

*Table on transposition of Article 9(2) of Directive 2010/13/EU (codes of conduct for HFSS food)*

Country	Statutory instrument/ Co-regulation	Self-regulation	General provisions in the law (encouragement)	No provisi ons
Austria	Art. 13(8) ORF-G requires the public service broadcaster and Art. 36(3) AMD-G private audiovisual media service providers to issue guidelines for audiovisual commercial communications of HFSS foods in and between children's programmes.	Since February 2010 Austrian broadcasters adhere by a Code of Conduct enforced by the Austrian Advertising Council. In the event of an adverse Council decision, the broadcasters may opt not to broadcast the audiovisual commercial communication concerned.		
Belgium Fr com  Fl com	Art.77 of the Decree of 27 March 2009 stipulates that commercial communications for children and young people may not encourage or condone excessive consumption of HFSS foods.	For both Communities :FEVIA code – ICC food framework enforced by JEP (Belgian Advertising Ethics Board)		
Bulgaria		Bulgaria's National Council for Self-regulation (Advertising industry + TV and radio broadcasters) : Framework for responsible communication on food and beverages, including special rules on HFSS foods and children + The ethical Code of the Bulgarian Media – voluntary rules on HFSS foods and children		

Cyprus			Obligation in the law transposing the AVMS Directive (harmonisation amendment of 10.12. 2010) placed on the media service providers in cooperation with the Cyprus Broadcasting Corporation to develop relevant code of conduct. Such a code should be submitted for approval by the authority within a year from the entry into force of the Act	
Czech Rep.				No rules
Denmark		Code of conduct by Forum for Responsible Food Marketing Communication – aimed at children under 13 Forum: representatives of food industry, consumer goods retailers , media and advertising sectors		
Estonia		Media services providers have adopted a self regulatory code of conduct on Responsible advertising policy in children programmes. In order to protect children and their health. It will enter into force January 1, 2012.	Article 27 of the Media Services Act – media may establish codes of conduct - if media operators fail to establish the codes-possibility of regulation by the Ministry of Culture	
Finland		Joint recommendation on 2004 by the Consumer Office, the National Health Institute and the Food Institute concerning marketing of food supplies to the minors. The importance of the sustainable marketing policies has been emphasized in the government bill transposing the AVMS Directive.		
France	Co-regulation: Nutrition Charter -			

	agreement signed under the care of public bodies (Health and Sport Ministries, Ministry of Culture and Communication and CSA) by broadcasters, advertising industry, TV producers and Author's Union			
Germany		Code of Conduct of the German Advertising Standards Council on Commercial Communication for foods and beverages, in force since July 2009 The guidelines of PSBs (ARD and ZDF) oblige these broadcasters to observe the above mentioned code.		
Greece		Greek Code for Advertising and Communication set out by the Union of Advertising and Communication Companies, the Association of Hellenic Advertisers and licensed radio and TV stations	Article 10(5) of Presidential decree 109/2010 obliges audiovisual media providers to draw up codes of conducts related to inappropriate audiovisual commercial communications for HFSS foods accompanying or included in children's programmes, within one year of commencing their programme. National Broadcasting Council to review the codes every two years.	
Hungary				No measures
Italy			Article 36 bis of Audiovisual Media Services Code, transposing article 9(2) of Directive, provides Agcom and the Ministry for economical development, together with the Ministry of health, shall encourage audiovisual media service providers to develop codes of conduct regarding	

			inappropriate audiovisual commercial communications, accompanying or included in children's programmes, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt/sodium and sugars, excessive intakes of which in the overall diet are not recommended.	
Ireland	<p>Linear services: BAI Children's Commercial Communications Code (statutory Code)</p> <p>Section 42(4) of the Broadcasting Act 2009 gives the Broadcasting Authority competence to prohibit , while developing codes of conduct governing cc to children, advertising of HFSS foods in a broadcasting service</p> <p>On-demand services: BAI has approved (further to statutory instrument 258/2010) self-regulatory Code of Conduct for On-demand Audiovisual Media Service Providers</p>	The Code of Conduct for On-demand Audiovisual Media Service Providers commits on-demand providers to develop a code of conduct on audiovisual commercial communications for HFSS that target children		
Latvia		Discussions on the establishment of code of conduct are talking place now (Ministry of Health, advertising, food and media industry)	Article 24(5) of the Electronic Mass Media Law requires electronic media providers to draw up codes of conduct on audiovisual commercial communications for HFSS foods	

			aimed at children. The Regulator will start monitoring in 2011	
Lithuania		Ministry of Culture, the Radio and television Commission of Lithuania are currently working in cooperation with Lithuanian Radio and Television Association on drafting such a code	Article 39 of Media Law requires electronic media providers to draw up codes of conduct on audiovisual commercial communications for HFSS foods aimed at children (code in preparation)	
Luxembourg				No measures but intention to contact the Advertising Ethics Commission
Malta			<p>The Broadcasting Code provides that the Media Authority should encourage media service providers to develop codes of conduct regarding the audiovisual commercial communications for HFSS foods targeted at children.</p> <p>Additionally, paragraph 19 of S.L.350.05 specifically states that advertisements for confectionery and snack foods shall not suggest that such products may be substituted for balanced meals while paragraph 12.1 of S.L.350.50 specifically states that nutrition</p>	

