

**REGULATION  
OF THE NATIONAL BROADCASTING COUNCIL**

of 30 June 2011

**concerning principles of advertising and teleshopping in radio and television programme services**

(official journal "Dz.U." of 22 July 2011)

Pursuant to Article 16 paragraph 7 of the Broadcasting Act of 29 December 1992 (official journal "Dz.U." of 2011, No. 43, item 226, No. 85, item 459 and No. 112, item 654), the following is hereby ordered:

**§ 1.**

The Regulation determines:

- 1) the conditions of broadcasting, including of separation, identification and insertion, of advertising and teleshopping in programme services,
- 2) the detailed requirements for broadcasters' announcements referred to in Article 16 paragraph 4 subparagraphs 1 and 2 of the Broadcasting Act of 29 December 1992, hereinafter the "Act", and the manner of their identification and insertion in programme services;
- 3) the requirements with respect to persons whose voice or image is used in advertising, including restrictions on their ability to host other programmes in radio and television programme services,
- 4) the extent to which a broadcaster may allot transmission time for advertising and teleshopping, including the maximum amount of time allotted per annum for one business operator or business group,
- 5) the manner in which the broadcaster shall keep and store a record of duration of broadcast advertising and teleshopping, and the scope of data to be recorded,

**§ 2.**

1. The daily transmission time of a programme service shall mean the number of hours of a programme service transmitted by a broadcaster during a period of 24 hours counted from 6:00 a.m.
2. A clock hour shall mean one hour of daily transmission time of a programme service referred to in subparagraph 1.
3. If a programme service is not transmitted during a full clock hour, the permitted hourly amount of advertising and teleshopping shall be reduced accordingly.

**§ 3.**

1. Advertising and teleshopping shall be separated from other parts of the programme service and identified by optical, acoustic or spatial means at the beginning and at the end of the block.
2. The identification of advertising, except for self-promotion, shall contain the word "*reklama*" (advertisement) or the words "*ogłoszenie płatne*" (paid announcement).
3. The identification of self-promotion shall contain the word "*autopromocja*" (self-promotion), unless self-promotion is broadcast jointly with other advertising within a block identified in accordance with subparagraphs 1 and 2.
4. The identification of teleshopping shall contain the word "*telesprzedaż*" (teleshopping), unless teleshopping is broadcast jointly with advertising within a block identified in accordance with subparagraphs 1 and 2.

**§ 4.**

1. Split-screen advertising or teleshopping shall be distinctly separated from other parts of the programme service by optical means, and the part of the screen with advertising or teleshopping content shall contain the word "*reklama*" (advertising), "*autopromocja*" (self-promotion) or "*telesprzedaż*" (teleshopping) displayed throughout its duration.
2. The broadcasts referred to in subparagraph 1 shall be identified in accordance with the principles set forth in § 3 subparagraphs 2-4.

3. During the broadcasts referred to in subparagraph 1 the part of the screen with advertising or teleshopping content shall not exceed 25% of the surface area of the screen.

#### **§5**

1. In case a commercial communication on audiotext lotteries referred to in Article 2 paragraph 1 subparagraph 11 of the Gambling Act of 19 November 2009 (official journal "Dz.U." No. 201, item 1540; of 2010, No. 127, item 857; and of 2011, No. 106, item 622 and No. 134, item 779), and on a publicly available telecommunications service comprising a telecommunications service with additional benefits, referred to in Article 64 of the Act of 16 July 2004 - "Telecommunications Law" (official journal "Dz.U.", No. 171, item 1800, as further amended<sup>1</sup>), is transmitted in a television programme service:
  - 1) the note on the cost of connection shall be each time displayed throughout the time of transmission of the information containing a telephone number;
  - 2) the size of the note on the cost of connection shall not be smaller than the information containing a telephone number;
  - 3) the note referred to in point 2 shall be broadcast in a legible manner and its graphic form shall conform to the graphic form of the information containing a telephone number, in particular with regard to:
    - a) typeface and font colour;
    - b) type and colour of background;
    - c) type and colour of letter filling.
2. In case a commercial communication referred to in subparagraph 1 is transmitted in a radio programme service, the voiced-over information on the cost of connection shall be inserted directly before or after the information containing a telephone number.

