

2 Belgium (BE)

2.1 Introduction

In Belgium there is only one federal law regulating alcohol advertising, namely the “Consumers Health Law” of the 24th of January 1977. The Consumers Health Law contains only one article on alcohol advertising.

Since Belgium is a federal state, and advertising on radio and television is considered a community competence, advertising on radio and television is regulated at the community level. This means that there are five different statutory regulations which regulate television and radio broadcasting in the three Communities (the Flemish, French and German-speaking Community) and the three Regions (the Flemish Region, the Brussels-Capital Region and the Walloon Region). They all contain a chapter on the regulation of advertising, sponsoring and teleshopping and in most cases alcohol is specifically mentioned. The stipulations about alcohol marketing in the different community laws are similar in each region.

Until May 2005, advertising for beer was (self)regulated by the “code of conduct and advertising concerning beer” of the beer industry.

By means of the “covenant concerning behaviour and advertising on alcoholic drinks”, the former selfregulation code of the beer industry evolved to a co-regulation between the alcohol industry, consumer organisations and the government. This covenant was published on the 12th of May 2005. The covenant now regulates all kinds of advertising for drinks with an alcohol percentage of more than 1,2% vol.

On the 14th of October 2005 the federal board of ministers approved a proposition to change the Consumers’ Health Law of 24th of January 1977. This would give the covenant a legal basis. Until this moment though, the Consumers Health Law has not been changed, so the covenant remains a non-statutory regulation.

The best known controlling agency is the JEP (Jury on Ethical Practices concerning advertising). It treats complaints and gives pre-launch advice about advertising campaigns. The JEP is a selfregulatory organ of the advertising sector set up by the council of advertising in 1974. The council of advertising is an association consisting of representative advertisers, media and advertising companies. The JEP has no legal authority.

Besides the JEP, which operates nationally, there are specific agencies at the community level that check for violations of the community based regulations.

Regulation		Statutory / Non-statutory
1	Consumers Health Law (wet betreffende de bescherming van de gezondheid van de gebruikers op het stuk van de voedingsmiddelen en andere producten)	Statutory
2	Flemish coordinated decree on radio broadcasting and television (Besluit van de Vlaamse Regering tot coördinatie van de decreten betreffende de radio omroep en de televisie)	Statutory
3	French Decree of Radio Broadcasting (Décret sur la radiodiffusion)	Statutory
4	Decision Management Contract RTBF (Contrat de gestion de la radio-télévision belge de la communauté française)	Statutory
5	German Media Decree (decreet over de media)	Statutory
6	Brussels Capital Broadcasting Law (Wet betreffende de netten voor distributie voor omroepuitzendingen en de uitoefening van [omroepactiviteiten] in het tweetalig gebied Brussel-Hoofdstad)	Statutory
7	Covenant (convenant inzake gedrag en reclame met betrekking tot alcoholhoudende dranken)	Non-statutory

2.2 Consumers Health Law

Name of regulation:

i. Consumers Health Law

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

The Belgian federal department of health and environment

Which types of marketing are controlled by in this regulation?

Law: advertising and sponsoring.

Covenant: every announcement [...] also sponsoring as well as the place where alcohol is sold. (Ban for newspapers, magazines and cinema for children)

Which alcoholic beverages are subject to this regulation? (in VOL.)

Law: all food products meaning all products meant for human consumption including drugs (legal and illegal) e.g. all alcoholic drinks.

Covenant: Alcoholic drinks > 1,2% VOL

Whom is this regulation directed at or who has to adhere to it?

This federal law is directed at everyone involved in the production, export and trade in food products.

The stipulations in the covenant are directed at the different parties who signed the covenant: the Belgian Federation of Wine and Distilled Spirits (BFWG), Belgian Brewers, the Belgian federation of distribution firms (FEDIS), the jury on ethical practices concerning advertising (JEP), the federation of restaurant owners, Federation of the Horeca (Fed.Ho.Re.Ca), the research and information centre of consumer organisations (OIVO) and the consumer organisation Test-Aankoop. These parties agreed to distribute the content of the agreement in their respective sectors.

Additional comments

This law contains only one article on alcohol advertising (art. 7 § 2).
 On the 14th of October 2005 the federal board of ministers approved a proposition to change the consumers health law of 24th of January 1977. The suggestion was to add an article 7bis which would mean that the conditions of the covenant concerning behaviour and advertising on alcoholic drinks will gain legal status (see also 2.8).
 At this moment the law has not been changed yet.

2.2.1 Bans

Any bans on alcohol marketing practices in this regulation or code regarding the following marketing or advertising aspects are indicated with 'yes' in the following table. If a ban regarding this aspect is absent it is indicated with 'no'.

