# Conselho Regulador da Entidade Reguladora para a Comunicação Social

# Deliberação 2/PUB-TV/2011

ENTIDADE REGULADORA PARA A COMUNICAÇÃO SOCIAL

Tempo reservado à publicidade no serviço de programas Panda – Artigo 40.º da Lei da Televisão

> Lisboa 9 de Fevereiro de 2011



### Conselho Regulador da Entidade Reguladora para a Comunicação Social

## Deliberação 2/PUB-TV/2011

**Assunto:** Tempo reservado à publicidade no serviço de programas Panda – Artigo 40.º da Lei da Televisão

#### I. Processo

- 1. No âmbito do processo de acompanhamento dos limites de tempo reservado à publicidade pelos serviços de programas televisivos nacionais, nos termos do artigo 40.º da Lei n.º 27/2007, de 30 de Julho (doravante Lei da Televisão), foi analisado o período de tempo de emissão de publicidade no serviço de programas Panda, referente ao mês de Dezembro de 2010.
- 2. O referido preceito estabelece que "[o] tempo de emissão destinado às mensagens curtas de publicidade e de televenda, em cada período compreendido entre duas unidades de hora, não pode exceder 10% ou 20%, consoante se trate de serviços de programas televisivos de acesso condicionado ou de serviços de programas televisivos de acesso não condicionado livre ou não condicionado com assinatura".
- 3. Para apuramento dessa percentagem, o n.º 2 do identificado artigo determina que devem excluir-se "as mensagens difundidas pelos operadores de televisão relacionadas com os seus próprios programas e produtos acessórios directamente deles derivados, bem como as que digam respeito a serviços públicos ou fins de interesse público e apelos de teor humanitário, transmitidas gratuitamente, assim como a identificação dos patrocínios".
- **4.** O serviço de programas denominado Panda, disponibilizado pelo operador Dreamia Serviços de Televisão S.A., é um serviço de programas de acesso não condicionado com assinatura, pelo que está sujeito à limitação de 20% de reserva de tempo de emissão para difusão de mensagens publicitárias.



**5.** Em resultado da verificação efectuada, de acordo com o previsto na lei, isto é, contemplando as exclusões, foram identificadas 111 situações de ultrapassagem dos limites impostos pelo artigo 40.º da Lei da Televisão, pelo serviço de programas Panda, no mês de Dezembro de 2010, conforme quadro seguinte (quadro 1):

Quadro1

	Tamana				
Panda Dez 2010	Tempo reserv.à pub.	Aut+Pat+Prod.op.+Com.Ap	Pub.com.		
01/12/2010					
06:00:00 - 07:00:00	0:27:34	0:15:11	0:12:23		
07:00:00 - 08:00:00	0:17:48	0:05:29	0:12:19		
08:00:00 - 09:00:00	0:17:25	0:03:59	0:13:26		
09:00:00 - 10:00:00	0:23:29	0:10:07	0:13:22		
10:00:00 - 11:00:00	0:16:20	0:03:29	0:12:51		
11:00:00 - 12:00:00	0:14:11	0:01:46	0:12:25		
12:00:00 - 13:00:00	0:22:14	0:08:19	0:13:55		
14:00:00 - 15:00:00	0:13:25	0:01:03	0:12:22		
15:00:00 - 16:00:00	0:19:33	0:05:45	0:13:48		
16:00:00 - 17:00:00	0:22:14	0:08:41	0:13:33		
18:00:00 - 19:00:00	0:18:40	0:05:31	0:13:09		
19:00:00 - 20:00:00	0:20:07	0:07:16	0:12:51		
20:00:00 - 21:00:00	0:18:51	0:05:28	0:13:23		
22:00:00 - 23:00:00	0:14:45	0:01:18	0:13:27		
24:00:00 - 25:00:00	0:13:24	0:00:34	0:12:50		
02/12/2010	02/12/2010				
07:00:00 - 08:00:00	0:15:13	0:02:42	0:12:31		
08:00:00 - 09:00:00	0:19:59	0:06:37	0:13:22		
09:00:00 - 10:00:00	0:23:31	0:10:05	0:13:26		
10:00:00 - 11:00:00	0:20:12	0:07:20	0:12:52		
11:00:00 - 12:00:00	0:13:52	0:01:36	0:12:16		
12:00:00 - 13:00:00	0:21:56	0:08:10	0:13:46		
15:00:00 - 16:00:00	0:18:32	0:04:23	0:14:09		
16:00:00 - 17:00:00	0:20:06	0:06:42	0:13:24		
18:00:00 - 19:00:00	0:17:17	0:04:46	0:12:31		
19:00:00 - 20:00:00	0:18:35	0:05:45	0:12:50		
20:00:00 - 21:00:00	0:20:14	0:06:45	0:13:29		
22:00:00 - 23:00:00	0:15:11	0:02:46	0:12:25		
03/12/2010					
07:00:00 - 08:00:00	0:21:14	0:08:47	0:12:27		
08:00:00 - 09:00:00	0:19:04	0:05:38	0:13:26		
09:00:00 - 10:00:00	0:22:17	0:09:22	0:12:55		



