



## The European Spirits Organisation

Avenue de Tervueren 192 bte 3 - B-1150 Bruxelles  
E-mail : [ceps1@skynet.be](mailto:ceps1@skynet.be)

Tél. + 32 2 779 24 23 - Fax + 32 2 772 98 20  
[www.europeanspirits.org](http://www.europeanspirits.org)

**CP.AS-053-2005**  
**05/09/2005**

### **CEPS OBSERVATIONS TO THE ISSUE PAPER ON COMMERCIAL COMMUNICATIONS PUBLISHED BY THE EUROPEAN COMMISSION CONCERNING THE REVISION OF THE “TELEVISION WITHOUT FRONTIERS” DIRECTIVE**

CEPS, The European Spirits Organisation is the representative body for the spirits industry at the European level. Its membership comprises 38 national associations representing the industry in 25 countries, as well as a group of leading spirits producing companies.

CEPS welcomes the opportunity to contribute to the ongoing debate on the revision of the “Television without Frontiers” Directive (89/552/EEC refers). Further to the publication of the Issue Paper, CEPS would like, in particular, to submit its comments on the Issue Paper relating to Commercial Communications.

CEPS supports the principles and objectives of the directive, since they aim at achieving responsible commercial communications. CEPS shares the view that the current Article 15 of the Directive as it stands is sufficient. Since the entry into force of the Television without Frontiers directive, the self-regulatory codes of conduct have included specific criteria on alcohol laid down in the TWF directive and, in a number of instances go beyond them.

CEPS agrees with the principle of extending the concept of commercial communications to a wider spectrum of communications. Indeed, CEPS and its members fully endorse The Amsterdam Group common standards for commercial communications which are already covering commercial communications of all kinds as mentioned in the proposed new definition of “audiovisual commercial communications”<sup>1</sup>.

Furthermore, CEPS believes that self-regulation is an adequate instrument to implement the Television without Frontiers directive. CEPS welcomes the recognition of the important work that has been carried out in this field in the forms of codes of conduct and co-regulation mechanisms. CEPS and its members are committed to making it work effectively in the Member States.

---

<sup>1</sup> “Commercial Communications are defined herein as: “All brand advertising or marketing communications to consumers regardless of the medium used (e.g. print, broadcast media, labelling, packaging, internet) and including consumer promotion, merchandising, point of sale material and sponsorship” TAG Common Standards

Indeed, the spirits industry is working to extend and strengthen self-regulatory mechanisms and activities which have been developed over the past years involving in some cases other stakeholders. The codes, whether of national, company or industry origin, help to reduce problems related to the interpretation of the directive. In many cases, they provide advice for producers and offer possibilities to control the compliance of the campaigns with regards to the rules laid down in the TWF directive. Moreover, those codes are reinforced through complaint mechanisms – open to all interested parties, which in many cases lead to a withdrawal of an advertisement which is contrary to the principles of the codes.

With regard to the monitoring of the application of the qualitative provisions at European level, CEPS welcome the opportunity to explore the various options further with the European Commission and other stakeholders. However, CEPS believes that monitoring would be more effective at national or local level. This would provide greater flexibility to the monitoring system and will allow it to consider local and regional customs and culture.