Commercial communications, follow-up of the Green paper

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OBJECTIVE: to follow up the Green Paper of May 1996 on Commercial Communications in the Internal Market. SUBSTANCE: the communication summarises the numerous replies received by the Commission (433 altogether) following the publication of its Green Paper, and sets out its approach, the aim of which is to facilitate the cross-border provision of commercial communication services and establish a framework for European policy in this field. More particularly, the Commission proposes the following measures: 1) The application of a transparent assessment methodology: when examining the compatibility of a restriction to cross-border commercial communications with internal market principles, the Commission will apply the assessment methodology described in the Green Paper (i.e. first stage: analysis of the impact of the measure in question, second stage: legal assessment), adding two criteria in order to take account of cultural and social differences between Member States and the need to ensure consistency with all public-interest objectives; 2) Setting up a Commercial Communication Expert Group: this group will be asked to establish transparent and efficient administrative cooperation between the Commission and Member States and a dialogue with interested third parties; 3) Making available a Commercial Communications contact point and information network: a central contact point will be established within the Directorate-General for the Internal Market and Financial Services, which will work closely with the other Directorates-General involved. A website will facilitate exchanges of information; 4) Establishing a Commercial Communications Database: this will cover national and Community regulations in this field and self-regulatory codes; 5) Accelerating complaint processing: the Commission will attempt to reduce delays in handling complaints, using the proportionality assessment methodology where appropriate; 6) Setting up a network of academic experts: a representative group of academic experts will assist the Commission in its work and deliver opinions on specific issues; 7) Promoting international cooperation: the Commission will defend its approach in international negotiations; 8) Clarifying electronic commerce issues: in certain areas where there is legal uncertainty, the Commission will propose clarification in the context of a proposal relating to electronic commerce and associated information society services; 9) Keeping the European Parliament informed: the Commission will inform Parliament about the application of this approach (including an evaluation of the work carried out and an update of the work programme). The Commission will apply this approach to four key areas where national regulations on commercial communications diverge significantly and therefore potentially give rise to internal market barriers: protection of minors, unfair competition, sponsorship and misleading claims.