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EACA Monthly Newsletter - January 2009

EU & National News

▶ Advertising

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In five major markets, TV is the medium that continues to influence the most

According to a study conducted in September and October 2008 by Deloitte, TV is the medium with most influence on purchasing decisions in five major markets: Brazil, Germany, Japan, UK & USA.

The impact of the Internet and traditional media such as magazines, newspapers and radio is less significant than TV.

Television's dominance came despite the majority of consumers in all five countries saying that they use their computers more for entertainment than their TVs. The study concludes that the two top Internet ad influences across all countries were search engine results and banner ads.

According to this study, the reason TV continues to hold such sway is partially a matter of momentum, as, TV adspend remains lower than other media.

Source: eMarketer

Global Adspend rose nearly 3% in Q3 2008

Nielsen's "Global AdView Pulse" reports that global adspend rose 3% during the third quarter of 2008. The growth was mainly driven by China (+16.9%), Indonesia (+16.7%) and Hong Kong (+13.0%).

Meanwhile, in the western hemisphere, the North American ad market managed growth of 3.1%, supported by the Beijing Olympics and pre-presidential electioneering.

However, Europe recorded a net downturn of 5.9%.

TV and radio were the media to benefit most from the temporary growth trend. Ad budgets migrated from print media to TV and radio, with print finishing the quarter down by almost 2%.

Radio revenues grew 9.7% in Asia Pacific, while remaining stable in North America and Europe.

Michele Strazzeria, deputy managing director of AdView commented: "Many of the countries covered in the report appear to have been weathering the early tremors of the escalating global economic crisis. In Europe, however, advertisers appear to be taking a more cautious approach, with the effects of existing economic challenges taking their toll on the region's ad spend, particularly in Spain and Turkey."

Source: BrandRepublic & WARC

▶ EU

Czech Republic takes over EU Presidency

On 1st January, Czech Republic became the new President of the European Union until the end of June. The three priorities: "Economy, Energy, European Union in the World" were developed within the framework of the 18 months collaboration with the previous and following presidencies: France and Sweden.

The priority interests for EACA are:

- The presidency will support the Safer Internet Plus Programme 2009-2013 and will promote the raise of public awareness of illegal and harmful content on the Internet.
- The Presidency will seek a compromise over the Telecommunications Package between the Council and the European Parliament before the end of its mandate, concluding the related legislative process.
- The Presidency is ready for a serious debate on legislative proposals contained in the Pharmaceutical Package including the Directive covering the provision of information on prescription pharmaceuticals to the general public.

As far as audiovisual issues are concerned, one of the tasks of the Czech Presidency is the implementation of the new Audiovisual Media Services Directive. The Presidency is prepared to carry on with activities seeking to ensure a stable regulatory environment for new methods of audiovisual content distribution. In March 2009, the Czech Presidency will organise a conference in Prague focused on raising awareness of issues related to the legal supply of services, piracy and advertising.

For more information: <http://www.eu2009.cz/en/>

Source: EACA

European Commission calls for flexibility in the application of TV advertising rules

On 19 December 2007, the Audiovisual Media Services Directive (AVMS) came into force. It sets up new EU rules on TV advertising, focused on future trends to make it easier for services providers to finance their programmes and for users to recognise commercial messages.

The goal of the Directive is the same as the former "Television without Frontiers" Directive, but it includes within its scope new services and technologies arising from the digital age and its new generation of TV-like services.

The Member States have until December 2009 to transpose the Directive into their national legal systems. Only Romania has completed the necessary steps to fully implement the new Directive. The other 26, as well as the EEA countries and the candidate countries, are in the process of putting it in place. The European Commission is assisting them within the framework of a "contact committee" and the set up of meetings with Member States' independent regulators.

The AVMS Directive limits the amount of television advertising spots to twelve minutes per hour while allowing for more flexibility with regard to the insertion of spots between, and sometimes in, programmes.

The Directive ensures more flexible rules on TV advertising, the recognition of new forms of advertising such as split-screen, virtual or interactive, the establishment of a clear framework for product placement, the extension of the "country of origin" principle to on-demand audiovisual media services

For more information, [click here](#).

For more information on the state of play on the implementation of the new Directive in EU Member States, [click here](#).