			<p>and health claims made on foods in advertisements may only be allowed if they comply with the provisions of Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods.</p> <p>Work is also in progress to set up of joint committees between the Broadcasting Authority, media service providers, government departments and NGOs to better regulate such aspects of broadcasting;</p>	
Netherlands		<p>Dutch Advertising Code for Food Products (part of the Dutch advertising Code) prohibits unhealthy food advertising to children under 7 years old. Enforced by the Advertising Code Authority (composed of advertising and media industry). + other initiatives by broadcasters (Kids Vitaal) and food industry (FNLI – Dutch Food Industry Website) targeting children up to age of 12 years</p>		
Poland	<p>Polish Broadcasting Act establishes that programmes for children should not be accompanied by audiovisual commercial communications for HFSS foods. The Broadcasting Council may issue a regulation specifying the products concerned and the way those products may be included in the</p>	<p>Polish Advertising Council – Commission of Ethic in advertising enforces ICC framework for responsible food and beverage marketing communication.</p>		

	programmes so as they do not target children.			
Portugal	Article 41-A, paragraph 8 of audiovisual media services law:It is not permitted to present during children's programs, any kind of commercial messages likely to impair the physical and mental development of minors, including those relating to foods and beverages containing excessive quantities of nutrients and substances not recommended in a regular diet.	Code of self-regulation in the field of commercial communications for food and beverages targeted at children, approved by Civil Institute of Advertising Self-regulation (advertising and media sectors), came into force on 3 May 2010.  Agreement on diet, physical activity and health and publicity targeted at children of 5 November 2009 made within the framework of the Portuguese Association of advertisers by 26 agri-food companies.		
Romania	Decision by NAC (Regulator) on the code regulating audiovisual communications provides for the obligation placed on radio and TV broadcasters to promote healthy lifestyles (healthy diet) in the form of warnings broadcast during the day (6-22 h)  CNA Decision 286/14.04.2011 on publication of the codes of conduct adopted by the audiovisual <b>media service providers</b> .  <u>Co-regulation</u> The Romanian Advertising Council adopted the Code of Advertising Practice that includes framework for	The Romanian Advertising Council signed EU Pledge and adopted it as the Code of Ethics for food advertising aimed at children.	According to Article 29(8) of the Audiovisual Act audiovisual media service providers are encouraged to set up relevant codes of conduct	

	responsible food and beverage marketing communications on advertising aimed at children. Where a commercial communication violates the code RAC notifies the NAC and other relevant ministries with a view to applying penalties in accordance with the audiovisual law – public summons and administrative fines.			
Slovakia		General rules of the Code of Ethics by the Advertising Council – rules on advertising of high energy foods . Enforcement by the Advertising Standards Council – it can only issue recommendations		
Slovenia			Article 74 of the Media Law obliges media service providers to take into consideration independent legal sources and other regulations on audiovisual commercial communications for HFSS foods targeted at children  Ministry of Health set up an interdepartmental group whose role is to prepare measures for limiting the advertising of unhealthy foods and evaluate the possibility of restricting advertising of those foods.	
Spain		PAOS code for food advertising to minors established in September 2005.In 2009 an	The Law on Audiovisual Communications (LGCA) provides that the media regulator	

		<p>agreement was signed between the Spanish Ministry of Health and Consumer Affairs, the television channels, the Federation of Food and Beverages Industries and Autocontrol, committing not to broadcast advertisements non compliant with PAOS Code.</p> <p>Enforcement entrusted to the Spanish Advertising Self-regulatory body- Autocontrol –possibility to impose financial sanctions</p>	<p>will encourage audiovisual media service providers to establish codes of conduct on commercial communications for HFSS foods to children.</p>	
Sweden	Sweden bans TV advertising aimed at children			
UK	<p>A total ban on HFSS foods advertising in and around children's programmes , on dedicated children's channels and in programmes of particular appeal to children under the age of 16 (Statutory rules by stages since 2007, final phase January 2009 ) Administered by ASA on behalf of Ofcom.</p> <p>In relation to non-linear audiovisual media services, the UK government introduced legislation requiring Ofcom or its designated co-regulator (ASA) to ensure that providers comply with the rules of Article 9.2 AVMSD.</p>			

	<p>In case of non-compliance with ASA adjudication case is referred to Ofcom, empowered to impose sanctions, including financial penalty.</p> <p>Total ban on product placement of HFSS foods</p>			
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