

## **REGULATION OF THE NATIONAL BROADCASTING COUNCIL**

of 3 June, 2004,

### **CONCERNING PRINCIPLES OF ADVERTISING AND TEleshopping IN THE RADIO AND TELEVISION PROGRAM SERVICES**

Under Article 16 item 4 of the Broadcasting Act of 29 December 1992 (Official Journal "Dz.U." of 2001, No. 101, item 1114; as further amended<sup>1</sup>), the following is hereby ordered:

**§ 1.** For the purposes of this Regulation "the Act" shall mean the Broadcasting Act of 29 December 1992.

**§ 2. 1.** The daily transmission time of the program service, as defined in article 16 items 2 and 3 of the Act, shall cover a period of 24 hours counted as from 6<sup>00</sup> a.m.

2. The hour of transmission of the program service, as defined in the provision referred to in the item 1, shall be understood to be the clock hour.

3. If the program service does not last a full 24-hour period, the authorised daily amount of advertising and teleshopping within the given period shall be reduced accordingly.

4. If the program service does not last a full hour, the authorised amount of advertising and teleshopping within the given hour shall be reduced accordingly.

**§ 3.** Programs, advertisements, teleshopping and other broadcasts defined in the Act shall be accounted towards the total transmission time of a program service.

**§ 4. 1.** Advertisements and teleshopping should be separated from other elements of the program service and distinguishable by optical or acoustic means at the beginning and at the end of the advertising or teleshopping blocks.

2. The advertising block designation shall contain the word "*reklama*" (advertisement) or "*ogłoszenie*" (announcement).

3. The teleshopping block designation shall contain the word "*telesprzedaż*" (telesale) or "*telezakupy*" (teleshopping), unless teleshopping is broadcast jointly with advertisements within a block designated according to the provisions of items 1 and 2.

4. The advertising and teleshopping block designation shall not be accounted towards the advertising and teleshopping transmission time.

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<sup>1</sup> Amendments to the consolidated text of the above-mentioned Act have been published in official journal "Dz.U." of 2002, No. 25, item 253 and No. 56, item 517; of 2003 No. 96, item 874 and of 2004, No. 91, item 874.

**§ 5.** The broadcaster shall take into consideration the nature of the program preceding and following the advertisements or teleshopping when making a decision regarding their transmission.

**§ 6.** The image or voice of program performers appearing in factual and current-affairs programs or children's programs in a radio or television program services broadcast 3 months or less before the transmission of an advertisement may not be used in the said advertisement.

**§ 7. 1.** The broadcaster may not transfer to another party the right to make a decision concerning broadcast of an advertisement or teleshopping in a manner legally binding for the broadcaster.

**2.** The broadcaster may not assign to one business operator or business group more than 35% of the annual advertising time for the advertisement of their goods and services.

**§ 8. 1.** The broadcaster shall keep records of daily and hourly time of advertisement and teleshopping transmission.

**2.** The advertisement and teleshopping records shall contain the following information:

- 1) name of the product or service,
- 2) name of the contracting entity,
- 3) date of transmission,
- 4) transmission hour and duration of the advertisement and teleshopping transmission,
- 5) duration of the advertising and teleshopping block,
- 6) total duration of the advertisements in an hour,
- 7) daily program service transmission time and daily advertising and teleshopping transmission time,
- 8) daily number and duration of teleshopping blocks.

**3.** The broadcaster shall retain the records, referred to in item 1, for a period of 1 year from the end of the calendar year in which the transmission of advertising or teleshopping took place.

**§ 9.** The Regulation of the National Broadcasting Council dated 6 July 2000 concerning the principles of advertising and teleshopping in the radio and television program services and detailed rules regulating the restraints on interruption of feature and television films for the purpose of transmitting advertisements or teleshopping (Official Journal "Dz.U." No. 65, item 784 of 2000, No. 188, item 1583 of 2002) becomes null and void.

**§ 10.** This Regulation shall take effect on the date of its promulgation.

Chairperson  
of the National Broadcasting Council  
Danuta Waniek