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**RULEBOOK**  
**ON AUDIOVISUAL COMMERCIAL COMMUNICATIONS**

**Podgorica, July 2011**

Pursuant to Article 14, indent 11 of the Electronic Media Law ("Official Gazette of Montenegro," No. 46/10), at the meeting held on 21 July 2011, the Council of the Agency for Electronic Media adopted

## **RULEBOOK ON AUDIOVISUAL COMMERCIAL COMMUNICATIONS**

### **BASIC PROVISIONS**

#### **Article 1**

This Rulebook prescribes standards, conditions and quotas for advertising, teleshopping, and sponsorship in the electronic media programmes and electronic publications, in compliance with the Media Law, the Electronic Media Law, and other national and international documents.

#### **Article 2**

- (1) Advertising, teleshopping and sponsorship are free, with the same rights and obligations of domestic and foreign legal and natural persons.
- (2) In the electronic media programmes, advertising, teleshopping and sponsorship shall be organized in compliance with the law, this Rulebook, good business practice and professional ethics.
- (3) The provisions of this rulebook shall apply to the radio and television programmes and electronic publications.

#### **Article 3**

The application of this Rulebook shall not affect the application of separate documents regulating the advertising of individual products or services, or application of separate documents prohibiting or limiting the advertising in certain media, harmonized with the regulations of the European Union.

#### **Article 4**

- (1) The terms used in this Rulebook shall have the following meaning:
  - a) **Audiovisual commercial communication:** audiovisual media communication means insertion in the programme the images with or without sound which are designed (a) to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity, in return for payment or for similar consideration or (b) for self-promotional purposes;
  - b) **Advertising:** audiovisual commercial communication, involving any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by legal or natural person in order to present or draw attention to certain product or service, including immovable property, rights and obligations, or to encourage the consumers to use or buy that product or service, in return for payment;
  - c) **Advertisement:** content intended for advertising of teleshopping, which can include different combinations of audiovisual formats;
  - d) **Advertiser:** legal or natural entity whose business name or person, activity, product or service an advertisement is dedicated to;
  - e) **Ordering party:** legal or natural entity that placed the order and paid for an advertisement for themselves or on behalf of an advertiser;
  - f) **Advertisement producer:** legal or natural entity registered for designing and/or production of advertisements;
  - g) **Comparative advertising:** advertising that is either directly or indirectly related to a competitor, or the goods or services of a competitor;
  - h) **Deceptive advertising:** advertising that misleads or is likely to mislead the target audience affecting their economic behaviour, which makes it harmful, or likely to harm the competition;

- i) **Surreptitious advertising:** representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in radio and/or television programmes when such representation is intended by the media service provider to serve as advertising and might mislead the public as to its nature;
  - j) **Teleshopping:** audiovisual commercial communication involving direct offer of goods, services and immovable property, in return for payment;
  - k) **Split-screen advertising:** transmitting editorial content and advertising content simultaneously or in parallel;
  - l) **Virtual advertising:** a type of advertising that changes the existing advertisement or inserts a new advertisement where it does not exist in the actual programme, in such a way that it appears to be an integral part of the original transmission of programme;
  - m) **Telepromotion and radiopromotion:** a type of advertising based on the interruption of programmes, during which presenters take over the role of promoters of certain goods or services;
  - n) **Sponsorship:** audiovisual commercial communication involving any contribution made by a public or private undertaking or natural person not engaged in providing audiovisual media services or in the production of audiovisual works, to the financing of radio and/or television programmes with a view to promoting its name, its trade mark, its image, its activities, its products or its services, or the name, trade mark, image, activities, products or services of others;
  - o) **Sponsor:** legal or natural entity, other than broadcaster or radio/television producer, sponsoring certain programme with a view to promoting its products or services, or the products or services of others;
  - p) **Sponsored programme:** programmes completely or partially financed by a sponsor with a view to promoting its products or its services, its trade mark, its image, its activities, or the name, trade mark, image, activities, products or services of others, or any other direct or indirect interest;
  - q) **Electronic publication:** editorially designed web page or portal, containing the electronic version of the print media and/or information from the media available to the wide audience regardless of their scope;
  - r) **Minor:** a person under the age of 18.
- (2) Other terms used in this Rulebook shall have the meaning as defined by Article 8 of the Electronic Media Law.
- (3) All terms used in this Rulebook for male natural persons shall refer to the female gender as well.