BANS						
	Location	Time	Media-channel	Type of product	Target-group*	Advertiser
Yes or No	Yes	Yes	Yes	No	Yes	No

* other than young people

2.2.2 Elements of Council Recommendation

Any elements of the Council Recommendation that are forbidden by this regulation or code (either literally or formulated in other words) are indicated with 'yes' in the following table. If an element is not forbidden at all, it is indicated with 'no'.

ELEMENTS											
	A Production	B Styles	C Children	D Drugs	E Violence	F Succes	G Encouragement	H Events	I Media	J Free	K Other
Yes or No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes

Remarks on elements

The forbidden elements of the Council Recommendation are similar to the elements forbidden in the covenant (see 2.8.3).

- D On top of that, the consumers health law regulates advertising and sponsoring for tobacco (art. 7 § 2 bis). Advertising and sponsoring for tobacco, products based on tobacco and other tobacco products is forbidden.
 It's also forbidden to use a brand, which reputation is mainly derived from a tobacco product, for advertising in other areas, as long as the brand is used for a tobacco product.

2.2.3 Procedures connected to the regulation

It is indicated whether the following procedures are ('yes' or 'no') connected to the regulation.

PROCEDURES						
Pre-launch advice	Systematically searching for violations	Possibility to complain and to start a procedure	System of appeal	Sanctions incase of violators	Results published or publically announced	Yes or No
Yes	Yes	Yes	No	Yes	No	

Pre-launch advice is provided by the Jury on Ethical Practices concerning advertising (JEP). Advertisers, advertising companies or media can ask for an investigation before a campaign is launched.

Supervision is exercised by the judicial police and the federal ministry of public health and environment. In case of an offence of this law, the offender receives a warning in which he'll be called upon to stop the offence within a certain period of time. When the offender does not stop the offence voluntarily, an official record is sent to the public prosecutor. The sanction that follows can be a fine between 2,5 euro and 375 euro or a prison sentence ranging from 1 month to 1 year. This sanction can be doubled when the violator repeats his violation in the course of 3 years after a conviction.

The minimum and maximum amount of time the procedure officially takes is 2 months.

Moreover, the Commission of Advice (commissie van advies inzake voedingsmiddelen), installed at the ministry of public health and environment, provides advice on all problems concerning (the composition, labelling an advertising of) food and other products described in this law (e.g. alcohol). An advice is formulated within a period of maximum 2 months.

The High Health Council ('De Hoge Gezondheidsraad') formulates general advice on food products.

2.3 Flemish coordinated decree on radio and television

Name of regulation:

2 Flemish coordinated decree on radio broadcasting and television

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

The Flemish Ministry of government affairs, foreign policy, media policy and tourism

Which types of marketing are controlled by in this regulation?

Broadcast (tv, radio: advertising, sponsoring and teleshopping)

Which alcoholic beverages are subject to this regulation? (in VOL.)

No information

Whom is this regulation directed at or who has to adhere to it?

The private broadcasting companies which are acknowledged by the Flemish Community: these are (1) the private radio stations: national radio stations, regional radio stations, local radio stations, cable-radio stations, radio services and (2) the television broadcasting companies: private television broadcasting companies aimed at the Flemish Community as a whole, regional broadcasting communities, the target group and theme broadcasting companies, the pay on account companies, the television services and the teleshopping broadcasting companies.

The public radio and television broadcasting company of the Flemish Community (VRT).

2.3.1 Bans

Any bans on alcohol marketing practices in this regulation or code regarding the following marketing or advertising aspects are indicated with 'yes' in the following table. If a ban regarding this aspect is absent it is indicated with 'no'.

BANS						
	Location	Time	Media-channel	Type of product	Target-group*	Advertiser
Yes or No	No	Yes	No	No	No	No

* other than young people

2.3.2 Elements of Council Recommendation

Any elements of the Council Recommendation that are forbidden by this regulation or code (either literally or formulated in other words) are indicated with 'yes' in the following table. If an element is not forbidden at all, it is indicated with 'no'.

