Commercial communications, follow-up of the Green paper

1998/2071(COS) - 14/01/1999 - Text adopted by Parliament, single reading

In its Resolution on the Commission's communication on commercial communications drafted by Ms. Jessica LARIVE (NL, ELDR), the European Parliament welcomed the Green Paper but was of the opinion that the actions proposed must be adjusted and made more specific on a number of points. It stressed that cross-border commercial communications must be based on mutual recognition and agreed that whenever national sensitivities are too divergent for mutual recognition to apply, the issues should, whenever possible be addressed by self-regulation. It therefore called upon the European Advertising and Standard Alliance to establish and manage a database on self-regulatory codes. The EP noted the addition of a criterion to the methodology relecting the recognition of cultural and social differences in the Member States, but considered that this should not be used to justify existing or new restrictions on cross-border commercial communications. It pointed out that Member States seeking to implement restrictions on the basis of cultural or social specificity must prove that it is a measure invoked in the general interest and that the measure is proportionate to its objective. It stressd that the risk of renationalisation must be prevented and stressed the need for mandatory application of the methodology. The Parliament asked the Commission to propose mandatory time limits with the aim of reaching a decision to refer cases brought under Article 169 to the European Court of Justice within 12 months as from the conclusion of the 'pre-169 phase' - in which the Commission must apply the methodology to assess whether a formal Article 169 infringement procedure will be initiated and which should be limited to 6 months after the date of registration of a complaint. It also called on the Commission to: - make the complete legal arguments on a specific case known to the complainant and to provide for the possibility for the complainant to challenge this opinion before a final decision is taken on whether to formally pursue a complaint; - establish a register of complaints, accessible to interested parties and available from the Internet, which contains all complaints registered with the Commission - subject to the complainant's consent - and all relevant information regarding progress made in the handling of those cases under the infringmenet procedure - reasons for admissibility, etc.; - specify more clearly the functions and tasks of the Expert Group, to make sure that the pending infringement cases will be discussed within the Expert Group, to guarantee independence and transparency of the debate in the Expert Group, in particular preparation and publication of the agenda, publication of the minutes and minority opinions, and strict observance of time limits; - conduct studies on 'sponsoring at schools' and on 'children and tv advertising', to publish the results as soon as possible and to take the outcome of such studies into account during the next revision of the TV without Frontiers Directive.