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- 4.1 Accountability(Simon Zadek)
- 4.2 ASA Presentation (Christopher Graham)
- 4.3 BEUC Presentation (Jim Murray)
- 4.4 New Media Presentation (Angela Mills Wade)

5. EASA papers

1. List of participants

EASA (European Advertising Standards Alliance)

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COFACE (Confederation of Family Organisations in the EU)

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European Public Health Alliance EPHA - the NGO Health Network

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2. Terms of reference

Advertising and Marketing –How can we ensure effective Self-Regulation?

Invitation to an Advertising Round Table 19 October 2005

A: Introduction

DG SANCO has been instructed to engage with EASA and its constituent members (the advertisers, the agencies, the media and the self-regulatory organizations) to build on the state of play in health and consumer-specified issues such as the Nutrition Platform. SANCO has decided to invite EASA and its constituent members and a core group of other interested stakeholders to take part in an "Advertising Round Table". A checklist of issues has been identified as a basis for a first discussion on how self-regulation in advertising can be made to work better.

B: Background

Consumers benefit from better advertising practice and from improved access to prompt and efficient systems of complaint handling.

The advertising industry has long had self-regulatory mechanisms in place to control advertising content and ensure that it is truthful, not misleading and in line with national conceptions of "taste and decency". Advertising self-regulation operates within both European and national legal frameworks and has traditionally been broadly supported at the EU level as an additional layer of consumer protection.

Ensuring continued effectiveness of self-regulatory schemes requires consistent efforts to avoid gaps in coverage, particularly in cross-border cases. The potential advantages of effective self-regulation for consumers - for example flexibility, low cost and speed - merit examination. Within the framework of "Better Regulation", consideration of what role effective self regulation can play in implementing the detail of the existing regulatory framework of advertising also arises. In any such exploration, it is necessary to ensure that it responds to the needs of consumers and expectations of society. An environment that enables advertising to play its economic role while ensuring adequate consumer protection requires the right balance of formal regulation and soft law instruments.

Consumer trust in the effectiveness of self-regulation is central to broadening support for the use of self-regulation as an additional layer of consumer

protection across the EU 25. Consumer trust is built on access, involvement, promptness and compliance.

In this context, EASA and its constituent members with DG SANCO want to explore the possibilities of working in partnership to achieve the most effective level of self-regulation possible. EASA has adopted the EASA self-regulation Charter, setting out 10 commitments aimed at improving self-regulation in advertising and extending it across the EU25. These commitments can be achieved if the many national organisations in the business of advertising and their national stakeholders engage with these commitments and explore ways in which they can contribute. The proposed Advertising Round Table is intended to facilitate this process.

C: Participation in the Round Table

Invitations are being extended to:

- BEUC /ECCG
- EPHA
- COFACE/European Parents Association
- Eurocoop

SANCO will involve DG INFOS and may involve other Commission officials as appropriate. Specialised actors may be invited for debate on specific issues on which their input would be valuable.

D : Terms of Reference for the Roundtable

1. To brief all stakeholders on the commitments made by EASA in respect of advertising self-regulation in the EU
2. To enable stakeholders to share their views on these commitments with each other
3. To identify possible actions by one or more stakeholders on improving the effectiveness of advertising self-regulation within a given timeframe.
4. To consider the best ways of measuring both achievement to date and future progress towards Europe-wide effective self-regulation and subsequently to report on progress

The first meeting will take place in Brussels at Rue Belliard 232 in meeting room 8/120 on October 19, 2005 from 10.00-1700. Lunch will be provided at 13.00 at restaurant VIMAR, 70, Place Jourdan.

The agenda and a first Checklist of Issues are attached.

3. Agenda

Advertising Round Table - Agenda for Action

Draft checklist of issues arising around the
ten EASA Charter commitments

Group 1: Coverage **EASA Commitments 1, 2, 3,**

Room: 7/28

Charter principle

1. Comprehensive coverage by self-regulatory systems of all forms of advertising and all practitioners

Associated issues

- SROs and stakeholders should examine together the new challenges of new media marketing
- SROs, regulators and stakeholders should identify a rogue trader strategy

Charter principle

2. Adequate and sustained funding by the advertising industry proportionate to advertising expenditure in each country (across EU 25)

Associated issues

- Stakeholders and regulators to support the usefulness of further SRO investment
- Stakeholders and regulators to clarify the predictability of the SRO environment for investors

Charter principle

3. Comprehensive and effective codes of advertising practice based on the globally accepted codes of marketing and advertising practice of the International Chamber of Commerce (ICC) applicable to all forms of advertising