10:00:00 - 11:00:00	Panda Dez 2010	Tempo reserv.à pub.	Aut+Pat+Prod.op.+Com.Ap	Pub.com.
12:00:00 - 13:00:00	10:00:00 - 11:00:00	0:24:12	0:11:46	0:12:26
15:00:00 - 16:00:00	11:00:00 - 12:00:00	0:14:10	0:01:44	0:12:26
16:00:00 - 17:00:00	12:00:00 - 13:00:00	0:21:37	0:08:08	0:13:29
17:00:00 - 18:00:00   0:17:35   0:05:21   0:12:14     19:00:00 - 20:00:00   0:21:17   0:08:40   0:12:37     20:00:00 - 21:00:00   0:16:53   0:03:54   0:12:59     04/12/2010   07:00:00 - 08:00:00   0:15:53   0:03:27   0:12:26     08:00:00 - 09:00:00   0:21:18   0:08:32   0:12:46     10:00:00 - 11:00:00   0:19:39   0:06:11   0:13:28     11:00:00 - 12:00:00   0:16:39   0:03:43   0:12:56     12:00:00 - 13:00:00   0:16:46   0:03:21   0:13:25     13:00:00 - 14:00:00   0:14:00   0:01:21   0:12:39     14:00:00 - 15:00:00   0:14:08   0:01:20   0:12:48     15:00:00 - 16:00:00   0:14:08   0:01:20   0:12:48     15:00:00 - 17:00:00   0:16:08   0:03:18   0:12:27     16:00:00 - 17:00:00   0:14:35   0:02:25   0:12:10     18:00:00 - 19:00:00   0:14:35   0:02:25   0:12:10     18:00:00 - 20:00:00   0:14:37   0:02:25   0:12:38     20:00:00 - 21:00:00   0:14:37   0:02:01   0:12:36     22:00:00 - 23:00:00 </td <td>15:00:00 - 16:00:00</td> <td>0:19:37</td> <td>0:05:43</td> <td>0:13:54</td>	15:00:00 - 16:00:00	0:19:37	0:05:43	0:13:54
19:00:00 - 20:00:00	16:00:00 - 17:00:00	0:19:46	0:06:39	0:13:07
20:00:00 - 21:00:00     0:16:53     0:03:54     0:12:59       04/12/2010     07:00:00 - 08:00:00     0:15:53     0:03:27     0:12:26       08:00:00 - 09:00:00     0:21:18     0:08:32     0:12:46       10:00:00 - 11:00:00     0:19:39     0:06:11     0:13:28       11:00:00 - 12:00:00     0:16:39     0:03:43     0:12:56       12:00:00 - 13:00:00     0:16:46     0:03:21     0:13:25       13:00:00 - 14:00:00     0:14:00     0:01:21     0:12:39       14:00:00 - 15:00:00     0:14:00     0:01:21     0:12:39       14:00:00 - 15:00:00     0:14:08     0:01:20     0:12:48       15:00:00 - 16:00:00     0:14:02     0:01:35     0:12:27       16:00:00 - 17:00:00     0:14:02     0:01:35     0:12:27       16:00:00 - 18:00:00     0:14:35     0:02:25     0:12:10       18:00:00 - 19:00:00     0:14:35     0:02:25     0:12:10       18:00:00 - 22:00:00     0:14:37     0:02:01     0:12:38       20:00:00 - 22:00:00     0:14:37     0:02:01     0:12:38       20:00:00 - 23:00:00	17:00:00 - 18:00:00	0:17:35	0:05:21	0:12:14
04/12/2010     07:00:00 - 08:00:00     0:15:53     0:03:27     0:12:26       08:00:00 - 09:00:00     0:21:18     0:08:32     0:12:46       10:00:00 - 11:00:00     0:19:39     0:06:11     0:13:28       11:00:00 - 12:00:00     0:16:39     0:03:43     0:12:56       12:00:00 - 13:00:00     0:16:46     0:03:21     0:13:25       13:00:00 - 14:00:00     0:14:00     0:01:21     0:12:39       14:00:00 - 15:00:00     0:14:08     0:01:20     0:12:48       15:00:00 - 16:00:00     0:14:02     0:01:35     0:12:27       16:00:00 - 17:00:00     0:16:08     0:03:18     0:12:50       17:00:00 - 18:00:00     0:14:35     0:02:25     0:12:10       18:00:00 - 19:00:00     0:17:30     0:04:37     0:12:53       19:00:00 - 20:00:00     0:14:37     0:02:01     0:12:38       20:00:00 - 21:00:00     0:14:37     0:02:01     0:12:38       20:00:00 - 23:00:00     0:16:51     0:04:28     0:12:23       05/12/2010     0:13:47     0:01:24     0:12:23       05/12/2010     0:15:00:00<	19:00:00 - 20:00:00	0:21:17	0:08:40	0:12:37
07:00:00 - 08:00:00     0:15:53     0:03:27     0:12:26       08:00:00 - 09:00:00     0:21:18     0:08:32     0:12:46       10:00:00 - 11:00:00     0:19:39     0:06:11     0:13:28       11:00:00 - 12:00:00     0:16:39     0:03:43     0:12:56       12:00:00 - 13:00:00     0:16:46     0:03:21     0:13:25       13:00:00 - 14:00:00     0:14:00     0:01:21     0:12:39       14:00:00 - 15:00:00     0:14:08     0:01:20     0:12:48       15:00:00 - 16:00:00     0:14:08     0:01:20     0:12:27       16:00:00 - 17:00:00     0:16:08     0:03:18     0:12:27       16:00:00 - 17:00:00     0:16:08     0:03:18     0:12:50       17:00:00 - 18:00:00     0:14:35     0:02:25     0:12:10       18:00:00 - 19:00:00     0:17:30     0:04:37     0:12:53       19:00:00 - 20:00:00     0:18:48     0:06:10     0:12:38       20:00:00 - 23:00:00     0:14:37     0:02:01     0:12:36       22:00:00 - 23:00:00     0:14:37     0:03:42     0:13:39       05/12/2010     0:16:51     0:04:	20:00:00 - 21:00:00	0:16:53	0:03:54	0:12:59
