



CNAPA meeting 8 June 2016

New AVMSD proposal and
audiovisual commercial
communications for alcoholic
beverages

Proposal for the amended AVMS Directive

- Adopted by the College on 25 May 2016
- <https://ec.europa.eu/digital-single-market/en/revision-audiovisual-media-services-directive-avmsd>

Current AVMSD rules on alcohol advertising

- **Article 9(1)(e)** prohibits alcohol advertising specifically aimed at minors (on TV and in on-demand services)
- **Article 22** subjects alcohol advertising on TV to stricter rules (e.g. alcohol advertising shall not link alcohol consumption with driving, with enhanced physical performance, with social or sexual success, with therapeutic or sedative effects etc.).

Development of self- and co-regulation

Main changes:

- Member States and the Commission encourage the **development of self- and co-regulatory codes** of conduct regarding inappropriate audiovisual commercial communications (AVCCs) for alcoholic beverages
- To effectively **limit the exposure** of minors to such AVCCs
- **Self- and co-regulation reinforced** (Article 4(7)).

New approach to self and co-regulation

Reinforcement of self and especially co-regulation:

- Reference to **the Principles for Better Self and Co-regulation** that should be followed by the codes of conduct <https://ec.europa.eu/digital-single-market/communities/better-self-and-co-regulation>
- Support for co-regulation (regulatory backstop – guarantee of success)
- Encouragement to share best practices and set up **Union codes of conduct**

Recital 7 AVMSD –guidance on successful self and co-regulation

(...)A number of codes set up in the areas coordinated by the Directive have proved to be well designed, in line with the Principles for Better Self- and Co-regulation. The existence of a legislative backstop has been considered an important success factor in promoting compliance with a self- or co-regulatory code. It is equally important that **the codes establish specific targets and objectives** allowing for the **regular, transparent and independent monitoring and evaluation** of the objectives aimed by the codes. **Graduated sanctions** which maintain an element of proportionality are usually considered to be an effective approach in enforcing a scheme. **These principles should be followed by the self- and co-regulatory codes adopted in the areas coordinated by this Directive.**

Article 4(7) AVMSD

Member States shall encourage co-regulation and self-regulation through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those codes shall be such that they are broadly accepted by the main stakeholders in the Member States concerned.

The codes of conduct **shall clearly and unambiguously set out their objectives**. They shall provide for **regular, transparent and independent monitoring and evaluation of the achievement of the objectives aimed at**. They shall provide for **effective enforcement**, including when appropriate **effective and proportionate sanctions**.(...)

Best practices and Union codes

- The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union.
- Where appropriate, the Commission shall facilitate the development of Union codes of conduct.
- Union codes (draft codes, amendments and extensions of the existing codes)
 - should be submitted to the Commission and
 - ERGA may give an opinion

Public health

- In order to better take into account the specificities of Member States related to health matters:
- **public health introduced as a ground that Member States can use** to exceptionally derogate from the free reception and retransmission of TV broadcasts from other Member States
- when, **on a case by case basis**, there could be a **serious danger for public health**.

Questions ?



Thanks !

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