



Luxembourg, den 22/07/2003

**Udkast til referat af mødet i  
ARBEJDSGRUPPEN OM ALKOHOL OG SUNDHED  
den 11.-12. juni 2003 i Luxembourg**

**Fælles møde med repræsentanter for interessegrupper  
(alkoholindustrien, reklamevirksomheder, selvregulerende organer og  
ngo'er)**

**11. juni 2003  
14.00 - 17.30**

**Vedtagelse af dagsorden**

Velkomst og indledning ved formanden John F. Ryan (Kontorchef, GD for Sundhed og Forbrugerbeskyttelse/G3).

Dagsordenen blev vedtaget med en ombytning af punkt 3 og 4. Ingen punkter til drøftelse under "Eventuelt".

**Indledning**

*ved Kommissionens repræsentanter*

**Folkesundhedsprogrammet (2003-2008) og arbejdsplanen for 2003**

Formanden præsenterede folkesundhedsprogrammet og arbejdsplanen for 2003 på vegne af Kommissionens tjenestegrene. Tidligere var de otte folkesundhedsprogrammer rettet mod specifikke sygdomme eller aktioner. Alkoholspørgsmål var hovedsageligt en del af handlingsprogrammet til fremme af sundhed.

Disse specifikke programmer er blevet erstattet af et nyt folkesundhedsprogram (2003-2008), som hovedsageligt gennemføres via finansiering af projekter i henhold til en årlig arbejdsplan. Projekterne finansieres gennem indkaldelser af forslag, men 18 % af budgettet er forbeholdt udbud. Det nye folkesundhedsprogram har et årligt budget på 52 mio. EUR.

Programmet består af tre strenge:

1. Sundhedsinformation
2. Hurtig reaktion i forbindelse med trusler mod sundheden
3. Sundhedsdeterminanterne

Formanden gav oplysninger om evalueringen af projektansøgningerne. Ansøgningsfristen for indkaldelsen af forslag var den 16. maj 2003. Projektansøgningerne evalueres for øjeblikket, og den endelige projektudvælgelse vil finde sted i juli 2003, når man har modtaget programudvalgets udtalelse.

Alkoholspørgsmål indtager en stor plads i arbejdsplanen for 2003. Indsamling af sundhedsoplysninger i den første streng omfatter også oplysninger om alkohol og livsstil med henblik på at udarbejde indikatorer for f.eks. alkoholforbrug, lovgivning og fremme af folkesundheden. I rækken af folkesundhedsrapporter, som opregnes i arbejdsplanen, nævnes en rapport om den økonomiske og sociale byrde forbundet med alkohol blandt dette års prioriterede områder.

Under den tredje streng søges der med arbejdsplanen for 2003 oprettet et netværk bestående af ekspertorganisationer med henblik på at fremme gennemførelsen af Rådets henstilling om unges alkoholforbrug og at bidrage til videreudvikling af en fællesskabsstrategi for reduktion af alkoholrelaterede skader. Derudover er det planen at påbegynde forberedelserne til en konference om alkohol, sundhed og samfund, som skal finde sted i 2005, og at fremme inddragelsen af unge i udviklingen af politikker og aktiviteter vedrørende alkohol – et af de prioriterede områder i Rådets henstilling vedrørende unge og alkohol (Rådets henstilling af 5.6.2001, EFT L 161 af 16.6.2001, s. 38).

### **Omstrukturering af GD for Sundhed og Forbrugerbeskyttelse, Direktorat G**

Formanden forklarede de kommende planer om en omstrukturering af GD for Sundhed og Forbrugerbeskyttelse, direktorat G. Der vil fremover være 3 kontorer (organiseret efter de tre strenge i folkesundhedsprogrammet), hvoraf de to skal behandle alkoholspørgsmål, nemlig Kontoret for Sundhedsinformation og Kontoret for Sundhedsdeterminanter. Det fjerde kontor skal tage sig af finansielle og løbende organisatoriske spørgsmål. Derudover vil der blive oprettet et forvaltningsorgan, som skal bistå ved gennemførelsen af programmet.

### **Præsentation af anvendelsen af artikel 15 vedrørende alkoholiske drikke i forbindelse med revisionen af direktivet om fjernsyn uden grænser**

#### *ved Eurocare*

Præsentationen blev gennemført af Florence Berteletti Kemp på vegne af Eurocare. PowerPoint-præsentationen er vedlagt.