08:00:00 - 09:00:00     0:21:18     0:08:32     0:12:46       10:00:00 - 11:00:00     0:19:39     0:06:11     0:13:28       11:00:00 - 12:00:00     0:16:39     0:03:43     0:12:56       12:00:00 - 13:00:00     0:16:46     0:03:21     0:13:25       13:00:00 - 14:00:00     0:14:00     0:01:21     0:12:39       14:00:00 - 15:00:00     0:14:08     0:01:20     0:12:48       15:00:00 - 16:00:00     0:14:02     0:01:35     0:12:27       16:00:00 - 17:00:00     0:16:08     0:03:18     0:12:50       17:00:00 - 18:00:00     0:14:35     0:02:25     0:12:10       18:00:00 - 19:00:00     0:17:30     0:04:37     0:12:38       20:00:00 - 20:00:00     0:18:48     0:06:10     0:12:38       20:00:00 - 21:00:00     0:14:37     0:02:01     0:12:36       22:00:00 - 23:00:00     0:17:21     0:03:42     0:13:39       23:00:00 - 24:00:00     0:16:51     0:04:28     0:12:23       08:00:00 - 09:00:00     0:16:51     0:04:28     0:12:23       11:00:00 - 12:00:00     0:16:51	04/12/2010			
10:00:00 - 11:00:00	07:00:00 - 08:00:00	0:15:53	0:03:27	0:12:26
11:00:00 - 12:00:00     0:16:39     0:03:43     0:12:56       12:00:00 - 13:00:00     0:16:46     0:03:21     0:13:25       13:00:00 - 14:00:00     0:14:00     0:01:21     0:12:39       14:00:00 - 15:00:00     0:14:08     0:01:20     0:12:48       15:00:00 - 16:00:00     0:14:02     0:01:35     0:12:27       16:00:00 - 17:00:00     0:16:08     0:03:18     0:12:50       17:00:00 - 18:00:00     0:14:35     0:02:25     0:12:10       18:00:00 - 19:00:00     0:17:30     0:04:37     0:12:53       19:00:00 - 20:00:00     0:18:48     0:06:10     0:12:38       20:00:00 - 21:00:00     0:14:37     0:02:01     0:12:36       22:00:00 - 23:00:00     0:17:21     0:03:42     0:13:39       23:00:00 - 24:00:00     0:13:47     0:01:24     0:12:23       05/12/2010     0:21:12     0:08:12     0:13:00       07:00:00 - 08:00:00     0:16:51     0:04:28     0:12:23       05/12/2010     0:12:23     0:08:12     0:13:24       11:00:00 - 11:00:00     0:22:23     0:08:59	08:00:00 - 09:00:00	0:21:18	0:08:32	0:12:46
12:00:00 - 13:00:00     0:16:46     0:03:21     0:13:25       13:00:00 - 14:00:00     0:14:00     0:01:21     0:12:39       14:00:00 - 15:00:00     0:14:08     0:01:20     0:12:48       15:00:00 - 16:00:00     0:14:02     0:01:35     0:12:27       16:00:00 - 17:00:00     0:16:08     0:03:18     0:12:50       17:00:00 - 18:00:00     0:14:35     0:02:25     0:12:10       18:00:00 - 19:00:00     0:17:30     0:04:37     0:12:53       19:00:00 - 20:00:00     0:18:48     0:06:10     0:12:38       20:00:00 - 21:00:00     0:14:37     0:02:01     0:12:36       22:00:00 - 23:00:00     0:17:21     0:03:42     0:13:39       23:00:00 - 24:00:00     0:17:21     0:03:42     0:13:39       23:00:00 - 24:00:00     0:16:51     0:04:28     0:12:23       05/12/2010     0:21:12     0:08:12     0:13:00       07:00:00 - 08:00:00     0:16:51     0:04:28     0:12:23       08:00:00 - 09:00:00     0:21:12     0:08:12     0:13:00       10:00:00 - 11:00:00     0:22:23     0:08:	10:00:00 - 11:00:00	0:19:39	0:06:11	0:13:28
13:00:00 - 14:00:00     0:14:00     0:01:21     0:12:39       14:00:00 - 15:00:00     0:14:08     0:01:20     0:12:48       15:00:00 - 16:00:00     0:14:02     0:01:35     0:12:27       16:00:00 - 17:00:00     0:16:08     0:03:18     0:12:50       17:00:00 - 18:00:00     0:14:35     0:02:25     0:12:10       18:00:00 - 19:00:00     0:17:30     0:04:37     0:12:53       19:00:00 - 20:00:00     0:18:48     0:06:10     0:12:38       20:00:00 - 21:00:00     0:14:37     0:02:01     0:12:36       22:00:00 - 23:00:00     0:17:21     0:03:42     0:13:39       23:00:00 - 24:00:00     0:13:47     0:01:24     0:12:23       05/12/2010     0:16:51     0:04:28     0:12:23       08:00:00 - 08:00:00     0:16:51     0:04:28     0:12:23       08:00:00 - 11:00:00     0:22:23     0:08:59     0:13:24       11:00:00 - 12:00:00     0:18:34     0:05:41     0:12:58       14:00:00 - 15:00:00     0:13:32     0:01:24     0:12:58       14:00:00 - 15:00:00     0:13:32     0:01:	11:00:00 - 12:00:00	0:16:39	0:03:43	0:12:56
14:00:00 - 15:00:00     0:14:08     0:01:20     0:12:48       15:00:00 - 16:00:00     0:14:02     0:01:35     0:12:27       16:00:00 - 17:00:00     0:16:08     0:03:18     0:12:50       17:00:00 - 18:00:00     0:14:35     0:02:25     0:12:10       18:00:00 - 19:00:00     0:17:30     0:04:37     0:12:53       19:00:00 - 20:00:00     0:18:48     0:06:10     0:12:38       20:00:00 - 21:00:00     0:14:37     0:02:01     0:12:36       22:00:00 - 23:00:00     0:17:21     0:03:42     0:13:39       23:00:00 - 24:00:00     0:13:47     0:01:24     0:12:23       05/12/2010     0:16:51     0:04:28     0:12:23       08:00:00 - 08:00:00     0:16:51     0:04:28     0:12:23       08:00:00 - 09:00:00     0:21:12     0:08:12     0:13:00       10:00:00 - 11:00:00     0:22:23     0:08:59     0:13:24       11:00:00 - 12:00:00     0:15:19     0:02:21     0:12:58       14:00:00 - 15:00:00     0:13:32     0:01:24     0:12:08       16:00:00 - 17:00:00     0:17:51     0:04:	12:00:00 - 13:00:00	0:16:46	0:03:21	0:13:25
