

## **COVER PAGE**

**For the submission of comments to the issue papers of the  
Commission regarding the revision of the TVWF Directive**

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Abbreviation: FAEP

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## FAEP Comments on the Issue Paper “Commercial Communication” Review of TVWF Directive

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### Introduction

FAEP, the **European Federation of Magazine Publishers** – a non-profit organisation currently representing some 15.000 magazine publishers in the EU, publishing 50.000 magazine titles with 20 billion copies read by 300 million Europeans per year, – is herewith providing the European Commission with some comments on the issue paper “commercial communication”, published in July 2005 in preparation of the audiovisual conference in Liverpool.

Press Freedom is a key part of Freedom of Expression and therefore a main pillar of democracy. An objective and diverse press landscape is a vital part of the political culture in the EU as it gives all members of society the possibility to shape their opinion through informing themselves about anything they like. The editorial content **has to be independent from the commercial interests of advertisers** in order to remain authoritative and credible and to fulfil its proper role in democracy.

### FAEP Position

FAEP maintains that editorial content must always be clearly distinguishable from commercial content in the media. To clearly identify commercial content in the media is necessary, but not sufficient. The principle of separation has a quite important further reaching function: it allows for the free provision of editorial content and protects the independence and objectivity of this content from the demands of advertisers and the advertising departments. Therefore it is a structurally indispensable norm for the defence of independent reporting and, thus, a fundamental requirement for democracy.

Therefore, **FAEP strongly supports the current wording of the existing Directive concerning the identification and separation principle**: Article 10 - 1. “Television advertising and teleshopping shall be readily recognizable as such and kept quite separate from other parts of the programme service by optical and/or acoustic means.”

FAEP also strongly supports the approach of the Commission to maintain a **ban on surreptitious advertising**. However, the explanation in the Issue Paper about when “such representation is not considered to be surreptitious advertising” seems to weaken the ban in such a way that an undermining or circumvention of this rule could be easily achieved.

FAEP supports the current wording of Art. 12 and 16 of the Directive as long as it is limited to **commercial communication**, as defined in the e-commerce Directive (this excludes editorial content reporting about a product, a brand or a person where no recompense was transferred).

Further, **FAEP welcomes the deregulation of advertising** in general. We particularly welcome deregulation as regards qualitative advertising. We are, however, concerned about the proposed relaxation of quantitative advertising rules, as we believe this would create an imbalance on the existing advertising market. A negative impact on advertising revenues for magazine publishers – which ensure both our independence and competitiveness - in the EU cannot be excluded.