Derefter blev ordet givet til Wim Van Dalen, direktør for Centret for forebyggelse af alkoholproblemer (Foundation for Alcohol Prevention). Han uddybede Eurocare's præsentation af direktivet om fjernsyn uden grænser, og slog fast at reglerne for selvregulering skal være præcise og klare, hvis de skal anvendes som værktøj i forbindelse med reklamer. Især hvad angår børn og unge, mente han ikke, at selvregulering er et brugbart værktøj.

Derefter fulgte en debat om direktivet om fjernsyn uden grænser. Det blev udtalt, at kriterier såsom "succes på det sociale eller seksuelle område" i artikel 15, litra c), er vanskelige at definere og håndhæve. Under debatten henviste Niels Hald på vegne af den europæiske bryggerisammenslutning The Brewers of Europe til de positive konklusioner i Kommissionens fjerde rapport om anvendelsen af direktivet om fjernsyn uden grænser. Formanden udtalte, at GD for Uddannelse og Kulturs repræsentanter skulle afholde en præsentation på det næste møde med interessegrupperne.

Et andet spørgsmål var problemet med omgåelse af nationale regler og lovgivninger, når tv-stationer sender programmer fra et land, som (udelukkende) er rettet mod forbrugere i et andet land, f.eks. programmer udsendt fra London, men rettet udelukkende rettet mod forbrugere i Danmark. Dermed kan tv-stationer vise reklamer for alkohol i Danmark. Problemet kan ifølge ngo-repræsentanterne kun løses gennem EU-lovgivning/-harmonisering.

Det blev aftalt at fortsætte debatten på det næste møde i arbejdsgruppen.

### **Opdatering om selvregulering af salg af alkohol**

#### ***ved virksomhedsrepræsentanter fra The Amsterdam Group***

På vegne af deres respektive organisationer rapporterede H. Wagner (The Amsterdam Group), Niels Hald og Jacobo Ollala Maranon (The Brewers of Europe), R. Connor (CEPS), C. Graham og D. Lyle (EASA) om fremskridt for de forskellige sektorer, The Amsterdam Groups og EASA's vedkommende siden sidste møde med interessegrupperne i november 2002. Se den vedlagte præsentation, som blev holdt på vegne af den europæiske bryggerisammenslutning The Brewers of Europe.

Erhvervslivets repræsentanter rejste spørgsmålet om klager over alkoholreklamer og påpegede, at der kun er få klager på europæisk niveau. Dette affødte en debat mellem deltagerne om mulige årsager til dette lave antal klager. Nogle ngo'er udtalte, at de ikke bruger klageproceduren, da de mener, den er unyttig. Ngo-repræsentanterne på mødet gav også udtryk for, at manglende tillid til klagesystemet resulterer i få klager. På dette område drøftedes det også, hvorvidt rådgivning om annonceteksterne ("copy advice") kombineret med udbredelse af bedste praksis kunne anvendes som et alternativ til klageprocedurerne. Der kan opstå problemer med rådgivning om teksten, hvis der indsendes en klage til det samme organ, som godkendte udkastet til reklamen tidligere.

Formanden påpegede, at virksomhederne skal handle i overensstemmelse med fællesskabslovgivningen. Dette spørgsmål vedrører også konkurrencereglerne. Fællesskabets konkurrenceregler sikrer lige behandling af annoncørerne. Ingen kan drage fordel af at overtræde reglerne.

### **Salgskampagner for vin**

#### ***ved Comité des Vins***

Repræsentanterne fra Comité des Vins talte om det faldende vinforbrug. Vinsektoren lancerer salgskampagner med budskabet om, at vin bør drikkes med måde og kombineres med ernæringsrigtig kost.

På vegne af den europæiske bryggerisammenslutning sagde P. Perron, at virksomhedernes sociale ansvar bør deles af samtlige relevante sektorer, og at der stadig kan gøres fremskridt, hvad angår uddannelse af virksomhedernes personale, hvor det er nødvendigt.

### **Libido Drinks 'Viagra Pops'**

#### ***ved Chris Graham, Formand for European Advertising Standards Alliance (EASA)***

Dette emne blev kort drøftet af mødedeltagerne. Det blev slået fast, at erhvervslivet har et stort ansvar i denne forbindelse.

