-sections 19(3) and (4) of the 2001 Act, to develop rules regulating the maximum advertising and teleshopping daily and hourly times allowed on radio and television services licensed under the 1988 Act and the 2001 Act. These rules will apply to broadcasters in the Republic of Ireland and broadcasters who make use of a satellite capacity or uplink situated in the Republic of Ireland. The rules will not apply to the channels provided by the public service broadcasters, RTÉ and TG4 or to channels commonly received in this country but licensed in the United Kingdom or in other jurisdictions e.g. Channel 4. The amount of advertising permitted on RTÉ radio and television services and on TG4 is determined by the Minister for Communications, Energy and Natural Resources in consultation with these broadcasters.

To date, the maximum limits on daily and hourly advertising and teleshopping times have been enforced via the BCI's contracts with its licensed broadcasters and the BCI does not propose any changes to the current maximum limits. It is the BCI's intention to formalise existing practice in a set of rules further to the statutory requirements and in advance of the establishment of the Broadcasting Authority of Ireland.

### 3. Purpose of This Document

Further to the requirements of sub-sections 19(5) and (6) of the 2001 Act, this document presents the draft Rules on Advertising and Teleshopping Daily and Hourly Times developed by the BCI for public inspection. The BCI invites interested parties to provide us with their views on the proposed rules and further details are included in **Section 5** below.

### 4. Legislative and Policy Requirements

Maximum limits on the amount of advertising and teleshopping permitted on radio and television services are set down in Irish and European legislation and in the BCI's policies. These are:-

- Section 10(4) of the Radio and Television Act, 1988
- The Television Without Frontiers Directive
- The BCI Community Radio Policy (2003)
- The BCI Television Licensing Policy (2004)

**Section 10 (4) of the Radio and Television Act, 1988** limits the total number of advertising minutes permitted on a broadcaster licensed under the 1988 Act to 10 minutes in a clock hour. In addition, the total percentage of advertising in a broadcast day is limited to 15% of total broadcast hours. In practice, commercial and special interest radio services and the television programme service contractor [TV3] licensed under the 1988 Act are required to comply with these limits.

**Articles 11.1, 11.3, 18.1, 18.2, 18a.1, 19, 19(a)** in Chapters IV and V of the European **Television Without Frontiers Directive** permit national television services to broadcast up to a maximum of 12 minutes of advertising per clock hour. These articles also establish the minimum duration of a teleshopping window as 15 minutes and limit to three hours the total time allowable for teleshopping on a channel **not exclusively** devoted to teleshopping.<sup>1</sup> It should be noted that the Directive permits EU Members states to introduce stricter rules and in this context both Irish legislation and the BCI's policies allow a maximum of 10-minutes of advertising on Irish television services.

**Part 4 of the BCI Community Radio Policy (2003)** sets the maximum hourly limits for advertising on community and community of interest radio services licensed further to the 1988 Act. This section stipulates that the maximum amount of advertising permissible on a community radio services in any clock hour is 6 minutes.

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<sup>1</sup> The Directive places no hourly or daily limits on channels exclusively devoted to teleshopping.

**Part 7 of the BCI Television Licensing Policy (2004)** sets the maximum hourly limits for commercial and community television services licensed further to the 2001 Act e.g. Setanta Ireland, DCTV. Commercial services are allowed a maximum of 10 minutes of advertising content in a clock hour, while community television services are permitted a maximum of 6 minutes of advertising content in a clock hour.

## **5. Responses**

The BCI invites you to inspect the draft rules detailed below in the **Appendix** to this document and to submit any views that you might have on the proposals. Responses will be considered by the Board of the BCI, as part of their decision-making process. Responses should be forwarded to the BCI on or before **Noon on Monday 21<sup>st</sup> September 2009**. Postal responses should be sent to:-

**BCI Advertising and Teleshopping Rules,  
Broadcasting Commission of Ireland,  
2-5 Warrington Place,  
Dublin 2.**

Email responses should be sent to:- **info@bci.ie**

## Appendix

### **Draft BCI Rules on Advertising and Teleshopping Daily and Hourly Times**

#### Introduction

**Section 19(3)** requires the Commission to make rules in respect of:-

*“(a) The total daily times that shall be allowed for the transmission of advertisements and teleshopping material on a broadcasting service or sound broadcasting service, being a service which consists of a compilation of programme material supplied pursuant to a contract entered into under this Act or the Act of 1988, and*

*(b) The maximum period that shall be allowed in any given hour for the transmission of advertisements and teleshopping material on such a broadcasting service or sound broadcasting service,*

*And, the Commission may make different such rules with respect to different classes of broadcasting service or sound broadcasting service”.*

The ***BCI Rules on Advertising and Teleshopping Daily and Hourly Times*** have been developed in accordance with this statutory obligation.

#### Jurisdiction

The rules shall apply to broadcasters within the jurisdiction of the Republic of Ireland or those who make use of a frequency or satellite capacity or uplink situated in the Republic of Ireland. In practical terms, the rules shall apply to services licensed further to the Radio and Television Act, 1988, and the Broadcasting Act, 2001.

The rules shall not apply to services provided by the public service broadcasters RTÉ or to TG4 nor shall they apply to other services commonly received in this country licensed in the United Kingdom or in other jurisdictions.

## **Definitions**

### **Advertising**

Any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment.

### **Teleshopping**

A direct offer broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment.

## **Rules**

### **1. Commercial Radio and Television Broadcasters**

#### **1.1 *Advertising***

The total daily times for broadcasting advertisements shall not exceed a maximum of 15 per cent of the total daily broadcasting time and the maximum time to be given to advertisements in any clock hour shall not exceed a maximum of ten minutes.

#### **1.2 *Teleshopping***

Advertising segments devoted to teleshopping by a channel not exclusively devoted to teleshopping shall be of a minimum duration of 15 minutes. The maximum number of segments per day shall be eight. The total daily time permitted for teleshopping on a channel not exclusively devoted to teleshopping shall be 3 hours. These limits shall not apply to channels exclusively devoted to teleshopping.

## **2. Community Radio and Television Broadcasters**

### **2.1 *Advertising***

The maximum time to be given to advertisements in any clock hour shall not exceed a maximum of six minutes.

### **2.2 *Teleshopping***

Advertising segments devoted to teleshopping by a channel not exclusively devoted to teleshopping shall be of a minimum duration of 15 minutes. The maximum number of segments per day shall be eight. The total daily time permitted for teleshopping on a channel not exclusively devoted to teleshopping shall be 3 hours. These limits shall not apply to channels exclusively devoted to teleshopping.

## **3. Institutional and Special Event Broadcasters**

Broadcasters licensed further to Section 8 of the Radio and Television Act, 1988 (as amended by the Broadcasting Act, 2001) may not carry advertising or teleshopping.