Coimisiún na Meán

Consultation Document: Draft General Commercial Communications Code and Rules

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Deadline for response: 27 November 2026

This document contains a public consultation on Coimisiún na Meán's draft Commercial Communications Code and Rules.

The draft Commercial Communications Code and Rules consolidates the existing media service codes and media service rules relating to commercial communications into a single document. It further proposes additional protections for children and includes structural and thematic updates to the rules in the interest of improving clarity and ease of use for broadcasters, advertisers and the general public.

Coimisiún na Meán welcomes the views of any interested persons or organisations on the contents of the draft Commercial Communications Codes and Rules. You can submit your views in general, or respond to the specific questions in Appendix 1 of this document.

You can find information on how we use your personal data in Section 4 of this document.

You can respond to the consultation:

1. By email, to codes@cnam.ie;
2. By post, to : Coimisiún na Meán
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   Shelbourne Road
   Dublin 4,
   D04 NP20
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You may wish to refer to Coimisiún na Meán's Consultation Guidelines when making your submission.

Legal Disclaimer

The proposals contained in this consultation document should not be read as reflecting or stating Coimisiún na Meán's final position on any of the matters that are the subject of consultation. Please note that any views on the interpretation of legislation or Coimisiún na Meán's obligations are provisional and non-binding and should not be read as reflecting Coimisiún na Meán's final position. Please refer to the underlying legislative provisions for a statement of the law in this area.

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1. Background

1.1 Introduction

We are Coimisiún na Meán ("**An Coimisiún**"), Ireland's independent agency for developing and regulating a thriving, diverse, creative, safe, and trusted media landscape. As the independent media regulator, we are responsible for regulating broadcasters, video-on-demand providers and online platforms established in Ireland. One of the ways in which we do this is to create "**media service codes**"[1] and "**media service rules**"[2] ("**Codes and Rules**" for short) that apply to broadcasters and video-on-demand providers, as well as guidance on how these Codes and Rules can be interpreted.

This public consultation is about the Codes and Rules that apply to **commercial communications on radio and television broadcasting services**. Commercial communications include advertising, sponsorship, teleshopping, and product placement.

1.2 Codes and Rules in Commercial Communications

Currently, the Codes and Rules for commercial communications span over four separate documents:

- General Commercial Communications Code (Radio and Television Broadcasters)
- Children's Commercial Communications Code (Radio and Television Broadcasters)
- Media Service Code and Media Service Rules (Advertising, Teleshopping, Signal Integrity & Information)
- Media Service Code and Media Service Rules (Advertising- Radio Broadcasters)

These Codes and Rules set the standards and obligations on broadcasters to ensure that the commercial communications they show are not harmful to viewers or against the public interest. For example, they contain rules to ensure that advertising is readily recognisable and not hidden or misleading, that subliminal techniques are not used, and that advertising and other forms of commercial communications are scheduled appropriately and are not harmful to children.

1.3 Why are we proposing changes to the Codes and Rules

The most recent update to the Codes and Rules was completed in 2024, in the context of An Coimisiún's requirement to update the regulations to account for changes to EU law under the Audiovisual Media Services Directive ("**AVMSD**").[3]

[1] Media service codes are made under S.46N of the Act. Such codes generally are designed to address the *content* of programmes or commercial communications, ensuring that all content made available on the service adheres to established standards.
[2] Media service rules generally relate to the *presentation and structural aspects* of the service being provided, covering matters such as promoting the accessibility of the service to all members of the public. These are made under S.46O of the Act.
[3] See here for more information - https://digital-strategy.ec.europa.eu/en/policies/audiovisual-and-media-services.

As the 2024 update focused only on the transposition of the AVMSD, certain potential actions were considered out of scope, and therefore not addressed in the update. This included a call from stakeholders to address the difficulty that comes with navigating and interpreting four different codes and rules applying to commercial communications.

We now propose to restate and replace the four existing commercial communications Codes and Rules with a single set of regulations. This restatement exercise is intended to simplify, consolidate and refine the existing regulations into a single regulatory instrument that covers all commercial communications on television and radio.