Chris Graham påpegede, at erhvervslivet hurtigt efter, at man blev opmærksom på produktet, iværksatte foranstaltninger til selvregulering og med succes stoppede lanceringen af dette produkt i Storbritannien. Erhvervslivets repræsentanter forpligtede sig til igen at træffe passende foranstaltninger, hvis dette eller lignende produkter skulle dukke op på andre markeder.

### **Fremtidigt samarbejde med interessegrupper**

Det blev gjort klart, at samarbejdet mellem interessegrupperne og Kommissionen også er vigtigt fremover. Der vil derfor blive afholdt et fælles møde inden udgangen af 2003. Punkter til dagsordenen sendes til Kommissionens tjenestegrene.

### **Eventuelt**

Formanden meddelte deltagerne, at Europa-Kommissionen inden længe vil offentliggøre en Eurobarometerrapport om alkoholforbrug.

**Møde i arbejdsgruppen**  
**(med repræsentanter for medlemsstaterne, EØS- og kandidatlandene)**

**12. juni 2003**  
**9.30 - 17.00**

**Vedtagelse af dagsorden**

Velkomst og indledning ved formanden John F. Ryan. Dagsordenen blev vedtaget. Ingen punkter under "Eventuelt".

**Indledning ved Kommissionens tjenestegrene**

Matti Rajala, kontorchef for kontor G2 i GD for Sundhed og Forbrugerbeskyttelse, fortalte om samarbejdet mellem de to kontorer, der skal tage sig af alkoholspørgsmål efter den forestående omstrukturering af GD for Sundhed og Forbrugerbeskyttelse, direktorat G (se punkt 2 fra mødet den 11. juni 2003).

**Folkesundhedsprogrammet 2003-2008**

*ved formanden John F. Ryan, kontorchef for GD for Sundhed og Forbrugerbeskyttelse, kontor G3)*

Folkesundhedsprogrammet 2003-2008 og de planlagte aktioner vedrørende alkohol blev præsenteret:

Arbejdsplan for 2003: alkoholprojekter:

*Streng 1:*

\* Information og viden:

- Indsamling af data
- Livsstilsdata
- Distribution af oplysning
- Kommissionens sundhedsrapport om den økonomiske og sociale byrde forbundet med alkohol

*Streng 3:*

\* Sundhedsdeterminanter:

- Oprettelse af et netværk bestående af ekspertorganisationer
- Indledende forberedelser til en konference om alkohol, sundhed og samfund, som skal finde sted i 2005.
- Fremme unges inddragelse i udviklingen af politikker og aktiviteter vedrørende alkohol.

Opdatering om indkaldelsen af forslag/udbud:

Direktorat G i GD for Sundhed og Forbrugerbeskyttelse har modtaget en række projektforslag til en værdi, der ti gange overstiger budgettet (årligt budget 52 mio. EUR). Mere end 400 projekter er blevet analyseret og evalueret af afdelingens eksperter, og andre tjenestegrene under Kommissionen er blevet konsulteret for at tage hensyn til deres synspunkter.

Den endelige udvælgelse af projekterne vil finde sted i juli 2003. Kontrakterne indgås i andet halvår af 2003, og projekterne starter i januar 2004.

Kommissionen kan finansiere op til 80 % (hævet fra 70 %) af projektet i forbindelse med indkaldelsen af forslag, hvorimod projekterne finansieres 100 % i forbindelse med udbud. 18 % af dette års budget er forbeholdt udbud.

#### Arbejdsplan 2004

Teksten til arbejdsplan 2004 er under udarbejdelse på nuværende tidspunkt og vil blive fremsendt til programudvalget. Overførte områder fra 2003 vil afhænge af, hvilke projekter der udvælges i 2003-runden.

Medlemsstaternes repræsentanter stillede detaljerede spørgsmål om overgangen fra de forhenværende otte programmer til det nye folkesundhedsprogram. Kommissionens repræsentanter forklarede, at folkesundhedsprogrammets største force sammenlignet med de forhenværende otte programmer er en mere struktureret tilgang, hvorved projekterne anbringes inden for rammerne af programmets mål og tværgående emner.

Det blev spurgt, om alkoholspørgsmål skal drøftes separat eller i forbindelse med andre spørgsmål såsom narkotika og tobak. Dette spørgsmål vil blive sat på dagsordenen for det næste møde i arbejdsgruppen.

