

Tobacco products: advertising and sponsorship by press, radio, television

1989/0194(COD) - 06/07/1998 - Final act

OBJECTIVE: to harmonise rules on tobacco products advertising and sponsorship. **COMMUNITY MEASURE:** Directive 98/43/EC of the European Parliament and the Council on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products. **SUBSTANCE:** The directive as a general rule prohibits, in several phases and under certain conditions, all advertising and sponsorship of tobacco products in the Community. The directive guards against risks that the general prohibition will be circumvented by also regulating indirect advertising. Thus, advertising which, while not mentioning the tobacco product directly, uses brand names, trade marks, emblems or other distinctive features associated with tobacco products is banned. There are provisions for derogations from this general principle: a Member State may allow a name which was already in use in good faith both for tobacco products and for other products marketed before 30 July 1998 to be used to advertise the other products. However, from 30 July 2001, indirect advertising for a product or service using the name, trade mark etc. of a tobacco product already marketed under this name will be banned. The general ban will, however, not apply to: - communications intended exclusively for professionals in the tobacco trade, - the presentation of tobacco products offered for sale and the indication of their prices at tobacco sales outlets, - advertising aimed at purchasers in sales outlets and on the shop fronts, - the sale of publications containing advertising for tobacco products which are published and printed in third countries. The directive gives people or organisations with a legitimate interest in banning advertising the means to monitor the withdrawal of such advertising. It does not preclude Member States from laying down stricter requirements than those in the directive. It will be implemented progressively and must be transposed into the laws of the Member States by 30 July 2001. Member States will have an additional year to ban advertising of tobacco products in the written press and two additional years to ban sponsorship. In exceptional cases and under certain conditions, Member States may continue to allow sponsorship of events or activities organised at world level for a further period of three years ending not later than 1 October 2006. From that date, all the provisions of the directive will be applicable. The Commission is to draw up a report on implementation of the directive by 30 July 2001 and every two years thereafter. The report may propose new provisions in line with developments identified in the report. **ENTRY INTO FORCE:** the directive enters into force on 30.7.1998. **DATE OF TRANSPOSITION IN THE MEMBER STATES:** 30.7.2001.