### **Article 5**

Provision of the audiovisual commercial services is based on the following principles:

- a) Prohibition of violation of human dignity;
- b) freedom of advertising and sponsorship;
- c) accuracy, completeness and specificity;
- d) recognisability of advertisers and sponsors;
- e) prohibition of abuse of confidence;
- f) prohibition of discrimination;
- g) prohibition of violation of morals;
- h) protection of minors' rights;
- i) respect and protection of competition.

## **Article 6**

Audiovisual commercial communication shall not, either directly or indirectly:

- a) instigate any kind of discrimination, especially on the grounds of race, skin colour, sex, national or social origin, birth, religion, political or other belief, sexual or other orientation, property status, culture, language, age, mental or physical disability, or
- b) promote social discrimination on the grounds of physical appearance or success based on the weight loss or other aesthetic categories.

## **Article 7**

(1) Audiovisual commercial communication shall not:

- a) prejudice respect for human dignity;
- b) encourage behaviour prejudicial to people's health or safety;
- c) encourage behaviour prejudicial to the protection of the environment;
- d) include the scenes of death, injuries, violence of devastation of property and nature;
- e) promote tobacco and tobacco products, narcotics and psychoactive substances, weapon, ammunition and pyrotechnical devices and the trade in goods and services prohibited by law;
- f) promote medicinal products available only on prescription and medical treatment that is not in compliance with a separate law regulating healthcare;
- g) use visual and audio forms, contents or elements recognizable as news or announcements (bulletin, news, etc.);
- h) use recognisability of certain programme with an intention to mislead viewers or listeners to believe that they are watching or listening to that programme;
- i) discredit or denigrate a competitor, and its products or services;
- j) present competitor's goods or services as bad imitations or replicas;
- k) use parts of a programme (name, logo, music, etc.) if the right of use is not regulated by a contract;
- l) copy the advertising content, activities, products or services of another advertiser;
- m) use the trademark or other recognizable feature of a competitor, without authorization;
- n) send messages using the techniques affecting sub-consciousness, which are manipulative or harmful in either social or emotional sense;
- o) promote paranormal phenomena and parapsychology;
- p) portray minors in the situations that are vulgar, violent and detrimental to their mental and physical development and life (including the scenes showing minors use alcohol, tobacco or other harmful substances).

## **Article 8**

The following shall not be advertised in the electronic media programmes:

- a) trade in human organs or tissue for transplantation or transfusion;
- b) "escort" agencies;
- c) pornography;
- d) unscientific contents and methods for solving health and other existential problems that could undoubtedly harm the users (any form of pseudo-medicine, etc.)

### **Article 9**

The audiovisual commercial services shall not be denied if it creates or maintains monopoly or any other dominant position of a market player or establishes unfair competition.

### **Article 10**

The advertisements shall not promote bookmaking, games of chance and gambling as a lifestyle, as a way to successfully and certainly solve life problems.

## **THE OBLIGATIONS OF ADVERTISERS AND SPONSORS**

### **Article 11**

- (1) Advertisements shall be accurate, complete and specific.
- (2) Advertiser, ordering party or sponsor shall not have any editorial influence on the programme content, scheduling of the sponsored services or programmes, or the responsibility or editorial independence of a broadcaster.
- (3) Ordering party shall be responsible for the accuracy of advertisements, while broadcaster shall be responsible for their compliance with the provisions of the Electronic Media Law, the Media Law and this Rulebook.

