



High Level Group meeting 6 April 2016

**Audiovisual commercial
communications of HFSS foods
addressed to children and
AVMS Directive**

Effectiveness of Article 9.2 AVMSD

- **1st Application Report 2011**
 - assessment of transposition by MSs rather than effectiveness of the measures in place (best practice examples identified)
- **Effectiveness of codes of conduct on av cc of HFSS foods**
 - to be addressed in 2nd Application Report (subsumed by the REFIT document)
 - Study on the Effectiveness of self and co-regulation in the context of implementing the AVMS Directive



Overview of the situation across the EU

- No relevant rules in place :
Lux, HU, SL, IT ,CY, LT, LV (7)
- Self-regulation : AT, BE, BG, CZ, DK, DE, EE, EL, ES, NL, PL, PT, SK, FIN (13)
- Co-regulation: FR, ES, RO, HR -drafting stage(4)
- Statutory rules: UK, IE, SE, BE (fl), PL, PT (6)



Overview of the existing self- and co-regulation

New codes set up since the last Application Report :

- **Estonia** – code of conduct by the media service providers
- **Greece** - codes of conduct in this area developed by two Greek broadcasters
- **Poland** – new agreement signed by the major broadcasters, use of nutrient profiling, children under 12 years old (co-regulation)
- **Spain** – update of PAOS code, extending the scope to internet and raising the age limit to 15

Overview of the existing self- /co-regulation and statutory rules

- **Netherlands**- age limit for no food advertisements to children to be raised to 13 year old, except for products fulfilling the nutritional criteria (2015)
- **Portugal** –the Portuguese self-regulation body for advertising revised in July 2014 its code of conduct on commercial communications for food and beverages to children
- **France** – new Charter was adopted in November 2013 and entered into force in January 2014
- **Ireland** - update of the rules on HFSS advertising to children included in the BAI's General and Children's Commercial Communications Code, June 2013



Drafting stage

- **Croatia** – The Agency for Electronic Media working on a **co-regulation** Act relating to the advertising of HFSS foods to children
- **Cyprus**- the Cyprus Association of Advertisers and the majority of Cyprus media is in the process of drafting a specific code of conduct
- **Malta** - there is a legislation under the adoption procedure that prohibits acc for HFSS food in and around children's programmes
- **Finland** – Finish Food and Drink Industries is in the process of renewing its code of conduct on commercial communications of food.



Example of co-regulation – PL

- An agreement signed by 7 major broadcasters according to which advertisers who want to advertise during an around programmes aimed at children under 12 will be are required to submit declaration of compliance with the nutritional criteria (as set by the Polish Federation of Food Industry (PFPŻ) and verified by the Food and Nutrition Institute.
- The monitoring of the scheme is carried out by the National Broadcasting Council (regulator) who can impose public fines in case of non-compliance.

Example of statutory rules: IE

The BAI updated (in June 2013) broadcasting codes and rules, including requirements in terms of the promotion of HFSS foods to children:

- **commercial communications for HFSS food (including drinks) shall not be permitted in children's programmes.**
- content rules will apply to commercial communications for HFSS food broadcast outside of children's programmes but which are directed at children.

Such commercial communications shall not:

- Include celebrities or sports stars; programme characters, licensed characters
- **Contain health or nutrition claims;**
- Include promotional offers.

Thank you for your attention!

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