#### **§6**

1. Announcements made by television broadcasters, referred to in Article 16 paragraph 4 subparagraphs 1 and 2 of the Act, shall be identified by optical or acoustic means in a manner that leaves no doubt as to their origin from a broadcaster, and kept separate from other parts of the programme service and commercial communications.
2. Announcements made by radio broadcasters, referred to in Article 16 paragraph 4 subparagraphs 1 and 2 of the Act, shall be identified by acoustic means in a manner that leaves no doubt as to their origin from a broadcaster, and kept separate from other parts of the programme service and commercial communications.
3. Provisions of §5 shall accordingly apply to the announcements of broadcasters, referred to in Article 16 paragraph 4 subparagraphs 1 and 2 of the Act.
4. The identifications referred to in subparagraphs 1 and 2 shall not be included in the transmission time of the announcements referred to in Article 16 paragraph 5 of the Act.

#### **§7**

When broadcasting advertising or teleshopping, the broadcaster shall take into account in the programme service the nature of programmes that precede and follow the advertising and teleshopping.

#### **§8**

It shall be forbidden to use in advertising, with the exception of self-promotion, the voice or image of persons who hosted news programmes, commentaries or children's programmes in radio or television programme services less than 3 months before the broadcast of the advertising.

#### **§9**

The broadcaster shall not allot more than 35% of the annual transmission time devoted to advertising and teleshopping to the advertising and teleshopping of products and services of one business operator or business group.

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<sup>1</sup> Amendments to the Act were promulgated in official journal „Dz. U.“ of 2004, No. 273, item 2703; of 2005, No. 163, item 1362 and No. 267, item 2258; of 2006, No. 12, item 66, No. 104, item 708 and 711, No. 170, item 1217, No. 220, item 1600, No. 235, item 1700 and No. 249, item 1834; of 2007, No. 23, item 137, No. 50, item 331 and No. 82, item 556; of 2008, No. 17, item 101 and No. 227, item 1505; of 2009, No. 11, item 59, No. 18, item 97 and No. 85, item 716; of 2010, No. 81, item 530, No. 86, item 554, No. 106, item 675, No. 182, item 1228, No. 219, item 1443, No. 229, item 1499 and No. 238, item 1578; and of 2011, No. 102, item 586 and 587 and No. 134, item 779.

#### **§10**

1. The loudness level of broadcast advertising and teleshopping shall not exceed the loudness level of preceding programmes.
2. In order to meet the conditions referred to in subparagraph 1, the broadcaster shall compare the loudness level of programmes broadcast within 20 seconds preceding the beginning of advertising and teleshopping with the loudness level of each broadcast advertising and teleshopping.
3. The measurement referred to in subparagraph 2 shall be taken in measuring conditions that correspond to the conditions of receipt of the transmitted programme, using methods set forth in an appendix to the Regulation.
4. Loudness shall be measured with sound parameters and in technical conditions that correspond to the conditions of receipt of programmes by the final recipient.

#### **§ 11.**

5. The broadcaster shall keep a record of duration of broadcast advertising and teleshopping.
6. The record of broadcast advertising and teleshopping shall contain the following information:
  - 1) name of the product or service,
  - 2) name of the contracting entity,
  - 3) date of broadcast,
  - 4) time of broadcast and duration of the advertising and teleshopping,
  - 5) duration of the advertising and teleshopping block,
  - 6) total duration of advertising in a clock hour,
  - 7) daily number and duration of broadcast teleshopping blocks.
7. The broadcaster shall store the record referred to in subparagraph 1 for a period of 1 year from the end of the calendar year in which the advertising or teleshopping was broadcast.

#### **§ 9.**

The Regulation of the National Broadcasting Council of 3 June 2004 concerning principles of advertising and teleshopping in radio and television program services (official journal "Dz.U." No. 148, item 1565; and of 2010, No. 3, item 20) shall be repealed.

#### **§ 10.**

This Regulation shall take effect after 14 days of its promulgation.

Appendix to the Regulation of the National Broadcasting Council  
of 30 June 2011 (item 895).