Source: *European Commission*

► France

Ban of advertising on French Public TV channels

The total ban of advertising on public French TV channels will be achieved in two steps. On 5 January, programmes broadcast between 8 pm and 6 am, except during regional and local programs, will not include advertisements other than for unbranded and generic products and services. On 30 November 2011, when the digital switchover will take place, this disposition will be also applied to programmes broadcast between 6 am and 8 pm.

The French National Assembly adopted the broadcasting reform bill. The bill bans advertising on public TV channels, and establishes new taxes to compensate the resulting shortfall in income such as tax on commercial broadcasters' revenue.

Source: *Le Monde*

► UK

Advertising Association report explodes the myth of toxic childhood

A new Advertising Association Report "Children's wellbeing in a commercial world" finds no evidence of a decline in children's overall wellbeing, nor that the net impact of the commercial world on wellbeing has been negative over the past fifteen years. Indeed it finds plenty of evidence that aspects of the commercial world enhance the wellbeing of children.

The report, produced for the panel of academics appointed by the Department for Children, Schools and Families (DCSF) to examine evidence on the impact of the commercial world on children's wellbeing, contains an analysis of 15-year trend data and shows:

- children's fundamental values have remained constant or in some cases strengthened. (ie what they regard as the really important things in life such as friendship, love, helping others and leading a healthy life)
- indications of increased media literacy
- a decline in the medium term of being 'slaves to fashion' and materialism (Over the last ten years there has been a decline in numbers who 'like keeping up with the latest fashions', who 'prefer to buy things friends would approve' and 'like branded clothing with logos')
- positive trends in the role of the family and parental relations (A high proportion 'get on with their parents' and there is a steady increase in 'enjoying spending time with the family')
- increased self-esteem ('there are high and growing numbers agreeing that 'I am happy about the way I look')

Further, a separate and specially commissioned pilot study among 11-15's shows that whilst this group fully embraces the commercial world, they do not view their wellbeing primarily through the lens of materialism. The results show that commercially-related factors are not in themselves highly rated as important sources of wellbeing. The top six 'wellbeing benefits' were:

1. 'Just having fun'
2. 'Keeping in touch with my friends'
3. 'Relaxation and Entertainment'
4. 'Keep me safe and out of harm'
5. 'Being independent and following my own interests'
6. 'Learning new things, developing new interests'.

Several commercially-related factors were however regarded as powerful enablers of wellbeing, helping to deliver these important benefits. Internet and mobile phones feature strongly in these terms but TV, newspapers and magazines, MP3s, computer games and advertising also emerge as significant wellbeing enablers.

Commenting on the Report, Baroness Peta Buscombe, Chief Executive of the Advertising Association said:

"This valuable new research shows that overall wellbeing of children and young people is robust and certainly not in decline despite the changes in the context for childhood in recent years. The picture that emerges is that aspects of the commercial world are important net promoters of children's wellbeing, helping to promote more positive thinking and counterbalancing negative pressures in children's lives.

"It is a timely and vital contribution to the public debate about the impact of the commercial world on children's wellbeing and explodes the myths of emotive sloganeering such as 'toxic childhood' and 'commercialisation of childhood'. Indeed it shows that business can and is a force for good as an enabler of children's wellbeing."

To see the full Report "The Assessment of the Impact of the Commercial World on Childhood", [click here](#).

For more information: <http://www.dcsf.gov.uk/childrensplan/>

Source: Advertising Association

Alcohol

UK



Introduction of mandatory code for alcohol retailers discussed in the UK

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The Department of Health in the UK estimates that the cost to society of excessive drinking is between £17.7bn and £25.1bn a year and over 10 million adults in the UK are thought to regularly exceed government

guidelines on safe levels of drinking.

Throughout 2008, the British government consulted with retailers, industry bodies and charities and has now published the Policing and Crime Bill which addresses the way in which retailers' licences allow them to promote and sell alcohol to the public.

If the Bill is approved by the Parliament, it will introduce a mandatory code for alcohol retailers with dispositions such as:

- Ban of promotions such as "all you can drink for £10"
- Obligation to display the number of units in a drink to be at the point of sale
- Restriction of supermarket promotion of discounts on alcohol if bought in large quantities.

