

Full title

New Competences from 1st February 2017

- FR: <https://www.jep.be/fr/nouvelles/nouvelles-competences-a-partir-du-1er-fevrier-2017>
 - NL: <https://www.jep.be/nl/nieuws/nieuwe-bevoegdheden-vanaf-1-februari-2017>
-

As of 1st February 2017, JEP is competent for the examination of advertising content disseminated via the following types of media:

- TV;
- cinema;
- radio;
- print media (including but not limited to: daily newspapers, free regional press, magazines and periodicals);
- posters (including but not limited to: advertising posters affixed in public or freely accessible places, advertising posters affixed to and in vehicles or all types of public transport, and advertising banners attached to facades of buildings);
- leaflets/ flyers and brochures;
- addressed and / or personalized advertising (regardless of the medium used); digital media (including but not limited to: own websites of advertisers, social networks, banners, pop ups, search results, in app advertising, advergames);
- advertising media at points of sale – both inside and outside (including but not limited to: panels, small or large posters, streamers or banners, fixed or dynamic sales stands, touchscreens and interactive terminals, window stickers, and shopping bags made available to consumers at points of sale).

JEP was traditionally competent to examine advertising content disseminated by the mass media (written press: daily newspapers, free regional press, magazines and periodicals, ...), audiovisual media (television, cinema and radio), display via advertising network, Internet) and via e-mailing and direct mail.

This year, it extends its competence to increase the protection of the consumer and to maintain the principle of the level playing field in the market.

In addition to the messages distributed via the mass media, JEP will from now on be responsible for the advertising media at points of sale, as well as for all leaflets and brochures. In addition, JEP will be able to handle all types of posters. As far as the digital sector is concerned, JEP will from now on be able to declare itself competent for all forms of advertising content distributed via digital media.

Also read our flyer ([FR](#) / [NL](#)) in addition to JEP's area of competence in FAQ section of the JEP website [FR](#) / [NL](#).

Jury Regulations

Article 2 : Areas of Competence

The Jury is competent for the examination of advertising content that is distributed via the following media:

- TV;
 - cinema;
 - radio;
 - print media (including but not limited to: daily newspapers, free regional press, magazines and periodicals);
 - posters (including but not limited to: advertising posters affixed in public or freely accessible places, advertising posters affixed to and in vehicles or all types of public transport, and advertising banners attached to facades of buildings);
 - leaflets/ flyers and brochures;
 - addressed and / or personalized advertising (regardless of the medium used); digital media (including but not limited to: own websites of advertisers, social networks, banners, pop ups, search results, in app advertising, advergames);
 - advertising media at points of sale – both inside and outside (including but not limited to: panels, small or large posters, streamers or banners, fixed or dynamic
-

sales stands, touchscreens and interactive terminals, window stickers, and shopping bags made available to consumers at points of sale).

Excluded from JEP's competence is the following non-exhaustive list:

- all that does not concern advertising content in direct marketing, in particular issues related to privacy, databases, behavioural targeting techniques, etc;
- IP issues;
- communication in the form of public relations or relations with the press; sponsorship and patronage (except in the form of radio or television spots/commercials);
- events and promotions during events (such as the distribution of product samples);
- telemarketing, individual promotional calls, and all other oral marketing communications of this type;
- classifieds;
- teleshopping;
- product placement;
- packaging and product labelling.

The Jury's competence does not include the regulation of commercial practices per se such as sales promotional activities, contests and games, sales, available stocks etc...

The Jury does not examine/ investigate advertising content whose distribution occurred more than 2 months prior to the submission of the complaint (i.e. the complaint has to be submitted within 2 months of dissemination; if the complaint is submitted on 14 February, the jury will not investigate any advertising distributed before 14 December)

With regard to the products covered by the Convention for the advertising and marketing of alcoholic beverages, the Jury is also competent for certain aspects of marketing and the placing on the market of this type of product.

If a complaint does not fall under the competence of the Jury, the Secretary, as described in article 4, shall, as far as possible, communicate to the complainant the details of the body likely to deal with his complaint.

The Jury has no mandate to provide legal advice and is not invested with role of arbitration court with jurisdiction to settle disputes between competitors or between buyer and seller.

The Jury does not take the place of Courts and Courts with specific powers, but is a self-regulatory body whose primary purpose is to safeguard the interests of the public / consumer and their confidence in advertising.

The authority of its decisions depends on the recognition/ credence granted to it by all the members of the Advertising Council and their affiliates.

If an advertisement was submitted to a judicial or administrative authority before or during the handling of the relevant case by the Jury, the latter may decide to abstain temporarily or definitively from making a decision in this case.

If the Jury decides to abstain from the appeal, the decision made by the Jury in the first instance will not be executed.

The decisions of the Jury and the opinions of the Jury / Secretariat of the JEP concern only the content of the advertising messages and do not refer to the offered products and / or services.
