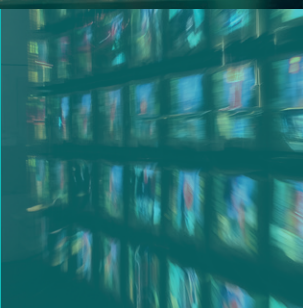
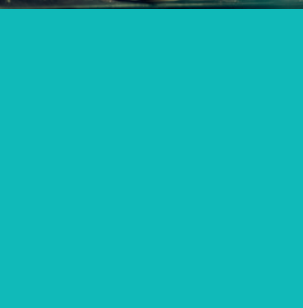




AVMSDigest KEY PROVISIONS ON AUDIOVISUAL ADVERTISING



AVMSDigest

Key provisions on audiovisual advertising

European Audiovisual Observatory, Strasbourg, 2025

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AVMSDigest

KEY PROVISIONS ON AUDIOVISUAL ADVERTISING

Amélie Lacourt, Eric Munch, Justine Radel-Cormann

A PUBLICATION
OF THE EUROPEAN AUDIOVISUAL OBSERVATORY



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Foreword

Remaining true to the spirit of the AVMSDigest series, this edition brings the spotlight on yet another area of media regulation: audiovisual commercial communications (ACCs). These rules, set out in the Audiovisual Media Services Directive (AVMSD) and transposed into national legislation across Europe, shape the interplay between consumers, media, and advertising in an ever-evolving digital landscape.

Understanding who falls under these rules, and why their obligations may differ is essential. From broadcasters and on-demand services to influencers and video-sharing platforms (VSPs), each actor operates within a regulatory framework, defined by European principles but also national specificities.

This edition explores the AVMSD's main provisions with regard to ACCs, examining how they have been implemented across EU, EFTA, and the UK and offering insights into trends and selected national examples.

Enjoy the read!

Strasbourg, November 2025

Maja Cappello

*Head of the Department for Legal Information
European Audiovisual Observatory*

INTRODUCTION

1

1.1 What is an audiovisual commercial communication?

The AVMSD defines ACCs as follows: ¹

Article (1)(1)(h):

“ ‘audiovisual commercial communication’ means **images with or without sound** which are **designed to promote, directly or indirectly, the goods, services or image of a natural or legal person pursuing an economic activity**; such images accompany, or are included in, a programme or user-generated video in return for payment or for similar consideration or for self-promotional purposes. Forms of audiovisual commercial communication include, *inter alia*, television advertising, sponsorship, teleshopping and product placement. ”

ACCs are regulated at European Union level by the AVMSD, as highlighted in Recital 83 of Directive 2010/13. This definition has largely been followed in countries within the scope of this publication (EU-27, EFTA and the UK).

Consequently, advertising must comply with a number of minimum rules and standards to ensure that the interests of consumers are fully and properly protected.

This is particularly relevant in a context where AVMS providers heavily depend on advertising as a key revenue source, representing large amounts of financial capital. In 2023, European, national and multi-country TV networks evenly accounted for 75% of total net TV advertising revenues. For instance, the RTL Group took EUR 3.1bn of net TV advertising revenues. The advertising business model has spread to video-sharing platforms. In 2023, YouTube led top OTT advertising by a significant distance and accounted for almost half of the revenues registered online for advertising of AV content (EUR 7.1bn). ²

¹ Unless specified otherwise, all references to the AVMSD refer to Directive (EU) 2018/1808.

² <https://rm.coe.int/top-players-in-the-european-av-industry-2023-figures-april-2025-l-ene/1680b54721>.

1.2 Legislative snapshot

GENERAL REQUIREMENTS: LINEAR, NON-LINEAR AND VIDEO-SHARING PLATFORMS (VSPS)

Technical requirements

- Artt. 9(1)(a-b)
- Non-surreptitious
 - Non-subliminal

Product categories

- Artt. 9(1)(d), (e), (f), 9(2), 22
- Prohibition of cigarettes, tobacco products, electronic cigarettes and related
 - Alcoholic beverages not aimed at minors
 - No encouragement of immoderate consumption of alcohol
 - Prohibition of prescription-only medicinal products/treatments

Fundamental principles

- Artt. 9(1)(c) (i-iv), (g)
- Respect for human dignity
 - No discrimination (sex, racial or ethnic origin, nationality, religion or belief, disability, age, sexual orientation)
 - No prejudice to health or safety
 - No encouragement of behaviour prejudicial to the protection of the environment
 - Not detrimental to minors

VSP obligations

- (Art. 28b(2))
- VSPs must comply with the requirements of Art. 9(1) for ACCs

ACCs

SEPARATION AND QUANTITATIVE REQUIREMENTS APPLICABLE TO ACCS FOR BROADCASTERS

Advertising and teleshopping must be readily recognisable and distinguishable from editorial content by optical and/or acoustic and/or spatial means (Art. 19 AVMSD)

EDITORIAL CONTENT



ADVERTISING & TEleshopping



Ensuring programme integrity and interruption (Art. 20 AVMSD)

When can a programme be interrupted?

TV, CINEMATOGRAPHIC WORKS AND NEWS PROGRAMMES



CHILDREN'S PROGRAMMES (no teleshopping allowed)

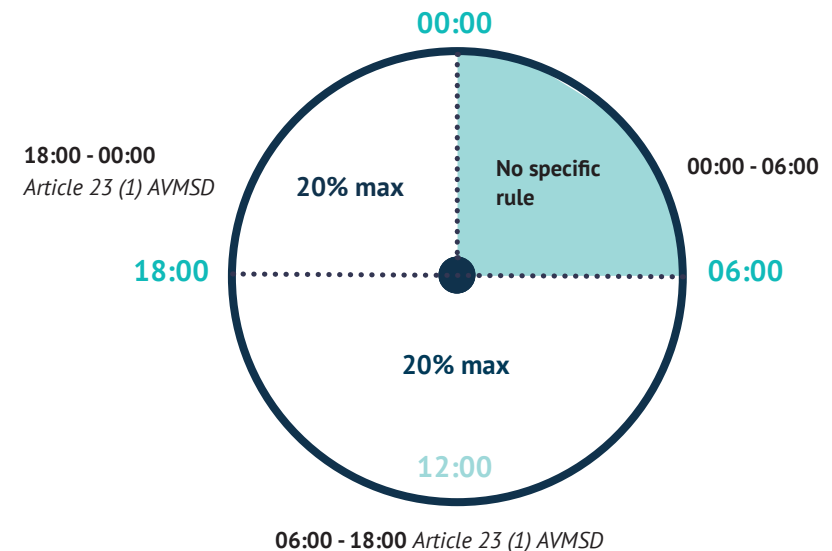


ACCs **only** if programme >30 min.

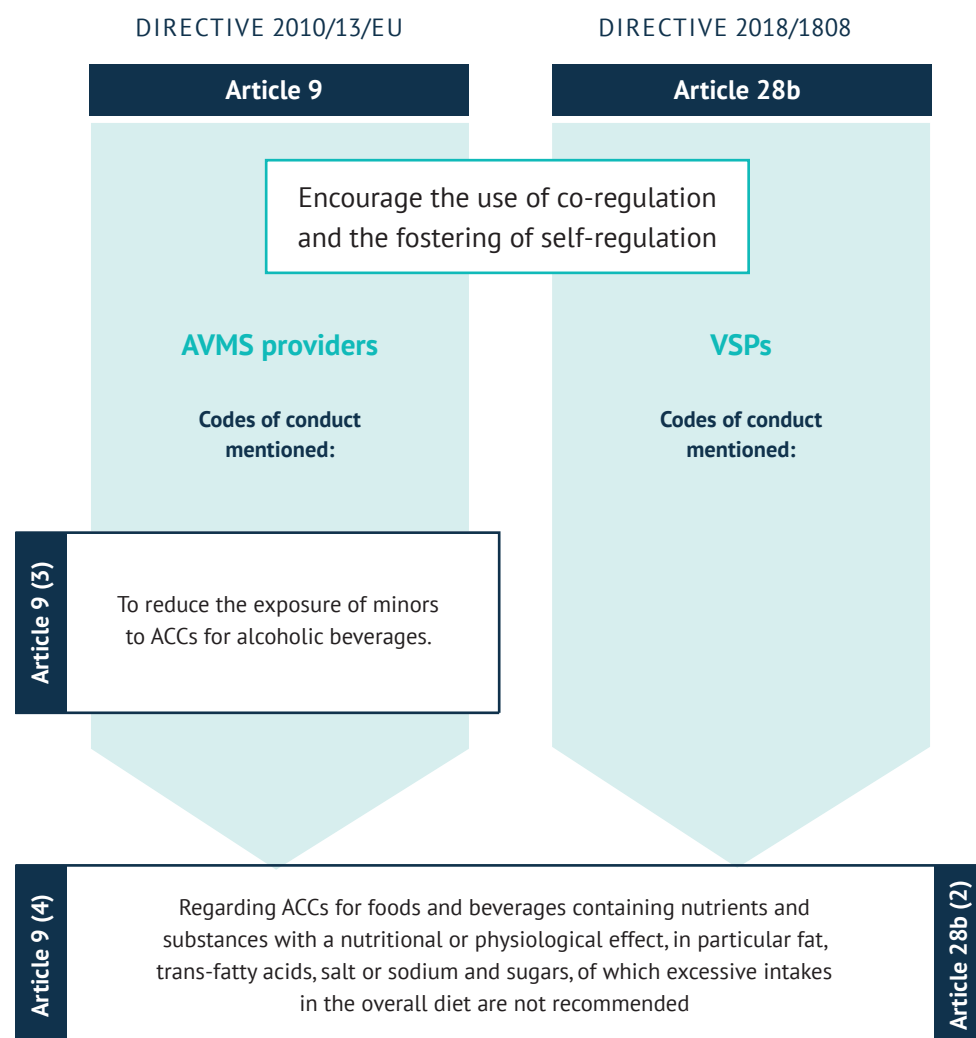
RELIGIOUS SERVICES



Volume devoted to TV ad and teleshopping (Art. 23 AVMSD)



SELF- AND CO-REGULATION



1.3 State of play

Most countries covered in this publication hewed close to the AVMSD when transposing its provisions regarding ACCs into national law. While some countries added specific details, key concepts are generally harmonised, with some national variations.

The prohibition of surreptitious ACCs and subliminal techniques was substantially transposed literally across all countries. Some countries went further with regard to rules pertaining to certain categories of products. Rules regarding ACCs for alcoholic products were mostly transposed literally, though often with additional, more detailed, rules.