This restatement exercise aims to improve the ease of access and user-friendliness of the Codes and Rules for both broadcasters and the public. This approach has been informed by the following: -

- Stakeholder feedback, including from the Broadcasting Codes and Rules Stage 2 Consultation, which called for greater clarity and consolidation of regulatory requirements, suggesting that this would support compliance;

- The recommendation in the Broadcasting Authority of Ireland (BAI) Statutory Report 2023, which recommended enhanced usability and clarity of the existing Codes and Rules, in line with international best practice of other regulators; and

- The need to assess the evolving regulatory landscape in Ireland to ensure An Coimisiún's regulations do not duplicate or contradict the approach adopted by other regulators.

As part of this project, we also intend to have the new Codes and Rules presented in HTML format on our website, together with guidance to the regulations to improve understanding of the obligations and to assist with compliance.

In addition to this consolidation exercise, we also propose to include a number of additional protections for children in the following areas: -

(a) ensuring that alcoholic-free products (0.0% beers etc) do not target children and are not broadcast in or around children's programmes; and

(b) the advertising of nicotene pouches or synthetic nicotene products similarly do not target children and are not broadcast in or around children's programmes.

(c) the removal of the Principle of Age Differentiation for children's commercial communications so that these requirements apply to all children under the age of 18 (and not subsets such as u/15 etc).

An Coimisiún is also seeking views on the existing hourly limits on advertising on radio and television, but no proposed changes are included in the Draft Code and Rules. See section 3.9 for further details.

We believe the proposed changes are consistent with the standards established in the current Codes and Rules. Stakeholder views on whether these proposals are appropriate and proportionate are welcomed, and further details of the proposed changes, for your feedback, are outlined in Section 3.7 of this document.

Please note that we will also be undertaking a separate exercise to consolidate the Code of Programme Standards and Code of Fairness, Objectivity and Impartiality in News and Current Affairs, along with the Short News Code and the miscellaneous provisions of the Media Service Code and Media Service Rules (Advertising, Teleshopping, Signal Integrity & Information) that do not apply to commercial communications. This is a distinct work stream from the restatement of the Codes and Rules that are the subject of this consultation. A separate draft consolidated code for programme content will be published for public consultation at a later date in 2026.

1.4 Purpose of this consultation exercise

An Coimisiún invites stakeholder feedback on its draft media service codes and media service rules relating to commercial communications ("**the Draft Code and Rules"**). The Broadcasting Act 2009 (as amended; "**the 2009 Act**") requires all draft media service codes and rules to be made available to the public for comment, and we are undertaking this public consultation in accordance with this requirement and having regard to the importance of input from those who use the Code and Rules (broadcasters, advertisers, agencies etc.,) and the public who they are intended to protect (including children).

As explained above, the Draft Code and Rules is primarily a consolidation and refinement exercise with the intention of improving both the ease of access and user-friendliness of the Codes and Rules. More substantial policy changes are outside the scope of this review.

In **Section 2**, we have outlined our decision-making framework and approach to drafting the proposed changes to the Code and Rules.

In **Section 3**, we provide an overview of the new Draft Code and Rules, including a summary of new sections, details of notable changes that have been proposed, and the reasons for these changes. We also have included respective consultation questions for each section.

In **Section 4**, Responding to the Consultation, we provide contact details and advice with regards to submitting your feedback to this consultation. Appendix 1 includes consultation questions, listed in full. Appendix 2 includes a draft copy of the Code and Rules.

2. Approach to commercial communications Codes and Rules restatement

2.1 Approach to commercial Codes and Rules restatement

An Coimisiún developed a decision framework to inform its restatement of existing commercial communications Codes and Rules. This decision framework was used to determine what provisions of the existing Codes and Rules for commercial communications would be (i) retained; (ii) reworded; (iii) reformulated by merging with another provision or as guidance or (iv) deleted.

In addition to the statutory requirements for developing Codes and Rules specified in the 2009 Act (see Part 3B, Chapter 3), each provision was assessed against five broad themes: -

i. **Legal basis:** We assessed the legal basis for the provisions in the Code and Rules, in particular whether it was required under Irish or EU legislation;

ii. **Public interest and proportionality:** We considered the harm that the provision set out to address, and whether the restriction remained proportionate, in light of existing protections or whether a less restrictive measure could be used to mitigate the harm;

iii. **Enforceability:** We considered whether the provision could be objectively assessed for compliance purposes, or if it needed updating to account for the revised investigation framework under changes to the 2009 Act;

iv. **Need for guidance:** We considered whether guidance would assist compliance with the provision, and whether stakeholders had previously requested guidance;

v. **Clarity and duplication:** We considered whether the provision could be shortened, merged, or simplified. Where other regulators have a role, we considered whether provisions could be removed or simplified with a due diligence obligation. We have also been engaging with other regulators who also have a role in the regulation of advertising for certain sectors to ensure regulatory coherence (for example, the Gambling Regulatory Authority of Ireland on the provisions relating to gambling; Food Safety Authority of Ireland for provisions relating to food).