### **Article 12**

- (1) Together with the advertisements, the ordering party is obliged to submit to the electronic media broadcasting the advertisement, a completed advertising form containing the data on:
  - a) ordering party (name, seat and registration number, or name and surname of the responsible person, their address, citizens registration number, ID number, and the place of issue);
  - b) producer of advertisement (name, seat and registration number of an adequate registry for advertisement production, or name and surname of the responsible person, their address, citizens registration number, ID number, and the place of issue);
  - c) advertiser (name, seat and registration number of a registry for the activity including the subject of advertising, or name and surname of the responsible person, their address, citizens registration number, ID number, and the place of issue), and
  - d) advertisement (text, duration, author of text, music, photography, illustration, design, image or sound recorder, performer whose image or voice is used in the advertisement, as well as the data on other authors in compliance with a separate regulation dealing with the protection of copyright and neighbouring rights).
- (2) The form, referred to in paragraph 1 of this Article, shall be an integral part of this Rulebook.
- (3) If the ordering party fails to submit the form referred to in the previous paragraph together with the advertisement, or if the submitted form does not contain the prescribed data, the advertisement shall not be broadcast.
- (4) The broadcasters are obliged to submit a copy of the completed advertising form to the Agency for Electronic Media, at its request.
- (5) The broadcasters are obliged to reject, with an explanation, an advertising request, if the content of the advertisement is not in compliance with the law and this Rulebook.
- (6) The broadcasters are obliged to organize and conduct the collection, keeping and use of the personal data referred to in paragraph 1 of this Article in compliance with a separate law regulating the protection of personal data.

## **SURREPTITIOUS, DECEPTIVE AND COMPARATIVE AUDIOVISUAL COMMUNICATIONS**

### **Article 13**

- (1) Surreptitious and deceptive audiovisual commercial communication shall be prohibited.
- (2) Representation by means of surreptitious audiovisual commercial communication shall, in particular, be considered as intentional if it is done in return for payment or for similar consideration.
- (3) Audiovisual commercial communications shall not use vague or ambiguous expressions, or other data that could be misleading as to the identity of advertiser, its activity, features, quality, origin or other data related to products or services.
- (4) In order to avoid deceptive audiovisual commercial communications, particular attention shall be paid to the characteristics of advertising in the electronic media, especially to the announcements containing or related to:
  - a) features of goods or services, such as the type, composition, manner and date of production, manner and time of provision of service, availability, quantity, specification, manner of use, suitability for certain purposes, geographic or commercial origin, results that can be expected from the use of goods or services, results and other material indicators of tests or control of the goods or services;
  - b) price or manner of calculation of price, as well as the conditions of sale of goods or provision of service;
  - c) nature, features and rights of advertisers, such as their identity, property, qualifications, industrial, commercial or intellectual property, awards, recognitions they received;

### **Article 14**

- (1) The advertisements shall not describe any offer as "free" if there are certain expenses for the consumer.
- (2) The expenses referred to in paragraph 1 of this Article shall include all charges, taxes and other levies a consumer would have to pay.
- (3) The advertisements promoting the products or services available by dialling certain telephone numbers shall make the prices of those calls clearly visible.

### **Article 15**

Comparative advertising shall be permitted if:

- a) it is not deceptive, in compliance with this Rulebook, separate laws regulating consumer protection and competition protection, as well as separate regulations dealing with deceptive and comparative advertising;
- b) it compares goods or services meeting the same needs or intended for the same purpose;
- c) it objectively compares one or more material, relevant, verifiable and representative features of goods and services, which may include price;
- d) it does not create confusion among traders, between the advertiser and a competitor or between the advertiser's trademarks, trade names, other distinguishing marks, goods or services and those of a competitor;
- e) it does not discredit or denigrate the goods, services, trademarks, trade names, other distinguishing marks, activities, or circumstances of a competitor;
- f) for products with designation of origin, it relates to products with the same designation;
- g) it does not take unfair advantage of the reputation of a trademark, trade name or other distinguishing marks of a competitor;

- h) it does not take unfair advantage of the designation of origin of competing products or services;
- i) it does not present goods or services as imitations of goods or services bearing a protected trademark or trade name.

