

Advertising and sponsorship of tobacco products

2001/0119(COD) - 26/05/2003 - Final act

PURPOSE : to harmonise national regulation on tobacco advertising in printed media, radio broadcasting and information society services as well as on sponsorship of events with cross-border effects.

COMMUNITY MEASURE : Directive 2003/33/EC of the European Parliament and of 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. **CONTENT** : to recall, there are differences between the Member States' laws, regulations and administrative provisions on the advertising of tobacco products and related sponsorship. Such advertising and sponsorship in certain cases crosses the borders of the member States or involves events organised on an international level, and are activities to which Article 49 of the Treaty applies. The differences in national legislation are likely to give rise to increasing barriers to the free movement between Member States of the products or services that serve as the support for such advertising and sponsorship. In the case of press advertising, certain obstacles have already been encountered. In the case of sponsorship, distortions of the conditions of competition are likely to increase and have already been noted as regards the organisations of certain major sporting and cultural events. It should be noted that the German and United Kingdom delegations voted against. The Directive is aimed at harmonising national regulations on tobacco advertising in printed media, radio broadcasting and information society services, as well as on sponsorship of events with cross-border effects with the aim of promoting tobacco products. It does so whilst ensuring the free movement of the media concerned and with a view to eliminating obstacles to the operation of the internal market. Moreover, it aims at banning, with a few limited exceptions, advertising and sponsorship of tobacco products in the sectors and cases mentioned above. More specifically, advertising in the press and other printed publications shall be limited to publications intended exclusively for professionals in the tobacco trade and to publications which are printed and published in third countries, where those publications are not principally intended for the Community market. Other advertising in the press and other printed publications shall be prohibited. As regards radio advertising and sponsorship, the Directive stipulates all forms of radio advertising for tobacco products shall be prohibited. Radio programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of tobacco products. Concerning the sponsorship of events or activities involving or taking place in several Member States or otherwise having cross-border effects shall be prohibited. Any free distribution of tobacco products in the context of sponsorship events having the purpose of the direct or indirect effect of promoting such products shall be prohibited. It is intended to replace Directive 98/43/EC, which was annulled by the Court of Justice in Case C-376/98 on 5 October 2000 on the grounds that some of its provisions were not in conformity with the legal basis on which it had been adopted, namely article 95 of the Treaty (approximation of the laws, regulations and administrative provisions of the Member States in the context of the establishment and functioning of the internal market). References to the annulled Directive shall be construed as reference to this Directive. It builds on the relevant provisions, with regard to television advertising and sponsorship of tobacco products, of Directive 97/36/EC concerning the pursuit of television broadcasting activities (so-called "Television without frontiers" Directive). No later than 20 June 2008, the Commission shall submit a report to the European Parliament, the Council and the European Economic and Social Committee on the implementation of this Directive. This report shall be accompanied by any proposals for amendments to this Directive. The report shall be accompanied by any proposals for amendments to this Directive which the Commission deems necessary. **TRANSPOSITION** : 31 July 2005. **ENTRY INTO FORCE** : 20 June 2003.