There is more variety in how quantitative and separation requirements for broadcasters were transposed nationally. These requirements, which aim to ensure the recognisability of, and distinguishability between, ACCs and editorial content, as well as programme integrity, and which regulate the general volume dedicated to television advertising and teleshopping, vary greatly across countries in terms of formats, watersheds, labelling rules and interruption frequency.

Lastly, the vast majority of countries added in their national legislation provisions to encourage the use of co-regulation and foster self-regulation, though with notable differences regarding who should develop codes of conduct, for instance.

THE DEFINITION OF AUDIOVISUAL COMMERCIAL COMMUNICATION

2

Article 1(1)(h) AVMSD

defines ACCs and lists examples, including television advertising, sponsorship, teleshopping and product placement. These ACCs are further defined in Artt. 1(1)(i), (k), (l), and (m) respectively.

2.1 Transpositions of the definition of ACC into national legislations

Most of the countries refer to “ACCs” or use direct references to “advertising” when defining ACC. The common key elements of the national definitions are: images (with or without sound) intended to promote, directly or indirectly, the goods, services, or image of a natural or legal person pursuing an economic activity.

Typically, ACCs are forms of announcements on television, in on-demand services or user-generated content, in return for payment.

Fig. 1 Examples of national variations

Austria, Switzerland, Norway	Include ACCs designed to support a cause or idea
Belgium (FR)	Includes “interactive commercial communication” and “split-screen commercial communication”
Spain	Specifies that ACCs are in exchange for remuneration “or similar consideration in favour of the AVMS provider”
Hungary	Requires the display of the name, trademark, image or product of the sponsor, or teleshopping or product placement
Latvia	Covers the timing of ACCs (in, before/after programme)

Source: European Audiovisual Observatory, AVMSDatabase and additional research (July 2025).

2.2 Transpositions of other commercial communications definitions

The national transpositions of the definitions of television advertising (Art. 1(1)(i)), sponsorship (Art. 1(1)(k)), teleshopping (Art. 1(1)(l)) and product placement (Art. 1(1)(m)) closely follow the AVMSD provisions.



→ **Television advertising:** Most countries define this as paid announcements on TV (and sometimes on-demand services) to promote goods, services, or businesses. Some countries (such as the Netherlands, Austria, Bulgaria) broaden the scope to include messages that support causes or aim to improve an organisation's public image, not just sales.

→ **Sponsorship:** Generally, a sponsor is an outside party (not the AVMS provider) that supports content financially to promote their name, brand, or products, in return for compensation. Some countries, like Germany and Switzerland, extend sponsorship to include associations or focus on the financial aspect of content creation.

→ **Teleshopping:** Definitions usually follow the AVMSD, describing teleshopping as direct offers broadcast to the public to sell goods or services. While most associate this mainly with TV, some expand to newer media (like VSPs). Certain countries require a minimum duration for teleshopping shows or recognise features like commercial phone-ins (Hungary) and remote sales without in-person contact (Iceland).



Teleshopping must respect the rules provided in Artt. 19, 20 and 23. Chapter 3 dives deeper into those requirements.

→ **Product placement:** All countries agree that product placement means including or referencing products within a programme or user-generated video for payment or equivalent consideration. Some countries specify that free product placements are only allowed if items have significant value, while others exclude placements of items with negligible value).



Article 10 AVMSD details sponsorship rules:

- Sponsorship must not influence the content or scheduling in a way that compromises the media provider's editorial independence.
- Sponsored content must not directly encourage buying or renting products or services through promotional references.
- Viewers must be clearly informed of sponsorships (e.g., display of the sponsor's name, logo, or symbols clearly at the start, during, or end of the programme).
- Tobacco companies (including electronic cigarettes and refills) cannot sponsor audiovisual media services or programmes.
- Companies selling medicines or medical treatments may promote their name or image, but not specific prescription-only medicines.
- News and current affairs programmes cannot be sponsored.
- Member States can prohibit sponsorship of children's programmes.
- Member States may also ban sponsorship logos during children's programmes, documentaries and religious programmes

Article 11 AVMSD details product placement rules:

- Applies only to programmes produced after 19 Dec, 2009.
- Product placement is allowed in all audiovisual media except in: news and current affairs, consumer affairs, religious programmes, children's programmes,
- Content and scheduling must not compromise the media provider's editorial independence.
- Product placement must not directly encourage buying or renting products or services.
- The product must not be given undue prominence.
- Viewers must be clearly informed of product placement at the start, end, and after advertising breaks to avoid confusion (though Member States can waive this except for programmes produced or commissioned by the provider).
- Programmes cannot contain product placement of cigarettes, tobacco products, electronic cigarettes, and related manufacturers.
- Programmes cannot contain product placement of specific prescription-only medicinal products.

GENERAL REQUIREMENTS APPLICABLE TO ACCS **3**

Article 9 (1) AVMSD

requires member states to ensure that ACCs provided by media service providers (TV and VOD) within their jurisdiction comply with a set of requirements. For the purpose of this report, these requirements are grouped into the following categories:

Techniques

- Surreptitious ACCs
- Subliminal techniques

Fundamental principles

- Human dignity
- Discrimination
- Health/safety
- Environment
- Protection of minors

Product categories

- Tobacco and related
- Alcohol
- Medicinal products/ treatments

Applicability of Article 9 AVMSD to VSPs

As per Article 28(b)(2) AVMSD, member states shall ensure that VSP providers under their jurisdiction comply with the requirements set out in Article 9(1). This concerns ACCs sold or arranged by those VSP providers, but also ACCs not marketed, sold or arranged by them, taking into account the limited control exercised by those VSPs over those ACCs.

This includes for instance informing users where programmes and user-generated videos contain ACCs, and the drafting of codes of conduct.

3.1 Techniques: variations in national transpositions

A fundamental principle governing ACCs is that they should be readily recognisable as such.

In accordance with Article 9(1)(a) and (b) AVMSD, member states must therefore introduce rules prohibiting surreptitious ACCs and subliminal techniques.

PROHIBITION OF SURREPTITIOUS ACCS

(Art. 9(1)(a) AVMSD + Recital 90 AVMSD 2010)

Example Unrecognisable product placement in a TV show



Branded goods are integrated into a TV show scene without explicit acknowledgment or focus, making the advertising intent unclear to viewers.



KEY FACTS

- Most countries' transposition is literal.
- A few countries do not refer to the prohibition of surreptitious ACCs in their legislation, but only to the obligation to make them readily recognisable as such (DK, FI, NL, PT, SE).
- Most details are given in self/co-regulation.

Examples of details from secondary legislation and self-regulation

Ireland

- Emphasis is on the clarity of the message to ensure that no ACC is broadcast surreptitiously:
- State details in a clear and understandable manner and not solely in footnoted text on TV;
 - Make disclaimers, asterisked or footnoted information clearly visible and/or audible and ensure there is no contradiction of the main message;
 - Use plain language, easily understandable;
 - Deliver spoken information at an appropriate speed;
 - Be mindful of the varying abilities of the public with regard to reading on-screen text;
 - Consider contrast and reading time.

Slovakia

The Code of Ethics by the Slovak SRO (Rada pre Reklamu) requires that the average consumer be able to identify hybrid forms of ACCs too, such as infomercials or advertorials.

PROHIBITION OF SUBLIMINAL TECHNIQUES

(Art. 9(1)(b) AVMSD)

Example Flashing brand logos for milliseconds



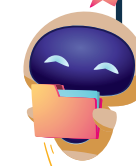
Subliminal techniques may use stimuli delivered through audio, visual or tactile media that are too brief or subtle to be noticed.



KEY FACTS

- All countries transposed this article substantially literally, with the exception of Finland, where there is only a reference to "generally-accepted appropriate business practice".

These techniques are addressed in detail in the European Commission's guidelines on prohibited AI practices.³ Subliminal messages in an AI system may show or embed images or text flashed briefly during video playback which are technically visible but flashed too quickly for the conscious mind to register, while still being capable of influencing attitudes or behaviours.



Sneak peek

While the Directive does not define subliminal techniques, some countries have done so in their national legislation. Here are some examples:

Bulgaria

Indirect methods not identified as ACCs and not recognised by the audience as such, but which may elicit a subconscious mental reaction and produce a predisposition to the presented goods and services.

Hungary

Techniques that cannot be perceived by the conscious mind.

³ <https://digital-strategy.ec.europa.eu/en/library/commission-publishes-guidelines-prohibited-artificial-intelligence-ai-practices-defined-ai-act>.

3.2 Fundamental principles



KEY CONCEPTS

ACCs should:

- Protect human dignity (Art. 9(1)(c)(i));
- Not include or promote discrimination (Art. 9(1)(c)(ii));
- Not encourage behaviours prejudicial to health or safety (Art. 9(1)(c)(iii));
- Not encourage behaviours grossly prejudicial to the protection of the environment (Art. 9(1)(c)(iv));
- Not be prejudicial to minors (Art. 9(1)(g)).

HUMAN DIGNITY

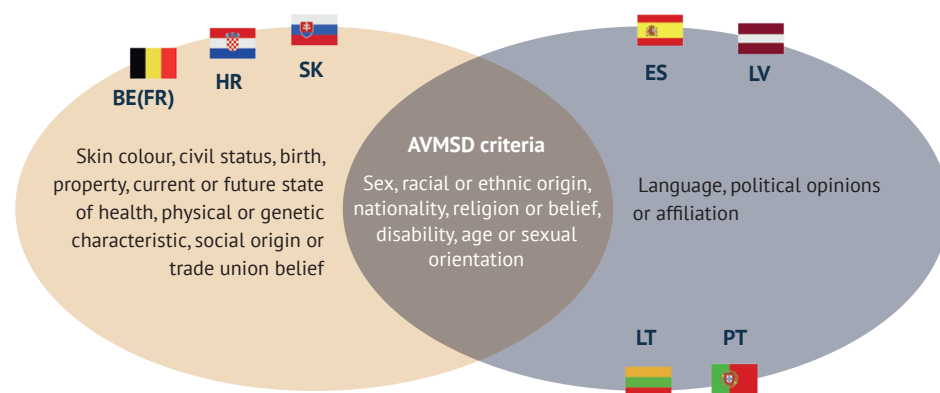
The protection of human dignity, a fundamental right of the human being, is necessary in all ACCs. All countries implemented this provision.

PROHIBITION OF DISCRIMINATION

Most countries implemented the provisions of the AVMSD literally, and included therefore the same types of discrimination that are prohibited as listed in the Directive.

Moreover, in some countries, the list of grounds of discrimination is more comprehensive than the list in the AVMSD. The respective list of grounds of discrimination can include language, political opinions or affiliation, or social status. Exceptionally, some countries have supplemented the discrimination criteria list of the AVMSD with additional criteria.

