



# **The AVMSD and the provisions on alcohol advertising**

**CNAPA meeting 8  
November 2017**



# **Audiovisual Media Services Directive 2010/13/EU (AVMSD)**

*Sector specific Directive: **audiovisual media services:***

- **traditional TV and on-demand services**
- **audiovisual commercial communications**

*Rules aimed at protection of general interest,  
e.g. protection of consumers, minors and  
vulnerable groups (e.g. people with disabilities)*

## Alcohol advertising – Article 22 AVMSD

1. *1. Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:*
2. *(a) it **may** not be aimed at minors or, in particular, depict minors consuming these beverages;*

# 1st Application Report on AVMSD (May 2012)

## Conclusions:

***Further investigations are required to assess the impact of commercial communications, especially for alcoholic beverages, on minors as regards exposure and consumption behaviour and the effectiveness of the Directive's restrictions in achieving requisite protection, while taking account of the benefit/cost ratio of monitoring activities. The Commission will initiate the necessary research in 2013.***

# 2016 Study on the exposure to alcohol advertising - results

- **online services and alcohol industry try to ensure minimal exposure through the implementation of measures and self-regulation**
- **the level of exposure of minors to alcohol advertising on online services is supposed to be limited**
- **yet at the same time, minors have the perception to have been exposed to alcohol advertising online.**

# AVMSD proposal

- introduces **flexibility** when restrictions only applicable to TV are no longer justified

## On the other hand

- maintains and even reinforces, those rules seeking to protect the most vulnerable, such as on alcohol advertising.
- Reinforces **self-and co-regulation to protect minors from advertising for alcohol**

# AVMSD proposal – reinforcement of self and co-regulation

- The aim of the self- and co-regulatory codes should be to effectively limit the exposure of minors to audiovisual commercial communications for alcohol.
- Self and co-regulation systems if well designed and if applied consistently, can be very efficient in achieving results and due to its flexibility it is able to respond more effectively to the fast changing audiovisual environment.

# AVMSD proposal - Audiovisual commercial communications of alcohol beverages

## Article 9

**3. Member States are encouraged to use co-regulation and to foster self-regulation through codes of conduct** as provided for in Article 4a(1) **regarding inappropriate audiovisual commercial communications for alcoholic beverages.** Those codes shall aim to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic beverages.



## **AVMSD proposal - Audiovisual commercial communications of alcohol beverages**

- **4. The Commission shall encourage the exchange of best practices on self- and co-regulatory codes of conduct referred to in paragraphs 2 and 3.**
- **4a. Member States and the Commission may foster self-regulation through Union codes of conduct referred to in Article 4a(2).**

# AVMSD proposal - Article 3

Public health has been introduced now as a ground that Member States can use to exceptionally derogate from the free reception and retransmission of TV broadcasts from other Member States, for those situations where, on a case by case basis, there could indeed be a serious danger for public health.



# AVMSD revision - State of play and calendar

## **European Parliament**

CULT (lead committee) adopted its report on 25 April.

## **Council**

General Approach adopted on 23 May 2017

# Council General Approach

## *Article 22*

**1a.** Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:

(a) it **shall** not be aimed specifically at minors or, in particular, depict minors consuming these beverages;

# Council General Approach

## Article 22

1b. Audiovisual commercial communications for alcoholic beverages in on-demand audiovisual media services, with the exception of sponsorship and product placement, shall comply with the criteria in paragraph 1a.

# EP amendments

## *Article 9.1*

*e) audiovisual commercial communications for alcoholic beverages shall not be aimed [~~specifically~~] at minors and shall not encourage immoderate consumption of such beverages;*

**Thank you for your attention!**

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**Useful links:**

**<https://ec.europa.eu/digital-single-market/en/news/study-exposure-minors-alcohol-advertising-tv-and-online-services>**