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## EACA Monthly Newsletter - August - September 2009

### EU & National News

▶ Politics & Government

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#### New Parliament takes shape

The new European Parliament was officially constituted in Strasbourg on July 14 -16. During the plenary session of July 14th, Jerzy Buzec (European People's Party - Poland) was elected President of the European Parliament. He was the Prime Minister of Poland from 1997 to 2001 and has been a member of the European Parliament since June 2004. He is the first President from one of the new Member States that joined the EU in 2004.

The members of the European Parliament fall into seven political groups, represented by group leaders:

- Joseph Daul – President of the European People's Party (EPP - France)
- Martin Schulz – President of the Progressive Alliance of Socialists and Democrats (S&D - Germany)
- Guy Verhofstadt – President of the Alliance of Liberals and Democrats for Europe (ALDE - Belgium)
- Rebecca Harms – President of the Greens/ Europe Free Alliance (Germany)
- Michał Tomasz Kamiński – European Conservatives and Reformists Group (ECR - Poland)
- Lothar Bisky – Conference Group of the European United Left – Nordic Green Left (Germany)
- Nigel Farage & Enrico Speroni: Europe of Freedom and Democracy Group (UK & Italy)

The chairs of the European Parliament's parliamentary Committees for the next two-and-a half years have also been appointed. The nominations of interest for the advertising industry are the following:

- Malcom Harbour (European Conservatives and Reformists, UK) – President of the Internal Market and Consumer Protection Committee
- Jo Leinen (Progressive Alliance of Socialists and Democrats, Germany) – President of the Environment, Public Health and Food Safety Committee
- Herbert Reul (European People Party, Germany) – President of the Industry, Research and Energy Committee
- Eva-Britt Svensson (Conference Group of the European United Left – Nordic Green Left, Sweden) – President of the Women's Rights and Gender Equality Committee
- Doris Pack (European People's Party, Germany) – President of the Culture and Education Committee

To view the composition of the different Committees, click [here](#)

Source: EACA

#### Barroso appointed for second term

On September 16th, the European Parliament approved the appointment of José Manuel Barroso for a second mandate as President of the European Commission. José Manuel Barroso is a member of the European People's Party and is the former Prime Minister of Portugal. He was elected by 382 votes in favour, 219 against and 117 abstentions.

The President of the European Commission is the head of the executive branch of the European Union. He is responsible for the determination of the Commission's policy agenda and for allocating portfolios to members of the Commission. The new college of Commissioners should be taking office in January 2010.

Source: EACA

#### Waiting for the Czech ratification of the Lisbon Treaty

On October 3rd, the Lisbon Treaty was approved by referendum by Irish voters. 67.1% of the electorate voted in favour and 32.9% voted against. The Czech Republic has not yet ratified the Treaty. Poland followed the Irish vote and ratified the Treaty on the 12 of October. Brussels is planning to put the Czech Republic under heavy pressure during the Summit of EU leaders planned on October 29th.

The Lisbon Treaty amends the current treaties without replacing them and will:

- strengthen the role of the European Parliament and national parliaments;
- extend the qualified majority vote in the Council to new policy areas to make decision-making faster and more efficient;
- improve the EU's ability to act in several policy areas including energy policy, public health, civil protection, climate change and commercial policy;
- improve the EU's visibility & weight on the world scene by creating new positions: a new High Representative for the Union in Foreign Affairs and Security Policy who will be also the Vice-President of the Commission and a President of the European Council who will be elected for two and a half years.

For more information, click [here](#)

Source: European Commission

▶ Advertising

▶ Global



#### Yahoo! And Microsoft formalise their alliance in search engines

On July 29th, after 18 months of discussions, Yahoo! and Microsoft have formalised their future 10 year-alliance in search engines. Microsoft will run the technology behind both its own Bing search engine and Yahoo! search results. Yahoo! will handle the direct sales of sponsored advertising.

The two groups will remain in competition on some internet services such as emails and news and will maintain their own display advertising businesses and sales forces.