2.2 Other broadcasting-related issues and statutory guidance

An Coimisiún's Strategy Statement 2025 – 2027 helps us shape our future actions and establish a clear framework for our regulatory work. In our Response to the Broadcasting Codes and Rules Stage 2 Consultation, we indicated that a number of areas raised by stakeholders (including advertising of high fat, salt and sugar foods, infant formula, and accessibility of broadcasting services) would be considered separately from this restatement exercise, and progressed in line with our Strategy Statement and prioritisation of work. This consultation does not reopen those areas and is focused predominantly on the consolidation of existing obligations. These issues will be addressed at a later date under a separate process.

As part of this current project, An Coimisiún will develop and publish guidance to accompany the Draft Code and Rules, once finalised. This guidance will address areas where stakeholders have sought greater clarity on the meaning or scope of existing obligations. Views are sought as part of this consultation on what guidance might be helpful.

3. Overview of the Draft Code and Rules

The following sections provide a high-level summary of each section of the Draft Code and Rules and explains why any notable changes have been proposed.

Please note that minor changes, such as rewording for clarity, simplification and the consolidation of pre-existing provisions are not highlighted in these summaries. Similarly, reordering of provisions (moving an existing provision into a new section for structural or thematic clarity) have not been individually detailed. Also, these summaries are not as precisely worded as the individual provisions of the Draft Code and Rules themselves. If you wish to understand the Draft Code and Rules in detail or wish to provide detailed comments on the way that they are drafted, please consult Appendix 2, which contains the full text.

3.1 – Preliminary and Interpretation (Sections 1 to 3)

Section 1 to 3 contain the preliminary and interpretative provisions. They consolidate the introductory provisions (Sections 1 to 10) of the General Commercial Communications Code (**GCCC**), the Children's Commercial Communications Code (**CCCC**), the Advertising, Teleshopping, Signal Integrity Code and Rules (**ATSI**) and the Radio Advertising Code and Rules.

Section 1 ("**Preliminary and Interpretation**") sets out: the statutory basis for the Code and Rules under the 2009 Act, and the scope as it relates to broadcasting services under the jurisdiction of the State (1.1 to 1.2); the purpose of the Code and Rules, the matters which An Coimisiún must give due regard under Section 46N(6), and the procedures to be followed under Section 46Q of the Act (1.3); and the regulatory principles relevant to the Code and Rules (1.4). Section 1 also addresses the severability of provisions and a waiver relating to correspondence with broadcasters (1.5 to 1.6), and the processes for compliance and enforcement, complaints, and the provision of advice upon request from An Coimisiún to broadcasters (1.7 to 1.9).

Section 2 sets out the definitions used in the Code and Rules. This list is a consolidation of the definitions used across the existing commercial communications Codes and Rules. Section 3 clarifies the exclusions to the Draft Code and Rules.

Consultation Question 1:

- Do you have any comments on the proposed changes to the introductory sections of the Draft Code and Rules?

Consultation Question 2:

- Do you have any comments on the definitions and exclusions sections of Code and Rules?

Consultation Question 3:

- Is there any guidance on **Sections 2 and 3** of the Code and Rules (Definitions and Exclusions) that you think would be useful?

3.2 – Prohibited Commercial Communications (Section 4 of the Draft Code and Rules)

Section 4 lists the categories of commercial communications that a broadcaster must not broadcast. This includes commercial communications that are surreptitious, use subliminal techniques, prejudice respect for human dignity, or are prohibited products such as tobacco products and prescription-only medicines. These prohibitions have their basis largely in law and identify types of products or techniques that are considered harmful to the extent that they should never been allowed on radio or television services in Ireland.

Proposed changes:

Two prohibitions in the current GCCC cross-refer to EU instruments concerning, respectively, child sexual abuse material (Directive 2011/93/EU) and racism and xenophobia (Council Framework Decision 2008/913/JHA). We are proposing to remove these two cross-references on the basis that the conduct they address is already comprehensively prohibited by criminal law. They are also dealt with by the prohibitions on commercial communications that prejudice respect for human dignity, that include or promote discrimination, and that incite or promote hatred or violence.