ELEMENTS											
	A Production	B Styles	C Children	D Drugs	E Violence	F Succes	G Encouragement	H Events	I Media	J Free	K Other
Yes or No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes

Remarks on elements

- C Art. 98 4° a: advertising and teleshopping on the subject of alcohol is not allowed to be specifically addressed at minors and in particular, may not show minors using alcoholic drinks.
Art. 98 5° d: advertising and teleshopping can not show minors in dangerous situations without good reason. (not alcohol specific)
- D Art. 98 3°: advertising and teleshopping is not allowed to deal with (directly or indirectly): cigarettes or tobacco in any possible condition; medicine or medical treatment only available on prescription.
- E Art. 98 2°: advertising and teleshopping may not encourage behaviour which is detrimental for health, security or environment. (not alcohol specific)
- F Art. 98 4° c: advertising and teleshopping on the subject of alcohol can not suggest that the use of alcohol contributes to social or sexual succes.
Art. 98 4° b: advertising and teleshopping on the subject of alcohol can not make a link between the use of alcohol and the improvement of fysical performances or motorised driving.
- G Art. 98 5° a: advertising or teleshopping can not incite minors to buy a certain product by taking advantage of their lack of information nor their inexperience nor their trustfulness. (not alcohol specific)
Art. 98 5° b: advertising or teleshopping can not incite minors to persuade their parents or other people to buy products or services being recommended by advertising or teleshopping. (not alcohol specific)
Art. 98 4° e: advertising and teleshopping can not encourage excessive alcohol use. Abstinance or average alcohol usage cannot be presented negatively.
- H Art. 101 § 3: in programmes consisting of autonomous parts, in sports programmes, events that are similary structured or shows with a break, there can only be advertising and teleshopping spots between the autonomous fragments or during the breaks. (not alcohol specific).

- I Art. 101 § 6: advertising or teleshopping is not allowed in programmes for children. Advertising, teleshopping and sponsoring is also forbidden 5 minutes before and 5 minutes after a programme for children. (not alcohol specific).
- K Art. 98 6°: advertising and teleshopping can not use any subliminal methods. This is the use of non-visible images which can be absorbed by the subconsciousness. (not alcohol specific).
Art. 98 7°: advertising and teleshopping can not appeal to any person with a media-reputation connected to informative programmes. (not alcohol specific).

2.3.3 Procedures connected to the regulation

It is indicated whether the following procedures are ('yes' or 'no') connected to the regulation.

PROCEDURES						
	Pre-launch advice	Systematically searching for violations	Possibility to complain and to start a procedure	System of appeal	Sanctions in case of violators	Results published or publically announced
Yes or No	Yes	Yes	Yes	Yes	Yes	Yes

Pre-launch advice is provided by the Jury on Ethical Practices concerning advertising (JEP). Advertisers, advertising companies or media can ask for an investigation before a campaign is launched. The JEP examines if a campaign follows the national statutory and non-statutory regulations.

The search for violations on this decree particularly is done by the Flemish Media regulator ('Vlaamse Regulator voor de Media') (former Flemish Media Commission: 'Het Vlaams Commissariaat voor de media'). The Flemish Media regulator was founded by the decree of 16 december 2005. It has a corporate identity.

The Flemish Media regulator is in charge of the supervision of mediaregulations within the Flemish community. The general council of the Flemish Media regulator judges the complaints about marketing, teleshopping, sponsoring etc. which can be lodged by any interested person or organisation.

Violators of the regulations can receive a sanction: this can be a fine up to 125.000 Euro; a warning with the request to stop the violation; the obligation to broadcast the decision of the Commission. The violator has to pay for this broadcast; the obligatory publication of the decision in the newspapers and/or in weekly magazines. The violator has to pay for this publication; the suspension or revocation of the broadcasting permit; the suspension or revocation of the recognition of the broadcasting company.

Summaries of decisions, recommendations and complaints are published on the website of the Flemish Media regulator:

<http://www.vlaamscommissariaatmedia.be>.

The minimum and maximum amount of time the procedure officially takes is 6 weeks. This period can be prolonged whenever it is needed for the procedure and/or the investigation.

2.4 French Decree of Radio Broadcasting

Name of regulation:

3 French Decree of Radio Broadcasting

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

The government of the French Community.

Which types of marketing are controlled by in this regulation?

Broadcast (tv, radio: advertising, sponsoring and teleshopping)

Which alcoholic beverages are subject to this regulation? (in VOL.)

No information

Whom is this regulation directed at or who has to adhere to it?

The decree is applicable on every radio broadcasting activity. A few special conditions are apposite on the RTBF, i.e. 'Radio-Télévision belge de la Communauté française de Belgique'. ('Belgian radio and television of the french Community'). Every service publisher, service provider and every network exploiter falling under responsibility of the French Community have to adhere to this decree.

2.4.1 Bans

Any bans on alcohol marketing practices in this regulation or code regarding the following marketing or advertising aspects are indicated with 'yes' in the following table. If a ban regarding this aspect is absent it is indicated with 'no'.

BANS						
	Location	Time	Media-channel	Type of product	Target-group*	Advertiser
Yes or No	No	Yes	No	Yes	No	No

* other than young people

2.4.2 Elements of Council Recommendation

Any elements of the Council Recommendation that are forbidden by this regulation or code (either literally or formulated in other words) are indicated with 'yes' in the following table. If an element is not forbidden at all, it is indicated with 'no'.