## **ABUSE OF CONFIDENCE**

### **Article 16**

- (1) Audiovisual commercial communications shall not abuse the confidence, dependence or attachment, credulity, lack of experience or knowledge, and superstition of advertisement recipients, especially minors.
- (2) Audiovisual commercial communications shall not contain the elements that either openly or covertly threaten with, provoke, condone or encourage violence or unjustified fear, or that advertise from the point of view of authority addressing its subordinates, minors, or economically or otherwise dependant persons.

### **Article 17**

Audiovisual commercial communications shall not contain statements of visual representations creating associations that can be considered rude or offensive, or incompatible with the system of values of social norms of behaviour.

## **ENVIRONMENTAL PROTECTION**

### **Article 18**

- (1) Audiovisual commercial communications abusing people's care for their health or environment, as well as their lack of knowledge about the manners and means of environmental protection, shall be prohibited.
- (2) Audiovisual commercial communications shall not encourage or condone the activities that are not in compliance with the environmental protection regulations.
- (3) Audiovisual commercial communications shall not include inaccurate claims that a product or service have positive or negative effects on health or environment, especially by highlighting the expressions "environmentally safe," "not harmful for the environment," "eco-food," "health food" and similar words or symbols with the same meaning.

## **PROTECTION OF MINORS**

### **Article 19**

- (1) Audiovisual commercial communications shall not include the contents that could cause material or non-material damage to minors, particularly by causing fear of aggressiveness, and inadequate moral and social behaviour of minors.
- (2) Audiovisual commercial communications targeted at minors shall not contain the scenes of violence, including the ones featuring animated characters, puppets, etc.

### **Article 20**

Audiovisual commercial communications shall not directly invite or encourage minors to purchase or persuade their parents or others to purchase the goods or services being advertised.

### **Article 21**

- (1) Audiovisual commercial communications targeted at minors shall not promote a product or service that is not intended to them.
- (2) Audiovisual commercial communications targeted at minors shall not promote medicines and medicinal substances, including vitamins, except toothpaste for children.

- (3) Audiovisual commercial communications targeted at minors shall not contain messages suggesting that certain physical, intellectual, or other social advantages are obtained by using certain products or services, over other minors who do not use these products and services.

#### **Article 22**

- (1) Audiovisual commercial communications shall not represent minors in a sexual way.
- (2) Audiovisual commercial communications shall not represent men and women as boys or girls with sexual features of the adults.

#### **Article 23**

- (1) Audiovisual commercial communications targeted at minors shall not show minors in dangerous situations, such as: climbing unprotected areas; entering unknown facilities; talking to strange people; using matches, lighters, petrol, medicines and electrical household appliances, or in other situations jeopardising their health and lives.
- (2) Prohibition referred to in paragraph 1 of this Article shall not apply to audiovisual commercial communications containing warnings of health and safety hazards for minors, or danger for their integrity.

#### **Article 24**

- (1) Audiovisual commercial communications targeted at minors shall not contain any information undermining the reputation or authority of parents, siblings or other family members.
- (2) Audiovisual commercial communications targeted at minors shall not suggest that they are inferior, or that their parents do not meet their obligations towards them, if they do not have certain product.
- (3) Prohibition referred to in paragraphs 1 and 2 of this Article shall also apply to the undermining of reputation of institutions at pre-school and school level.

#### **Article 25**

- (1) Audiovisual commercial communications targeted at minors shall not contain information abusing the confidence minors place in other people, especially in their parents, siblings and other family members, pedagogues, teachers, doctors and other people important for the life and education of minors.
- (2) Audiovisual commercial communications shall not directly encourage minors to purchase or rent products or services, by exploiting their inexperience or credulity.