We are also proposing adding “misleading commercial communications” to this list, as defined in the Draft Code and Rules. The GCCC previously defined “misleading commercial communications” and prohibited their usage at various points throughout its provisions. For clarity and simplification of the obligations, it is now listed under Section 4.

Consultation Question 4:

- Do you have any comments on the proposed changes to the Prohibited Commercial Communications section of the Draft Code and Rules?

Consultation Question 5:

- Is there any guidance on **Section 4** of the Code and Rules (Prohibited Commercial Communications) that you think would be useful?

3.3 – General Requirements (Section 5)

Section 5 applies to all commercial communications, unless otherwise specified in the Code and Rules. While other later sections of the Code and Rules deal with specific types of commercial communications (such as sponsorship) or categories of commercial communications that have the higher potential to cause harm (such as alcohol), this section applies regardless of the type or category of commercial communication. In summary, it covers broadcaster responsibilities with regards to due diligence and legislative compliance; audience protection; and editorial integrity and transparency.

Proposed changes:

The provisions applying to all commercial communications have been consolidated and reorganised thematically into five groups: **due diligence and compliance; audience protection; claims in commercial communications; editorial integrity and transparency; and third-party rights**. We welcome feedback on this revised structure.

We have reformulated the numerous due diligence obligations repeated over Sections 13 and Sections 18 to 26 of the current GCCC. In simple terms, due diligence involves taking steps to verify that a commercial communication is legal, truthful and compliant before it is broadcast.

In the draft Code and Rules, the existing due diligence obligations have been brought together into a standalone obligation for broadcasters to take proportionate, reasonable and appropriate measures to satisfy itself that commercial communications comply with relevant Irish and European legislation and with the rules of other competent authorities. This would include, for example, the regulations of the Food Standards Authority of Ireland, or legislation relating to the restriction of alcohol advertising. The provision is worded to clarify that the obligation is a self-standing diligence standard that An Coimisiún can assess directly, rather than one that depends on a prior finding of non-compliance by another regulator. It is our intention to include guidance on this obligation in due course to clarify to broadcasters what may be expected of them and examples of relevant legislation and regulations to have regard to.

In addition, the current GCCC provisions relating to split-screen, interactive and virtual advertising have been removed on the basis that these provisions are more appropriate to be included as guidance to the editorial integrity and transparency provisions. The restriction on the use of these techniques in children's commercial communications is retained in Section 8. The retention of the restriction has regard to the inexperience and credulity of children and the fact that, as a result, they may have difficultly distinguishing between commercial communications and programming when these techniques are utilised.

Consultation Question 6:

- Do you have any comments on the proposed changes to the General Requirements section of the Draft Code and Rules?

Consultation Question 7:

- Is there any guidance on **Section 5** of the Code and Rules (General Requirements) that you think would be useful, including guidance about the due diligence obligations that might be useful?

3.4 – Sponsorship (Section 6)

Rules on sponsorship are important because there are limits on the amount of advertising that is permitted per hour and per day on Irish broadcasters. For this reason, the content of sponsorship and advertising must be clearly different and the rules detail how this should work in practice. In addition, because sponsorship is closer to the content of a programme compared to advertising, it is important that commercial sponsorship arrangements, such as competitions, are distinct from editorial content and do not unduly influence the content of a programme.

The inclusion of sponsorship must also be transparent to audiences. For this reason, Section 6 sets out rules relating to the editorial independence of programming in the context of sponsorship and has rules relating to the presentation and scheduling of sponsored commercial communications. It establishes instances where sponsorship is prohibited, as well as rules relating to sponsored competitions within programming.

Proposed changes:

All substantive obligations for broadcasters in respect of sponsorship have been retained. This section has been reorganised thematically for usability into the following sections: **Editorial Independence; Distinction from Advertising; Identification of Sponsors; Prohibited Sponsors; and Sponsored Competitions**.

Consultation Question 8:

- Do you have any comments on the proposed changes to the Sponsorship section of the Draft Code and Rules?

Consultation Question 9:

- Is there any guidance on **Section 6** of the Code and Rules (Sponsorship) that you think would be useful?