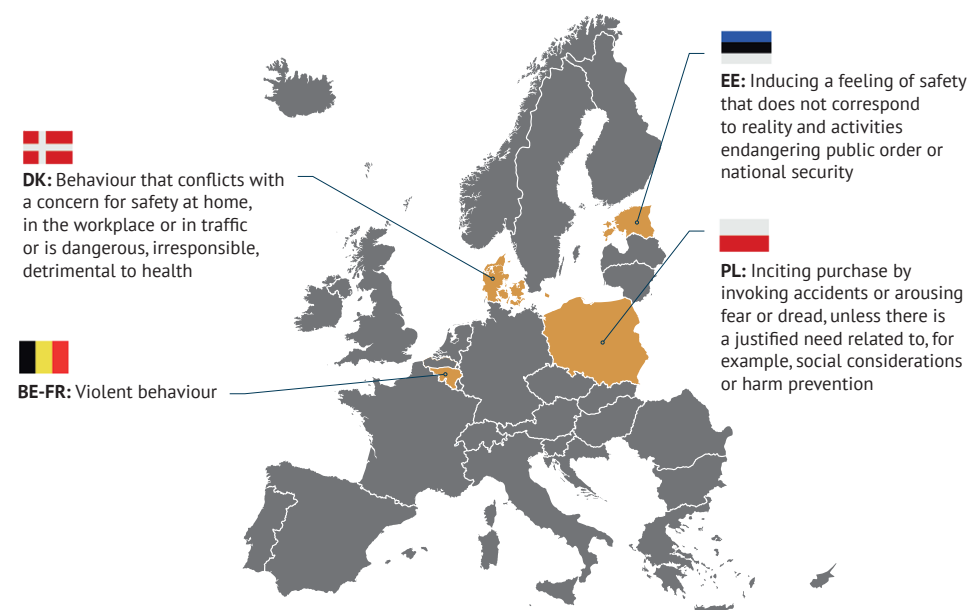
Fig. 2 Examples of prohibitions going beyond the AVMSD



PROTECTION OF HEALTH AND SAFETY

Most countries have transposed this provision forbidding encouragement of behaviours prejudicial to health or safety literally. However, several countries have more concrete provisions specifying which behaviours should not be encouraged.

Fig. 3 Examples of forbidden behaviours in advertising in national legislation



Source: EAO, AVMSDatabase and additional research (July 2025).

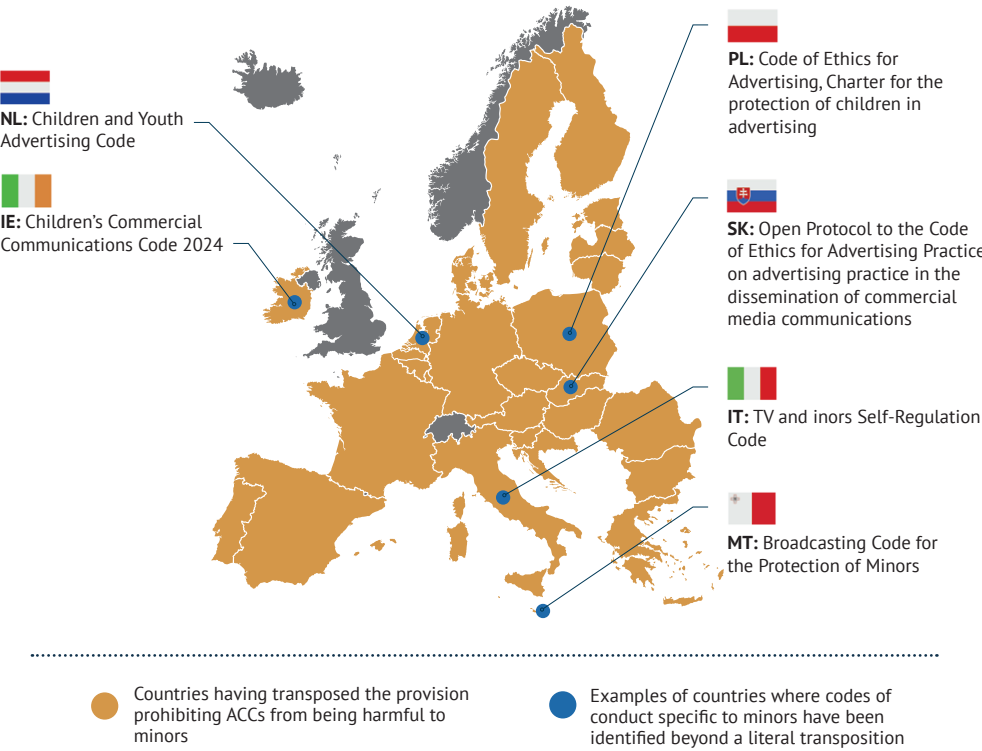
PROTECTION OF THE ENVIRONMENT

Here again, a literal transposition of the AVMSD has been preferred in most countries. However, it is worth noting that Slovenia has included the protection of cultural heritage, and Poland forbids advertising from being produced in such a way as to prejudice material or immaterial assets of historical or artistic value.

PROTECTION OF MINORS

While most countries have transposed the provision prohibiting ACCs from being harmful to minors literally, some countries have put extensive instruments (e.g. codes of conduct) in place that include multiple provisions transposing the AVMSD.

Fig. 4 Examples of EU countries with extensive instruments in place to protect minors



Source: European Audiovisual Observatory, AVMSDatabase and additional research (July 2025).

Snapshot of countries with more detailed or specific legislation

Estonia	Advertising directed primarily towards children shall not create the feeling of inferiority in children or contain elements which frighten children.
Malta	Prices of products or services advertised to minors shall not be minimised by words such as 'only,' or 'just'.
Poland	Advertising targeting children or youth shall not undermine the authority of parents or other legal guardians or call into question their responsibility, opinions, tastes or preferences. Exceptions apply to advertising intended to counter social problems.

3.3 Product categories

Certain categories of products, owing to their sensitive nature, are subject to more stringent rules, or in some cases, to prohibition. This is the case for tobacco and related products, alcohol, as well as medicinal products or treatments.

TOBACCO AND RELATED PRODUCTS

Article 9(1)(d) AVMSD

"All forms of ACCs for cigarettes and other tobacco products, as well as for electronic cigarettes and refill containers, shall be prohibited."

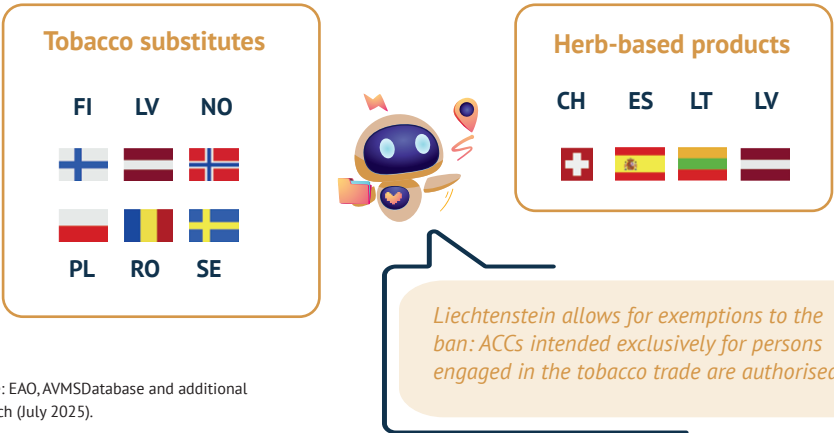


KEY FACTS

- All countries transposed this article substantially literally. Only IS refers to tobacco products.
- While the Directive is unambiguous in its proscription of tobacco products, nine countries set more detailed rules (CH, ES, FI, LT, LV, NO, PL, RO, SE).

Other products

Some countries have gone further as to the products covered by the ban. Two additional categories of products stand out: tobacco substitutes (tobacco-free products, etc.) and herb-based products.



Source: EAQ, AVMSDatabase and additional research (July 2025).

Protection of minors and the use of tobacco and related products

In **Slovenia**, the protection of minors is also addressed in the context of ACCs for cigarettes and other tobacco products. It is forbidden to display or use tobacco, tobacco products and related products in the context of television content and public appearances intended for minors, except in films, series and serials.

ALCOHOL

Artt. 9(1)(e), (2), 22) AVMSD

As per Article 9(1)(e), ACCs for alcoholic beverages must not target minors or encourage immoderate consumption; Article 9(2) adds that ACCs in VOD services, except for sponsorship and product placement, must comply with the criteria of Article 22.

Article 22, provides that television advertising and teleshopping must not: (a) target minors or depict them consuming these beverages, (b) associate alcohol consumption with improved physical performance or with driving, (c) imply that alcohol leads to social or sexual success, (d) suggest alcohol has therapeutic, stimulating or calming properties, or that it solves personal problems, (e) advocate excessive drinking, or portray abstinence/moderation negatively, (f) promote high alcohol content as a positive feature.

