

Full title of law or regulation TELEVISION BROADCASTERS' AGREEMENT on the rules of distributing Advertisements and Sponsor Recommendations regarding foodstuffs or beverages containing ingredients whose presence in excess amounts in the daily diet is not recommended.

<http://www.krrit.gov.pl/krrit/aktualnosci/news,1725,ograniczenie-reklam-tzw-niezdrowej-zywnosci-przy-audycjach-dla-dzieci.html>

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Concluded between:

ITI Neovision S.A.  
Telewizja Polsat sp. z o.o.  
Telewizja Polska S.A.  
Telewizja Puls sp. z o.o.  
TVN S.A.  
VIMN Poland sp. z o.o.  
The Walt Disney Company Limited

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#### DEFINITIONS

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Children's broadcast – a television broadcast as defined by the Broadcasting Act, which due to its time of transmission (between the hours of 6:00 AM and 8:00 PM) and content is addressed (directed) mainly to viewers (children) aged 4 (four) to 12 (twelve);

Nutritional criteria – document entitled "Nutritional criteria for self-regulation regarding food advertising directed to children under 12 years of age", available [here](#), of December 2013, drafted by the Polish Federation of the Food Industry Union of Employers with its seat in Warsaw, provided to Television Broadcasters by the Union of Associations Advertising Council with its registered office in Warsaw, in accordance with the content of the declaration comprising Appendix No. 13 to this Agreement, verified by the National Food and Nutrition Institute with its registered office in Warsaw (Nutritional Criteria and the letter from the National Food and Nutrition Institute in Warsaw comprise Appendices No. 9 and 10, respectively, to this Agreement);

Broadcaster – a physical person, legal person, or personal trading company who produces and organises a television programme service and transmits it or has it transmitted by other persons;

Agreement – this agreement;

Television programme – a scheduled composition of programmes, commercial communications or other broadcasts, transmitted in its entirety in a manner that allows simultaneous reception by the general public in a sequence determined by the Broadcaster;

Advertisement – commercial communication from the Advertiser in relation to its economic or professional activity, in order to promote the sale or paid use of products or services;

Advertiser – any public or private entity commissioning the distribution of Advertisements and Sponsor Recommendations in television programmes;

Parties – the parties to the Agreement are the Television Broadcasters who have concluded the Agreement or other Broadcasters who submit written declaration of entrance into the Agreement (a sample declaration comprises Appendix No. 8 to this Agreement);

The Broadcasting Act – the Broadcasting Act of 29 December 1992 (unified text, Journal of Laws 2011, No. 43, item 226, as amended);

Sponsor Recommendations – recommendations including the name, company, trade logo, or other designation individualising an enterprise or its activity, reference to its products, services, or trade logo.

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1. The television broadcasters pledge that children's Broadcasts shall not be accompanied by Advertisements or Sponsor Recommendations concerning foodstuffs or beverages containing ingredients whose presence in excess amounts in the daily diet is not recommended, on the conditions of and in accordance with the rules elaborated in Sections 2 and 3 below.
  2. The television broadcasters declare that:
    - a) They have received the document entitled "Nutritional criteria for self-regulation regarding food advertising directed to children under 12 years of age" of December 2013, drafted by the Polish Federation of the Food Industry Union of Employers with its registered office in Warsaw, verified by the National Food and Nutrition Institute with its registered office in Warsaw;
    - b) The nutritional criteria shall constitute guidelines establishing the division of food products into categories, with the designation of foodstuffs and beverages whose Advertisement or Sponsor Recommendations should be recommended, foodstuffs and drinks whose Advertisement or Sponsor Recommendations should not be addressed to children under 12 years of age as well as foodstuffs and drinks whose Advertisement or Sponsor Recommendation are permitted, with regard to their ingredients.
  3. The Television Broadcasters undertake to require Advertisers to submit a declaration of Nutritional Criteria compliance of the content of the Advertisement and Sponsor Recommendation distributed by the Television Broadcasters before, during and after transmission of children's Broadcasts. A sample Advertiser declaration comprises Appendix No. 11a/b to this Agreement.
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## § 2. Television Broadcasters' Cooperation

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1. In order to implement mechanisms of cooperation and self-regulation in the performance of the Agreement, the Television Broadcasters shall appoint representatives authorized to carry out the Agreement. A list of authorised representatives (together hereinafter referred to as the "Representatives"), and rules for updating the list are presented in Appendix No. 12 to this Agreement.
2. The Representatives shall, in particular:
  - a. Monitor the performance of the Agreement by the Parties;
  - b. Monitor legislative processes related to legal regulations on the protection of children's health, taking into account the subject of this Agreement;
  - c. Hold quarterly meetings to share information on the performance of this Agreement by the Parties;
  - d. Propose changes to the Agreement and indicate their scope.
3. The Authorised Representatives shall cooperate to ensure the proper and effective performance of the Agreement, and in particular shall be in contact with:
  - a. The National Broadcasting Council regarding inspections, performed within the scope specified by the regulations of the Broadcasting Act, of the Television Broadcasters' activity within the scope specified in the Agreement;
  - b. The Advertising Council, with the aim of monitoring the validity of the established Nutritional Criteria as well as monitoring the resolutions notified by the Advertising Council and passed on the basis of the Code of Ethics in Advertising in the area of food advertising directed to children;
  - c. Organizations dealing with the promotion of healthy food;
  - d. Other broadcasters, in order to encourage them to enter into the Agreement.
4. The Television Broadcasters declare that the activity described in the Agreement shall be carried out with utmost care and in accordance with good morals, as well as with respect for the principles of fair competition.

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### § 3 Term of Agreement

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1. The Agreement shall be effective from the date of its conclusion, in such a way that:
  - a. From the date of conclusion, the Parties shall begin implementing the resolutions of the Agreement within the scope of activity conducted, in particular in the scope of technical solutions enabling its application, procedures and trade policies presented to Advertisers,
  - b. the regulations concerning the requirement of Advertisers to submit a declaration of Nutritional Criteria compliance of the content of the Advertisement and Sponsor Recommendation distributed by the Television Broadcasters before, during and after transmission of children's Broadcasts shall be used for all contracts concluded starting from 1 December 2014, taking into account the resolutions of point c),
  - c. The Television Broadcasters guarantee that from 1 January 2015 Advertisements and Sponsor Recommendations before, during and after transmission of children's Broadcasts, without regard to the date of their commission, shall have a declaration of compliance with the Nutritional Criteria anticipated in this Agreement.
2. The Agreement shall be concluded for an indefinite period.
3. Each of the Parties may terminate the Agreement through submission of a written declaration of termination to the remaining Parties to the Agreement.

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### § 4. Entrance into the Agreement

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1. The Television Broadcasters declare that this Agreement is of open character, i.e. other Broadcasters may enter into the Agreement.
2. Entrance into the Agreement is conditional upon written submission to all the Parties of a declaration of entrance into and commitment to implement the Agreement.

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### § 5. Final provisions

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1. The Television Broadcasters undertake to jointly notify the National Broadcasting Council of the conclusion of the Agreement.
  2. The Agreement shall be made out in eight copies, one for each of the Television Broadcasters and one for the National Broadcasting Council.
  3. Having regard to the definition of children's broadcasts adopted in the above Agreement as well as with the aim of avoiding doubt regarding the use of the "Nutritional Criteria", the Broadcasters – signatories to the Agreement declare that the criteria of audience size included in the "Nutritional Criteria" shall not be applied.
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