3.5 – Product Placement (Television Only) (Section 7)

While sponsorship content is closer to programme content than advertising, product placement is included in the programme content itself. For this reason, a high level of transparency is required and the risk of commercial arrangements impacting on the integrity of a programme must also be managed. Section 7 establishes the general principle of product placement on television. It outlines the type of broadcasts where product placement is prohibited, and the type of products that cannot be included in product placement.

Proposed changes:

All substantive obligations for broadcasters in respect of product placement have been retained. This section has been reorganised thematically for usability into the following sections: **General Principle; Prohibited Product Placement; Requirements for Programmes Containing Product Placement; and Scope and Application**. The requirement for broadcasters to retain details of programme material has been clarified to be limited to a 90-day retention period, in line with the time period set for record-keeping under S.46P(3).

Consultation Question 10:

- Do you have any comments on the proposed changes to the Product Placement section of the Draft Code and Rules?

Consultation Question 11:

- Is there any guidance on **Section 7** of the Code and Rules (Product Placement) that you think would be useful?

3.6 – Children's Commercial Communications (Section 8)

Section 8 includes provisions specific to commercial communications directed towards children and those that may not be directed at children, but which are broadcast in and around children's programmes. This section reflects the provisions currently included in the Children's Commercial Communications Code. It outlines the types of commercial communications that cannot be directed to children. It also sets out rules relating to how commercial communications directed towards children are presented. These rules cover the separation of commercial communications from programme content and the provision of pricing information. Other rules relate to the protection of children, prohibiting undue pressure or exploitation in commercial communications. The rules are based on the fact that children will have different degrees of experience and innocence and need greater protection, particular where they may be less able to distinguish between content that is commercial and content that is not.

Proposed changes:

The provisions in this section have been ordered thematically and will now apply to all children, where in the existing Children's Commercial Communications Code ("CCCC"), there are rules relating to specific age groups (U/6; U/13; U/15). This decision follows the decision framework set out in Section 2.1, and the reasons we are proposing its removal include: (i) the age tiers under the CCCC are not legally required under the 2009 Act; (ii) the tiered framework may result in uncertainty and enforceability issues where there is ambiguity over whether a commercial communication applies to a particular age bracket; (iii) the removal of the tiers is proportionate on the basis that the underlying harms mitigated in the consolidated rules are present across the full range of children under 18; and (iv) removing the tiers simplifies the application of the Draft Code and Rules and produces a single coherent standard of protection for all children's commercial communications.

Where appropriate, each provision that was previously limited in scope to a particular age group (U/6; U/13; U/15) has been amended to ensure that the obligation on broadcasters remains proportionate. Additional guidance to these provisions may also be provided where the obligation is unclear, and we welcome feedback on this matter.

A number of provisions previously set out as standalone children's rules have been consolidated into provisions of general application. In each case, the conduct concerned remains prohibited under the Draft Code and Rules. These include: -

- the rule on adults pretending to be children in a manner that offends the dignity of children (CCCC 14.4) is subsumed within the general prohibition on commercial communications that prejudice respect for human dignity (Section 4.1(d)), which applies to all commercial communications, including those directed at children, together with the audience-protection and child-protection provisions (Sections 5 and 8);

- the rule on disparaging education or condoning aggression or greed (CCCC 15.7) is addressed by the general obligation on broadcasters not to expose children to material that is likely to impair their physical, mental or moral development;

- the rule on requesting and processing children's personal information (CCCC 14.3) is now more appropriately governed by General Data Protection Regulation and Data Protection Act 2018; and

- the rule that children's commercial communications must not depict children using digital services, such as the internet and apps, without adult supervision (CCCC 15.4) has been removed; however the harm from the display of children engaging in activities without appropriate adult supervision remains at 8.10(c).

We are satisfied that the level of protection for children is maintained but welcome feedback on the above proposals. As explained, in most cases we are proposing the provision being removed because the underlying conduct is already prohibited by a provision of general application or by other legislation and complaints can continue to be made about this type of content and investigated if required.

Two provisions, which were previously included in guidance on the application of the Nutrient Profiling Model used to define high fat, salt and sugar foods have been included as a rule: namely, the exemption for cheese in terms of the application of the model, and the health advisory message with respect to cheese. Additionally, the previous €30 threshold for toy advertisements to include reference to the price of the toy has been adjusted to €50 to account for inflation.