Source: Financial Times

▶ EU

#### Parliament commissions study on advertising rules and their effects under the New Audiovisual Media Services Directive

A Brussels-based European Affairs consultancy - KEA - has released a study commissioned by the European Parliament on "Advertising Rules and their Effects under the New Audiovisual Media Services Directive (AVMS)."

Member States have until the end of 2009 to transpose the AVMS Directive into their national regulatory frameworks, therefore the study only reflects some of the discussions which have been raised during the implementation process.

The conclusions it draws are that the impact of product placement on future audiovisual financing may have been overestimated in debates during the run-up to the AVMS Directive and that it is too early to assess the effectiveness of the codes covering advertising to children.

To see the full study, click [here](#)

Source: EACA

▶ Spain

#### Senate adopts advertisements ban on Spanish public TV channels

On August 27th, the Spanish Senate adopted the "Draft Law to Finance Spanish Public TV and Radio", which contains a provision to ban all advertising on Spanish public stations of Corporacion de Radio y Televisión Española (RTVE).

According to the government, the move aims to secure quality programming and additional funding for public television, which has seen a sharp drop in TV advertising revenue. In order to financially secure RTVE, the government is planning to impose taxes on private broadcasters and telecoms operators. The ban will come into force in January 2010.

A precedent for this ruling has been set by the French government, which abolished advertising in prime time on state-run channels in January 2009, and is planning to phase out all advertising by 2011.

Source: AEF

▶ Alcohol

▶ EU



#### Swedish Presidency takes action on alcohol-related harm

One of the main issues the Swedish Presidency of the European Union decided to put on the EU agenda is to support a "sustainable, long-term and comprehensive strategy to reduce alcohol-related harm".

In autumn 2006, the European Commission adopted a Strategy to reduce alcohol-related harm in the EU. The strategy highlights five areas in which Community measures supplementing national initiatives may contribute added value:

- protecting young people, children and the unborn child
- reducing injuries and deaths from alcohol-related road traffic accidents
- preventing alcohol-related harm among adults and reducing the negative impact on the workplace
- informing, educating and raising awareness on the impact of harmful and hazardous alcohol consumption and on appropriate consumption patterns
- developing, supporting and maintaining a common evidence base at EU level.

The Swedes are intending to put forward a major update of the EU's alcohol strategy, aiming to hammer out an agreement ahead of a key meeting of European health ministers in Brussels in early December.

Following on from an informal Ministerial meeting in July, the Swedish Ministry of Health, in co-operation with the European Commission's Directorate General for Health and Consumers, arranged an Expert Meeting on Alcohol and Health in Stockholm on September 21st & 22nd.

A review was made of progress achieved in the task of developing self-regulation structures for advertising

and marketing and a report on the situation in the Member States three years after the adoption of the EU Strategy to support Member States in reducing alcohol-related harm was presented by DG SANCO.

The main findings of the Report are the following:

- There has been a trend in Member States during the last three years towards a minimum age for the selling and serving of alcoholic drinks being raised to 18 years.
- In some Member States Lower Blood Alcohol Concentration limits for drivers of motorised vehicles have been introduced.
- The awareness-raising activities on the risk of alcohol use during pregnancy are increasing and the awareness activities and campaigns for drink-driving have almost doubled.
- New measures to prohibit or restrict the sale of alcoholic beverages in petrol stations have been adopted.
- Further restrictions on alcohol advertising on TV have been adopted.
- Greater policy focus has been given on specific aspects of alcohol policy including the relationship between alcohol consumption and health inequalities.

A new progress Report is now due in 2012.

As far as the conclusions of the sessions at the September Expert meeting are concerned: Robert Madelin Director-General for Health and Consumer Protection at the European Commission stated that there is progressive action on the idea of protecting children against alcohol harm but not yet enough to fix the problems. New perspectives need to be integrated. More youth involvement is needed and a closer look needs to be taken at other disciplines that are not mainstream in the public health debate.

Maria Larsson, the Swedish minister for Elderly Care and Public Health, concluded that there were a lot of tools for action. She thinks that methods could be better evaluated and thinks that working a local level can make a huge difference.