This Bill would be applied to small retailers, supermarkets, independent pubs and chains.

It is planned that if a retailer breach the code, it will lead to the review of its licence (and possible loss of it), a maximum of £20,000 fine and/or six months imprisonment.

Apart from the rules for alcohol advertising contained in the broadcast and non broadcast "CAP" Codes, the British Government has stopped short the introduction of a mandatory code on advertising and promotion of alcohol. Nevertheless, the 2008 paper "Safe, Sensible, Social – Consultation on further action" considered the impact of advertising on the consumption of alcohol, particularly under-age drinking. It might lead to further discussions in the future.

Source: Osborne Clarke

Children

UK



Majority of parents believe TV has a positive effect on their children development

Dr Tanya Byron and the UK digital terrestrial television service Freeview present the Viewtrition report stating that eight out of ten parents believe television has a positive effect on their children's development.

This survey based on the testimony of 1 880 parents of children aged between two and eleven revealed that 63% of parents thought television helped children to expand their imagination and 60% that children gained a broader vocabulary.

This survey is part of a report presenting new research into how parents feel about their children's viewing habits answering questions such as:

- Can TV make children stupid?
- Does TV make children aggressive?
- Can TV cause ADHD?
- Does TV make kids overweight?
- Does TV stunt language development?
- Does TV stop children reading?
- Can TV limit children's experiences?
- Does TV leads to the erosion of moral values?

For more information and to view the report, [click here](#).

Source: Freeview

Data protection

EU

Second Opinion of the European Data Protection Supervisor on the



ePrivacy Directive

On 9 January, the European Data Protection Supervisor, Peter Hustinx, presented his opinion concerning the processing of personal data and the protection of privacy in the electronic communications sector.

This opinion analyses the Council's common position and compares it with the European Parliament first reading and Commission's amended Proposal.

The second opinion focuses on the following essential concerns:

1. The provision on security breach notification
2. The scope of application of the ePrivacy Directive to private and publicly accessible private networks
3. The processing of traffic data for security purposes
4. The ability of legal persons to take action for infringements of the ePrivacy Directive

1 The provisions on security breach notification

- The EDPS supports the adoption of a security breach notification scheme pursuant to which authorities and individuals will be notified when their personal data have been compromised.
- The EDPS is convinced that the full benefits of security breach notification will be better accomplished only if the scope of covered entities includes both PPECs (Provision of public electronic communication services in public network) and ISSPs.
- The EDPS considers that it would be preferable to set up a system whereby it should be up to concerned entities to make the assessment whether the breach meets or fails to meet the standard defined in the Council's approach: "serious breach to the subscriber privacy."

2 The scope of application of the ePrivacy Directive to private and publicly accessible private networks

- The EDPS wants to keep the amendment including "the processing of personal data in connection with the provision of publicly available electronic communications services in public and private communications networks and publicly accessible private network in the Community".

3 The processing of traffic data for security purposes

- The processing of traffic data is restricted to a limited number of purposes such as billing, interconnection and marketing. The EDPS wants to delete this article because it is subject to risk of abuse, particularly if adopted in a form that does not include important safeguards.

4 The ability of legal persons to take action for infringements of the ePrivacy Directive

- The EDPS calls upon the EP and the Council to adopt a provision enabling legal entities to bring legal action against infringements of any of the provisions of the ePrivacy Directive.

To see full report, [click here](#).

Source: *European Data Protection Supervisor*

10 February: Safer Internet Day 2009

On 10 February, the Safer Internet Day 2009 will take place in Luxembourg and will be attended by Viviane Reding, the European Commissioner for Information Society and Media. The debates will focus on social networking.

The main social networking sites active in Europe will sign an agreement in which industry will commit itself to maximize the benefits of the internet while managing the potential risks to children and young people.

The European Commission will launch a Europe-wide communication campaign and a video clip on cyber-bullying, one of the most frequent problems young people encounter on the internet, to empower them to deal with these risks.

The **Safer Internet Day** aims at promoting a safer use of the internet, online technologies and mobile phones, and the fight against illegal or harmful content and conduct. 60% of European parents are worried that their child might become a victim of online grooming and 54% that their children could be bullied online.