Consultation Question 12:

- Do you have any comments on the proposed changes to the Children's Commercial Communications section of the Draft Code and Rules?

Consultation Question 13:

- Is there any guidance on **Section 8** of the Codes and Rules (Children's Commercial Communciations) that you think would be useful?

3.7 – Sector-Specific Rules (Sections 9 to 17)

Sections 9 to 17 set out sector-specific rules, covering alcohol; health products, treatments and services; cosmetic products; cosmetic surgery, food, nutrition and health; slimming treatments, products and services; smoking cessation aids; financial services and products; gambling; and premium-rate telecommunication services. The provisions included in these sections of the Code and Rules recognise the particular harm that commercial communications for these products and services can cause to the public if they are not broadcast in a responsible manner. Because of the risks presented by products and services, for example gambling or cosmetic surgery, there are greater restrictions on when they can be broadcast and what may be included in the content of these commercial communications.

Proposed changes:

The sector-specific rules are substantively consistent with the current GCCC and have been consolidated for usability. The separate provisions in the GCCC requiring broadcasters to comply with the legislation and rules of named competent authorities (for example, the Central Bank of Ireland) have been consolidated into a single general due diligence obligation at Section 5, which applies across all sectors.

Section 27 of the current GCCC includes provisions specific to fortune tellers and psychic services. The provisions were introduced when this type of content provided a recurrent risk to audiences and where specific rules were considered necessary. This has not been the case for a number of years. For this reason, they have been removed but the relevant harms continue to be addressed by provisions of general application, in particular the prohibition on misleading commercial communications and the rules on health products, treatments and services.

We are proposing an additional provision (Section 9.11) addressing commercial communications for alcohol-free products. This will require that commercial communications for these products do not, through their presentation, scheduling, style or content, appeal to or target children, and that they are not broadcast during children's programming. We consider this to be a proportionate measure that is necessary to maintain the coherence of the child-protection standards applying to alcohol-related branding generally, which already exists at Section 9.7. The proposed provision does not restrict the advertising of alcohol-free products generally and relate only to during children's programming. The decision to include this change reflects stakeholder feedback previously provided to An Coimisiún during the Stage 2 consultation for the Draft Media Service Codes and Rules for Broadcasting (feedback is summarised in Section 4.6 of the Response to Consultation document).

We are also proposing a new provision (Section 14.3) applying equivalent requirements to commercial communications for nicotine pouches, including products containing synthetic nicotine. We likewise consider this to be a proportionate measure necessary to maintain the coherence of the child-protection standards that such harmful products should not appeal to or target children and not be broadcast during children's programming. This does not prohibit the advertising of these products generally save where other legislation may apply.

In addition to the above proposals, Section 10 ("Health-related products, treatments and services) has been reformulated to exclude "medicinal products" and "medical devices" and related operative provisions, as broadcasters' obligations for such products are regulated under legislation, including the Medical Products (Control of Advertising) Regulations SI 541/ 2007 and are under the remit of a separate regulator, the HPRA.[4] The obligation on broadcasters to comply with this legislation remains but it is not considered necessary to retain detailed provisions in this Code and Rules. The previous GCCC obligations relating to medical products have been replaced with a stand-alone rule that broadcasters shall not broadcast commercial communications in breach of SI 541/ 2007 (Section 10.5). Provisions applying to other health products, treatments and services remain in place.

Finally, we are proposing the deletion of Section 18.7(c), 18.9 and 18.10 of the current GCCC (relating to broadcasters publishing lists of programmes containing alcohol advertising and a Code of Conduct for presenters relating to speech content and alcohol). These provisions were derived from the voluntary marketing communications code for alcohol that has been superseded by the Public Health Alcohol Act (2018).

[4] See here for more details: https://www.hpra.ie/regulation/human-medicine/marketing-authorisation-holders/post-licensing/market-compliance-and-surveillance-of-medicines/advertising-human-medicines-in-ireland

Consultation Question 14:

- Do you have any comments on the proposed changes to the Sector-Specific Rules of the Draft Code and Rules?

Consultation Question 15:

- Is there any guidance on Sections 9 (Alcohol), 10 (Health-related Products, Treatments and Services), 11 (Cosmetic Products), 12 (Food, Nutrition and Health), 13 (Slimming Treatments, Products and Services), 14 (Smoking Cessation Aids and Nicotine Pouches), 15 (Financial Services and Products), 16 (Gambling), 17 (Premium-rate Telecommunications Services) of the Code and Rules that you think would be useful?