#### **Article 26**

- (1) Audiovisual commercial communications shall not undermine the authority or parents or other pedagogues concerning their health food instructions.
- (2) Audiovisual commercial communications shall not encourage minors to neglect health food or healthy lifestyle, to be on diets or adopt unbalanced or unhealthy eating habits.
- (3) Audiovisual commercial communications shall not promote breast milk substitutes.

#### **Article 27**

Audiovisual commercial communications related to toys and educational products for minors shall not be misleading as to:

- nature, function and size of a toy;
- level of ability/skill necessary to operate a toy;
- description of accessories included or not included in the toy packaging;
- toy's price and if additional products are needed in order to use it;



- minimizing the price of products or suggesting that it can be afforded by the budget of every family.

#### **Article 28**

Advertising of "hot lines," SMS chats, fortunetelling, and other contents broadcast within the watershed in compliance with the Rulebook on Programme Standards in the Electronic Media shall be prohibited outside the watershed as defined by the Rulebook on Programme Standards in the Electronic Media.

### **MEDICINES, MEDICINAL PRODUCTS AND MEDICINAL TREATMENTS**

#### **Article 29**

Audiovisual commercial communications shall not promote medicines and medicinal material (hereinafter referred to as: medicinal products) available only on prescription, or the medicinal procedures or treatments that are not in compliance with separate laws regulating healthcare, medicines or medicinal products.

#### **Article 30**

- (1) Advertising of healthcare methods and treatments by persons misrepresented (or acting) as medical workers or experts shall be prohibited.
- (2) Healthcare institutions shall be allowed to advertise only: the name of healthcare institution, its activity, address and telephone number, and its working hours.

#### **Article 31**

- (1) Advertisements of medicinal products available without prescription shall contain the following:
  - a) name of the product;
  - b) indications of the product;
  - c) warning of the necessity to read the instructions.
- (2) Advertisements may include only the information in line with the approved overview of the main features of a medicine, which is included in a licence for sale of this medicine, issued by the public administration authority in charge of medicines and medicinal products.

#### **Article 32**

- (1) No advertisement of medicinal products shall claim that the effects of the products or service are guaranteed.
- (2) The advertisements of medicinal products shall not suggest that a product has no side effects.
- (3) Advertising of a medicinal product shall include an instruction that the medicinal product can be used only with medical consultation, except if it is available without prescription.

### **ALCOHOLIC BEVERAGE**

#### **Article 33**

The Commercial audiovisual communications promoting alcoholic beverages shall not be aimed specifically at minors and shall not encourage consumption of such beverages.

#### **Article 34**

Advertising and teleshopping promoting alcoholic beverages shall not:

- a) suggest or create an impression that consumption of alcoholic beverages could improve a physical condition or driving skills;

- b) suggest or create the impression that consumption of alcoholic beverages contributes to social or sexual success;
- c) claim, suggest or create the impression that that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;
- d) encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;
- e) place emphasis on high alcoholic content as being a positive quality of the beverages.

#### **Article 35**

The advertising and teleshopping of alcoholic beverages, including and promotion of a trademark of any other sign, shall be prohibited in the radio and television programmes:

- a) for minors;
- b) dedicated to cars or drivers.

### **TOBACCO**

#### **Article 36**

- (1) Audiovisual commercial communications shall not promote tobacco and tobacco products.
- (2) The advertisements shall not:
  - a) depict smoking or imitation of smoking, tobacco products, their packaging, or tobacco smoke;
  - b) use a trademark or other sign of the producers of tobacco products.
- (3) The restrictions and prohibitions of the promotion of tobacco products prescribed by this Rulebook, shall not apply to the advertisements that recommend quitting, breaking the habit of smoking or campaigning against smoking.

### **SCHEDULING OF ADVERTISING AND TEleshopping**

#### **Article 37**

- (1) Advertising and teleshopping shall be readily recognizable and distinguishable from other contents, and shall be kept quite distinct from other parts of the programme by acoustic, optical and/or spatial means.
- (2) As a rule, advertising and teleshopping shall be broadcast in blocks.
- (3) Notwithstanding paragraph 2 of this Article, isolated advertising and teleshopping spots may be broadcast in transmissions of sports events.
- (4) Teleshopping programmes shall be published in the programme schedule.