15:00:00 - 16:00:00     0:14:02     0:01:35     0:12:27       16:00:00 - 17:00:00     0:16:08     0:03:18     0:12:50       17:00:00 - 18:00:00     0:14:35     0:02:25     0:12:10       18:00:00 - 19:00:00     0:17:30     0:04:37     0:12:53       19:00:00 - 20:00:00     0:18:48     0:06:10     0:12:38       20:00:00 - 21:00:00     0:14:37     0:02:01     0:12:36       22:00:00 - 23:00:00     0:17:21     0:03:42     0:13:39       23:00:00 - 24:00:00     0:13:47     0:01:24     0:12:23       05/12/2010     0:16:51     0:04:28     0:12:23       05/12/2010     0:21:12     0:08:12     0:13:00       07:00:00 - 08:00:00     0:16:51     0:04:28     0:12:23       08:00:00 - 09:00:00     0:22:12     0:08:12     0:13:00       10:00:00 - 11:00:00     0:22:23     0:08:59     0:13:24       11:00:00 - 12:00:00     0:18:34     0:05:41     0:12:53       12:00:00 - 13:00:00     0:15:19     0:02:21     0:12:58       14:00:00 - 15:00:00     0:17:51     0:04:24	13:00:00 - 14:00:00	0:14:00	0:01:21	0:12:39
16:00:00 - 17:00:00     0:16:08     0:03:18     0:12:50       17:00:00 - 18:00:00     0:14:35     0:02:25     0:12:10       18:00:00 - 19:00:00     0:17:30     0:04:37     0:12:53       19:00:00 - 20:00:00     0:18:48     0:06:10     0:12:38       20:00:00 - 21:00:00     0:14:37     0:02:01     0:12:36       22:00:00 - 23:00:00     0:17:21     0:03:42     0:13:39       23:00:00 - 24:00:00     0:13:47     0:01:24     0:12:23       05/12/2010     0:16:51     0:04:28     0:12:23       08:00:00 - 09:00:00     0:16:51     0:04:28     0:12:23       08:00:00 - 09:00:00     0:21:12     0:08:12     0:13:00       10:00:00 - 11:00:00     0:22:23     0:08:59     0:13:24       11:00:00 - 12:00:00     0:18:34     0:05:41     0:12:53       12:00:00 - 13:00:00     0:15:19     0:02:21     0:12:58       14:00:00 - 15:00:00     0:13:32     0:01:24     0:12:08       16:00:00 - 17:00:00     0:17:21     0:04:27     0:13:24       17:00:00 - 18:00:00     0:14:33     0:02:	14:00:00 - 15:00:00	0:14:08	0:01:20	0:12:48
17:00:00 - 18:00:00     0:14:35     0:02:25     0:12:10       18:00:00 - 19:00:00     0:17:30     0:04:37     0:12:53       19:00:00 - 20:00:00     0:18:48     0:06:10     0:12:38       20:00:00 - 21:00:00     0:14:37     0:02:01     0:12:36       22:00:00 - 23:00:00     0:17:21     0:03:42     0:13:39       23:00:00 - 24:00:00     0:13:47     0:01:24     0:12:23       05/12/2010     07:00:00 - 08:00:00     0:16:51     0:04:28     0:12:23       08:00:00 - 09:00:00     0:16:51     0:08:12     0:13:00       10:00:00 - 11:00:00     0:22:23     0:08:59     0:13:24       11:00:00 - 12:00:00     0:18:34     0:05:41     0:12:53       12:00:00 - 13:00:00     0:15:19     0:02:21     0:12:58       14:00:00 - 15:00:00     0:13:32     0:01:24     0:12:08       16:00:00 - 17:00:00     0:17:51     0:04:27     0:13:24       17:00:00 - 18:00:00     0:14:33     0:02:10     0:12:23       18:00:00 - 19:00:00     0:14:33     0:02:10     0:12:23       18:00:00 - 20:00:00	15:00:00 - 16:00:00	0:14:02	0:01:35	0:12:27
18:00:00 - 19:00:00     0:17:30     0:04:37     0:12:53       19:00:00 - 20:00:00     0:18:48     0:06:10     0:12:38       20:00:00 - 21:00:00     0:14:37     0:02:01     0:12:36       22:00:00 - 23:00:00     0:17:21     0:03:42     0:13:39       23:00:00 - 24:00:00     0:13:47     0:01:24     0:12:23       05/12/2010     07:00:00 - 08:00:00     0:16:51     0:04:28     0:12:23       08:00:00 - 09:00:00     0:21:12     0:08:12     0:13:00       10:00:00 - 11:00:00     0:22:23     0:08:59     0:13:24       11:00:00 - 12:00:00     0:18:34     0:05:41     0:12:53       12:00:00 - 13:00:00     0:15:19     0:02:21     0:12:58       14:00:00 - 15:00:00     0:13:32     0:01:24     0:12:08       16:00:00 - 17:00:00     0:17:51     0:04:27     0:13:24       17:00:00 - 18:00:00     0:14:33     0:02:10     0:12:23       18:00:00 - 19:00:00     0:14:33     0:02:10     0:12:23       19:00:00 - 20:00:00     0:14:21     0:01:41     0:12:47       19:00:00 - 21:00:00	16:00:00 - 17:00:00	0:16:08	0:03:18	0:12:50
19:00:00 - 20:00:00     0:18:48     0:06:10     0:12:38       20:00:00 - 21:00:00     0:14:37     0:02:01     0:12:36       22:00:00 - 23:00:00     0:17:21     0:03:42     0:13:39       23:00:00 - 24:00:00     0:13:47     0:01:24     0:12:23       05/12/2010     07:00:00 - 08:00:00     0:16:51     0:04:28     0:12:23       08:00:00 - 09:00:00     0:21:12     0:08:12     0:13:00       10:00:00 - 11:00:00     0:22:23     0:08:59     0:13:24       11:00:00 - 12:00:00     0:15:19     0:02:21     0:12:58       12:00:00 - 13:00:00     0:15:19     0:02:21     0:12:08       14:00:00 - 15:00:00     0:13:32     0:01:24     0:12:08       16:00:00 - 17:00:00     0:17:51     0:04:27     0:13:24       17:00:00 - 18:00:00     0:14:33     0:02:10     0:12:23       18:00:00 - 19:00:00     0:17:23     0:04:36     0:12:47       19:00:00 - 20:00:00     0:14:21     0:01:41     0:12:40       20:00:00 - 21:00:00     0:14:01     0:01:08     0:12:53       22:00:00 - 23:00:00	17:00:00 - 18:00:00	0:14:35	0:02:25	0:12:10
