Commercial communications in the Internal Market. Green Paper

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OBJECTIVE: the Commission Green Paper relates to the creation of an integrated internal market in the field of advertising and other forms of commercial communications (direct marketing, sales promotions, sponsorship, public relations etc). CONTENT: the Commission emphasizes that cross-border commercial communication services in the internal market are a growing phenomenon (the sector employs some 250,000 people and had turnover ECU 75 billion in 1993). However, the differences between national rules might constitute obstacles for undertakings wishing to supply services of this nature, all the more so since the advent of the Information Society may well result in the creation of additional barriers. On the basis of that finding, the Green Paper sketches out the following basic guidelines for a commercial communications policy: 1 - A review of current rules might be necessary, should it appear that they hamper cross-border activity: we must determine the extent to which potential barriers to trade in commercial communication services are admissible under Community law and verify whether those barriers fulfil the condition of proportionality. The Green Paper also refers to three categories of potential barriers already identified: a) restrictions that involve a total ban on certain types of marketing activity; b) restrictions that limit marketing activities without banning them totally; c) restrictions that relate to certain specific product categories or types of services. 2 - It is important to curb the potential development of new barriers within the internal market: the Commission advocates the introduction of an early-warning system to identify any new regulatory development and the strengthening of cooperation between the regulatory authorities in the Member States to prevent the appearance of new barriers. 3 - Future national and Community measures must be developed in conformity with the principles of the internal market and other Community objectives. On the basis of these guidelines, the Commission suggests: - using a methodology to evaluate the proportionality of any future regulatory action in the field of commercial communications, since this would permit Community initiatives to be targeted precisely at specific public-interest objectives; - the establishment of a committee (consisting of representatives of the Member States and chaired by the Commission) with a view to improving exchanges of information between the Commission and the sectors involved.