Basic information

1996/2089(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Commercial communications in the Internal Market. Green Paper **Subject** 3.45.05 Business policy, e-commerce, after-sales service, commercial distribution 4.60 Consumers' protection in general	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	LARIVE Jessica E.S. (ELDR)	09/09/1996

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs, Citizens' Rights	AÑOVEROS TRIAS DE BES Julio (PPE)	23/07/1996
ENVI Environment, Public Health and Consumer Protection	LEHNE Klaus-Heiner (PPE)	17/10/1996

Council of the European Union

Council configuration	Meetings	Date
Consumers	1969	1996-11-25

Key events

Date	Event	Reference	Summary
08/05/1996	Non-legislative basic document published	COM(1996)0192	Summary
19/07/1996	Committee referral announced in Parliament		
25/11/1996	Debate in Council		
09/06/1997	Vote in committee		Summary
09/06/1997	Committee report tabled for plenary	A4-0219/1997	
14/07/1997	Debate in Parliament		
15/07/1997	End of procedure in Parliament		
22/09/1997	Final act published in Official Journal		

Technical information	
Procedure reference	1996/2089(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148 Rules of Procedure EP 050
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/07867

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0219/1997 OJ C 286 22.09.1997, p. 0006	09/06/1997	
Text adopted by Parliament, single reading		T4-0370/1997 OJ C 286 22.09.1997, p. 0023-0043	15/07/1997	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(1996)0192	08/05/1996	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1388/1996 OJ C 066 03.03.1997, p. 0011	27/11/1996	Summary

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.

Commercial communications in the Internal Market. Green Paper

1996/2089(COS) - 27/11/1996 - Economic and Social Committee: opinion, report

The Committee welcomes the publication of the Green Paper on Commercial Communications. It has drawn attention to a complex and difficult series of questions and it makes constructive proposals to improve the functioning of the Internal Market. The first proposal for a methodology to deliver a procedure for a more uniform assessment of the proportionality of any restrictive national measures affecting Commercial Communications, is intended to combine the existing and developing jurisprudence with the provision of an agreed detailed impact analysis for particular cases. The Committee agrees that the introduction of this type of methodology would offer the prospect of a comprehensible and agreed assessment procedure which would reduce the ambiguity and/or uncertainty which prevails in its absence. The second proposal to create the means to improve the flow of information and better co-ordination of actions and policies at the European level involves establishing a Community-wide consultative committee. The committee will be useful as the forum for an exchange of information on current and new developments affecting commercial communications.

Commercial communications in the Internal Market. Green Paper

1996/2089(COS) - 08/05/1996 - Non-legislative basic document

OBJECTIVE: the Commission Green Paper relates to the creation of an integrated internal market in the field of advertising and other forms of commercial communications (direct marketing, sales promotions, sponsorship, public relations etc). CONTENT: the Commission emphasizes that cross-border commercial communication services in the internal market are a growing phenomenon (the sector employs some 250,000 people and had turnover ECU 75 billion in 1993). However, the differences between national rules might constitute obstacles for undertakings wishing to supply services of this nature, all the more so since the advent of the Information Society may well result in the creation of additional barriers. On the basis of that finding, the Green Paper sketches out the following basic guidelines for a commercial communications policy: 1 - A review of current rules might be necessary, should it appear that they hamper cross-border activity: we must determine the extent to which potential barriers to trade in commercial communication services are admissible under Community law and verify whether those barriers fulfil the condition of proportionality. The Green Paper also refers to three categories of potential barriers already identified: a) restrictions that involve a total ban on certain types of marketing activity; b) restrictions that limit marketing activities without banning them totally; c) restrictions that relate to certain specific product categories or types of services. 2 - It is important to curb the potential development of new barriers within the internal market: the Commission advocates the introduction of an early-warning system to identify any new regulatory development and the strengthening of cooperation between the regulatory authorities in the Member States to prevent the appearance of new barriers. 3 - Future national and Community measures must be developed in conformity with the principles of the internal market and other Community objectives. On the basis of these guidelines, the Commission suggests: - using a methodology to evaluate the proportionality of any future regulatory action in the field of commercial communications, since this would permit Community initiatives to be targeted precisely at specific public-interest objectives; - the establishment of a committee (consisting of representatives of the Member States and chaired by the Commission) with a view to improving exchanges of information between the Commission and the sectors involved.