The **INSAFE network** has been established by the EU Safer Internet Programme to raise awareness of uses, risks and ways of dealing with risks online and address children, parents, schools, policy-makers and media. The national centres are complemented by helplines where children can receive advice on online-related experiences and troubles.

In December 2008 the EU adopted a new Safer Internet Programme for 2009-2013 which dedicates € 55 million to making the internet a safer place for children.

For more information, [click here](#).

Source: *European Commission*

Data protection Day

28 January was the European Data Protection Day. For the second time, in 2009, this date marked the anniversary of the Council of Europe's Convention 108, the first legally binding international instrument related to data protection.

This year the main event "Surf the net, think privacy" focused on the protection of children using internet. A competition asking teenagers from all over Europe to realise a short spot to warn of risks that children can

face on the Internet was organised. The four best spots were selected.

A panel discussion hosted by Sophie In't Veld (Netherlands, Alde), on "Youth and Privacy Protection on the Internet" was organised.

For more information on the conference, [click here](#).

To view the winners of the competition, [click here](#).

Launch of a Europe-wide public consultation on how to reinforce data protection

The European Commission will launch a Europe-wide public consultation in April on how to reinforce data protection as it plans to tighten the rules in the data protection Directive. The EU privacy authorities are focusing on Internet search engines' data storage and street viewing software.

An expert group, was set up by the Commission in 1995, is currently studying possible innovations in the data protection Directive. For instance, it is planned to extend the concept of personal data to IP addresses and cookies.

The idea of the EU data protection authorities, brought together in the "Article 29 Working Party" is to give the possibility to keep cookies for a period a six months.

Source: *EurActiv*

▶ UK

UK launches consultation on Code of Practice for Privacy Notices

The Information Commissioner's Office ("ICO") is the UK data protection watchdog. In mid-January 2009, it launched a consultation on its draft Code of Practice for Privacy Notices.

By using the term "Privacy Notice", ICO underlines that the fair processing requirements of the Data Protection Act 1998 ("DPA") has a wider application. For example, it is needed to tell people how their information will be processed when recording customer calls made to a call centre, when collecting information about shoppers from their loyalty card transactions, an when using online behavioural targeting techniques.

The Code states that the aim of a privacy notice is to ensure that collection and use of individuals' personal data is "fair" as required by the DPA. ICO points out that "Telling people what you intend to do with their information does not mean that the processing will be fair."

Therefore, the Code gives advises to the data controllers to put themselves in the shoes of the data subject when they prepare a privacy notice. They should wander:

- Would they know who is collecting the information?
- Would they understand why you're collecting it?
- Would they understand the implications of this?
- Would they be likely to object or complain?

Although the Code is not legally enforceable, the Information Commission has stated that the recommendations in the Code will be used as standards.

The consultation closes on 3 April 2009.

Source: *Osborne Clarke*

▶ Environment

▶ France



Proposition of bill calling for environmental information in ads

On 7 January, the National Commitment for Environment Bill (Grenelle II) was presented to the Council of Ministers in France. The new text enables the implementation of the orientation law called "Grenelle I" adopted last October by the French Parliament.

The law concerns:

- Buildings and urbanism
- Transport
- Biodiversity
- Environmental Health
- Governance

Launched in May 2007 by the French President, the "Grenelle I" Law gives consumers the right to have access to:

- Honest, objective and complete information on environmentally friendly products with attractive prices.
- Information on environmental impact such as CO2 emissions
- Traceability of goods and services including the social conditions of production
- Environmental information in ads
- Information on bonus-malus

For more information: [click here](#).

National Commitment for Environment Bill

National Commitment for Environment Bill: Summary of main measures

Source: Portail du gouvernement: Premier Ministre
Ministère de l'Ecologie, de l'Energie, du Développement durable et de l'Aménagement du territoire.

▢ Gambling

▸ EU



Follow-up on European Parliament's Report on online gambling regulation

On 5 November, a study commissioned by the European Parliament on online gambling was presented together with Christel Schaldemose's draft own-initiative report on "the integrity of online gambling".

On 21 January, the 149 amendments to the Draft Report were discussed in the Internal Market and Consumer Protection Committee at the European Parliament.