ELEMENTS											
	A Production	B Styles	C Children	D Drugs	E Violence	F Succes	G Encouragement	H Events	I Media	J Free	K Other
Yes or No	No	No	Yes	No	Yes	No	Yes	Yes	Yes	No	Yes

Remarks on elements

C Art. 13 4°: advertising communication can not show minors in dangerous situations without any reason. (not alcohol specific)

E Art. 11 4°: advertising communication can not encourage behaviour which is detrimental for health or security, including by recommending violent behaviour. (not alcohol specific)

- Art. 11 5°: advertising communication can not encourage behaviour which is detrimental for the environment. (not alcohol specific)
- G Art. 29 3°: teleshopping-programmes can not incite minors to come to an agreement for buying or renting some goods or services. (not alcohol specific)
- Art. 13 1°: advertising communication can not incite minors to buy a certain product by taking advantage of their lack of information nor their inexperience nor their trustfulness. (not alcohol specific)
- Art. 13 2°: advertising communication can not incite minors to persuade their parents or other people to buy products or services being recommended. (not alcohol specific)
- Art. 13 3°: advertising communication can not misuse the special trust minors have in their parents, teachers or others. (not alcohol specific)
- H Art. 18 § 2: concerning broadcasts composed of fragments or at sports broadcasts and at events that are similar structured and shows with a break, there can only be advertising, teleshopping spots and selfpromotion between the fragments or during the breaks. (not alcohol specific)
- I Art. 18 § 5: advertising, teleshopping spots and selfpromotion is not allowed in programmes for children. (not alcohol specific)
- K Art. 14 § 2: advertising communication can not use any subliminal methods. (not alcohol specific)
- Art. 14 § 3: The sound intensity of advertising communication spots, as well as the fragments preceding or following on it, can not suffer from any deliberate variation in comparison with the the rest of the programmes. (not alcohol specific)

2.4.3 Procedures connected to the regulation

It is indicated whether the following procedures are ('yes' or 'no') connected to the regulation.

PROCEDURES						
	Pre-launch advice	Systematically searching for violations	Possibility to complain and to start a procedure	System of appeal	Sanctions in case of violators	Results published or publically announced
Yes or No	Yes	Yes	Yes	Yes	Yes	Yes

Pre-launch advice is provided by the Jury on Ethical Practices concerning advertising (JEP). Advertisers, advertising companies or media can ask for an investigation before a campaign is launched. The JEP examines if a campaign follows the national statutory and non-statutory regulations.

The 'High Council for the audiovisual sector of the French Community' (Conseil supérieur de l'audiovisuel) is an independent governmental board with a legal identity which regulates radio broadcasting in the French Community.

The Council is composed of 2 directorates (the advice directorate and the directorate for licenses and control), 2 bureaus and a research secretariat.

The search for violations is done by the research secretariat of the 'Higher Council for the audiovisual sector of the French Community'. The research secretariat receives all the complaints of the public concerning radio and TV programmes (e.g. protection of minors, duration of publicity). The complaints are classified without consequence or reported to the directorate for licenses and control, which can impose an administrative sanction after it investigates the matter.

The secretariat is able to identify every violation or non-observing of laws, decrees or ordonances concerning the radio broadcasting company.

Possible sanctions are: a warning, publication of the offence, the suspension of the disputed programme, the revocation of the disputable programme, the suspension of the license for a maximum duration of 6 months, the revocation of the license, a fine of minimum 250 euro.

The advice directorate gives an advice within a period of maximum 3 months, the directorate for licenses and control gives advice within 2 months. Advice in an urgent procedure is given within 1 month.

Decisions, advices and recommendations are published on the website:

www.csa.be.

2.5 Decision Management Contract RTBF

Name of regulation:

4 Decision Management Contract RTBF

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

– The Government of The French Community: minister of arts, literature and audiovisual sector

– The R.T.B.F.

Which types of marketing are controlled by in this regulation?

Broadcast (tv, radio: advertising / commercial nature)

Which alcoholic beverages are subject to this regulation? (in VOL.)

No information

(ban for alcoholic drinks > 20% VOL)

Whom is this regulation directed at or who has to adhere to it?

The R.T.B.F., i.e. 'Radio-Télévision Belge de la Communauté Française de Belgique'. This is the public radio and television of the french community.

2.5.1 Bans

Any bans on alcohol marketing practices in this regulation or code regarding the following marketing or advertising aspects are indicated with 'yes' in the following table. If a ban regarding this aspect is absent it is indicated with 'no'.