20:00:00 - 21:00:00   0:14:37   0:02:01   0:12:36     22:00:00 - 23:00:00   0:17:21   0:03:42   0:13:39     23:00:00 - 24:00:00   0:13:47   0:01:24   0:12:23     05/12/2010   07:00:00 - 08:00:00   0:16:51   0:04:28   0:12:23     08:00:00 - 09:00:00   0:21:12   0:08:12   0:13:00     10:00:00 - 11:00:00   0:22:23   0:08:59   0:13:24     11:00:00 - 12:00:00   0:18:34   0:05:41   0:12:53     12:00:00 - 13:00:00   0:15:19   0:02:21   0:12:58     14:00:00 - 15:00:00   0:13:32   0:01:24   0:12:08     16:00:00 - 17:00:00   0:17:51   0:04:27   0:13:24     17:00:00 - 18:00:00   0:14:33   0:02:10   0:12:23     18:00:00 - 19:00:00   0:17:23   0:04:36   0:12:47     19:00:00 - 20:00:00   0:18:01   0:05:25   0:12:36     20:00:00 - 21:00:00   0:14:01   0:01:08   0:12:53     22:00:00 - 23:00:00   0:16:09   0:03:09   0:13:00	18:00:00 - 19:00:00	0:17:30	0:04:37	0:12:53
22:00:00 - 23:00:00   0:17:21   0:03:42   0:13:39     23:00:00 - 24:00:00   0:13:47   0:01:24   0:12:23     05/12/2010   07:00:00 - 08:00:00   0:16:51   0:04:28   0:12:23     08:00:00 - 09:00:00   0:21:12   0:08:12   0:13:00     10:00:00 - 11:00:00   0:22:23   0:08:59   0:13:24     11:00:00 - 12:00:00   0:18:34   0:05:41   0:12:53     12:00:00 - 13:00:00   0:15:19   0:02:21   0:12:58     14:00:00 - 15:00:00   0:13:32   0:01:24   0:12:08     16:00:00 - 17:00:00   0:17:51   0:04:27   0:13:24     17:00:00 - 18:00:00   0:14:33   0:02:10   0:12:23     18:00:00 - 19:00:00   0:17:23   0:04:36   0:12:47     19:00:00 - 20:00:00   0:18:01   0:05:25   0:12:36     20:00:00 - 21:00:00   0:14:21   0:01:41   0:12:40     21:00:00 - 22:00:00   0:14:01   0:01:08   0:12:53     22:00:00 - 23:00:00   0:16:09   0:03:09   0:13:00	19:00:00 - 20:00:00	0:18:48	0:06:10	0:12:38
23:00:00 - 24:00:00     0:13:47     0:01:24     0:12:23       05/12/2010     07:00:00 - 08:00:00     0:16:51     0:04:28     0:12:23       08:00:00 - 09:00:00     0:21:12     0:08:12     0:13:00       10:00:00 - 11:00:00     0:22:23     0:08:59     0:13:24       11:00:00 - 12:00:00     0:18:34     0:05:41     0:12:53       12:00:00 - 13:00:00     0:15:19     0:02:21     0:12:58       14:00:00 - 15:00:00     0:13:32     0:01:24     0:12:08       16:00:00 - 17:00:00     0:17:51     0:04:27     0:13:24       17:00:00 - 18:00:00     0:14:33     0:02:10     0:12:23       18:00:00 - 19:00:00     0:17:23     0:04:36     0:12:47       19:00:00 - 20:00:00     0:18:01     0:05:25     0:12:36       20:00:00 - 21:00:00     0:14:21     0:01:41     0:12:40       21:00:00 - 22:00:00     0:14:01     0:01:08     0:12:53       22:00:00 - 23:00:00     0:16:09     0:03:09     0:13:00	20:00:00 - 21:00:00	0:14:37	0:02:01	0:12:36
05/12/2010       07:00:00 - 08:00:00     0:16:51     0:04:28     0:12:23       08:00:00 - 09:00:00     0:21:12     0:08:12     0:13:00       10:00:00 - 11:00:00     0:22:23     0:08:59     0:13:24       11:00:00 - 12:00:00     0:18:34     0:05:41     0:12:53       12:00:00 - 13:00:00     0:15:19     0:02:21     0:12:58       14:00:00 - 15:00:00     0:13:32     0:01:24     0:12:08       16:00:00 - 17:00:00     0:17:51     0:04:27     0:13:24       17:00:00 - 18:00:00     0:14:33     0:02:10     0:12:23       18:00:00 - 19:00:00     0:17:23     0:04:36     0:12:47       19:00:00 - 20:00:00     0:18:01     0:05:25     0:12:36       20:00:00 - 21:00:00     0:14:21     0:01:41     0:12:40       21:00:00 - 22:00:00     0:14:01     0:01:08     0:12:53       22:00:00 - 23:00:00     0:16:09     0:03:09     0:13:00	22:00:00 - 23:00:00	0:17:21	0:03:42	0:13:39
07:00:00 - 08:00:00     0:16:51     0:04:28     0:12:23       08:00:00 - 09:00:00     0:21:12     0:08:12     0:13:00       10:00:00 - 11:00:00     0:22:23     0:08:59     0:13:24       11:00:00 - 12:00:00     0:18:34     0:05:41     0:12:53       12:00:00 - 13:00:00     0:15:19     0:02:21     0:12:58       14:00:00 - 15:00:00     0:13:32     0:01:24     0:12:08       16:00:00 - 17:00:00     0:17:51     0:04:27     0:13:24       17:00:00 - 18:00:00     0:14:33     0:02:10     0:12:23       18:00:00 - 19:00:00     0:17:23     0:04:36     0:12:47       19:00:00 - 20:00:00     0:18:01     0:05:25     0:12:36       20:00:00 - 21:00:00     0:14:21     0:01:41     0:12:40       21:00:00 - 22:00:00     0:14:01     0:01:08     0:12:53       22:00:00 - 23:00:00     0:16:09     0:03:09     0:13:00	23:00:00 - 24:00:00	0:13:47	0:01:24	0:12:23