#### **Article 38**

- (1) The duration of advertising and teleshopping shall be calculated for the period between 0 and 24 hours.
- (2) Teleshopping windows shall be of a minimum uninterrupted duration of 15 minutes.

#### **Article 39**

- (1) The total advertising time shall not include:
  - a) The broadcasting of press releases, announcements or invitations for delivery of public works and charity and humanitarian events, organized free of charge;
  - b) The broadcasting of free advertisements of public authorities and organizations, local authorities and public services promoting the activities and measures of importance for the citizens, most of the citizens or a minority social group;

- c) Free presentation of the works of art;
  - d) Free publication of details on the producers, organizers, sponsors or donors of the works of art, cultural and art events, and charity events;
  - e) The broadcasting of the broadcasters' announcements related to their programmes and additional products ensuing from those programmes;
  - f) Sponsor announcements;
  - g) Duration of the opening and closing announcements of advertising or teleshopping windows or spots;
- (2) The advertisements of public authorities and organizations, local authorities and public services referred to in paragraph 1 of this Article shall not use the name, image, or personal feature of a public official, or an official of a public authority, organization of local authority.
- (3) The advertisements referred to in paragraph 2 of this Article shall be used, directly or indirectly, to advertise a political organization or some other organization established by a public authority, political party or a politician.

#### **Article 40**

- (1) The proportion of advertising in the programmes of public and non-profit broadcasters shall not exceed 10 percent (six minutes) within a given clock hour.
- (2) During one day, the proportion of advertising and teleshopping in the programmes of public broadcasters shall not exceed 15 percent (nine minutes) within a given clock hour.

#### **Article 41**

- (1) The proportion of advertising in the programmes of commercial broadcasters shall not exceed 15 percent (nine minutes) within a given clock hour.
- (2) During one day, the proportion of advertising and teleshopping in the programmes of commercial broadcasters shall not exceed 20 percent (12 minutes) within a given clock hour.

#### **Article 42**

- (1) As a general rule, advertisements shall be broadcast between the programmes.
- (2) Advertisements may be broadcast during individual programmes if that does not violate the continuity and value of the programme or infringes copyrights.

#### **Article 43**

Advertisements shall not be inserted in the course of any broadcast of:

- a) religious services;
- b) formal ceremonies (inaugurations, etc.);
- c) live coverage of Parliament sessions;
- d) programmes on major tragic events;
- e) programmes lasting for 30 minutes or less.

#### **Article 44**

- (1) If a programme contains separate parts or if a covered event has breaks, advertisements may be broadcast only between the parts of the programme, i.e. during the breaks.
- (2) If news programmes (such as TV Journals, news bulletins, etc.) last longer than 30 minutes when broadcast on TV channels, and longer than 10 minutes when broadcast on radio stations,

advertisements may be broadcast only between their parts (political news, sports news, weather) not more than once for no longer than 60 seconds.

#### **Article 45**

Advertising and teleshopping shall not feature, visually or verbally, persons regularly presenting news and current affairs programmes (such as TV Journals, news bulletins, etc.).

#### **Article 46**

The following shall not be advertised in or adjacent to (at least 15 minutes before and after) the programmes dedicated to minors:

- a) games of chance,
- b) bookmakers;
- c) advertisements with religious content;
- d) lighting devices, inflammable matters and other dangerous products that might jeopardise the safety of children;
- e) slimming products, treatments or establishments, medicines, and other dietary supplements;
- f) films carrying over 18 sign.

### **INTERRUPTION OF PROGRAMMES**

#### **Article 47**

In the live coverage of programmes broadcast from studio, the insertion of advertisements shall be allowed during the so called "natural breaks".