For more information, click [here](#)

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

Source: EACA

#### ▶ Turkey

##### **Further restrictions on alcohol advertising adopted**

A new law has been adopted in Turkey covering alcohol advertising, which was previously prohibited on television and radio, but not in newspapers, magazines, cinema and outdoor. The new legislation will bring new restrictions especially for cinema advertising. Advertising for alcoholic beverages can now only be shown at the end of a film. Alcohol ads in newspapers and magazines may not feature any typical snacks. For example, beer cannot be shown with potato crisps (chips).

The Turkish alcohol industry has reacted strongly to these changes and may take court action to try and have the legislation withdrawn.

Source: EASA

#### ▶ Children

#### ▶ EU



##### **Voluntary industry action to change food advertising to children**

Within the framework of the European Commission's Platform on Diet, Physical Activity and Health, in December 2007, 11 food manufacturers representing 2/3 of the food market in the EU: Burger King, Coca-cola, Danone, Ferrero, General Mills, Kelloggs's, Kraft Foods, Mars, PepsiCo, Nestle, Unilever committed to change the products they advertise to children under 12 years old on TV, print and the Internet.

Accenture Media Services conducted the monitoring of their voluntary commitment in France, Germany, Ireland, Italy, Poland and Spain. On 9 September, the study was published where it is noted that the food industry has significantly changed the types of products it advertises to children across the EU. The figures have been presented to the European Commission.

The overall results show:

- A 93% decline in advertising for products that do not meet companies' nutritional criteria in programmes with an audience composed of a majority of children.
- A 56% decline in advertising for these products overall, i.e. in all programmes on all channels at all times.

As far as all the advertisement done by the committed companies of all products is concerned:

- A 61% decline in programmes with an audience composed of a majority of children
- A 30% decline overall, i.e. in all programmes on all channels at all times

In addition, signatory companies committed not to engage in any commercial communications related to food and beverages products in primary schools, except where specifically requested by or agreed with the school administration for educational purposes. Price Waterhouse Coopers realised an independent monitoring study and showed that food advertisers were 93% compliant with their commitment.

The full EU Pledge Monitoring Report can be downloaded at [www.eu-pledge.eu](http://www.eu-pledge.eu)

Source: World Federation of Advertisers

##### **Report states stakeholders' opinions on food advertising to children**

A European research project entitled Polmark (Policies on Marketing Food and Beverages to Children) has consulted children's organisations, teacher groups, food companies and advertising agencies to assess the impact of food advertising targeted at young people and examine whether the obesity crisis among children justifies tougher legislative measures.

The study will cover 11 countries and is to be completed in 2010. Seven national reports have already been published and are available at <http://www.polmarkproject.net/>.

The reports are essentially descriptive and reflect the different views industry and consumer oriented stakeholders tend to have on how to address the obesity issue.

Source: EACA

▣ Data protection

▣ EU



#### Consultation on the legal framework for the fundamental right to personal data protection opened until 31 December 2009

The Article 29 Data Protection Working Party (Article 29 WP) has launched a public consultation on the legal framework for the fundamental right to personal data protection. The consultation will be open until 31 December 2009 and will focus on the new challenges for the protection of privacy in the light of new technologies and globalisation.

The European privacy watchdog invites individuals, organisations and public authorities to submit their contributions. Speaking at the 2009 European Data Protection Intensive, Peter Hustinx - the European Data Protection Supervisor - said that Europe is already "in the middle of the surveillance society and should be dealing with it". Hustinx stressed that the use of information and communication technologies is becoming "more pervasive", causing more vulnerability from a privacy perspective.

For more information, click [here](#)

Source: EACA

▣ Internet

▣ EU



#### EU encourages industry to promote & develop media literacy

The European Commission is pushing member states to include media education in schools to help EU citizens to become more active users of new media and increase their awareness of potential risks such as privacy breaches or hidden advertisements.

The European Commission has encouraged the Media Industry to increase its commitment to provide the users with the necessary tools to improve their level of media literacy.

Information Society Commissioner Viviane Reding said that "interacting with the media now means a lot more than writing to a newspaper. Consumers today can create their own content and make new works by transforming third party content."