08:00:00 - 09:00:00     0:21:12     0:08:12     0:13:00       10:00:00 - 11:00:00     0:22:23     0:08:59     0:13:24       11:00:00 - 12:00:00     0:18:34     0:05:41     0:12:53       12:00:00 - 13:00:00     0:15:19     0:02:21     0:12:58       14:00:00 - 15:00:00     0:13:32     0:01:24     0:12:08       16:00:00 - 17:00:00     0:17:51     0:04:27     0:13:24       17:00:00 - 18:00:00     0:14:33     0:02:10     0:12:23       18:00:00 - 19:00:00     0:17:23     0:04:36     0:12:47       19:00:00 - 20:00:00     0:18:01     0:05:25     0:12:36       20:00:00 - 21:00:00     0:14:21     0:01:41     0:12:40       21:00:00 - 22:00:00     0:14:01     0:01:08     0:12:53       22:00:00 - 23:00:00     0:16:09     0:03:09     0:13:00	05/12/2010			
10:00:00 - 11:00:00   0:22:23   0:08:59   0:13:24     11:00:00 - 12:00:00   0:18:34   0:05:41   0:12:53     12:00:00 - 13:00:00   0:15:19   0:02:21   0:12:58     14:00:00 - 15:00:00   0:13:32   0:01:24   0:12:08     16:00:00 - 17:00:00   0:17:51   0:04:27   0:13:24     17:00:00 - 18:00:00   0:14:33   0:02:10   0:12:23     18:00:00 - 19:00:00   0:17:23   0:04:36   0:12:47     19:00:00 - 20:00:00   0:18:01   0:05:25   0:12:36     20:00:00 - 21:00:00   0:14:21   0:01:41   0:12:40     21:00:00 - 22:00:00   0:14:01   0:01:08   0:12:53     22:00:00 - 23:00:00   0:16:09   0:03:09   0:13:00	07:00:00 - 08:00:00	0:16:51	0:04:28	0:12:23
11:00:00 - 12:00:00   0:18:34   0:05:41   0:12:53     12:00:00 - 13:00:00   0:15:19   0:02:21   0:12:58     14:00:00 - 15:00:00   0:13:32   0:01:24   0:12:08     16:00:00 - 17:00:00   0:17:51   0:04:27   0:13:24     17:00:00 - 18:00:00   0:14:33   0:02:10   0:12:23     18:00:00 - 19:00:00   0:17:23   0:04:36   0:12:47     19:00:00 - 20:00:00   0:18:01   0:05:25   0:12:36     20:00:00 - 21:00:00   0:14:21   0:01:41   0:12:40     21:00:00 - 22:00:00   0:14:01   0:01:08   0:12:53     22:00:00 - 23:00:00   0:16:09   0:03:09   0:13:00	08:00:00 - 09:00:00	0:21:12	0:08:12	0:13:00
12:00:00 - 13:00:00   0:15:19   0:02:21   0:12:58     14:00:00 - 15:00:00   0:13:32   0:01:24   0:12:08     16:00:00 - 17:00:00   0:17:51   0:04:27   0:13:24     17:00:00 - 18:00:00   0:14:33   0:02:10   0:12:23     18:00:00 - 19:00:00   0:17:23   0:04:36   0:12:47     19:00:00 - 20:00:00   0:18:01   0:05:25   0:12:36     20:00:00 - 21:00:00   0:14:21   0:01:41   0:12:40     21:00:00 - 22:00:00   0:14:01   0:01:08   0:12:53     22:00:00 - 23:00:00   0:16:09   0:03:09   0:13:00	10:00:00 - 11:00:00	0:22:23	0:08:59	0:13:24
14:00:00 - 15:00:00   0:13:32   0:01:24   0:12:08     16:00:00 - 17:00:00   0:17:51   0:04:27   0:13:24     17:00:00 - 18:00:00   0:14:33   0:02:10   0:12:23     18:00:00 - 19:00:00   0:17:23   0:04:36   0:12:47     19:00:00 - 20:00:00   0:18:01   0:05:25   0:12:36     20:00:00 - 21:00:00   0:14:21   0:01:41   0:12:40     21:00:00 - 22:00:00   0:14:01   0:01:08   0:12:53     22:00:00 - 23:00:00   0:16:09   0:03:09   0:13:00	11:00:00 - 12:00:00	0:18:34	0:05:41	0:12:53
16:00:00 - 17:00:00   0:17:51   0:04:27   0:13:24     17:00:00 - 18:00:00   0:14:33   0:02:10   0:12:23     18:00:00 - 19:00:00   0:17:23   0:04:36   0:12:47     19:00:00 - 20:00:00   0:18:01   0:05:25   0:12:36     20:00:00 - 21:00:00   0:14:21   0:01:41   0:12:40     21:00:00 - 22:00:00   0:14:01   0:01:08   0:12:53     22:00:00 - 23:00:00   0:16:09   0:03:09   0:13:00	12:00:00 - 13:00:00	0:15:19	0:02:21	0:12:58
17:00:00 - 18:00:00   0:14:33   0:02:10   0:12:23     18:00:00 - 19:00:00   0:17:23   0:04:36   0:12:47     19:00:00 - 20:00:00   0:18:01   0:05:25   0:12:36     20:00:00 - 21:00:00   0:14:21   0:01:41   0:12:40     21:00:00 - 22:00:00   0:14:01   0:01:08   0:12:53     22:00:00 - 23:00:00   0:16:09   0:03:09   0:13:00     06/12/2010	14:00:00 - 15:00:00	0:13:32	0:01:24	0:12:08
18:00:00 - 19:00:00   0:17:23   0:04:36   0:12:47     19:00:00 - 20:00:00   0:18:01   0:05:25   0:12:36     20:00:00 - 21:00:00   0:14:21   0:01:41   0:12:40     21:00:00 - 22:00:00   0:14:01   0:01:08   0:12:53     22:00:00 - 23:00:00   0:16:09   0:03:09   0:13:00     06/12/2010	16:00:00 - 17:00:00	0:17:51	0:04:27	0:13:24
19:00:00 - 20:00:00   0:18:01   0:05:25   0:12:36     20:00:00 - 21:00:00   0:14:21   0:01:41   0:12:40     21:00:00 - 22:00:00   0:14:01   0:01:08   0:12:53     22:00:00 - 23:00:00   0:16:09   0:03:09   0:13:00     06/12/2010	17:00:00 - 18:00:00	0:14:33	0:02:10	0:12:23
20:00:00 - 21:00:00 0:14:21 0:01:41 0:12:40   21:00:00 - 22:00:00 0:14:01 0:01:08 0:12:53   22:00:00 - 23:00:00 0:16:09 0:03:09 0:13:00   06/12/2010	18:00:00 - 19:00:00	0:17:23	0:04:36	0:12:47
21:00:00 - 22:00:00 0:14:01 0:01:08 0:12:53   22:00:00 - 23:00:00 0:16:09 0:03:09 0:13:00   06/12/2010	19:00:00 - 20:00:00	0:18:01	0:05:25	0:12:36
22:00:00 - 23:00:00 0:16:09 0:03:09 0:13:00 <b>06/12/2010</b>	20:00:00 - 21:00:00	0:14:21	0:01:41	0:12:40
06/12/2010	21:00:00 - 22:00:00	0:14:01	0:01:08	0:12:53
	22:00:00 - 23:00:00	0:16:09	0:03:09	0:13:00
07:00:00 - 08:00:00   0:14:11   0:01:21   0:12:50	06/12/2010			
	07:00:00 - 08:00:00	0:14:11	0:01:21	0:12:50
08:00:00 - 09:00:00	08:00:00 - 09:00:00	0:16:08	0:03:01	0:13:07
09:00:00 - 10:00:00     0:22:15     0:10:00     0:12:15	09:00:00 - 10:00:00	0:22:15	0:10:00	0:12:15