#### **Article 48**

- (1) During the live TV coverage of sporting events, breaks may be taken during intermissions of the particular sport (e.g. half time, between races, etc.).
- (2) In live coverage of the events longer than 60 minutes, breaks may be taken at points such as half times, or where the focus of coverage shifts from one point to another of the event (e.g. after a resume of the current placing in a race and before refocusing on a particular section of the race.)
- (3) Breaks may be taken where the commentator finishes discussing one item in the programme and moves to another.

#### **Article 49**

- (1) Cultural and art programmes may be interrupted only when:
  - a) there is a clearly marked and dramatically significant lapse of time in the action;
  - b) there is a complete change of scene, with a significant break in the continuity of action;
  - c) in the original intervals (break between the acts, etc.) in the stage play.
- (2) A break in the documentary and discussion programmes may be taken when:
  - a) there is a change of topic;
  - b) new participants are introduced.

#### **Article 50**

- (1) The broadcasting of films made for television (excluding series, serials, and documentaries) may be interrupted with insertion of advertisements and/or teleshopping once for each period of 30 minutes.

- (2) The transmission of children's programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes.
- (3) If the programmes are interrupted by advertising, at least 20 minutes should elapse between two advertising windows, except with programmes comprised of separate parts, or containing natural breaks, for which the insertion of advertisements is regulated by this Rulebook.

#### **Article 51**

- (1) The musical programme may be interrupted at the end of a musical composition, a set, or between the acts of an opera or a ballet.
- (2) Breaks may not be taken between movements of complex musical works, or between segments of a series of pieces usually heard as a continuous performance.

### **SPLIT SCREEN ADVERTISING, TELEPROMOTION AND VIRTUAL ADVERTISING**

#### **Article 52**

For the split-screen advertising, the same rules shall apply as in the case of other advertising forms:

- a) It must be clearly separated from other parts of the programme, by identifying the part of the screen displaying advertisements;
- b) The programme continuity, it is superimposed on, shall not be disturbed and the viewers shall be enabled to continue watching the programme without any distractions;
- c) The continuity of an audiovisual work shall not be interrupted;
- d) That it shall not have a more favourable advertising quota based on the fact that the spots are broadcast only on a part of the screen;
- e) When a part of the screen is used to display a logo and/or name of a sponsor during the sponsored programme, it shall be done in compliance with the provisions set out herein related to the sponsored programmes;
- f) At least 20 minutes shall elapse in between two split screen advertising spots.

#### **Article 53**

- (1) Telepromotion shall not be used in the children's, religious and news/political and current affairs programmes.
- (2) The provisions related to the scheduling and duration of advertising and sponsorship set out herein shall accordingly apply on telepromotion.

#### **Article 54**

Duration of split screen advertising and telepromotion shall be included in the total hourly advertising quota in the broadcast programmes.

#### **Article 55**

- (1) Virtual advertising shall be allowed during broadcasts of sporting events, provided that the organizer of a sporting event has provided prior consent and the viewers have been informed about the virtual advertising in that particular case.
- (2) Virtual advertisement may be superimposed on the places used for advertising, but it shall not be more conspicuous than on those places, nor shall it be appear on faces or clothing or equipment, and it shall not violate the integrity of programme and the ownership rights.

## **TELEVISION CHANNELS FOR ADVERTISING, TEleshopping AND SELF-PROMOTION**

### **Article 56**

- (1) The provisions set out herein shall accordingly apply on the television programmes dedicated to advertising and teleshopping only, as well as on the television channels dedicated solely to self-promotion.
- (2) The Articles of this Rulebook related to the scheduling and duration of advertising and teleshopping shall not apply to the programmes referred to in paragraph 1 of this Article.

## **SPONSORSHIP**

### **Article 57**

- (1) In compliance with this Rulebook, a sponsor and an electronic media outlet shall conclude a programme sponsorship agreement, with the specified rights and obligations.
- (2) At the request of the Agency, the electronic media are obliged to submit the programme sponsorship agreements they have concluded.
- (3) The Agency is obliged to take the confidentiality matters into consideration and protect the documents referred to in paragraph 1 of this article if they are of a confidential nature.