BANS						
	Location	Time	Media-channel	Type of product	Target-group*	Advertiser
Yes or No	No	Yes	No	Yes	No	No

* other than young people

2.5.2 Elements of Council Recommendation

Any elements of the Council Recommendation that are forbidden by this regulation or code (either literally or formulated in other words) are indicated with 'yes' in the following table. If an element is not forbidden at all, it is indicated with 'no'.

ELEMENTS											
	A Production	B Styles	C Children	D Drugs	E Violence	F Succes	G Encouragement	H Events	I Media	J Free	K Other
Yes or No	No	No	No	Yes	Yes	No	No	No	Yes	No	Yes

Remarks on element

- D Art. 29 4 a: at the RTBF commercial advertising on medicines aimed at in the law of 25 march 1964 on medicines is forbidden.
 Art. 29 4 b: at the RTBF, commercial advertising on substances aimed at in the royal ordonance of 6 mai 1922 concerning the sales of desinfectants and antiseptics, and on the substances aimed at in the royal ordonance concerning the trade in hypnotics and anaesthetics, is forbidden.
 Art. 29 4 c: at the RTBF, commercial advertising on tobacco, products based on tobacco and similar products aimed at in the royal ordonance of 20 december 1982 concerning advertising on tobacco, products based on tobacco and similar products, is forbidden
- E Art. 29 4 f: at the RTBF, commercial advertising on arms is forbidden.
 Art. 29 4 g: At the RTBF, commercial advertising on toys copying fire-arms or toys encouraging violent, racist or xenophobic behaviour is forbidden.
- I Art. 29 6: commercial advertising and sponsoring are forbidden during the period of 5 minutes before and 5 minutes after a show/programme for children. (not alcohol specific)
- K Art. 29 8 b: commercial advertising can not contain any written, oral, vision or sound segment that is able to, directly or indirectly, mislead the consumer by exaggerating or ambiguity. (not alcohol specific)
 Art. 29 8 c: commercial advertising can not falsely use technical or scientific words, or present them in such a way that they could lead to an incorrect interpretation. (not alcohol specific)

2.5.3 Procedures connected to the regulation

It is indicated whether the following procedures are ('yes' or 'no') connected to the regulation.

PROCEDURES						
	Pre-launch advice	Systematically searching for violations	Possibility to complain and to start a procedure	System of appeal	Sanctions incase of violators	Results published or publically announced
Yes or No	Yes	Yes	Yes	Yes	Yes	Yes

Pre-launch advice is provided by the Jury on Ethical Practices concerning advertising (JEP). Advertisers, advertising companies or media can ask for an investigation before a campaign is launched. The JEP examines if a campaign

follows the national statutory and non-statutory regulations. The 'High Council for the audiovisual sector of the French Community' (Conseil supérieur de l'audiovisuel) is responsible for the supervision of this regulation. The procedure is similar as in paragraph 2.4.4. When the RTBF does not fulfil its obligations as mentioned in the management contract and in the decree on its statute, it can be punished to the payment of a fine of maximum 1% of its subsidies.

2.6 German Media Decree

Name of regulation:

5 German Media Decree

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

Government of the German community

Which types of marketing are controlled by in this regulation?

Broadcast (tv, radio: advertising, sponsoring and teleshopping)

Which alcoholic beverages are subject to this regulation? (in VOL.)

No information

Whom is this regulation directed at or who has to adhere to it?

The code is directed at TV- and radio broadcasting companies directed at the German-speaking Community.

2.6.1 Bans

Any bans on alcohol marketing practices in this regulation or code regarding the following marketing or advertising aspects are indicated with 'yes' in the following table. If a ban regarding this aspect is absent it is indicated with 'no'.

BANS						
	Location	Time	Media-channel	Type of product	Target-group*	Advertiser
Yes or No	No	Yes	No	No	No	No

* other than young people

2.6.2 Elements of Council Recommendation

Any elements of the Council Recommendation that are forbidden by this regulation or code (either literally or formulated in other words) are indicated with 'yes' in the following table. If an element is not forbidden at all, it is indicated with 'no'.

