Commercial communications in the Internal Market. Green Paper

1996/2089(COS) - 15/07/1997 - Text adopted by Parliament, single reading

In adopting the report by Mrs Jessica LARIVE (ELDR, NL), the European Parliament welcomed the Green Paper, but considered that the Commission's proposals must be reinforced in order to reach the intended goal. It called for effective application of the rules laid down by the Treaty and derived law in the field of the internal market, so as to ensure that public interests were protected. It also called for more effective application of the principle of country of origin and a clearer definition of the terms 'commercial communications' and 'service provider'. Parliament supported the setting-up of a proportionality assessment committee, the legal status and terms of reference of which should be determined by the Commission. The Commission should base the method of assessing proportionality on: (a) the need to combine the objective of opening up the market with high standards; (b) the need for an appropriate balance between legislation and self-regulation, such as to reflect cultural differences between Member States. Parliament called on the commercial communications sector to ensure that its national and European self-regulatory procedures were publicly available, published and transparent, and that individual consumers could complain easily, without cost to themselves and in expectation of a prompt and satisfactory response. It encouraged the industries involved to include in the self-regulatory codes the principle of country of origin, mutual recognition and proportionality and to introduce minimum standards of consumer protection. The concept of a 'code of conduct' could, moreover, be developed at European level in accordance with the subsidiarity principle. Parliament further called on the Commission to: - study the obstacles which exist in the Union in the fields of multi-level marketing, brand diversification, packaging and especially sponsorship; - propose a regulatory framework for combating dishonest trading practices; - submit an assessment of the impact of commercial communications on children and on private life and an assessment of the mechanisms through which consumer cross-border complaints should be addressed; - bring forward specific measures to protect children and human dignity in audiovisual and information services; - report on measures which could improve the Treaty infringement procedures. The Council was called upon to adopt a decision to enable possible infringement proceedings to be heard in the Court of First Instance. Lastly, Parliament stressed the need to safeguard the development of the Internet, electronic commerce and related new media services and to create consumer confidence in the new services by applying the commercial communication legal and self-regulatory instruments to this sector.