Commercial communications, follow-up of the Green paper

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In adopting the report by Ms. Jessica LARIVE (ELDR, NL) the Committe expressed its broad support for the Commission's strategy in the field of commercial communications, i.e. advertising, sales promotion etc. Such activities are subject to a plethora of different national rules, a fact that could hamper the development of cross-border commercial communications and hence also the proper functioning of the Single Market. The Committee stresses that cross-border commercial communications must be based on the principle of mutual recognition and that non-application of the country of origin principle can only be justified if the restriction in question is proportionate and non-discriminatory.The Committee therefore, in principle, supports the Commission proposal to introduce a "proportionality assessment test" under which possible infringements are judged on the basis of seven criteria, relating to economic effects, public interest objectives, cultural and social differences in the Member States. The Committee did, however, express some concern over the inclusion of the latter criteria as they could far too easily be invoked to justify any national measure. The Committee therefore stressed that Member States seeking to implement restrictions on the basis of cultural and social specificity must prove that the measure is invoked in the general interest. The Committee furthermore calls for the application of the proportionality test to be mandatory and for it to be carried out within strict time limits. Equally, in view of the slow progress in many infringement cases in this area the Committee calls on the Commission to speed up the Article 169 procedure so that cases are brought to the ECJ within 18 months from the registration of a complaint.The Committee also considers that greater emphasis should be put on industry self-regulation. Finally the Committee calls on the Commission to conduct studies on sponsoring at schools and on the effects on children of TV-advertising.