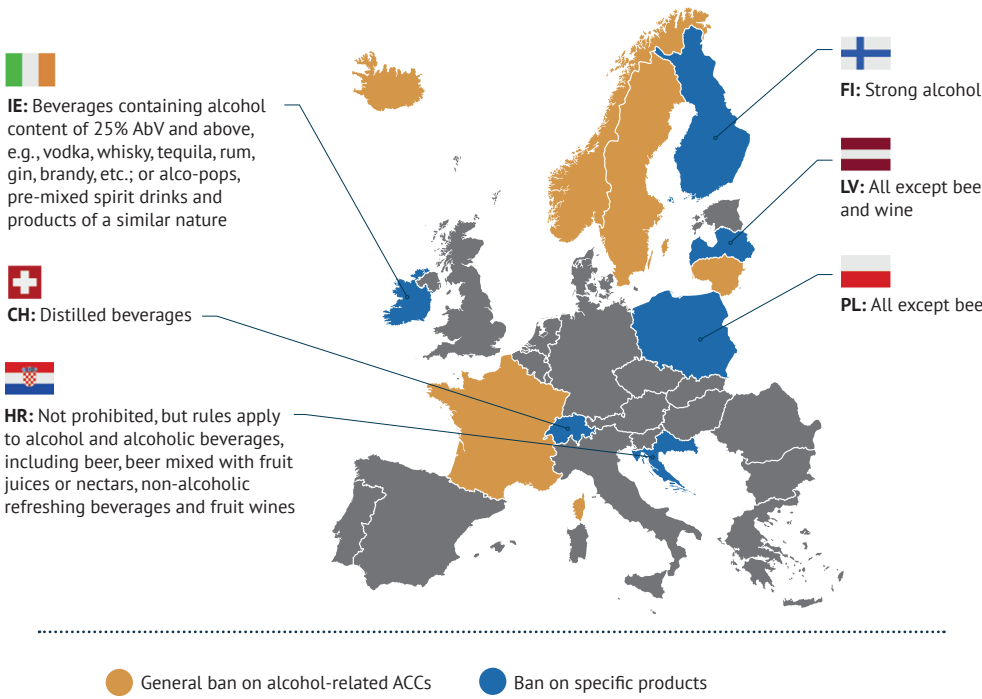


KEY FACTS

- All countries transposed Article 9(1)(e), most of them literally.
- The requirements set under Article 22 have been implemented practically unanimously, except in Switzerland.
- All countries, except those that prohibit alcohol-related ACCs (FR, IS, LT, NO, SE), ensure that they are not aimed at minors nor depict minors consuming alcohol. They also prohibit the linking of alcohol consumption to enhanced physical performance or driving.
- All countries except Estonia require that no impression be created that alcohol contributes to social or sexual success, or that it has therapeutic qualities, is a stimulant, a sedative, or a means of resolving personal conflicts.
- All countries except EE and BE (FR) require that immoderate consumption of alcohol is not encouraged, nor abstinence nor moderation presented in a negative light.
- All countries except Belgium (FR) require that there not be an emphasis on high alcoholic content as being a positive quality of the beverages.
- Specific aspects are addressed in detail in 16 countries: BE (FR), EE, ES, FI, FR, HR, HU, IE, LT, LV, MT, NL, PL, RO, SE, SI.
- Alcohol-related ACCs are prohibited in:
 - IS and NO,
 - FR (on TV),
 - LT and SE (on TV, VOD and VSPs).
- In Norway, the prohibition also applies to other products carrying the same brand or distinctive mark as alcoholic beverages. Such products may not be included in advertisements for other goods or services.

Fig. 5 Prohibition of ACCs for alcoholic beverages

Some countries completely prohibit the marketing of alcohol or of certain types of alcohol.



Source: EAO, AVMS Database and additional research (July 2025).

Protection of minors and alcoholic beverages

Some countries require that individuals under the age of 25 or who appear to be under the age of 25 not be depicted in ACCs for alcoholic beverages.

Examples of countries with more detailed legislation


Netherlands	Persons under, or who clearly appear to be under 18 must not be shown. In advertisements showing staged and scripted situations involving models hired by or on behalf of the advertiser, the persons shown must not be under, or clearly appear to be under, 25.
Malta	Children must be neither visible nor audible.
Slovenia	ACCs must not show persons under 25.

Protection of consumers

Provisions with regard to the protection of consumers in general can also be more detailed.

Belgium (FR), Netherlands, Malta	Alcohol must not be presented as a symbol of maturity (or the contrary), of masculinity etc.
Hungary, Netherlands	No impression must be given that excessive alcohol consumption can be avoided by consuming low-alcohol drinks.
Latvia	Prices of or discounts on alcoholic beverages must not be advertised.

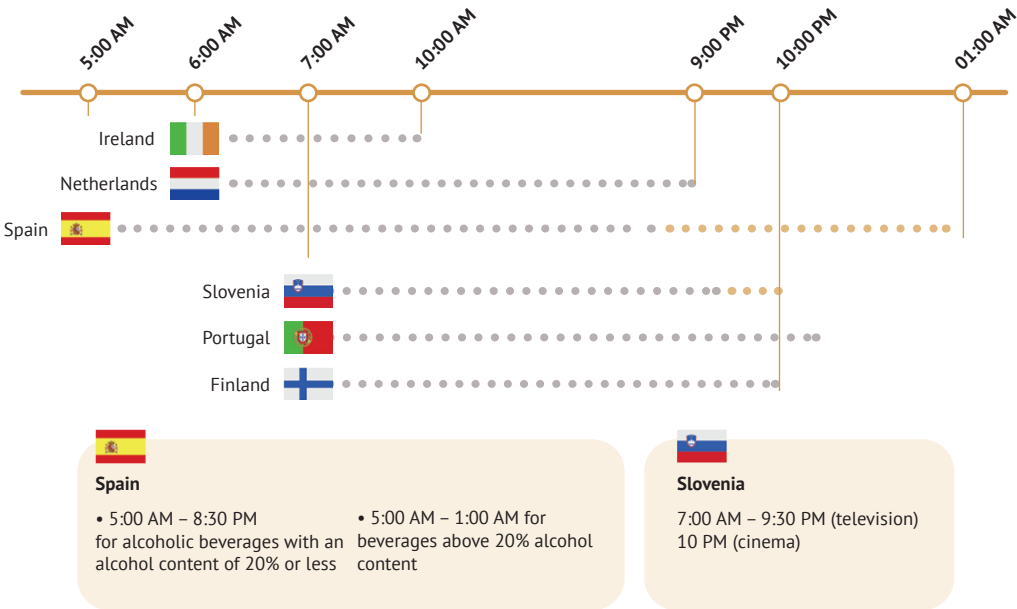
A look at the Estonian Advertising Act:

- 
- Some requirements aim to reduce the attractiveness of alcohol-related ACCs. These include not featuring living beings (except a human voice), animated images of objects or imitations of famous people's or characters' voices, especially those known to children. Alcohol should also not be associated with important events or seasons.

Broadcasting requirements

Certain technical requirements relating to the broadcasting of alcohol-related ACCs, notably watershed periods, can be required.

Fig. 6 Selected examples of countries imposing watersheds



Source: EAQ, AVMS Database and additional research (July 2025).

MEDICINAL PRODUCTS AND MEDICAL TREATMENTS

Article 9(1)(f) AVMSD:

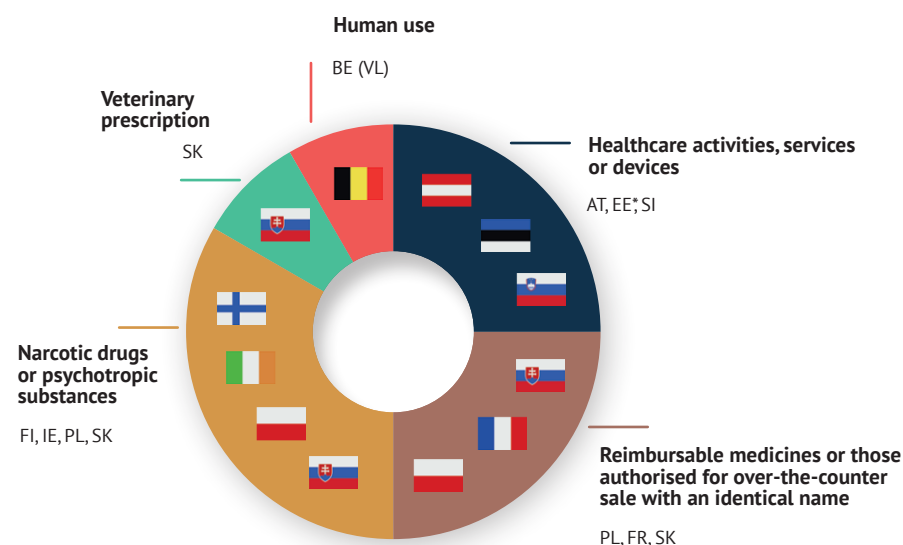
ACCs for **medicinal products** and **medical treatment** available only on **prescription** in the member state within whose **jurisdiction** the media service provider falls are prohibited.



KEY FACTS

- All countries transposed the ban on ACCs for medicinal products and medical treatment available only on prescription. CH even prohibits advertising and sales offers for therapeutic products and medical treatments altogether.
- 15 countries (AT, BE(VL), DE, EE, FI, FR, IE, LT, MT, NO, PL, PT, SE, SI, SK) go beyond this, whether in terms of the products or service covered, exceptions, or requirements for authorised advertising.

Fig. 7 Other products or services for which ACCs are prohibited



* EE: including artificial insemination

Source: EAQ, AVMS Database and additional research (July 2025).

Exceptions

As an exception to the general principle, ACCs for prescription-only medicinal products can be produced under special circumstances.



Specific addressees

DE: medical practitioners, dentists, veterinarians, pharmacists and persons authorised to trade in prescription-only medicinal products.



Campaigns (vaccination, human health, disease...)

IE: (provided there is no reference, even indirect, to medicinal products)



Special cases

LT: in the case of special publications or special media

Requirements for authorised advertising of medical products and services

Authorised forms of advertising may be subject to additional requirements. This is the case in **AT, FI, IE, LI, NO, SE** and **SK**.

The **Slovak** Open Protocol to the Code of Ethics for Advertising Practice provides a detailed case study of the restrictions applicable to ACCs for medicinal products. ACCs must not contain any element that:

- Implies that **medical exams** or intervention are **unnecessary**
- Features endorsement from scientists, healthcare professionals or celebrities that could **encourage use**
- Offers diagnosis or treatment by **correspondence**
- Equates the product with **food, cosmetics** or other consumer **goods**
- **Guarantees** effects, claims there are no side effects, or claims superiority to other treatments
- Uses **exaggerated, frightening, or misleading** images of disease or its effects
- Suggests health will **improve with use / worsen without it**
- Refers in an **exaggerated, frightening or deceptive manner** to **confirmation of a cure**
- Suggests that a person's health could be **affected by not using** the medicinal product
- Could lead to **erroneous self-diagnosis**
- Exclusively or particularly **targets children**
- Claims **safety or effectiveness** because the product is **natural**





QUANTITATIVE AND SEPARATION REQUIREMENTS APPLICABLE TO ACCS FOR BROADCASTERS

4

According to Recital 83 AVMSD 2010

in order to ensure that the interests of consumers as television viewers are fully and properly protected, it is essential for television advertising to be subject to a certain number of minimum rules and standards and that member states maintain the right to set more detailed or stricter rules and in certain circumstances to lay down different conditions for television broadcasters under their jurisdiction.

The protection of consumers includes:

- Recognition and distinction between ACCs and editorial content,
- Respect for editorial content integrity,
- Rules on ACC interruption in TV programmes,
- Rules regarding the volume of ACCs in TV programmes.

4.1 Ensuring recognisability and distinguishability between ACCs and editorial content

Article 19 AVMSD requires broadcasters to make sure that ACCs are clearly separate and easy to distinguish from regular editorial content (e.g. TV programmes, news). In practice, this means that viewers must be able to recognise when they are watching a commercial communication, so they do not confuse it with the programme, or sell a product or a service which is not part of the programme they are watching.

