

AMA-Comercial Communications (CC)

Legal framework and Implementation

Law "On the Audiovisual Media in the Republic of Albania", based on AMSD

- The Law "On the Audiovisual Media in the Republic of Albania", is drafted based on the Audiovisual Media Services Directive 2010/13/EU, and is fully aligned with this Directive.
 - **Communications with commercial nature, conditions by law**
 1. CC should be clearly identified as such. Communications with a hidden commercial nature are prohibited.
 2. CC are not allowed to use ways for seducing viewers in an irresponsible way and techniques for their suggestion.
 3. CC are not allowed to:
 - a) affect human dignity;
 - b) include or support discrimination on sex, race, ethnic origin, national, age, belief, religion, disabilities or sexual orientation grounds;
 - c) encourage a harmful attitude for health and physical safety of individuals;
 - ç) encourage behaviours or harmful actions for environmental protection.
 4. All the forms of CC on cigarettes and other tobacco-related products are prohibited.
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Communications with commercial nature, conditions by law

5. The CC on alcoholic beverages will not be allowed to address especially to children

6. The CC on pharmaceutical products or products and medical treatments, given only by medical prescription, are prohibited.

7. The CC must prevent causing of moral and physical damages to the minors, and not to abusively expose minors in situations that are dangerous to them. *For this purpose they should not encourage or push minors to buy or receive products or services, encouraging them directly to request from parents or other relatives to receive the advertised goods for them, or utilizing the children's position in relation to parents, teachers, or other relatives of them.*

8. The audio-visual broadcasting service must draft and implement codes of conduct on the unsuitable communications of a commercial nature in their broadcasts that accompany or are included in minors' programmes, of food and beverages containing harmful or useless substances to the physical health of minors, in particular substances that contain a high fat level, fatty acids, salt, sodium and sugar that go beyond the allowed norms of a healthy diet for the minors.

Requirements for advertising and direct teleshopping

- ❑ 1. Advertising and direct teleshopping shall be distinguishable and different from the other editorial content through uses the visual and/or audio and/or division of their screen space.
 - ❑ 2. Advertising spots and isolated direct teleshopping can be allowed only in sport programmes.
 - ❑ 3. Broadcasting of films, cinematographic works and new programmes can be interrupted by advertising or teleshopping spots, once in 30 minutes. But not in the serials and documentaries.
 - ❑ 4. Broadcasting of programmes for minors can be interrupted by advertising or teleshopping spots but not more frequently that once in 30 minutes and if the duration of the programme is longer than 30 minutes.
 - ❑ 5. Advertising and teleshopping is not allowed during programmes of a religious nature.
 - ❑ 6. Teleshopping for medicines, pharmaceutical products and medical services are prohibited.
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Requirements for advertising and direct teleshopping

- 7. Advertising and teleshopping on alcoholic beverages shall comply the following requirements:
 - a) they shall not be addressed to minors or show minors consuming such beverages;
 - b) in no way shall connect use of alcohol while driving or mention boosting of users physical capacities due to consumption of such products;
 - c) shall in no way create the feeling that the use of alcohol has an impact on the successful social or sexual performance of their users;
 - ç) shall not pretend or create the impression that use of alcohol has curative or regeneration qualities or that it is an encouraging, tranquilizing means that helps in resolving or facilitating personal conflicts;
 - d) shall not encourage the non-suitable use of alcohol or interpret the lack of use of alcohol in a negative viewpoint;
 - dh) shall not highlight the high percentage of alcohol in a beverage as a positive quality of this beverage.
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Requirements for advertising and direct teleshopping

- ❑ 8. The insertion of advertisement and teleshopping in the audio-visual programs is made by taking into account the fact that the interruptions have to be natural during the program and nature of the program and shall respect the rights of interested parties.
 - ❑ 9. The teleshopping windows in the integrated screen or relevant programmes shall be clearly identified as such through audio and audio-visual ways and shall last at least 15 minutes.
 - ❑ 10. For the services of programs dedicated to advertising, teleshopping and self-advertising, the requirements of this law will be applied according to the principle *mutatis mutandis*.
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Product placement during programs

1. Product placement during programs as a hidden and abusive way of CC is prohibited unless in films, cinematographic works, serials, sports programs and recreational-nature.
 2. The exclusion made in point 1 is not valid for any kind of program for minors.
 3. The programs containing product placement shall meet the following conditions:
 - a) their content and program listing shall in no circumstance be affected in such a way as to affect the editorial independence of the media;
 - b) they shall not directly encourage the reception or use of goods and services, in particular by making a special promotional reference to these goods and services;
 - c) they shall not dedicate an excessive attention to the goods in question;
 - ç) the viewers shall clearly be informed on the existence of the products placement.
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Product placement during programs

4. The programs containing products placement shall be clearly identified since the beginning, during or at the end of the program and when the program ends after an advertising break in order to avoid any misleading of viewers.

5. The programs can in no case contain goods placement for:

a. tobacco, cigarette products or placement of goods from companies, persons or entrepreneurships, which main activity is to produce and trade cigarettes and tobacco products, or

b. certain pharmaceutical products, medicines or medical treatment given only by doctor's prescription.

Sponsorship of broadcast services

- 1. The sponsored audio and audio-visual services shall meet the following requirements:
 - a) their content and programs list shall in no case be affect the editorial independence of the media service;
 - b) they shall not directly affect the purchase or ordering of goods or services, in particular by special promotional mentioning of these goods and services;
 - c) the viewers shall be clearly informed on the sponsorship agreement where the program is based upon. The sponsored programs shall be easily identifiable by the name, emblem and/or other symbols of the sponsoring subject, as well as by a visible sign at the beginning, during or at the end of the program.
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Sponsorship of broadcast services

2. The audio-visual broadcast services cannot be sponsored by companies, persons or entrepreneurships which main activity is the production and trading of cigarettes or other products of tobacco.
 3. Sponsorship of audio-visual broadcast services or programs from the company, persons or entrepreneurships whose main activity includes production and sale of medicines, pharmaceutical products and medical services, can mention only the name or show the emblem but cannot advertise medicines, or certain medical services that can be given only by medical prescription.
 4. The news and informing programs related to politics cannot be sponsored.
 5. It is prohibited the display of sponsorship signs in and during programs for minors, documentaries and programs that have to do with the religious belief
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The role of the AMA: Bylaws, experiences, projects

- AMA has adopted a Code of Broadcasting, with a special section dedicated to communications of a commercial nature and advertisements, which addresses the principles of broadcasting that are applied to CC emphasizing the protection of minors from moral and physical damages from each form of audiovisual CC.
 - The law provides penalties for broadcasters who do not respect the obligations of the articles of this law for the transmission of audiovisual commercial communications. AMA is entitled to impose a fine \$ 1,000 to \$ 17,000.
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 - AMA drafted the draft regulation "On audio and/ or audiovisual communications of commercial nature. Forms, conditions and daily time allowed for their transmission. "This project is in the final stages of approval, after public consultation with interest groups, organizations of journalists.
 - Thank you!
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