3.8 – Advertising and Teleshopping: Placement and Insertion (Section 18)

Section 18 sets out rules specific to the placement and insertion of advertising. These provisions, many of which are drawn from European law, are intended to ensure that programme content is not interrupted by advertising in a way that would unduly impact on the enjoyment of those programmes by audiences.

Proposed changes:

All substantive obligations for broadcasters in respect of the placement, scheduling and insertion of advertising and teleshopping have been retained. The relevant provisions of the Advertising, Teleshopping, Signal Integrity & Information Rules and the Radio Advertising Rules have been consolidated and reorganised thematically for usability, covering television break patterns and insertion, additional teleshopping requirements, radio advertising insertion, and exemptions for channels exclusively devoted to advertising, teleshopping or self-promotion. No change to the permitted level of advertising or teleshopping is proposed in this section; the daily and hourly limits are addressed separately at Section 19.

Consultation Question 16:

- Do you have any comments on the proposed changes to the Advertising and Teleshopping: Placement and Insertion section of the Draft Code and Rules?

Consultation Question 17:

- Is there any guidance on Sections 18 of the Code and Rules (Advertising and Teleshopping: Placement and Insertion) that you think would be useful?

3.9 – Advertising and Teleshopping: Time Limits (Section 19)

This section includes rules relating to advertising limits, outlining the proportion of daily television that can be allocated to advertising and teleshopping broadcasts. These provisions recognise the importance of advertising and teleshopping to the funding of radio and television services. Without these types of funding, it would not be possible, in most instance, to produce the content that Irish audiences enjoy.

At the same time, the provisions also try to balance this legitimate need of broadcasters with the right of audience to enjoy programming and to enjoy without undue interruptions. The provisions are largely based on Irish and European law.

Proposed changes:

The daily and hourly limits on advertising and teleshopping reflect the current provisions set out in the existing Rules. The daily limits are based on Irish law in the case of radio (a maximum 15% per day) and European law in the case of television (a maximum 20% per day). The limits per hour are set by Coimisiún na Meán. The draft Rules consolidate the provisions for radio and television, which are currently included in two separate documents.

Following from the consultation undertaken as part of the updates to the Codes and Rules in 2024, An Coimisiun increased the hourly permitted advertising on radio services from a maximum of 10-minutes per hour to 12-minutes per hour. The hourly limit for television was retained at 12-minutes per hour. Having regard to the fact that the hourly limits are set by Coimisiún na Meán and also the commitment in 2024 to keep these limits under review, we are seeking views on whether these hourly limits should remain the same or moderated to provide increased flexibility for radio and television broadcasters. Views are therefore now sought on this aspect of the Rules as well as the consolidation of the radio and television rules as proposed.

Consultation Question 18:

- Do you have any comments on the proposed changes to the Advertising Limits section of the Draft Code and Rules?

Consultation Question 19:

- What are your views on the current hourly limits for advertising on radio and television broadcasters?

Consultation Question 20:

- Is there any guidance on Sections 19 of the Code and Rules (Advertising Limits) that you think would be useful?

3.10 – Additional consultation questions relating to the Draft Code and Rules

Consultation Question 21:

- Are there any other areas specifically that are unclear within the Draft Code and Rules, or are there areas for which guidance would be welcome?

4. Responding to the Consultation

At the outset, respondents may wish to refer to the Commission's Consultation Guidelines, which can be accessed at: -

https://www.cnam.ie/about/what-we-do/consultations/consultation-guidelines/

The Commission seeks views, information, and evidence, in relation to each of the consultation questions detailed in Section 3 of this consultation document.

These questions have been consolidated for convenience and are listed in Appendix 1. You do not have to respond to all questions in your submission to the consultation.

When preparing your response, please: -

- refer to the full text of the Draft Code and Rules provided in Appendix 2, rather than the summaries provided in the consultation document, which are intended to be indicative only.
- clearly identify the specific section(s) or proposal(s) of the Draft Code and Rules and / or the Act that are being addressed in the response.
- give reasons for your answer; and
- be concise.

Respondents can make their submissions in writing by email or by post / hand to one of the following:

Email: codes@cnam.ie **Contact person:** Conor Tinnelly

Post: Coimisiún na Meán, One Shelbourne Building, Shelbourne Road, Dublin 4, D04 NP20.