To achieve this, ACCs must look or sound different from editorial content. For example, ACCs should be marketed with a clear visual label, a sound, or other signals that show they are advertising.

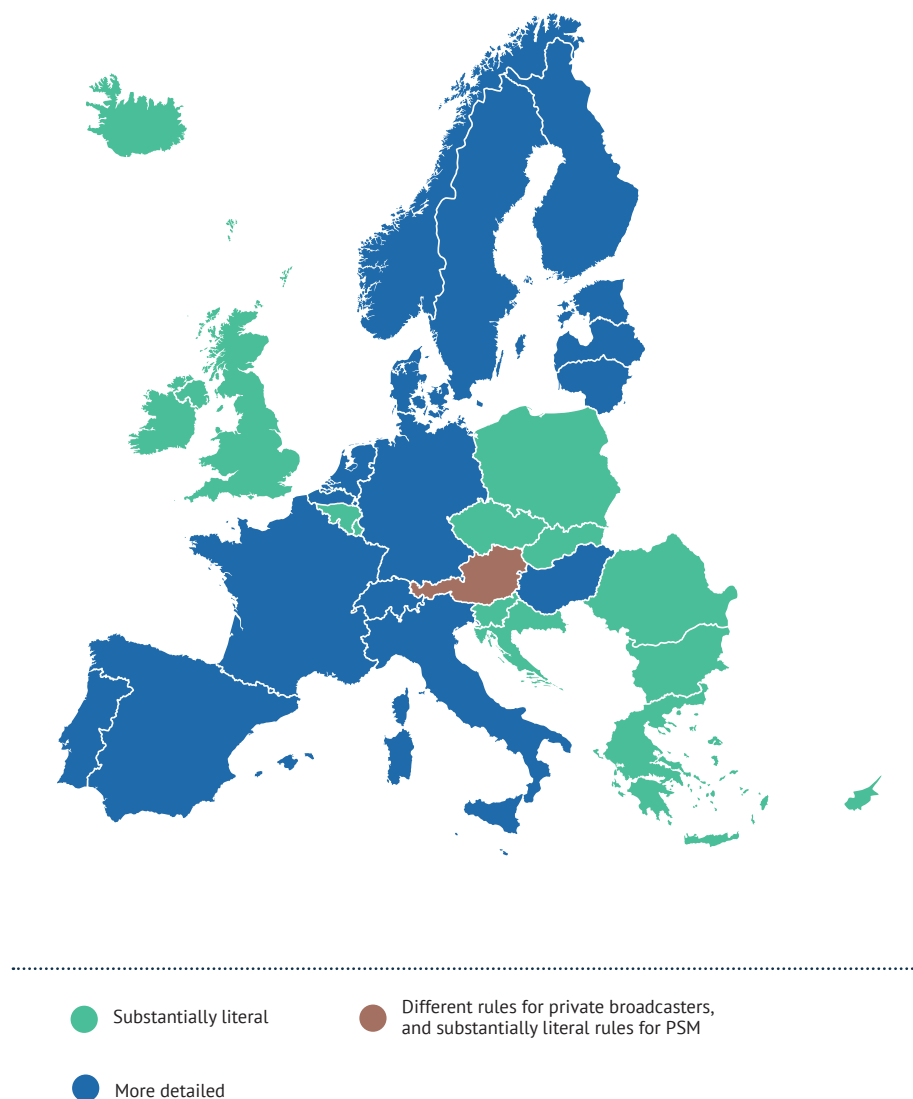


KEY FACTS

→ **General AVMSD transposition into national legislations:** With the exception of Austria, which adopted different rules for commercial broadcasters but similar ones for public service media (PSM), 15 countries transposed Article 19 similarly to the wording of the AVMSD (BE(FR), BG, CY, CZ, GR, HR, IE, IS, LU, MT, PL, RO, SI, SK, and UK). By contrast, 17 countries transposed it with more detailed rules (BE(VL), CH, DE, DK, EE, ES, FI, FR, HU, IT, LI, LT, LV, NL, NO, PT, and SE).

→ **Common variations in transpositions:** Some national transpositions went beyond the AVMSD provisions, extending for instance the rules on the recognisability of ACCs to on-demand services, or introducing rules for special ACC formats like long commercials or split screens. Some countries require clear labelling of ACCs too.

Fig. 5 Level of transposition of Article 19 AVMSD by country



Source: European Audiovisual Observatory, AVMSDatabase and additional research (July 2025).

4.1.1 Rules on the presentation of ACCs

→ **Scope** Chapter VII of the AVMSD applies to television advertising and teleshopping, limiting the scope to linear broadcasters. However, some countries have extended the rules to on-demand AVMSs. For example, Denmark requires ACCs on on-demand services to be clearly identifiable and distinct from editorial content. Some countries set specific rules for PSM and commercial broadcasters (e.g. AT). In other countries, such as Cyprus, even though separate rules were drafted, both PSM and commercial broadcasters are subject to the same requirements.

→ **Long commercials:** German-speaking countries regulate “long commercials” or “permanent commercials” (“Dauerwerbesendung”), which must be identified as such. Germany defines them as continuous advertising lasting at least 90 seconds. Austria requires private broadcasters to label “infomercials” throughout their duration.

→ **Split screens:** Countries like Germany, Finland, and Portugal allow “split screens”, where editorial and advertising content appears simultaneously (e.g. in a separate window or ticker, i.e., text-based display located in the lower part of the screen). This must be clearly recognisable by, and appear distinct to, the viewers, often via spatial division of the screen.

4.1.2 Rules on the recognition of ACCs

→ **Recognition before and after programme interruptions:** Some countries (e.g. FR, PT and SE) require ACCs to be identifiable both before and after a break in editorial programming. In the Netherlands, if advertising and teleshopping messages are preceded and followed by a visible or audible announcement, they are presumed to be clearly distinct from the main programme.

→ **Viewers' attention:** In some countries, guidance considers the level of viewer attention needed to recognise ACCs. In Germany, an ACC should be apparent to “a viewer who is not overly concentrated”, while in the Netherlands, an ACC should be apparent to “an average attentive consumer”.

→ **Recognition labels:** Some countries require broadcasters to label ACCs as “advertising”, or “advertisement”, or “teleshopping”, or “paid insertion”, or “advert” when broadcast. Such labels help the viewers differentiate ACCs from editorial programming.

Fig. 6 Selected examples of recognition labels



Source: European Audiovisual Observatory, AVMSDatabase and additional research (July 2025).

4.1.3 Examples of national prohibitions

Some countries provide additional rules prohibiting practices when broadcasting ACCs.



For example, in **Finland**, the image or voice of persons regularly appearing in news or current affairs programmes may not be used.



In **Italy**, advertising that is broadcast before or after cartoons may not feature the characters of those cartoons. Similarly, advertising and teleshopping which imitate or parody a particular programme may not be broadcast before or after that programme's transmission or during its breaks.

4.2 Ensuring programme integrity and interruptions

4.2.1 AVMSD rules

Article 20 AVMSD protects programme integrity: ACCs and/or teleshopping must not prejudice programme integrity or rightsholders' interests. The second part of the Article deals with interruptions that TV films, cinematographic works and news can contain: one interruption per 30minute segment. Extra protection is attributed to programmes for minors, provided that the scheduled duration of the programme is longer than 30 minutes. The programme can be interrupted by advertising, but not by teleshopping. Finally, religious services cannot be interrupted by advertising or teleshopping.

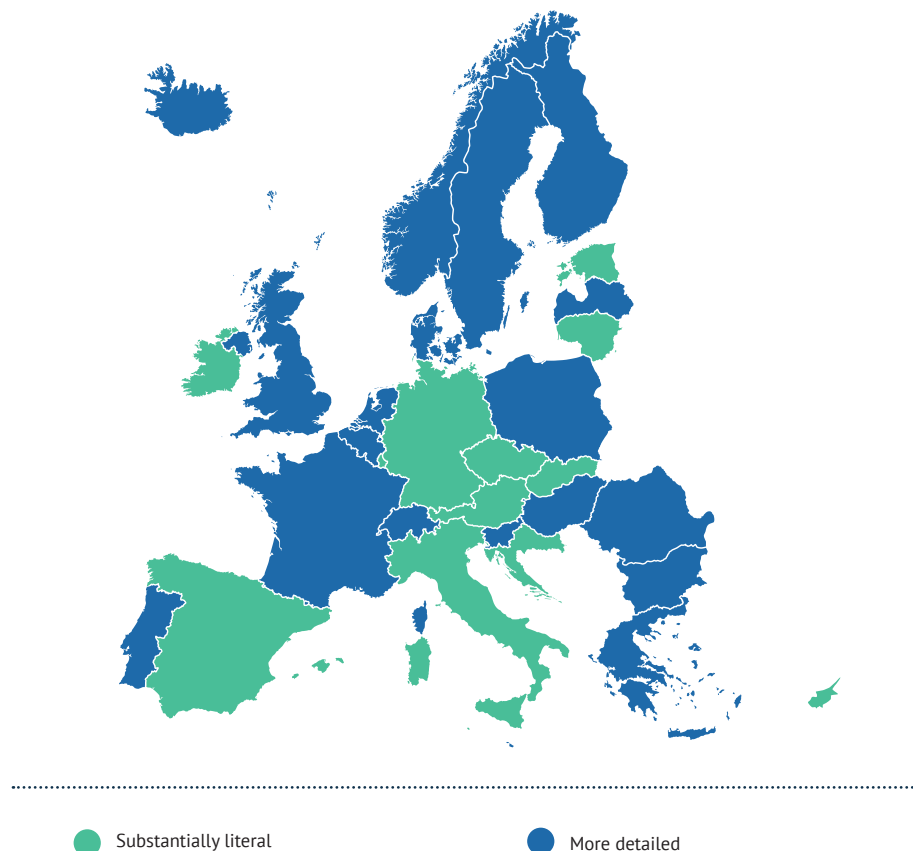


KEY FACTS

→ 13 countries transposed Article 20 in line with the wording of the AVMSD (AT, CY, CZ, DE, EE, ES, HR, IE, IT, LI, LT, LU, and SK). 19 countries imposed more details or stricter rules (BE(FR), BE(VL), BG, CH, DK, FI, FR, GR, HU, IS, LV, MT, NL, NO, PL, PT, RO, SE, SI, UK).

→ **Common variations in transpositions:** Most of the differences lie in additional protection for minors, additional programme protection, interruption frequencies for specific programmes, the use of "natural breaks", and technical and format requirements of ACCs.