ELEMENTS											
	A Production	B Styles	C Children	D Drugs	E Violence	F Succes	G Encouragement	H Events	I Media	J Free	K Other
Yes or No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes

Remarks on elements

- B Art. 11 1: advertising and teleshopping on alcoholic beverages can not be specifically aimed at minors.
- C Art. 11 1: advertising and teleshopping on alcoholic beverages can not show minors who are consuming alcohol.
Art. 12 4: advertising and teleshopping can not show minors in dangerous situations without any reason. (not alcohol specific)
- D Art. 9 & art. 10: any form of advertising and teleshopping on cigarettes or smokers' requisites as well as medication and medical treatments only available on doctor's prescription, is forbidden.
Art. 13 3: persons or companies which produce or sell cigarettes, smokers' requisites, medicines or medical treatments on doctors prescription, are not allowed to sponsor programmes
- E Art. 8: advertising and teleshopping can not encourage behaviour which is detrimental for health or security. (not alcohol specific)
Art. 8: advertising and teleshopping can not encourage behaviour which is detrimental for the protection of the environment. (not alcohol specific)
Art. 8: advertising and teleshopping can not contain any discrimination on race, gender or nationality. (not alcohol specific)
Art. 8: advertising and teleshopping can not offend religious or political opinions. (not alcohol specific)
- F Art. 11 3: advertising and teleshopping can not suggest that the use of alcohol leads to social or sexual succes.
Art. 11 2: advertising and teleshopping can not link the use of alcoholic beverages with an improvement of fysical performances or driving.
Art. 11 4: advertising and teleshopping can not suggest that alcohol has a therapeutic, stimulating, calming effect or that alcohol contributes to the solution of conflicts.
- G Art. 11 5: advertising and teleshopping can not encourage excessive alcohol use. Abstinance or average alcohol usage can not be presented negatively.
Art. 11 6: Advertising and teleshopping can not justify the alcohol percentage of drinks as a positive characteristic.
Art. 12 1: Advertising and teleshopping can not incite minors to buy a certain product by taking advantage of their inexperience and their frankness. (not alcohol specific)
Art. 12 2: advertising and teleshopping can not incite minors to persuade their parents or thirds to buy certain goods or services. (not alcohol specific)
Art. 12 3: advertising and teleshopping can not misuse the special trust minors have in their parents, teachers or other confidants. (not alcohol specific)
- H Art. 7 § 1: broadcasts composed of autonomous parts, sports programmes or programmes about events can only show advertising and teleshopping between the autonomous fragments or during the breaks. (not alcohol specific)
- I Art. 7 § 2: programmes for children can not be interrupted by advertising and teleshopping. (not alcohol specific)
- K Art. 6: in TV advertising and teleshopping the use of subliminal methods is forbidden. Teleshopping can not use clandestine advertising. (not alcohol specific)
Art. 36: Clandestine advertising as well as the use of subliminal methods are forbidden in radio programmes. (not alcohol specific)

2.6.3 Procedures connected to the regulation

It is indicated whether the following procedures are ('yes' or 'no') connected to the regulation.

PROCEDURES						
	Pre-launch advice	Systematically searching for violations	Possibility to complain and to start a procedure	System of appeal	Sanctions incase of violators	Results published or publically announced
Yes or No	Yes	Yes	Yes	No	Yes	No info

Pre-launch advice is provided by the Jury on Ethical Practices concerning advertising (JEP). Advertisers, advertising companies or media can ask for an investigation before a campaign is launched. The JEP examines if a campaign follows the national statutory and non-statutory regulations.

The search for violations concerning this decree is done by the Media Council of the German-speaking Community (Medienrat der Deutschsprachigen Gemeinschaft). Complaints can be made to the Media Council of the German-speaking Community.

Sanctions, where appropriate, are imposed by the Government of the German-speaking Community and can be a fine between 2,5 and 2.500 euro or a provisional suspension, or a reduction or a revocation of the license.

The media council formulates a statement within a period of 3 weeks - 3 months.

2.7 Brussels Capital Broadcasting Law

Name of regulation:

6 Brussels Capital Broadcasting Law

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

Ministry of science policy and infrastructure and ministry of justice.

Which types of marketing are controlled by in this regulation?

Television (advertising, sponsoring and teleshopping)

Which alcoholic beverages are subject to this regulation? (in VOL.)

No information

Whom is this regulation directed at or who has to adhere to it?

The law can only be applied on the networks for the distribution of radio or television broadcasting in the bilingual area of Brussels-Capital.

2.7.1 Bans

Any bans on alcohol marketing practices in this regulation or code regarding the following marketing or advertising aspects are indicated with 'yes' in the following table. If a ban regarding this aspect is absent it is indicated with 'no'.

BANS						
	Location	Time	Media-channel	Type of product	Target-group*	Advertiser
Yes or No	No	Yes	No	No	No	No

* other than young people

2.7.2 Elements of Council Recommendation

Any elements of the Council Recommendation that are forbidden by this regulation or code (either literally or formulated in other words) are indicated with 'yes' in the following table. If an element is not forbidden at all, it is indicated with 'no'.