Timeframe for responses

All responses to this consultation must be submitted to the Commission at the latest by 27 November 2026.

If you require any assistance with making a response, please contact Coimisiún na Meán by email at codes@cnam.ie or by phone at 01 644 1200.

Personal data

The Commission shall comply with its obligations under the General Data Protection Regulation ("GDPR"), the Data Protection Act 2018 and any other applicable data privacy laws and regulations. The Commission is obliged and committed to protecting all personal data submitted. The Commission has an appointed Data Protection Officer who is registered with the Data Protection Commission. You can find out more on how the Commission processes personal information in the Commission's Privacy Statement available at: https://www.cnam.ie/governance/data-protection-privacy/.

For this process, the Commission will collect the name, email address, and any other personal information included in your response. The name of the respondent to this consultation and the response provided will be made publicly available. However, the Commission will not make publicly available your contact details, such as your address, phone number or email address. The information collected will be used only for the purpose of this review and for no other purpose.

Confidential Information

It is the Commission's intention to publish submissions received in response to this consultation. Please provide your response as a non-confidential document, with confidential information contained in a separate annex, or submit a redacted non-confidential version together with your response. The Commission will treat confidential information in accordance with its Consultation Guidelines.

Freedom of Information

Information held by the Commission is subject to its obligations under law, including under the Freedom of Information Act 2014. The Commission will consult you about information you mark as confidential before deciding on any Freedom of Information request.

Registration

If you are interested in keeping up to date with the work of the Commission, you are invited to register your contact details at https://www.cnam.ie/sign-up-to-newsletter/ to receive our news, updates, and publications.

Appendix 1: Consultation Questions

1: Do you have any comments on the proposed changes to the introductory sections of the Draft Code and Rules?

2: Do you have any comments on the definitions and exclusions sections of Code and Rules?

3: Is there any guidance on **Sections 2 and 3** of the Code and Rules (Definitions and Exclusions) that you think would be useful?

4: Do you have any comments on the proposed changes to the Prohibited Commercial Communications section of the Draft Code and Rules?

5: Is there any guidance on **Section 4** of the Code and Rules (Prohibited Commercial Communications) that you think would be useful?

6: Do you have any comments on the proposed changes to the General Requirements section of the Draft Code and Rules?

7: Is there any guidance on **Section 5** of the Code and Rules (General Requirements) that you think would be useful, including guidance about the due diligence obligations that might be useful?

8: Do you have any comments on the proposed changes to the Sponsorship section of the Draft Code and Rules?

9: Is there any guidance on **Section 6** of the Code and Rules (Sponsorship) that you think would be useful?

10: Do you have any comments on the proposed changes to the Product Placement section of the Draft Code and Rules?

11: Is there any guidance on **Section 7** of the Code and Rules (Product Placement) that you think would be useful?

12: Do you have any comments on the proposed changes to the Children's Commercial Communications section of the Draft Code and Rules?

13: Is there any guidance on **Section 8** of the Codes and Rules (Children's Commercial Communications) that you think would be useful?

14: Do you have any comments on the proposed changes to the Sector-Specific Rules of the Draft Code and Rules?

15: Is there any guidance on Sections 9 (Alcohol), 10 (Health-related Products, Treatments and Services), 11 (Cosmetic Products), 12 (Food, Nutrition and Health), 13 (Slimming Treatments, Products and Services), 14 (Smoking Cessation Aids and Nicotine Pouches), 15 (Financial Services and Products), 16 (Gambling), 17 (Premium-rate Telecommunications Services) of the Code and Rules that you think would be useful?

16: Do you have any comments on the proposed changes to the Advertising and Teleshopping: Placement and Insertion section of the Draft Code and Rules?

17: Is there any guidance on Sections 18 of the Code and Rules (Advertising and Teleshopping: Placement and Insertion) that you think would be useful?

18: Do you have any comments on the proposed changes to the Advertising Limits section of the Draft Code and Rules?

19: What are your views on the current hourly limits for advertising on radio and television broadcasters?

20: Is there any guidance on Sections 19 of the Code and Rules (Advertising Limits) that you think would be useful?

21: Are there any other areas specifically that are unclear within the Draft Code and Rules, or are there areas for which guidance would be welcome?

Appendix 2: Draft General Commercial Communications Codes and Rules