Associated issues

- EASA/WFA, regulators and stakeholders should discuss what quality assurance criteria for SROs they could support
- SROs should provide clarity in the interpretation of Codes language
- SROs should raise levels of prevention

Group 2: Independence **EASA Commitments 4, 5, 6**

Room 7/108

Charter principles

4. Broad consultation with interested parties during code development.

5. Due consideration of the involvement of independent, non-governmental lay persons in the complaint adjudication process

Associated issues

- SROs should involve stakeholders in the adjudication process

Charter principle

6. Efficient and resourced administration of codes and handling of complaints thereon in an independent and impartial manner by a self-regulatory body set up for the purpose

Associated issues

- SROs, Regulators and Stakeholders should work to ensure better scientific evidence

Group 3: Effectiveness

EASA Commitments 7, 8, 9, 10

Room 08/120

Charter principle

7. Prompt and efficient complaint handling at no cost to the consumer

Associated issues

- SRO's, regulators and stakeholders to review the inclusion of effective SR systems in the ECC (EEJNet) and similar arrangements
- SROs should provide prompt compliance, swift and effective sanctions and enforcement

Charter principle

8. Provision of advice and training to industry practitioners in order to raise standards

Associated issues

- SROs should raise levels of prevention

Charter principle

9. Effective sanctions and enforcement, including the publication of decisions, combined with efficient compliance work and monitoring of codes

Associated issues

- SROs to ensure independent monitoring to assess SR compliance
- SROs and Stakeholders should discuss how to improve complementarity and cooperation between regulators and SROs
- Stakeholders and regulators should discuss how advertising self-regulation can best be used to implement detailed provisions of EU legislation at national level
- Regulators to clarify the role of effective SR with regard to competition issues

Charter principle

10. Effective awareness of the self-regulatory system by industry and consumers

Associated issues

- Stakeholders should recognise progressive SRO efforts
- Stakeholders should each define an action to raise awareness
- SROs should raise public awareness of codes and how they operate

Advertising Round Table

19 January 2006

ANNOTATED DRAFT AGENDA

10.00-10.30 **1. Adoption of the Agenda**
2. Introduction. DG SANCO – Robert Madelin

10.300-12.00 **3. Mapping of issues.**

Having identified many of the issues to be addressed we need to know what relevant activities are already underway or are planned on each of the issues. We could aim to identify issues where partnerships could be formed between members to jointly address them. The group could work on the following issues to better understand the EASA principles and the practical problems in its implementation:

- i. Coverage: questions related to the new media challenges and all forms of “marketing communication”; Sustainable funding; Overcoming cultural constitutional distinctions.
- ii. Independence: Which are the quality parameters on SRO consultation best practice; How stakeholders can be involved in the adjudication process; Which are the Data/Evidence.
- iii. Effectiveness: What are the baseline indicators for effectiveness; which are the compliance indicators; Role of the sanctions; Civil Society expectations for engagement.

12.00-13.00 **4. Monitoring:**

This is a crucial issue for the credibility and expectations on this collective non-legislative governance process. Monitoring capacity is also directly related to the effectiveness and the independence of the process.

Discussion could consider the specific issues (see annexe) associated with monitoring in this context including:

- The analysis of existing indicators in the EASA baseline,
- What other parameters could be considered as performance indicators (complaints, sanctions etc). To this end we need to define the role of monitoring metrics in the process,
- To develop a tailored methodology for the indicators and standards and mechanisms for assuring progress reports for the performance of the overall process.

14.45 -17.30 **5. Next steps:**

- Identify the objectives, scope, membership, commitments, rules, resources and definitions of the stakeholders consultation process.
- Define of a Roadmap: establish the timeline, program and resource requirements.
- Validation and feedback of the process: what kind of initiatives and orientations could serve to validate the effectiveness of this process. Consider some road-testing of the policy orientations of this process in different settings (sample of Member States with different SR traditions) or groups. This could draw on the unique expertise of EASA members.
- Preparation of an Issues Paper on the main findings, looking at best practices of collective non-legislative governance in the advertising and marketing sector.

4. Presentations by participants

4.1 Accountability(Simon Zadek)



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4.2 ASA Presentation (Christopher Graham)



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4.3 BEUC Presentation (Jim Murray)



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4.4 New Media Presentation (Angela Mills Wade)



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5. EASA papers



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COMPLAINTS HANDLISUMMARY SR and... on new medi... COMPOSITION.... ADVICE.doc (...)