ELEMENTS											
	A Production	B Styles	C Children	D Drugs	E Violence	F Success	G Encouragement	H Events	I Media	J Free	K Other
Yes or No	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes

Remarks on elements

- C Art. 36 a: advertising and teleshopping can not show minors who are using alcoholic drinks.
Art. 37 d: advertising and teleshopping can not show minors in dangerous situations without any reason. (not alcohol specific)
- D Art. 35 bis: advertising, sponsoring and teleshopping for cigarettes and other tobacco products are forbidden.
Art. 35 ter: advertising for medicines and medical treatments only available on doctor's prescription are forbidden. Teleshopping concerning medicines for which a release license is necessary and teleshopping concerning medical treatments are forbidden.
- E Art. 35 d and e: advertising and teleshopping can not encourage behaviour which is detrimental for health, security or the environment. (not alcohol specific)
Art. 35 a: advertising and teleshopping can not damage the human dignity. (not alcohol specific)
Art. 35 b: advertising and teleshopping can not contain any discrimination towards race, sex or nationality. (not alcohol specific)
Art. 35 c: advertising and teleshopping can not offend any political or religious belief. (not alcohol specific)
- F Art. 36 c: advertising and teleshopping on the subject of alcohol can not suggest that the use of alcohol contributes to social or sexual success.
Art. 36 b: advertising and teleshopping on the subject of alcohol can not make a link between the use of alcohol and the improvement of physical performances or motorised driving.
Art. 36 c: advertising and teleshopping on the subject of alcohol can not suggest that alcoholic beverages possesses therapeutic qualities, or that they have a stimulating, calming or relaxing effect.

- G Art. 36 e: advertising and teleshopping can not encourage excessive alcohol use. Abstinence or average alcohol usage cannot be presented negatively.
 Art. 37 a: advertising or teleshopping can not incite minors to buy a certain product by taking advantage of their lack of information nor their inexperience nor their trustfulness. (not alcohol specific)
 Art. 37 b: advertising or teleshopping can not incite minors to persuade their parents or other people to buy products or services being recommended by advertising or teleshopping. (not alcohol specific)
 Art. 38 § 1 c: sponsored television programmes can not incite to buying or renting products or goods coming from the sponsor, especially through specific recommendations of those products or services. (not alcohol specific)
- I Art. 36 a: advertising and teleshopping on the subject of alcohol can not be specifically addressed to minors.
 Art. 34 § 5: programmes for children of which the duration is less than 30 minutes, can not be interrupted by advertising or teleshopping. (not alcohol specific)
- K Art. 33 § 3: advertising and teleshopping can not use any subliminal methods. (not alcohol specific)
 Art. 36 f: advertising and teleshopping on the subject of alcoholic beverages can not emphasise on a high percentage of alcohol as a positive characteristic.

2.7.3 Procedures connected to the regulation

It is indicated whether the following procedures are ('yes' or 'no') connected to the regulation.

PROCEDURES						
	Pre-launch advice	Systematically searching for violations	Possibility to complain and to start a procedure	System of appeal	Sanctions in case of violators	Results published or publically announced
Yes or No	Yes	Yes	Yes	No	Yes	No

Pre-launch advice is provided by the Jury on Ethical Practices concerning advertising (JEP). Advertisers, advertising companies or media can ask for an investigation before a campaign is launched. The JEP examines if a campaign follows the national statutory and non-statutory regulations.

The compliance of this law is not controlled by a specific organ or council. Sanctions, where appropriate, are imposed by the Ministry of Science Policy and Infrastructure and can be a fine between 25 euro and 2,500 euro. Also when this law is violated, the authorized minister can suspend the license of the cable company. In case of a repeated violation, the license can be withdrawn. The suspension or revocation measures can only be pronounced after an urgent request to end the violations within a period of 30 days. When, in the course of that term, a solution hasn't been found and when the violation continues after the expiration date, the authorized minister can suspend or, in case of a reprise, revoke the license, after he has heard the defence of the cable company.

2.8 Covenant

Name of regulation:

7 Covenant

Is this statutory or non-statutory regulation?

Non-statutory

Who made the text of this regulation?

The Arnoldus group (Belgian Brewers) coordinated the text.

Which types of marketing are controlled by in this regulation?

Every announcement [...] also sponsoring as well as the place where alcohol is sold.

(Ban for newspapers, magazines and cinema for children)

Which alcoholic beverages are subject to this regulation? (in VOL.)

Alcoholic drinks > 1,2% VOL

Whom is this regulation directed at or who has to adhere to it?