Det blev forklaret, at netværk bestående af medlemsstaternes repræsentanter og interessegrupper skal bidrage til at styrke forbindelsen til medlemsstaterne. Der bør nedsættes en særlig alkoholgruppe, som skal drøfte spørgsmål som beskatning, inddragelse af unge og sundhedsaspekter i andre politikker.

Formanden påpegede, at der må findes en balance mellem sundhed og det indre marked. Medlemsstaternes sundhedsministre må spille en ny rolle i denne forbindelse.

Medlemsstaternes repræsentanter rejste ligeledes spørgsmålet om sammenhæng mellem målene for folkesundhedsprogrammet og støtten til landbrugsprodukter (vin) og industriprodukter (øl og spiritus). Der er forskel i Fællesskabets behandling af disse to produktkategorier, og der gives på sin vis "bedre behandling" til landbrugsprodukter. Dette gælder f.eks. i forbindelse med salgskampagner for vin. Her støtter Kommissionen budskabet om moderat forbrug, hvorimod alkoholiske drikke betragtes som sundhedsdeterminanter. Formanden svarede, at medlemsstaternes sundhedsministre nu har fået kendskab til sundhedskampagner fra vinindustrien. Sundhedsanliggender i andre EF-politikker vil blive behandlet af et nyt kontor for folkesundhed, som dannes efter den forestående omstrukturering.

Det er vigtigt at påpege, at produktkategorierne er et spørgsmål om indplacering, og der skal også tages hensyn til andre politikker, bl.a. på landbrugs- og handelsområdet.

#### **Forhandlinger om den almindelige overenskomst om handel med tjenesteydelser (GATS) – Salg af alkoholiske drikke**

*ved Nicholas Bernier-Abad*

Den nederlandske repræsentant Sandra B. Van Ginneken indledte debatten med et spørgsmål om, hvorvidt EU i forbindelse med forhandlingerne i Verdenshandelsorganisationen (WTO)/Doha-udviklingsdagsordenen (DDA) afkrævede WTO-medlemmerne ændringer i reglerne om salg af alkoholiske drikke, herunder statsmonopoler.

Repræsentanter fra GD for Handel præsenterede GATS og salg af alkoholiske drikke, og ledte derefter en kort meningsudveksling. Medlemsstaternes repræsentanter udtrykte tilfredshed med oplysningerne om GATS-aftalen og dens ordninger, og om status quo i forbindelse med forhandlingerne om Doha-udviklingsdagsordenen (DDA). Repræsentanterne fra GD for Handel forklarede, at GATS-aftalen omfatter relevant beskyttelse af de nationale regeringers ret til at regulere sundhedsrelaterede anliggender. Flere deltagere tilkendegav, at de havde begrænset kendskab til GATS, selvom nogle få havde modtaget informationer om visse aspekter af EU's stilling i forbindelse med DDA-forhandlingerne, især hvad angår EU's krav til visse WTO-medlemmer vedrørende salg af alkoholiske drikke.

Derefter fulgte en meget konstruktiv og nyttig debat. En række repræsentanter havde det fælles synspunkt, at folkesundhedsaspekter bør indgå i oplægget til GATS-forhandlingerne. De forstod alle EU's interesse i at kræve, at WTO-medlemmerne forpligter sig til ikke-forskelsbehandling. Der var dog bekymring for, at EU i forhandlingerne ville fokusere på fjernelse af specifikke kontrolforanstaltninger såsom offentlige monopoler, hvor disse finder anvendelse.

Der var enighed om, at det er vigtigt at styrke samarbejdet og den løbende udveksling af information om aspekter i forbindelse med salg af alkohol og andre produkter såsom tobak og lægemidler.

Formanden konkluderede, at debatten er vigtig og bør føres videre.

### **Salgsfremmende foranstaltninger**

#### ***ved Francesca Siniscalchi, GD for Sundhed og Forbrugerbeskyttelse, kontor G2***

Et forslag til Europa-Parlamentets og Rådets forordning om salgsfremmende foranstaltninger i det indre marked forhandles i øjeblikket i Rådet (efter førstebehandlingen i Europa-Parlamentet). Forslaget sigter mod harmonisering og gensidig anerkendelse. I Coreper er det dog blevet foreslået at undtage tobaksprodukter for forordningens anvendelsesområde, hvilket skulle gøre det muligt for medlemsstaterne at fortsætte deres nationale politikker for bekæmpelse af tobaksrygning. Teksten til forordningen (endnu ikke vedtaget som fælles holdning) indeholder bl.a. et forbud mod at levere en gave bestående af et alkoholprodukt, herunder særlig en alkoholholdig drikkevare, til personer under 18 år (artikel 5, stk. 3). Visse medlemsstater har også foreslået at undtage alkoholprodukter fra forordningens anvendelsesområde, i lighed med tobaksprodukter. Det er usandsynligt, at forslaget gøres til en forordning, da de fleste medlemsstater tilsyneladende foretrækker et direktiv.