MEP Schaldemose commented on the amendments to her draft report, noting two main approaches:

1. A belief that online gambling is a normal economic activity that should be regulated by EU law.
2. A belief that online gambling is a specific economic activity for which specific rules should be introduced.

She classified the amendments in four categories:

1. Amendments asking for a compromise on the online gambling issue, which should be regulated by EU case law and as well by subsidiary law.
2. Amendments calling for discussion on online gambling related to sport and on a fair return to sport organizations
3. Amendments related to the issue of the creation of a European code of conduct. It is maintained that it should be a complement and not a supplement.
4. Amendments calling for a discussion on to what extent online gambling leads to risk, compared to normal gambling.

MEP Harbour (EPP, UK) stated that the Report is based on insufficient information and that he will present a minority report with alternative possibilities to the issues.

MEP Heaton-Harris (EPP, UK) stated that there is not enough data given by the Europe Economics Research study on online gambling, requested by the European Parliament, and the Report is too focused on the idea of a European code of conduct.

Various amendments on online gambling advertising regulation or self- and co-regulation have been tabled. Some are in favour of regulation at government level, others believe that self- and co-regulation are enough.

One group believe that self-regulation of advertising, promotion and the provision of online games is not effective and urges co-operation between Member States at EU level and industry in order to regulate any aggressive advertising by any public or private operators directed at problem gamblers, vulnerable consumers such as children and young people.

Another group encourages co-regulation between the industry and authorities, when self-regulation is not effective in certain Member States. They urge Member States, together with the industry, to consider those existing regulatory models found within the EU that already address aggressive advertising directed at problem gamblers and vulnerable consumers such as children and young people.

The vote on the Report is scheduled on 11 February in the Internal Market and Consumer Protection Committee and the vote will take place in Plenary session in March.

To see the amendments: [click here](#)

Source: EACA

▢ Mobile advertising

▸ France



Bill in favour of the ban of marketing of mobile phones to children

On 7 January, the French Environment Minister Jean-Louis Borloo presented the "National Commitment for Environment Bill" called the "Grenelle II Bill" to the government. It includes a provision to prohibit the advertising of mobile phones to children in response to fears that radiation emitting devices may have negative health effects such as increasing the risk of cancer.

In relation to the ban on advertising mobile phones to children, the bill states: "Every communication, whatever its channel or support, which directly or indirectly aims to promote the selling, availability, or use of a mobile phone to children aged under 12 shall be banned."

In order to limit children's exposure to radiation, the bill includes the following measure: "The retailing, paid or unpaid, of items containing radio electric equipment, which use is aimed specifically at children under 6, can be banned by decree issued by the Health Minister, in order to limit children's excessive exposure to mobile phones."

Source: AEF

► Obesity

► EU



EU agriculture Commissioner wants to ban sugar and fatty foodstuffs in school vending machines

EU agriculture commissioner Mariann Fischer Boel has argued that sugar and fatty foodstuffs should be banned from school vending machines. She claims that "There's no justification for having them there."

She put forward the EU-wide "school fruit scheme" as one of the measures currently being taken to help tackle the problem of child obesity which consists in the distribution of fruit and vegetables in schools at the launch of a two-day conference organised by the Commission, on ways in which the consumption of fruit and other healthy food can be encouraged among school-children.

She added, "The minimum daily intake recommended by the World Health Organisation and the Food and Agriculture Organisation is 400 grammes. And only 8 EU member states hit that target."

Source: European Commission

Commercial broadcasters' commitment to encourage healthier lifestyle

On 29 January 2009, commercial broadcasters from all over Europe submitted a brochure entitled "A Healthy Audience" to the European Commission. This brochure is part of their commitment to take action for healthier lifestyle within the "Platform on Diet, Physical Activity and Health". The Association of Commercial Television in Europe (ACT) has shown that the commercial television industry can play a role in improving the health of European citizens.

To see full brochure [click here](#).

Source: ACT

► Online advertising

► Global



Trade Groups to craft behavioural targeting guidelines

The American Association of Advertising Agencies (4A's), the Association of National Advertisers (ANA), the Direct Marketing Association (DMA), the Interactive Advertising Bureau (IAB) and the Council of Better Business Bureaux plan to develop jointly a set of self-regulatory guidelines for behavioural targeting ads.