Fig. 7 Level of transposition of Article 20 AVMSD by country



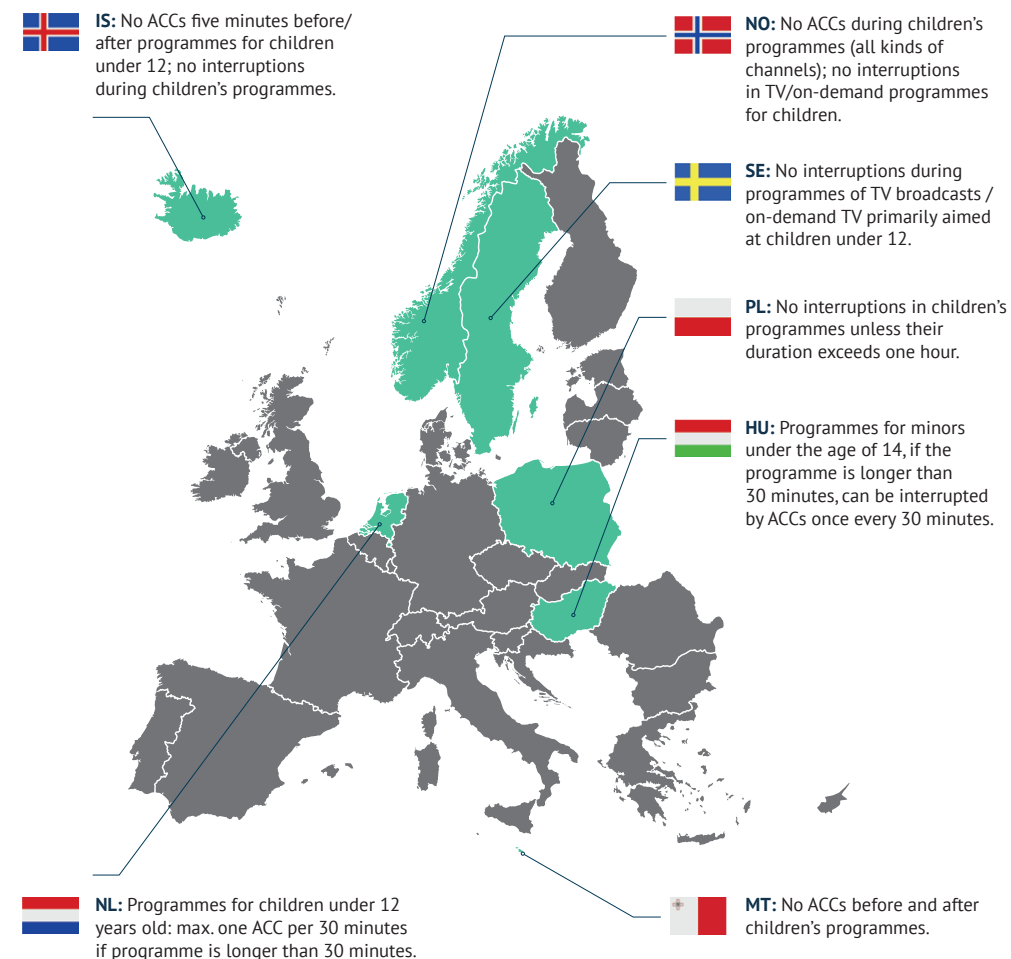
Source: European Audiovisual Observatory, AVMSDatabase and additional research (July 2025).

4.2.2 National transpositions going beyond the AVMSD

PROTECTION OF MINORS

Some countries went beyond the AVMSD by imposing stricter rules on children's programmes. Some directly define the age of children watching "children's programmes" and limit the viewing of ACCs during such programmes, and some completely forbid the broadcast of ACCs before, during and after children's programmes or only during children's programmes.

Fig. 8 Examples of additional rules protecting minors



Source: European Audiovisual Observatory, AVMSDatabase and additional research (July 2025).

ADDITIONAL PROGRAMME PROTECTION

The AVMSD allows for ACC interruptions during TV films, cinematographic programming and news. They may contain one interruption per 30-minute segment.



Belgium (Flanders), Iceland	ACCs cannot interrupt news programmes in some countries.
Belgium (Flanders)	ACCs cannot interrupt content of a philosophical nature.
Bulgaria, Hungary, Latvia, United Kingdom	Reports on official events, national holidays/celebrations or royal ceremonies cannot be interrupted by ACCs).
United Kingdom	The UK does not allow interruption of school programmes.

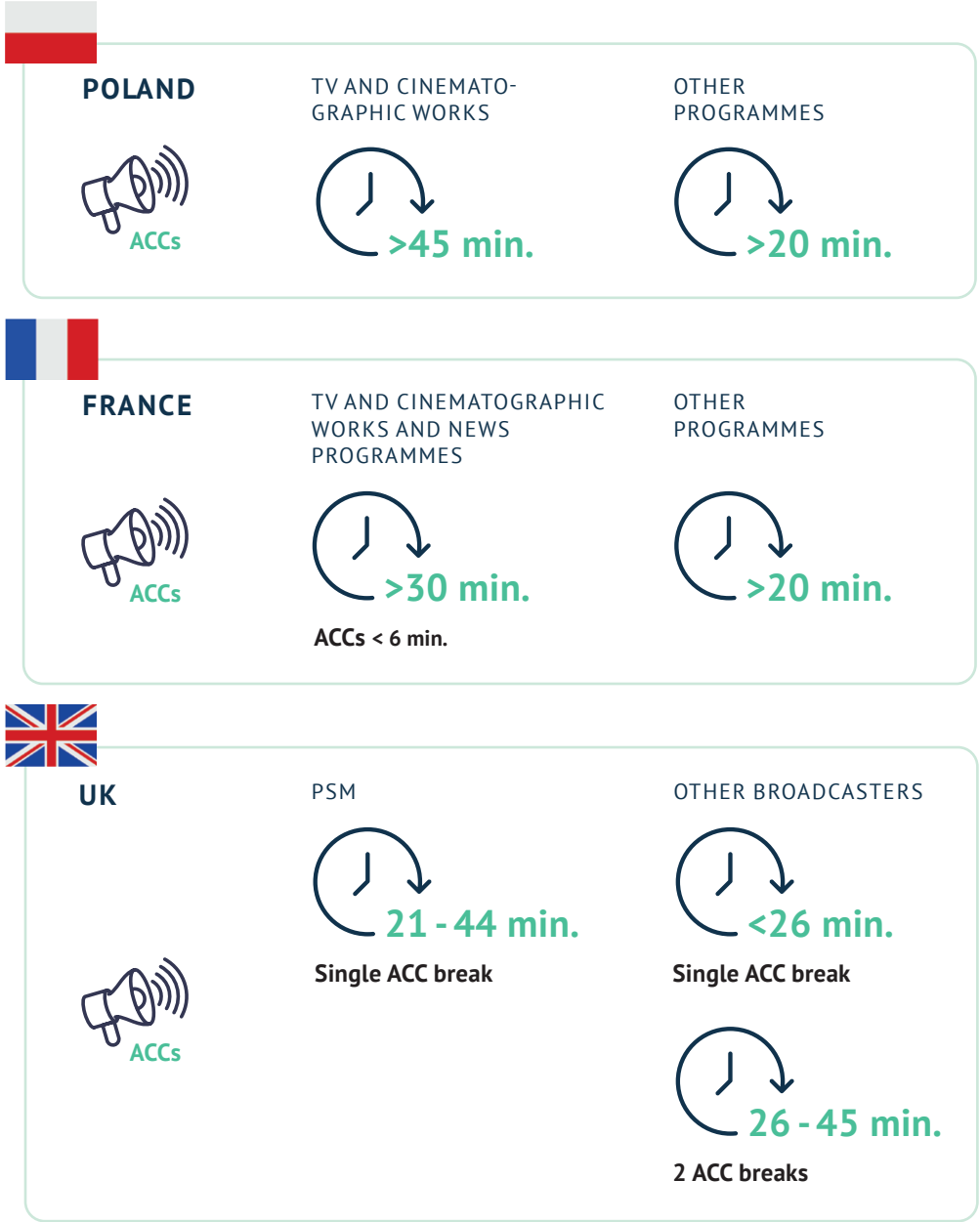
DIFFERENT INTERRUPTION FREQUENCIES DEPENDING ON THE NATURE OF THE PROGRAMME

The AVMSD allows interruptions for TV films, cinematographic works and news programmes once for each scheduled period of at least 30 minutes but does not provide for the same when it comes to "series, serials, and documentaries".

France and Poland, for instance, have specific rules depending on the nature of the programmes.

In some countries, such as the UK, break frequency is based on programme length and channel type.

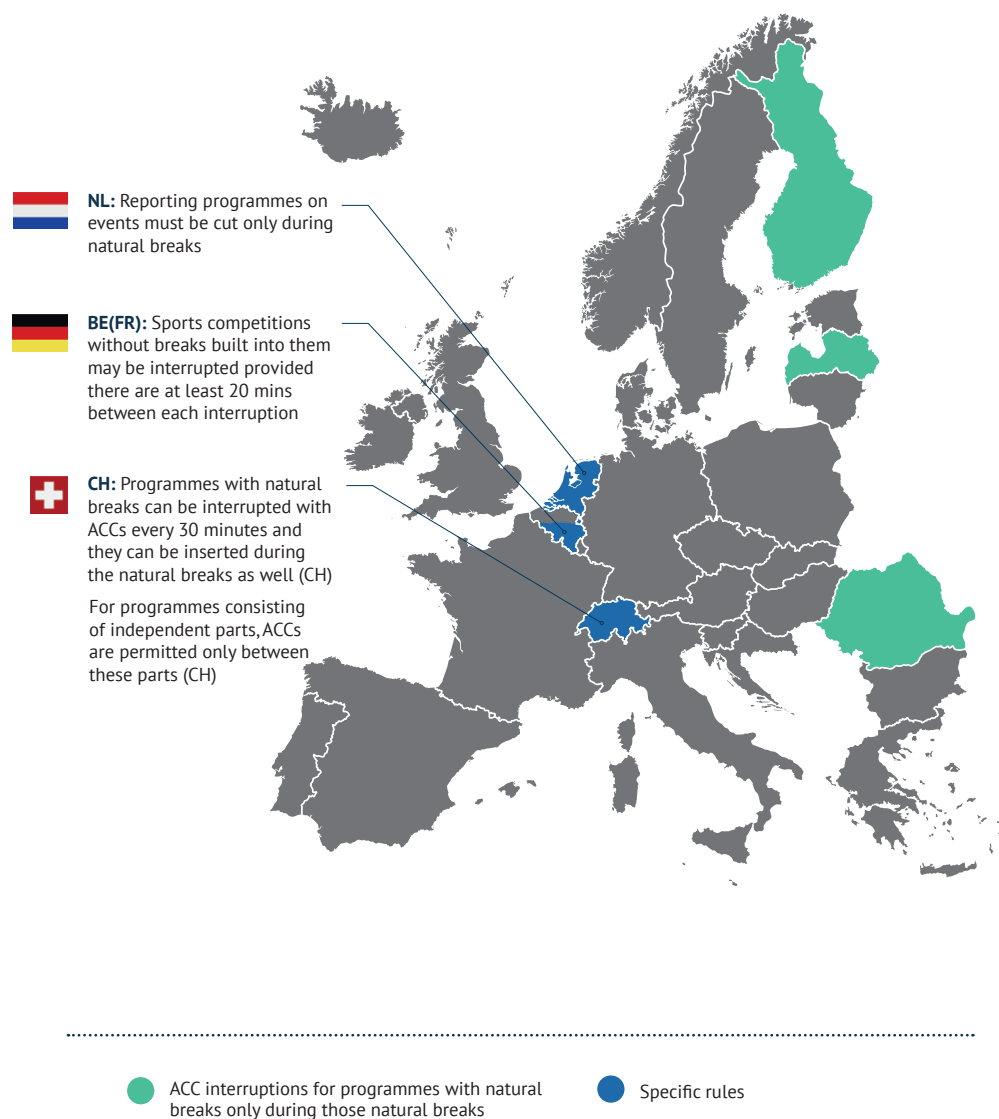
Fig. 9 Examples of interruption frequencies