The different parties who signed the covenant: the Belgian Federation of Wine and Distilled Spirits (BFWG), Belgian Brewers, the Belgian federation of the distribution firms (FEDIS), the jury on ethical practices concerning advertising (JEP), the federation of restaurant owners, Federation of the Horeca (Fed. Ho.Re.Ca), the research and information centre of consumer organisations (OIVO) and the consumer organisation Test-Aankoop. These parties agreed to distribute the content of the agreement in their respective sectors.

Additional comments

By means of this covenant the selfregulation code of the beer industry evolved to a co-regulation between the alcohol industry, consumer organisations and the government. At the 14th of October 2005 the board of ministers have approved a proposition to change the law of 24th January 1977 concerning the protection of consumers health using food products (see 2.2). This means that the covenant will gain legal status.

2.8.1 Bans

Any bans on alcohol marketing practices in this regulation or code regarding the following marketing or advertising aspects are indicated with 'yes' in the following table. If a ban regarding this aspect is absent it is indicated with 'no'.

BANS						
	Location	Time	Media-channel	Type of product	Target-group*	Advertiser
Yes or No	Yes	Yes	Yes	No	Yes	No

* other than young people

2.8.2 Elements of Council Recommendation

Any elements of the Council Recommendation that are forbidden by this regulation or code (either literally or formulated in other words) are indicated with 'yes' in the following table. If an element is not forbidden at all, it is indicated with 'no'.

ELEMENTS											
	A Production	B Styles	C Children	D Drugs	E Violence	F Succes	G Encouragement	H Events	I Media	J Free	K Other
Yes or No	No	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes

Remarks on elements

- B Art. 4.5: advertising can not use drawings or marketing techniques:
- which refer to popular or fashionable figures for minors.
- with images or statements which mainly belong to the culture of minors.
- C Art. 4.2: advertising can not portray minors or persons who seems underaged.
- E Advertising can not:
- incite or encourage irresponsible, heavy or illegal consumption (art. 3.1)
- refer to favourable fysical or psychological effects of drinking which will diminish fysical, psychological or social problems and fear (art. 3.1)
- portray alcoholic drinks as a means to overcome dangerous situations (art. 4.8).
- F Advertising can not suggest
- that the use of alcohol leads to social or sexual succes (art. 3.3).
- suggest a positive influence of drinking on sportive performance (art. 9).
- G Art. 4.4: advertising can not incite minors to buy alcoholic drinks by taking advantage of their lack of information nor their inexperience nor their trustfulness.
Art. 4.6: Advertising can not incite minors to persuade their parents or other people to buy alcoholic drinks.
Art. 5.1: Alcoholic drinks can not be offered for free, nor can they be sold for a symbolic price and it is not allowed to organise tastings focused on minors.
Art. 5.3: The sale of alcoholic drinks in beverage machines close to primary and secondary schools, youth clubs and places where minors gather is not allowed .
- I Advertising is forbidden in newspapers and magazines for children (art. 11.2).
- Cinema advertising is not possible during films for children (art. 11.2).
- J Art. 5.1: alcoholic drinks can not be offered for free, nor can they be sold for a symbolic price and it is not allowed to organise tastings focused on minors.
- K Art. 4.1: Advertising can not be focused on minors nor by content, nor by means of communication.

2.8.3 Procedures connected to the regulation

It is indicated whether the following procedures are ('yes' or 'no') connected to the regulation.

PROCEDURES						
	Pre-launch advice	Systematically searching for violations	Possibility to complain and to start a procedure	System of appeal	Sanctions incase of violators	Results published or publically announced
Yes or No	Yes	Yes	Yes	No	Yes	Yes

Pre-launch advice is provided. Advertisers, advertising companies or editorial staff can ask for an investigation before a campaign is launched. In case of a preliminary investigation the campaign is suspended until a decision is made. The search for violations is performed by the JEP. The JEP is a self-regulatory organism of the advertising sector set up by the council of advertising in 1974. The council of advertising is an association consisting of representative advertisers, media and advertising companies. The JEP has no legal authority. Any interested party without commercial aims can make a written complaint. When the JEP receives a complaint about a current campaign, the campaign remains in the air until the final judgement by the JEP. If the marketing message contains textual or visual elements which do not correspond to laws or codes, the JEP formulates a recommendation to change or suspend the advertisement. This recommendation is directed at the responsible advertiser. When the responsible advertiser does not follow the advice, the JEP will send a suspension recommendation to the media. When the binding recommendation of the JEP is not followed the company has to pay the JEP 1.000 EUR/day. The minimum and maximum amount of time the procedure officially takes is 4 days to 2 weeks (emergency procedure possible). The results of procedures are publicly announced. Summaries of advice, recommendations and their motivations are published on the website of the JEP: <http://www.jepbelgium.be>.