To see full European Commission's recommendation, click [here](#)

#### European Commission commits to define a clear European Digital Agenda

Viviane Reding, the Commissioner in charge of Information Society and Media, gave a speech during a lunch organised by ICOMP (an industry initiative sponsored by Microsoft and other online players) on October 6th to debate the future of the internet and Europe's digital strategy.

Viviane Reding said that in less than 10 years, the Internet had grown from being a novel technical gadget application into becoming central to the economic systems of the developed world. She said it is probably the most important area of smart investment that will follow the recession.

She stated that, with the European Commission President José Manuel Barroso, she had already announced the commitment of the next Commission to define a clear European Digital Agenda aimed at tackling the main obstacles to a genuine digital single market with targeted legislative measures.

She presented her priorities: challenge book digitisation, create a harmonised online market with clearer rules, improve the protection of privacy and personal data in the online environment and develop a self-regulatory system for European websites to build consumer trust.

To see the full speech, click [here](#)

Source: European Commission

#### EU crackdown on websites selling consumer electronic goods

On September 9th, the EU Consumer Commissioner Meglena Kuneva announced the results of an EU-wide investigation involving 26 Member States and Norway and Iceland on misleading and unfair practices on websites selling consumer electronic goods.

The EU sweep was organised in May 2009 and covered 369 websites selling six of the most popular electronic goods to consumers in the EU: digital cameras, mobile phones, personal music players, DVD players,

computer equipment and game consoles.

The websites selling electronic goods were checked for compliance with three crucial EU consumer laws: the Distance Selling Directive, the e-Commerce Directive and the Unfair Commercial Practices Directive by national enforcers co-ordinated by the European Commission.

The investigation focused on 3 key areas: the presence of the contact information for the trader, the existence of clear information about the offer and clear information about consumer rights.

The results are that:

- 55% of the 369 checked websites showed irregularities
- 66% of websites presented problems of misleading information about consumer rights
- 45% of websites showed misleading information about the total price
- 33% of websites presented missing or incomplete contact details of the trader

EU Consumer Commissioner Meglena Kuneva said: "We targeted websites selling electronic goods because I know from my own mail bag, and we know from the level of complaints coming into European Consumer Centre, that these are a real problem area for consumers. We discovered that more than half of the retailers selling on-line electronic goods are letting consumers down. This is a Europe-wide problem which needs a European solution. There is a lot of work to be done in the months ahead to clean up this sector, Europe's consumers deserve better."

For more information, click [here](#)

Source: European Commission

► Obesity

► EU



#### The Netherlands votes against ban of food advertising

On 8 September, a bill in the Dutch Parliament to ban the advertising of foods high in fat, salt and sugar (HFSS) was rejected by Dutch MPs. Labour and Socialist Party MPs voted in favour of a ban but the bill was defeated by the Christian Democrat majority. Instead MPs want the industry to adopt self-regulatory measures to help promote healthy lifestyles. The Dutch food industry has mooted the possibility of launching a Dutch pledge to reflect

the European Pledge framework at EU level ([www.eu-pledge.eu](http://www.eu-pledge.eu)).

Christian Democrat MP, Sabine Uitslag, said during the debate that it was up to parents to determine what children actually eat. Nevertheless, more must be done to get children to exercise, MPs agreed. MPs were debating measures to combat the growing problem of obesity in Dutch society. Nearly half of Dutch adults are now officially considered to be overweight while one in eight children is obese.

Source: RAC

► Pharmaceuticals

► EU



#### Discussions on the proposal for a Directive on information to patients start again

At the beginning of September, the European Parliament's Environment, Public Health and Food Safety Committee (ENVI) held an exchange of views with Gunther Verheugen, the Commissioner for Enterprise and Industry on the Pharmaceuticals Package.

MEP Christofer Fjellner (European People Party, Sweden) remains the Rapporteur for the Information to patients Directive. The ENVI Committee will provide the main Report and the Internal Market and Consumer Protection Committee (IMCO) will provide an opinion. MEP Cristian Silvu Busoi (Liberal, Romania) was designated to lead the IMCO opinion.

Both Mr Fjellner and Mr Busoi have stated that they are keen to improve the European Commission's proposal and to convince Member States that better information to patients is needed and will benefit all stakeholders in the long run.

Source: EACA