Source: European Audiovisual Observatory, AVMSDatabase and additional research (July 2025).

Fig. 10 References to natural breaks

Programmes including natural breaks (built into the nature of the event itself such as sport competitions, transmissions of live performances or events) may be interrupted in some countries under specific rules.



Source: European Audiovisual Observatory, AVMS Database and additional research (July 2025).

4.3 Volume devoted to television advertising and teleshopping

4.3.1 AVMSD rules

Article 23 AVMSD sets limits for the volume of advertising and imposes two maximum permissible advertising periods between 6:00-18:00 and between 18:00-24:00. For each period, the proportion of ACCs must not exceed 20%.

On top of this, certain categories of content do not count as part of the proportion of ACCs when calculating the 20%: broadcaster self-promotion, sponsorship announcements, product placements, and neutral frames between content and ACCs.



KEY FACTS

→ 13 countries adopted rules almost identical to the AVMSD provisions (BE(VL), CY, EE, GR, HR, HU, LI, LT, LU, MT, PL, SE, and SI). By contrast, 20 introduced various modifications (AT, BE(FR), BG, CH, CZ, DE, DK, ES, FI, FR, IE, IT, IS, LV, NL, NO, PT, RO, SK, and UK).

→ **Common variations in transpositions:**
The most common national variations in transposing Article 23 AVMSD concern

how advertising quotas are calculated, whether per hour, per period, or by additional annual or daily limits, and the introduction of different rules for public versus commercial broadcasters or for free-to-air versus pay-TV services. Some countries have also broadened the categories of content excluded from advertising limits, often to include public interest messages such as charity appeals or cultural promotions

Fig. 12 National deviations from the 20% quota

Austria	PSM: 42 mins per day per channel; other channels: 20% per hour
Belgium (FR)	PSM: Six mins per hour of transmission; other channels: 20% per hour; non-linear television services: 20% maximum of the running time of the programme
Switzerland	20% of one-hour transmission time
Germany	PSM (ARD/ZDF): 20 minutes per working day as an annual average, ACCs not broadcast after 20:00, nor on Sundays nor on public holidays; duration of spot ad on TV within a one-hour period must not exceed 20%; other channels: 20% per period (6:00-18:00, 18:00-23:00, 23:00-00:00)
Denmark	12 mins per hour
France	Terrestrial TV: Nine minutes as an hourly average (max. 12 mins) Non-terrestrial TV: contract-based (max 12 minutes per hour)
Ireland	20% per period with a maximum time permitted per hour of 12 minutes
Italy	Free-to-air audiovisual media services: 20% per period (6:00-18:00, 18:00-00:00); pay TV: 15% per period (6:00-18:00, 18:00-00:00)
Iceland	20% per hour
Portugal	Between 6:00-18:00 and 18:00-00:00: conditional-access TV programme or free-unrestricted-access TV programme services: 10%; unrestricted-access TV programme services with subscription: 20%

Romania	PSM: 16.7% per period (6:00-18:00, 18:00-00:00); other channels: 20% per period (6:00-18:00, 18:00-00:00)
Netherlands	PSM: 5% of PSM's total annual programme duration; other channels: <ul style="list-style-type: none"> • Per year: 10% of a channel's total annual programme duration • Per day: 15% of a channel's total daily programme duration • Per period (6:00-18:00, 18:00-00:00): max 20% of each period's duration
United Kingdom	PSM: average of seven minutes per hour of transmission and an average of eight minutes per hour between 18:00 and 23:00; advertising breaks during programmes on PSM may not exceed three minutes and 50 seconds, of which advertising and teleshopping spots may not exceed three minutes and 30 seconds; advertising breaks in films are not subject to that rule; other channels: average of 12 minutes per hour of transmission and an average of nine minutes dedicated to TV advertising.

Source: European Audiovisual Observatory, AVMSDatabase and additional research (July 2025).

EXPANDED EXEMPTIONS FROM ADVERTISING QUOTA

The final divergence concerns the categories of content excluded from advertising quota calculation. While the AVMSD specifies certain exemptions (broadcaster self-promotion, sponsorship announcements, product placements, and neutral frames between content and ACCs), nine countries have expanded these.

The promotion of European works in Bulgaria is a new category; Spain has promotional spaces to support European culture; and a number of countries have a category for charity or community cause appeals (BG, CZ, DE, ES, IS, LV, and PT). Some countries also refer to state information ("statutory mandatory information" and "public service announcement" – Germany and Spain respectively).

Slovakia extended the exemption to public health notices (invitations to carefully read instructions on the correct use of a medicine contained in the written information for users of medicines enclosed with the medicine).

Finland also exempts ideological or social advertising content.

SELF-AND CO-REGULATION 5

5.1 Self- and co-regulation in the AVMSD

Article 9 (3) and (4) calls on member states to encourage AVMS providers to establish self- and co-regulation codes regarding inappropriate ACCs, in particular with regard to alcohol and some types of foods and beverages. Article 28b establishes that the provisions extend to VSPs.

Article 28b (2) however indicates that VSPs have limited control over the ACCs that are not marketed, sold or arranged by those VSP providers.

Member states shall encourage the development of codes of conduct with regard to ACCs for:

- Alcoholic beverages (in relation to limiting the exposure of minors to such ACCs);
- Foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular fat, trans-fatty acids, salt or sodium and sugars, of which excessive intakes in the overall diet are not recommended.

At the national level, these provisions have been transposed in a variety of ways by member states.

The foods and beverages referred to in Article 9 (4) AVMSD are often referred to in national legislations and codes of conduct as products high in fat, salt or sugar – or HFSS products.



KEY FACTS

- According to national media legislations, four countries (CZ, HU, IT, SK) oblige media service providers to develop codes of conduct with regard to ACCs for alcoholic beverages, and ten (BG, EE, HR, IT, LT, LV, LU, PL, RO, SI) for HFSS products.
- Only three countries (BE(FR), IE, UK) impose these obligations on their NRAs.
- Ten countries (AT, BG, HR, IT, LU, LV, MT, NL, PL, RO) require SROs to do so with

regard to ACCs for alcoholic beverages, while five countries (AT, HU, LT, NL, SK) require them to do so for HFSS products.

→ NRAs are tasked with encouraging self- and co-regulation with regard to alcoholic beverages in eight countries (CY, ES, FI, GR, HU, IT, LU, PT) and to HFSS products in seven countries (CY, ES, FI, FR, IT, LU, PT) without further indications as to who should produce codes of conduct.

Fig. 13 Identification of provisions in national media law for the creation of codes of conduct

