

European Parliament
60, rue Wiertz / Wiertzstraat 60
B-1047 Bruxelles / Brussel

Brussels, November 3rd, 2010

Dear Member of the European Parliament,

egta, the association of television and radio sales houses, and its 116 European members have an interest in the current debate on the own-initiative report of Mr Philippe Juvin on the "Impact of Advertising on Consumers Behaviour". In particular, we would like to share with you our utmost concerns about the content and implications of the amendments listed below, due to be voted by the Committee on Internal Market on 8 November, 2010.

Paragraph 13 on the cross-referencing data collection

egta urges you to OPPOSE amendment 75 and 76, which needlessly emphasise the risk of cross-referencing data collection practices by companies that are both content providers and advertising sales houses and that call on the Commission and on member States to ensure that different levels of data collection are kept separate.

Instead, we invite you to SUPPORT amendment 74, which states that the cross-referencing of collected data is already covered in existing legislation, for the following reasons:

- Under existing European legislation, citizens are already fully protected from the risks potentially arising from the practices described in paragraph 13. The Data Protection Directive (95/46/EC) sets down a number of principles, including that on the limitations on the collection, processing and use of data (Article 6b, c), which clearly establishes the conditions that must be met for the fair and legitimate processing of personal data, in order to protect the rights and fundamental freedoms of data subjects. Cross referencing personal data collected for different activities or purposes, and which could disregard consumers rights, is already covered by the Data Protection Directive.

Paragraph 16 indent 8 on online alcohol advertising

egta urges you to OPPOSE amendment 105, calling for a 9 pm watershed ban to alcohol advertising on both TV and radio, for the following reasons:

- Legislative measures setting safeguards on the advertising of alcoholic beverages on broadcast media have been implemented across Europe for more than 20 years by television and radio sales houses. For television, in particular, the Audiovisual Media Service Directive prohibits advertising of alcoholic beverages from specifically targeting minors and sets out many additional safeguards to protect consumers from marketing communications that can contribute to alcohol-related harms (excessive consumption, drinking and driving, drinking for resolving social problems, etc). Furthermore, in transposing the EU Directive into national legislation, many member States have adopted stricter rules¹.
- With regards to the issue of young people in particular, the numerous safeguards already applicable to audiovisual commercial communications address both the issue of the content of advertising messages and the placement. In practice, self-regulatory mechanisms are used to make sure that the content of advertising messages does not appeal to minors and the placement of advertising breaks around programmes specifically designed for minors is prohibited by legislative means.
- Any restrictions on TV and radio advertising for alcoholic beverages would have a significant economic impact on the European audiovisual industry given that revenues from this sector represent an average of 6% of the turnover of European sales houses.
- Any control or partial ban on volume or placement on TV or radio would overly restrict the alcohol industry's ability to responsibly promote towards adults its products and brands, which are both legal and socially acceptable when consumed in moderation. In addition, this would not lead to a better protection of

¹ A complete overview of all rules applying to TV advertising for alcoholic beverages in EU countries is available on the egta website (www.egta.com) in the egta compendium on alcohol advertising.

adolescents, whose audience share in adult and family programmes is very low, and whose media consumption patterns are constantly evolving. In particular, radio and TV advertising are the most restricted forms of marketing communication when it comes to alcohol advertising, while today's adolescents and children are increasingly using new media such as the Internet. As these media offer many new forms and drivers of marketing communication that do not apply the same high-level of standards applicable to broadcast media, further restrictions on broadcast advertising would not only have no positive public health impact but would put broadcast media at a serious competitive disadvantage against these new media.

Paragraph 17d on TV advertising addressed at children

egta urges you to OPPOSE amendment 118, calling for restrictions on TV advertising in programmes watched mainly by children, for the following reasons:

- Today's regulatory framework applicable to television advertising is particularly detailed when it comes to children and many self-regulatory codes also set higher levels of protection for minors (a wide range of self-regulatory codes or in-house codes of conduct are applied by TV and radio sales houses to ensure that advertising does not abuse the credulity of vulnerable consumers).
- egta shares the conclusion of a recent study commissioned by the European Commission that *"the provisions of the directive [at the time the Television Without Frontiers directive] provide an adequate and flexible framework"* with *"television being more heavily regulated than any other media"*.² These provisions (e.g. specific insertion rules for children programmes, prohibition to show minors in dangerous situations in ads, etc.) have now been extended to cover all commercial communications by means of the recently adopted Audiovisual Media Service Directive. Furthermore, they are completed by the rules set by the Unfair Commercial Practices directive (e.g. prohibition to directly exhort minors to buy or hire a product).
- Greater restrictions on TV advertising in children's programmes would lead to fewer original European investments in children's programming.³
- egta believes that one should tackle the problem's roots and invest in educating children about media, as it is children that most often lack media literacy. As a member of the Responsible Advertising & Children Programme, egta supports the Media Smart literacy programme⁴ so that it can be launched in further Member States of the EU.

We very much hope you will take these considerations into account. Please do not hesitate to contact us should you require any additional information.

Sincerely,



Michel Grégoire
Secretary General of egta

About egta

egta is the trade association of television and radio advertising sales that commercialise the advertising space of both private and public TV / radio channels throughout Europe.

- 84 TV members
- 32 Radio members
- 30 European countries including 22 EU Member States
- More than 70% of the European TV advertising market

² INRA (Europe) / Bird & Bird - Study on the impact of television advertising and teleshopping on minors – 2002.

³ According to egta's study on children TV advertising of 2004, in the EU 94% of revenues from children's TV advertising are directly reinvested in children's programmes

⁴ For more information, please go to visit <http://www.mediasmart.org.uk/>