Panda Dez 2010	Tempo reserv.à pub.	Aut+Pat+Prod.op.+Com.Ap	Pub.com.
10:00:00 - 11:00:00	0:21:27	0:08:02	0:13:25
11:00:00 - 12:00:00	0:13:53	0:01:38	0:12:15
12:00:00 - 13:00:00	0:22:25	0:08:28	0:13:57
14:00:00 - 15:00:00	0:13:32	0:01:06	0:12:26
15:00:00 - 16:00:00	0:16:14	0:02:49	0:13:25
16:00:00 - 17:00:00	0:18:31	0:04:32	0:13:59
17:00:00 - 18:00:00	0:15:07	0:02:40	0:12:27
18:00:00 - 19:00:00	0:19:40	0:06:43	0:12:57
19:00:00 - 20:00:00	0:19:36	0:06:38	0:12:58
20:00:00 - 21:00:00	0:15:59	0:03:16	0:12:43
07/12/2010			
08:00:00 - 09:00:00	0:18:47	0:04:39	0:14:08
09:00:00 - 10:00:00	0:18:48	0:04:57	0:13:51
10:00:00 - 11:00:00	0:20:08	0:06:57	0:13:11
11:00:00 - 12:00:00	0:14:49	0:02:08	0:12:41
12:00:00 - 13:00:00	0:22:16	0:07:08	0:15:08
15:00:00 - 16:00:00	0:17:46	0:02:46	0:15:00
16:00:00 - 17:00:00	0:19:57	0:05:07	0:14:50
17:00:00 - 18:00:00	0:15:03	0:02:00	0:13:03
18:00:00 - 19:00:00	0:19:34	0:05:41	0:13:53
19:00:00 - 20:00:00	0:20:14	0:06:51	0:13:23
20:00:00 - 21:00:00	0:17:09	0:04:01	0:13:08
22:00:00 - 23:00:00	0:14:06	0:01:51	0:12:15
08/12/2010			
07:00:00 - 08:00:00	0:15:06	0:02:26	0:12:40
08:00:00 - 09:00:00	0:19:08	0:05:03	0:14:05
09:00:00 - 10:00:00	0:22:22	0:07:59	0:14:23
10:00:00 - 11:00:00	0:23:30	0:09:25	0:14:05
11:00:00 - 12:00:00	0:17:05	0:02:20	0:14:45
12:00:00 - 13:00:00	0:22:10	0:07:18	0:14:52
13:00:00 - 14:00:00	0:14:53	0:01:28	0:13:25
09/12/2010			
07:00:00 - 08:00:00	0:20:15	0:07:45	0:12:30
08:00:00 - 09:00:00	0:21:44	0:08:29	0:13:15
12:00:00 - 13:00:00	0:18:22	0:05:22	0:13:00
16:00:00 - 17:00:00	0:17:58	0:05:13	0:12:45
19:00:00 - 20:00:00	0:21:15	0:07:50	0:13:25
20:00:00 - 21:00:00	0:22:07	0:08:32	0:13:35
10/12/2010			
08:00:00 - 09:00:00	0:22:13	0:08:19	0:13:54
20:00:00 - 21:00:00	0:20:59	0:08:04	0:12:55
11/12/2010			