Their goal is to tackle privacy concerns surrounding behavioural targeting and to better educate consumers who are only gradually becoming aware of the controversial practices.

They will consider the set of behavioural targeting principles set forth by the Federal Trade Commission in December 2007.

For the moment, no time line has been set for meetings or for the publication of guidelines. The idea will be to sell consumer-data-driven online advertising as crucial for driving the online publishing industry.

Source: Adweek

French online more than other Europeans

Some countries have seen the rate of growth in Internet fall whereas in France the number of users is still rising.

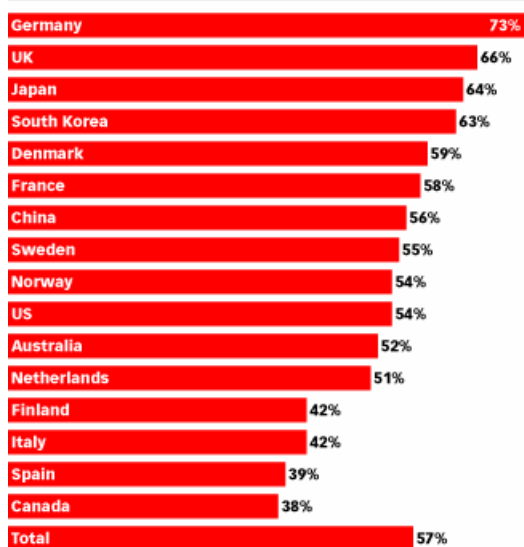
Nielson Online estimated that the digital media universe in France grew 15% between January and November 2008. It moved from 34.85 million to 40.13 million people.

The sixth edition of the "Mediascope Europe" report by the European Interactive Advertising Association (EIAA) noted that Internet users in France are more likely than other Europeans to be online every day.

A recent online poll by TNS Global also pointed out the vital role the Web now plays in French life. TNS quizzed more than 27 500 adults from 18 to 55, in 16 countries for its "Digital World, Digital life" report. According to the study, Internet users in France, UK and Canada spend 28% of their leisure time online. In the US, the Internet users spend 30% of their time online and in China they spend 44% of their time online.

The French e-commerce market is taking off. In 2008, Germany had the highest proportion of online buyers in Europe with 73% but TNS found that France was above the average, with 58% of respondents buying goods and services online. Moreover, a majority of French respondents declared that if the web access failed it would affect their personal lives at 6.9 on a scale from 1 to 10.

Online Buyers in Select Countries, 2008 (% of respondents)



Note: n=27,522 ages 18-55

Source: TNS, "Digital World, Digital Life" as cited in press release, December 19, 2008

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www.eMarketer.com

Source: *emarketer*

65% of advertisers state that Google "limits choice" for advertisers

According to a survey of the International Advertising Association (IAA), 65% of advertisers believe Google dominates online advertising, resulting in "limited choices and price options for online advertisers"

The IAA's search advertising survey, conducted among 100 of its members, found that 85% of advertisers argue it is vital that a rival to Google gains a major foothold in the online market.

80% of advertisers believe that there is a perceived lack of transparency with regard to issues such as the placement of paid-for search ads and minimum bids for search terms.

Michael Lee, executive Director of the IAA said "From my vantage point at the IAA, all the players in the industry need to be engaging.

People do feel Google is very dominant, because it is. From a business point of view, some people think Google is perhaps a little bit distant."

Sources: *AdAge.com* & *WARC*

Pharmaceuticals



Debates on information to patients starting at the European Parliament beginning February

Regarding the proposition of the European Commission on information to patients, the lead committee at the European Parliament is the Environment, Public Health and Food Safety (ENVI) with Christopher Fjellner (EPP-ED: Sweden) as Rapporteur. Holger Kraemer (ALDE: Germany) and Linda McAvan (PES: UK) will be two of the shadow rapporteurs. The Industry,

Research and Energy (ITRE) and Internal Market and Consumer Protection (IMCO) Committees have also been asked to produce an opinion. The first exchange of views will take place on 9 February.

Source: *EACA*