In order to facilitate, support the editing, exchange and transmission of a radio or television programme it is necessary to provide an objective estimation of loudness in an audio channel, with a meter which meets the requirements stipulated hereinafter, developed based on ITU recommendations: ITU-R, BS.1770-1; *Algorithms to measure audio programme loudness and true-peak audio level* and ITU-R, BS.1771: *Requirements for loudness and true-peak indicating meters*.

### **Requirements for Loudness Measurement**

Meters used for estimation of the total subjective loudness of a broadcast, audio programme, shall facilitate a current measurement over a shorter measurement time and estimation of loudness of an audio material over a longer measurement time, using the following, optional modes available to a user:

- Fast mode
- Integrating mode.

The integrating mode shall provide average readings for a repeatable, present T period. The measurement time shall be set manually or otherwise.

Reading of a loudness meter measuring the same signal with reversed polarity shall not deviate from the previous reading by more than 0.5 loudness unit.

Loudness reading of a correctly operating meter shall amount to -3.00 LU, if a sinusoidal input signal with the frequency of 1 kHz and the maximal, absolute level of 0 dBfs is provided to a left, central or right channel.

Loudness of a stereo or multichannel audio signal used for adjustment shall be displayed by a single meter as indicated by the algorithm illustrated on Figure 1.

As an exception, the measurement method cannot be used, if the algorithm is inappropriate for estimation of subjective loudness of tones such as singular sinusoidal signals. These are very rare occurrences in the transmission of programmes.

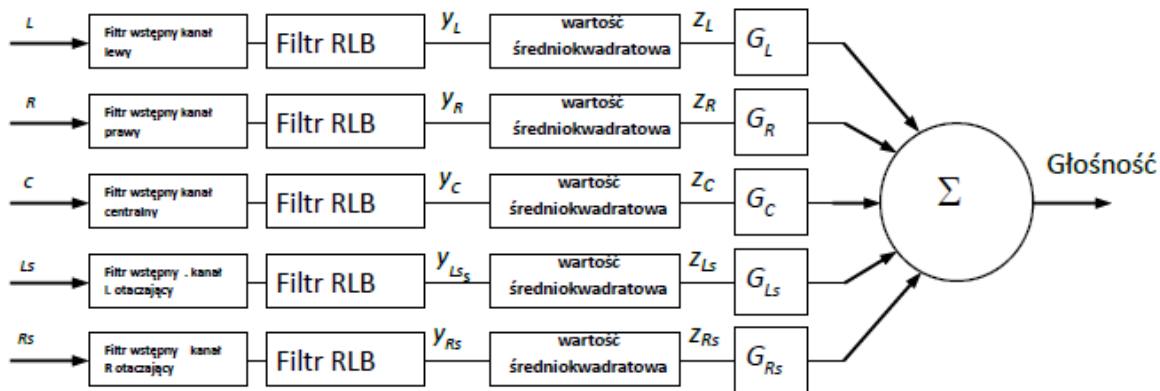
With regard to methods of visualization of measurements of loudness necessary to provide recommendations, it shall be possible to repeat comparisons of loudness measurements based on

assumptions presented hereinafter, integrated for measurement time of audio materials between 1 and 20 seconds.

### Objective multichannel loudness measurement algorithm

Figure 1 shows a block diagram of a loudness measurement algorithm. It allows monitoring of programmes containing from one to five audio channels. For modulations that have less than five channels, inputs without modulation signals will not be used during the measurement. The low frequency effects channel (LFE) is not included in the recommended measurement methodology.