Panda Dez 2010	Tempo reserv.à pub.	Aut+Pat+Prod.op.+Com.Ap	Pub.com.	
19:00:00 - 20:00:00	0:21:01	0:08:21	0:12:40	
12/12/2010				
18:00:00 - 19:00:00	0:17:09	0:04:50	0:12:19	
19:00:00 - 20:00:00	0:17:50	0:05:01	0:12:49	
20:00:00 - 21:00:00	0:15:59	0:03:09	0:12:50	
13/12/2010				
19:00:00 - 20:00:00	0:17:38	0:05:19	0:12:19	

#### II. Análise

- **6.** Nos termos da alínea b) do n.º 3 do artigo 24.º dos Estatutos da ERC, aprovados pela Lei n.º 53/2005, de 8 de Novembro, compete a esta Entidade "[f]azer respeitar os princípios e limites legais aos conteúdos publicitários, nas matérias cuja competência não se encontre legalmente conferida ao Instituto do Consumidor e à Comissão de Aplicação de Coimas em Matéria Económica e de Publicidade ou a quaisquer outras entidades previstas no regime jurídico da publicidade."
- **7.** Assim, no exercício da identificada competência, foram solicitados esclarecimentos quanto às situações assinaladas, tendo o operador oferecido os seguintes comentários:
- **8.** A situação reportada pela ERC é tida como "excepcional e ocasional, devida a um lapso e que será improvável que se venha a repetir" e fundamenta-se com um "erro na qualificação de publicidade no sistema de contagem para efeitos dos limites de tempo reservado à publicidade (...) não tendo sido classificados como publicidade determinados patrocínios de programa contratados para o início de Dezembro."
- 9. Com base na justificação apresentada, o operador solicita que "...esta situação, de carácter excepcional e que de forma alguma corresponde à prática da empresa e do canal Panda, será improvável repetir-se no futuro, uma vez que foi detectado e corrigido prontamente, pelo que esperamos que o mesmo nos possa ser relevado."
- 10. Confirmaram os serviços da ERC que as situações de desrespeito pelo artigo 40º da Lei da Televisão se registaram todas nos primeiros dias do mês de Dezembro,



concretamente até ao dia 13, o que corrobora a afirmação do operador de correcção imediata do erro assim que detectado.

11. Face à apreciação das justificações apresentadas pelo operador, existem cento e onze ocorrências que configuram um incumprimento efectivo dos limites de tempo reservado à publicidade, previsto no n.º 1 do artigo 40º da Lei da Televisão, no mês de Dezembro de 2010.

**12.** Prevê a alínea a) do n.º 1 do artigo 76.º da Lei da Televisão que a inobservância do previsto no artigo 40.º constitui contra-ordenação grave, punível com coima de 20.000 euros a 150.000 euros, cabendo à ERC, nos termos do n.º 2 do artigo 93.º do mesmo diploma, a instrução dos processos de contra-ordenação aí previstos.

#### III. Deliberação

Tendo analisado o cumprimento dos limites de tempo reservado à publicidade pelo serviço de programas Panda, referente ao mês de Dezembro de 2010, o Conselho Regulador da ERC delibera, ao abrigo do artigo 93°, n.º 1 e 2, da Lei da Televisão e do artigo 24°, n.º 3, alínea b) dos Estatutos da ERC, aprovados pela Lei n.º 53/2005, de 8 de Novembro, instaurar procedimento contraordenacional contra o operador Dreamia, Serviços de Televisão, S.A., ao abrigo do disposto nos artigos 40.º, n.º 1, e 76.º, n.º 1, alínea a), da Lei da Televisão, com fundamento no desrespeito dos mesmos, nos casos ocorridos em 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 e 13 de Dezembro de 2010, identificados no Quadro 1.

Lisboa, 9 de Fevereiro de 2011

O Conselho Regulador,

José Alberto de Azeredo Lopes Elísio Cabral de Oliveira Maria Estrela Serrano Rui Assis Ferreira