



Mr Kyriacos Triantaphyllides, MEP
European Parliament
Office 06F349
60 rue Wiertz
B-1047 Brussels

Brussels, 16 September 2011.

Dear Mr Triantaphyllides,

The signatories of this letter would like to express their concern about certain provisions in the draft IMCO report on a new strategy for Consumer Policy. Our trade associations represent an important part of the advertising, media and marketing ecosystem across the EU.

Firstly, we question the value of including issues in EU consumer policy which are already dealt with in other areas of EU law and by means of self-regulation. We are particularly concerned about the call for a ban on TV advertising and direct advertising to children under 12, which is already highly regulated in all media. Today's regulatory framework for television advertising provides a high level of protection for children, which is complemented by advertising self-regulatory codes which set even higher levels of protection for minors

Furthermore the Audiovisual Media Services Directive provides an adequate and flexible framework with television and all other audiovisual media being more heavily regulated than any other media. These provisions have been extended to cover all audiovisual commercial communications. Moreover, the Unfair Commercial Practices directive also prohibits the direct exhortation of minors to buy or hire a product. As these provisions already exist we would suggest calling for correct

application of existing legislation to protect vulnerable consumers and children rather than calling for further legislation. Thus, we have proposed an amendment to paragraphs 3 and 12.

We believe that greater restrictions on TV advertising to children would lead to less investment in children's TV programming in Europe. We therefore propose a change to paragraph 13.

Secondly, we would like to propose using already established alternative dispute resolution systems and organisations, including the industry-funded advertising self-regulatory organisations, where possible. These provide consumers with fair, trusted and independent methods to complain about advertising that they find to be inappropriate (paragraph 26). As you will be aware, the Commission is already actively researching all options to further improve dispute resolution and redress possibilities; therefore, we would like to propose changes to paragraph 26.

Finally, we respectfully question the usefulness of including environmental issues, such as for example CO2 emission reduction, into the EU consumer policy agenda at all. These issues are rightly addressed in the environmental policy agenda. Addressing it in the consumer agenda as well shifts the focus away from the main objective, the improvement of consumers' positions, thus we have proposed an amendment to paragraph 3.

Please find our proposed changes set out below.

We thank you in advance for considering our amendments. Please do not hesitate to contact us should you have any questions in relation to any of the above.

With best wishes,



Ross Biggam
Director General
Association of Commercial Television in Europe



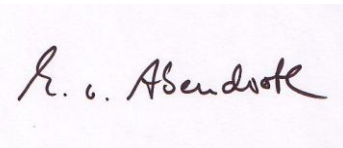
Katja Heintschel von Heinegg M.E.S.
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Angela Mills-Wade
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Dieter Weng
Chairman
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Mark Flys
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Proposed Amendments

Amendment

3. Highlights the numerous challenges facing the Consumer Agenda: ~~making sure private consumption becomes more sustainable and~~ reducing levels of inequality between consumers and reducing consumers' exposure to hazardous chemicals and products ~~and protecting children from advertising;~~

Justification

The question of sustainable consumption of private households is an environmental issue and not a consumer issue. The Commission is already very active on environmental issues in its environmental policy. This topic should not be addressed in the consumer agenda as well since the focus would be not the improvement of consumers' positions.

Children are already well protected from inappropriate advertising in all media by the Unfair Commercial Practices Directive 2005/29/EC, which for example includes the prohibition to directly exhort minors to buy or hire a product. In all audiovisual media they are additionally protected by the Audiovisual Media Services Directive 2007/65/EC which updates the Television Without Frontiers Directive 97/36/EC, updating Directive 89/552/EEC. Additionally there are further restrictions from advertising self-regulation for all media.

Amendment

12. Emphasises the need to **ensure** ~~provide better~~ protection for vulnerable consumer groups, such as children and the elderly **through correct enforcement of the Unfair Commercial Practices Directive**; ~~points out that children are exposed to extensive advertising even though they have no possibility to make informed choices;~~

Justification

Vulnerable consumer groups including children are already sufficiently protected by the Unfair Commercial Practices Directive 2005/29/EC from misleading, aggressive or unfair practices. It is however important that the respective rules are properly enforced.

Amendment

13. ~~Urges~~ **Encourages** the Commission **to continue** to include the protection of children among the main priorities of the Consumer policy; Agenda and propose a ban on TV advertising and direct advertising aimed at children under the age of 12;

Justification

Children are already well protected from inappropriate advertising in all media by the Unfair Commercial Practices Directive 2005/29/EC, which for example includes the prohibition to directly exhort minors to buy or hire a product. In all audiovisual media they are additionally protected by the Audiovisual Media Services Directive 2007/65/EC which updates the Television Without Frontiers Directive 97/36/EC, updating Directive 89/552/EEC. Additionally there are further restrictions from advertising self-regulation for all media.

Amendment

26. ~~Calls~~ **Encourages the Commission in its efforts to provide for** more accessible and more effective redress mechanisms, such as alternative dispute resolution, collective redress or online dispute resolution, to empower consumers throughout the EU. **There are already many established alternative dispute resolution systems and organisations, including the industry-funded advertising self-regulatory organisations where consumers can complain about advertisements they find to be inappropriate.**

Justification

The Commission is already actively researching all options to further improve dispute resolution and redress possibilities; therefore this paragraph is not necessary. Furthermore, there are already many established alternative dispute resolution systems and organisations, including the industry-funded advertising self-regulatory organisations where consumers can complain about advertisements they find to be inappropriate.