Figure 1. BLOCK DIAGRAM OF MULTICHANNEL LOUDNESS MEASUREMENT ALGORITHM

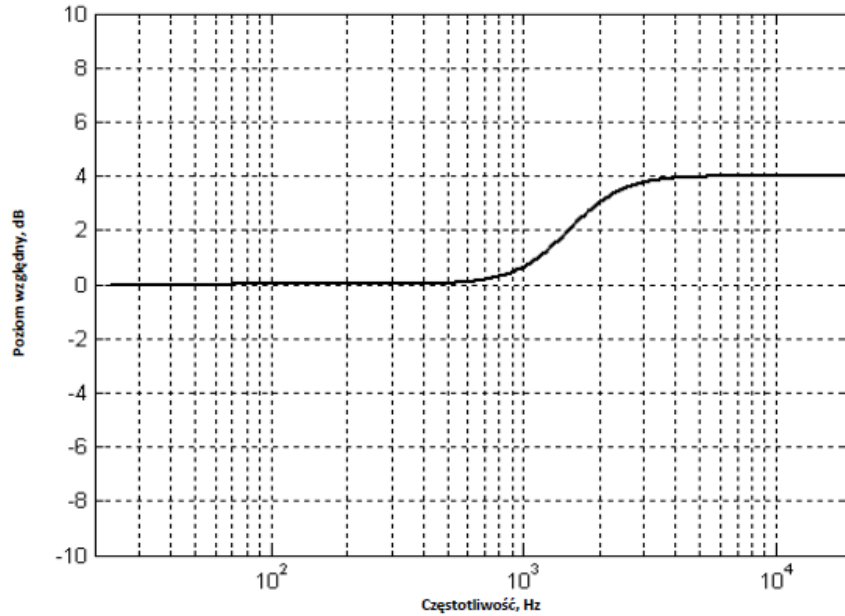


**Key:**

- Filtr wstępny kanał lewy* – Pre-filter left channel
- Filtr wstępny kanał prawy* – Pre-filter right channel
- Filtr wstępny kanał centralny* – Pre-filter central channel
- Filtr wstępny kanał L otaczający* – Pre-filter left surrounding channel
- Filtr wstępny kanał R otaczający* – Pre-filter right surrounding channel
- Filtr RLB* – RLB filter
- Wartość średniokwadratowa* – Mean square value
- Głośność* – Loudness

The first stage of the algorithm applies a pre-filtering of the signal prior to the Leq(RLB) measure as shown in Figure 2. The pre-filtering accounts for the acoustic effects of the head, where the head is modelled as a rigid sphere.

Figure 2. RESPONSE OF THE PRE-FILTER USED TO ACCOUNT FOR THE ACOUSTIC EFFECTS OF THE HEAD



Key

Poziom względny - Relative level (dB)

Częstotliwość - Frequency (Hz)

The pre-filter shown in Figure 2 is defined by the filter shown in Figure 3 with the coefficients specified in Table 1.

Figure 3. SIGNAL FLOW DIAGRAM OF A 2<sup>ND</sup> ORDER FILTER ACTING AS A PRE-FILTER

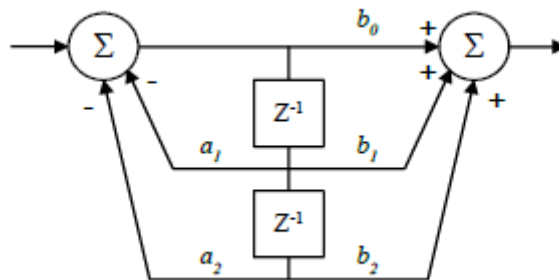


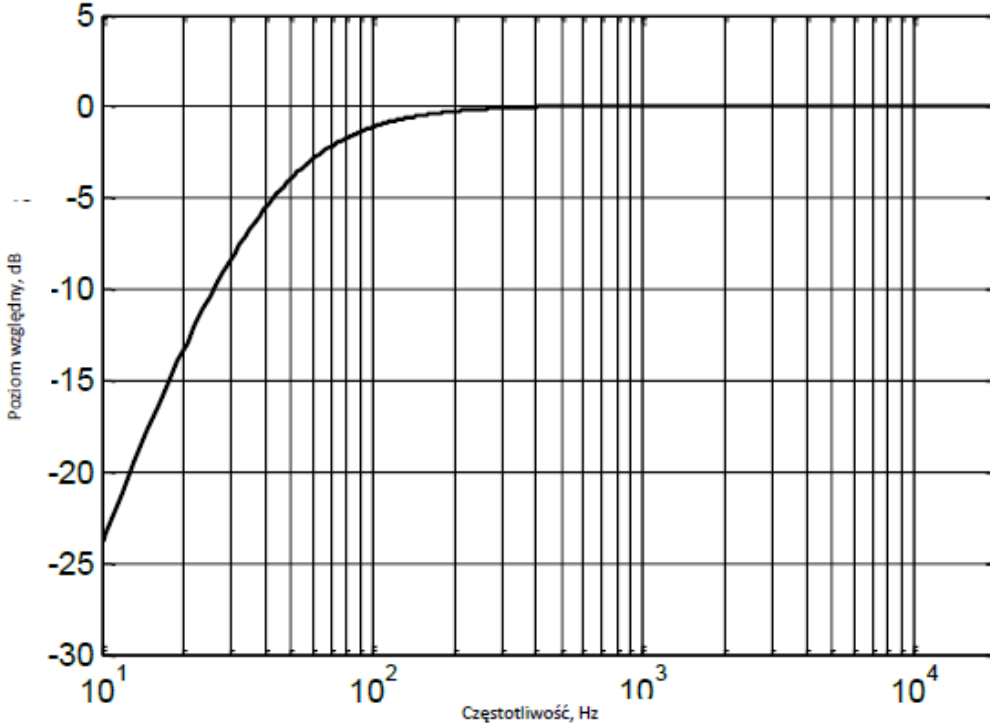
Table 1. FILTER COEFFICIENTS FOR THE PRE-FILTER TO MODEL A SPHERICAL HEAD

