



Brussels, 23rd October 2007

Subject: Amendments for Chris Davies' Report on the Community Strategy to reduce CO² emission from passenger cars and light-commercial vehicles

Dear Member of the European Parliament,

The undersigned representative voices of the European media sector wish to raise our concerns with you on the draft Report from Chris Davies on the "Community Strategy to reduce CO² emission from passenger cars and light-commercial vehicles" (2007/2119 (INI)).

Combined, our associations represent the gamut of European media industries, encompassing print and online press, television and radio.

Specifically, the media is concerned about the draft provisions relating to advertising requirements in the media. The media is always cautious about additional legal requirements for advertising, as they inevitably have negative effects on the creation of diverse and quality content.

European media already operate according to EU and national legal requirements for advertising. At EU level, misleading advertising - thus potentially deceptive "green" claims - is prohibited by means of the Unfair Commercial Practices Directive. In addition, car advertising is specifically addressed in the EU's 'Labelling Directive'. Print and broadcast media also play an important role in making sure that all advertising is "legal, honest, decent and truthful" and most of them agree to abide by stricter advertising standards at national level, in the

framework of established self-regulatory organisations. Indeed, the car industry is at present being strongly encouraged to adopt sector-specific codes of conduct for advertising.

For these reasons, we believe that the current requirements in place are adequate and that stricter – often harsh – advertising requirements are disproportionate and not appropriate at this time.

We therefore call on you to support a deletion of the provisions relating to car advertising in the Davies' Report (see amendments proposed by Karl-Heinz Florenz).

In the event that is not possible, as a minimum we could support the alternative amendments tabled by Mark Callanan.

We outline below some further argumentation to support our position

- **The media sector in Europe is embracing the challenges presented by the digital revolution. Business models are developing, but advertising will remain a key ingredient for safeguarding an independent, thriving media**

At a time of great uncertainty for traditional media and with advertising spending being shared more and more thinly across the different media, old and new, publishers and broadcasters oppose any political measures that have the potential to imbalance the advertising revenues of the media. Without a free advertising market, the diversity of media (quantity) and their independence (quality) could be endangered, thus weakening a fundamental pillar of our democratic societies.

The car industry is one of the biggest investors in print and broadcast advertising across the EU. Car advertising represents up to 20% of total advertising revenues for print publishers, nearly 15% for radio and 9% for television. Any statutory restriction could thus have tremendous impacts on “traditional” media, while failing to achieve any environmental policy objective.

- **The approach of the rapporteur, i.e. the display of mandatory information, misunderstands the purpose of advertising and is largely impractical**

The purpose of advertising is to raise brand visibility and to create emotions around a certain product and not to carry minute technical information. Television, radio, magazines and newspapers display many car advertisements every day, ranging from the promotion of the manufacturer's brand (and no specific car) to classified adverts placed by local dealers advertising their range of new and used cars, or again the portrayal of a recent model. Information on fuel consumption, in order to be accurate, needs to be adjusted to the specificities of the car (its engine type, etc.) but also to the driving behaviours of its owner (be it in the city or on motorways, etc.). Unlike product-specific literature or brand websites, print and broadcasts advertising just simply cannot convey such detailed information.

Twenty or even 40 % of advertising space reserved for information on fuel consumption will not further empower consumers who already have access to this information during the purchasing process. However, it will **undoubtedly ruin advertising creativity, its effectiveness and put a major source of media's incomes at risk.**

- **By introducing statutory advertising requirements the fundamental right of freedom of expression is infringed**

It is one of the fundamental values of the European Union to protect the freedom of expression. This freedom applies for editorial speech as much as for commercial speech. By introducing statutory advertising requirements, as proposed in the Chris Davies Report, the fundamental right of freedom of expression is infringed. The producer of legally offered products in the EU market should be able to pronounce publicly about its products without any other restrictions other than those enshrined in existing national and European law, supported by self-regulatory codes and possible sector-specific codes (currently being considered).

In light of the above arguments, we invite policy makers to properly consider the tremendous risks that any additional advertising restriction could place on the maintenance of a diverse and free media sector in Europe.

In the context of such an important issue - i.e. a strategy to reduce Co2 emissions - we urge Members of the European Parliament to move away from superfluous "advert-phobic" restrictions.

We would be most grateful if you take our concerns into consideration while voting on the Chris Davies' report on October 22nd. Please do not hesitate to get in touch for any questions you might have regarding these joint concerns of the printed press and broadcast media on the Chris Davies report on CO2 emissions of cars. We will, in any event, be in contact with you in the coming days to further elaborate our concerns.

Yours sincerely,

The undersigned European media representatives:

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**Frederik Stucki – Association of European Radios (AER)
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