### **Article 58**

- (1) When a programme is completely or partially sponsored, it must be clearly identified by name, logo and/or other symbol of sponsors, such as referral to their product(s) or their service(s) or their recognizable sign in an adequate manner, at the beginning, during and/or at the end of the programme.
- (2) In the sporting and cultural/art programmes, sponsors may be identified both at the beginning and at the end of the natural breaks.

### **Article 59**

Sponsorship is not advertising and it shall not be included in the total duration of advertising.

### **Article 60**

Sponsorship of news and current affairs programmes shall be prohibited.

### **Article 61**

Sponsored programmes shall not directly instigate purchase or rental of products or services of a sponsor, or any other third party, especially not by special promotional referral to these products and services in this kind of programmes.

### **Article 62**

- (1) Legal and natural persons, whose main activity is production of goods and provision of services the advertising of which is prohibited, shall not sponsor programmes.
- (2) Political parties, coalitions and other political organisations shall not sponsor programmes.

### **Article 63**

Legal and natural persons involved in the production or sale of medicines or provision of medical treatment, in compliance with a separate regulation, shall be allowed to sponsor programmes by advertising their name, or image, with the exception of advertising the medicinal products available only on prescription or the medical treatments that are not in compliance with a separate healthcare law.

### **Article 64**

- (1) The programmes for minors, programmes dedicated to automobiles or drivers shall not be sponsored by producers of alcoholic beverages.

(2) Sponsors' logos shall not be displayed during the children's, documentary and religious programmes.

#### **Article 65**

A sponsor shall not violate the integrity the sponsored arts, sports or cultural programmes of the by its sponsorship, nor shall it violate the reputation of a person or broadcaster sponsored.

#### **Article 66**

Sponsorship shall not mislead, by means of imitation of another sponsor, their activity or in any other manner, the viewers or listeners as to the identity of sponsor, their activity and features of their products and services.

#### **Article 67**

- (1) If a sponsored programme has more than one sponsor, the broadcast media are obliged to provide representation of interests of each sponsor, proportionally to their share in sponsorship.
- (2) Broadcast media are obliged to inform potential sponsors about the identity of the sponsors they have already signed contracts with.

#### **Article 68**

Sponsored programmes shall not change their original appearance for commercial purposes and must maintain difference between advertising and sponsorship.

#### **Article 69**

Broadcast media shall not change the name or title of sponsors, their trademark or damage the reputation or image of sponsors in any other way.

### **ACQUIRED PROGRAMMES**

#### **Article 70**

- (1) When the acquired programmes are broadcast, advertising and sponsorship within these programmes shall be in compliance with the provisions set forth herein.
- (2) Where advertising inserted by the originating broadcaster is taken, the broadcaster is obliged to check and remove the advertising material that does not comply with the provisions set forth herein.

### **PROTECTION OF THE RECIPIENTS OF ADVERTISING MESSAGES**

#### **Article 71**

- (1) Broadcast media are obliged to keep the recording of every advertisement broadcast for at least 30 days after its broadcasting.
- (2) At the request of the Agency or any other interested party, broadcast media are obliged to provide access to an advertisement broadcast.
- (3) Interested party shall be any person whose right or interest has been jeopardized or damaged by advertising.

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 72**

Application of this Rulebook shall be supervised by the Agency, in compliance with the Electronic Media Law.

### **Article 73**

Electronic media are obliged to harmonize their operation with the provisions set forth herein, no later than 30 days from the day of its coming into effect.

### **Article 74**

Upon coming into effect of this Rulebook, the Book of Rules on Advertising in Broadcast Media ("Official Gazette of Montenegro" No. 20/08) shall no longer be valid.

### **Article 75**

This Rulebook shall come into effect on the eighth day after its publication in the "Official Gazette of Montenegro".

Number: 01- 917  
Podgorica, 21 July 2011

**Chairman  
of the Council of the Agency for Electronic Media**

**Ranko Vujović**