-	-	$b_0$	1.53512485958697
$a_1$	-1.69065929318241	$b_1$	-2.69169618940638
$a_2$	0.73248077421585	$b_2$	1.19839281085285

The filter coefficients shown in Table 1 require single sampling rate of 48 kHz.

The second stage of the algorithm applies the RLB weighting curve, which consists of a simple high-pass filter as shown in Figure 4.

Figure 4. RLB WEIGHTING CURVE



Key

Poziom względny - Relative level (dB)

Częstotliwość - Frequency (Hz)

The RLB weighting curve is specified as a filter shown in Figure 3 with the coefficients set forth in Table 2.

Table 2. FILTER COEFFICIENTS FOR THE RLB WEIGHTING CURVE

-	-	$B_0$	1.0
$a_1$	-1.99004745483398	$B_1$	-2.0
$a_2$	0.99007225036621	$B_2$	1.0

The filter coefficients presented in Table 2 are for a sampling rate of 48 kHz.

With the pre-filter and the RLB filtering applied, the mean-square energy ( $z_j$ ) in the measurement interval  $T$  is then measured for every audio channel using the following formula:

$$z_i = \sqrt{\frac{1}{T} \int_0^T y_i^2 dt}$$

where  $i = L, R, C, Ls$  or  $RS$  and  $y_j$  is an input signal filtered by both the pre-filter (taking into account acoustic effects of the head shape), and the RLB weighting curve (taking into account non-linear hearing sensitivity to sound depending on its frequency).

Once the weighted mean-square level ( $z_j$ ) has been computed for each channel, the final step is to calculate the total loudness of an audio signal by summing up the obtained values for  $N$  channels using the following formula:

Loudness

$$LU = -0.691 + 10 \log_{10} \sum_i^N G_i \cdot z_i \text{ [ dB}_{LU} \text{ ]}$$

where  $i$  indicates subsequent channels  $L, R, C, Ls, RS$ , and  $N$  is the total number of channels in the measured audio programme.  $G_j$  is a loudness weighting coefficient separately determined for each channel. Table 3 shows values of  $G_j$ .

Table 3. WEIGHTINGS FOR THE INDIVIDUAL AUDIO CHANNELS

Channel	$G_j$ weighting coefficient
Left ( $G_L$ )	1.0 (0 dB)
Right ( $G_R$ )	1.0 (0 dB)
Central ( $G_C$ )	1.0 (0 dB)
Left surrounding ( $G_{LS}$ )	1.41 (~ +1.5 dB)
Right surrounding ( $G_{RS}$ )	1.41 (~ +1.5 dB)

Note:

LU (Loudness Unit) – a loudness measurement unit. Loudness meter should be calibrated in loudness units [LU]. It is a loudness meter scale unit. Programme loudness expressed in loudness units represents damping or amplification in decibels required to bring the signal level to 0 LU. For example, a programme signal of -10 LU would require amplification by +10 dB to achieve a reading of 0 LU.