

Advertising and sponsorship of tobacco products

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The committee adopted the report by Manuel MEDINA ORTEGA (PES, E) amending the proposal under the codecision procedure (1st reading). The amendments were designed to enable this new proposal to stand up to any fresh challenge before the Court of Justice: - the scope of the directive should be limited to cases with "significant trans-border effects" and any advertising only indirectly related to promoting tobacco products should be excluded from it; - regarding the print media, Member States should be allowed, rather than required as the Commission proposes, to limit advertising to publications intended exclusively for the tobacco trade. The clause in the proposal which prohibits other advertising in the press and other printed publications was therefore deleted. The committee added that a Member State with a national ban on tobacco advertising may not prohibit the sale and circulation of publications published in other Member States, where those publications are not principally intended for the market of that Member State; - as regards the internet, a system should be set up to limit tobacco advertising to the tobacco trade and informed adults. However, commercial information available to the public through the internet about tobacco products (especially ingredients, quality standards and scientific reports on health aspects) should not be regarded as advertising; - as regards radio advertising and sponsorship, only radio advertising which has a substantial cross-border impact and significantly distorts competition should be prohibited. Tobacco sponsorship of radio programmes should be banned only where the programmes are targeted at a transborder audience; - on the tricky question of indirect advertising, an amendment stipulated that, where a brand name has been used in good faith both for non-tobacco and for tobacco products, it may continue to be used for advertising and sponsorship of non-tobacco products so long as it is used in a manner distinct from that used for tobacco products; - with regard to events and activities, only sponsorship of events with substantial cross-border effects and the potential to cause a significant distortion of competition should be banned. In such cases, the free distribution of tobacco products should also be prohibited; - however, to avoid disturbing the scheduled plans for Formula 1 car racing, in exceptional cases Member States may continue to authorise the existing sponsorship of international events for which agreements are already in place, but only up to 1 October 2006 and provided that the sums devoted to such sponsorship decrease over the transitional period and that voluntary restraint measures are introduced to reduce the visibility of advertising at such events.