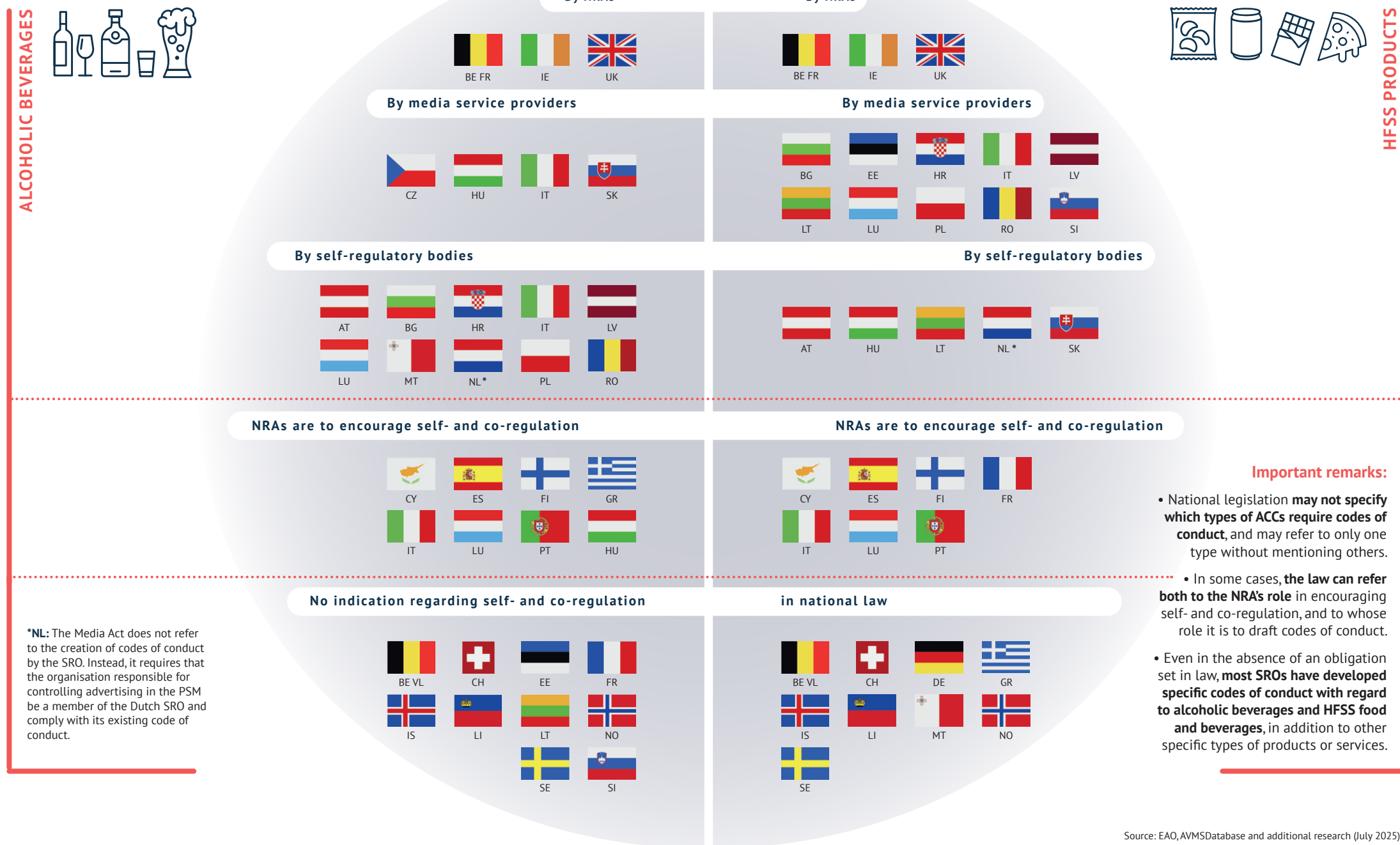
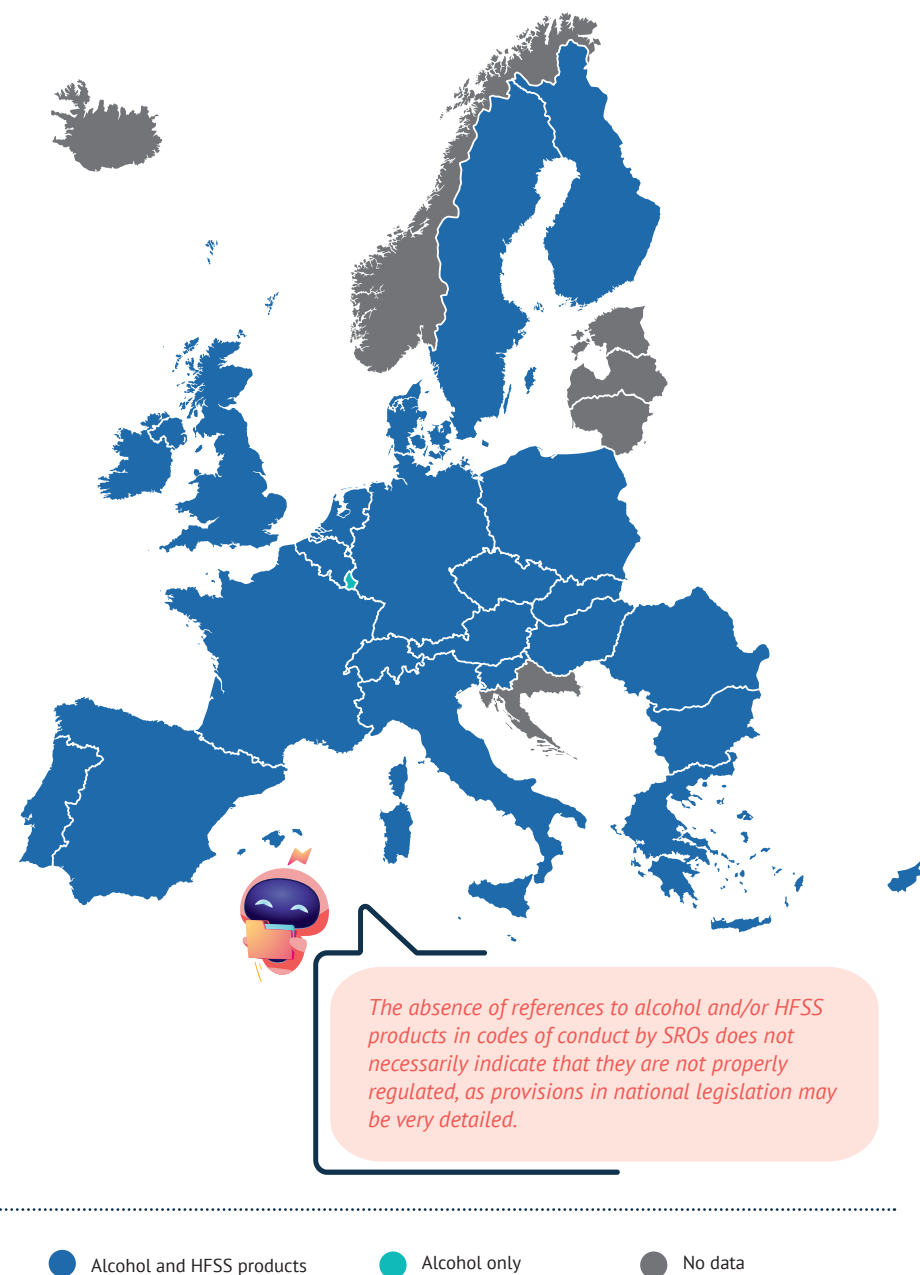


Fig. 14 References to alcohol and HFSS products in codes of conduct by SROs



The absence of references to alcohol and/or HFSS products in codes of conduct by SROs does not necessarily indicate that they are not properly regulated, as provisions in national legislation may be very detailed.

5.2 Codes of conduct by NRAs: zooming in on the Irish case

The Broadcasting Act 2009, in Article 46N. (5), provides that the *Coimisiún na Meán* (the Media Commission) shall draw up codes of conduct for ACCs.

The General Commercial Communications Code sets out the rules that apply when broadcasters air ACCs. It provides for standards that apply to all forms of ACC, as well as targeted rules applying to specific products or services, including alcohol and food.

Codes of conduct typically also include provisions for other specific types of products or services, like gambling, health products and treatments, cosmetic products, financial services and products, and medicinal products.



5.2.1 Alcoholic beverages

NOTABLE PROVISIONS FROM THE CODE WITH REGARD TO ACCS FOR ALCOHOLIC BEVERAGES

→ **Aligns with Article 9(1)(e) AVMSD: not aimed specifically at minors** and must:

- Not be broadcast in or around children's programmes;
- Be broadcast only in or around programmes with an adult audience profile of 75% or greater;
- Not be broadcast between 06:00 and 10:00.

→ **In addition to AVMSD Article 22 requirements, must not:** bear health claims or nutrition claims for beverages containing more than 1.2% AbV (alcohol by volume), other than those which refer to a reduction in the alcohol or energy content.

→ **Technical aspects:** no ACCs for beverages above 25% AbV and for alco-pops,⁴ pre-mixed spirit drinks and products of a similar nature.

→ Sports programmes and bulletins made/commissioned by the broadcaster must not directly promote alcohol brands.

→ Solus/whistle spots⁵ must not promote alcohol brands.

→ Alcohol advertising must not make up more than 25% of sold advertising time and advertisements, and a maximum of two such ads can appear in one advertising break.

→ Broadcasters shall enforce a Code of Conduct for their presenters, ensuring they do not glamorise or encourage over-consumption or misuse of alcohol.

Source: European Audiovisual Observatory, AVMS Database and additional research (July 2025).

Ireland's SRO, the Advertising Standards Authority (ASAI), has developed a Code of Standards for Advertising and Marketing Communications in Ireland, which is wider in its application than the Media Commission's General Commercial Communications Code.

5.2.2 Food and non-alcoholic beverages

The General Commercial Communications Code includes a section on Food, Nutrition and Health, with rules regarding food, infant formula, follow-on formula, health claims, nutrition claims and HFSS food and beverages.

NOTABLE PROVISIONS FROM THE CODE WITH REGARD TO HFSS FOOD AND BEVERAGES

- A maximum of **25% of sold advertising time**, and only one in four advertisements across the broadcast day;
- Children's exposure to ACCs for HFSS products and/or services should be reduced, and they **should not be made available in or around children's programmes**.

As with alcohol, the ASAI Code of Standards also covers food and non-alcoholic beverages, in Section 8.

4 A category of mixed alcoholic beverages including malt beverages, wines and distilled alcohols with added fruit juices, sweet liquids or other flavourings.

5 Isolated or individual advertising spots before the normal advertising break in programme coverage of sports events.

5.3 Codes of conduct by SROs: zooming in on the Dutch case

SROs, as advertising regulators, often produce codes of conduct for all actors engaging in advertising. As in Ireland, SROs regulate all forms of advertising, not only ACCs.

Most include in their codes of conduct specific provisions for specific products or services. Some have drafted separate codes for this purpose.

The Dutch SRO, the Advertising Code Foundation (*Stichting Reclame Code*), operates on such a principle, with a General Section complemented with Special Advertising Codes. The latter include, among other things, codes for:

- **Alcoholic beverages;**
- **Non-alcoholic variants of alcoholic beverages;**
- **Games of chance;**
- **Online gambling;**
- **Food products;**
- **Cosmetic products;**
- **Infant formula.**
















They also include a code for social media & influencer marketing, which has rules concerning key aspects of influencer marketing:

- **the disclosure and recognition** of the relationship between the advertiser and the distributor (the influencer),
- **the advertiser's duty** towards the distributor and third parties.
- **the prohibition** of certain types of manipulation leading consumers to be misled,






It also provides that any advertising via social media aimed at children should comply fully with the Youth Advertising Code and the General Section.

5.4 Codes of conduct by VSPs (Article 28b(2))

As per Article 28b (2) AVMSD, VSPs under the jurisdiction of EU member states should also foster self-regulation through codes of conduct aiming to reduce the exposure of minors to HFSS foods and beverages, applying in addition to the rules set by NRAs or SROs.

Instagram, Facebook (Meta)					
YouTube					
TikTok					
X					
Snapchat					

The codes/guidelines contain information on:

-  Forbidden and/or restricted goods and services, category-specific requirements
-  Unfair, deceptive practices, scams, fraud and the proper disclosure of ACCs
-  The VSP's ad-reviewing process and monetisation
-  IP infringement
-  Best practices

If you want to learn more about ACCs, you may be interested in some of our previous reports:

- Our 2023 mapping report on the rules applicable to video-sharing platforms with a focus on commercial communications:
<https://rm.coe.int/mapping-on-video-sharing-platforms-2022-focus-on-cc/1680aa1b15>
- You may also be interested in looking at national rules transposing the AVMSD in the EU:
<https://avmsd.obs.coe.int/>

And for more information on recent developments regarding ACCs among member states of the EAO, check out our monthly legal newsletter: <https://merlin.obs.coe.int/newsletter/index>.



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