### **Revision af direktivet om fjernsyn uden grænser**

#### ***ved Emmanuel Joly, GD for Uddannelse og Kultur***

Formanden gav et kort resumé af debatten om direktivet om fjernsyn uden grænser fra mødet med interessegrupperne den 11. juni 2003.

Repræsentanter fra GD for Uddannelse og Kultur gav en præsentation af den historiske baggrund og af revisionen af direktivet.

Formanden oplyste medlemsstaternes repræsentanter om, at direktivet skal gennemføres via lovregulering og ikke selvregulering. Selvregulering accepteres som middel til gennemførelse af henstillingen om unge og alkohol, men dette gælder ikke for direktivet om fjernsyn uden grænser. Der skal være mulighed for retlig klageadgang.

Efter præsentationen fulgte en debat mellem medlemsstaternes repræsentanter. Enkelte tilkendegjorde, at direktivet om fjernsyn uden grænser har haft en negativ indvirkning på sundhedsspørgsmål. Da direktivet blev gennemført i Polen, blev dets ordlyd taget meget bogstaveligt, hvilket resulterede i, at man fjernede "sport" fra de polske restriktioner vedrørende alkoholreklamer. Kommissionen påpegede, at direktivet om fjernsyn uden grænser indeholder minimumsstandarder, hvilket betyder at de nationale restriktioner kan finde anvendelse samtidig med direktivet.

Lars Møller fra WHO fortalte om en overvågningsordning i forbindelse med selvregulering og gjorde det klart, at WHO gerne vil deltage i en sådan overvågningsordning. Kommissionen nævnte, at reklamer sandsynligvis vil være et prioriteret emne i arbejdsplanen for 2004.

### **Gennemførelse af henstillingen om alkohol og unge – korte indlæg fra medlemsstaterne**

Medlemsstaterne gjorde rede for, hvorledes de har gennemført *Rådets henstilling af 5. juni 2001 om unge menneskers, især børns og helt unges alkoholforbrug, EFT L 161, 16.6.2001 s. 38 – 41.*

I forbindelse med henstillingen accepteres selvregulering som middel til gennemførelse. De fleste medlemsstater betragter henstillingen som et meget vigtigt dokument. Drikkevareindustrien opfordres nu til at indlede en diskussion om selvregulering, som omfatter "happy hours" osv. På den anden side var nogle medlemsstater bekymrede for alkoholens pris og tilgængelighed og afviste selvregulering som et pålideligt middel til gennemførelse af henstillingen.

Eksempler på gennemførelse og resultater:

#### Portugal:

Henstillingen har ført til en toårig handlingsplan, som omfatter beskyttelse af unge på et tidligt tidspunkt, et sæt etiske regler og mærkning af alkoholiske produkter ('Vær ansvarlig, drik mindre')

#### Finland:

Alkoholprogrammet for 2000-2004, fokus på alkohol og sundhed, skade og byrde samt sager om alkohol ved rattet.

#### Italien:

Der er stillet forslag om en lov om oplysning vedrørende farerne ved alkohol særligt for unge samt om alkohol ved rattet. Køreskolerne oplyser unge om de mulige farer forbundet med alkohol. Alkoholindustrien har udarbejdet kodekser for selvregulering vedrørende alkoholreklamer.

#### Østrig:

Undervisning af voksne på grundlag af budskabet "Der står drikkende voksne bag drikkende børn".



### Sverige:

Der har hidtil været et totalt forbud mod enhver form for alkoholreklamer, men som nu er ophævet i henhold til Domstolens afgørelse. Den svenske repræsentant påpegede, at forbruget af alkohol er steget med 25 %, siden Sverige tiltrådte EU. Det er det højeste forbrug i de seneste 100 år i Sverige.

### Danmark:

Den danske repræsentant fortalte, at Danmark er det land, hvor der er flest unge, der drikker alkohol i hele EU. I 1998 blev der vedtaget en lov om forbud mod salg af alkohol til unge under 15 år. Det påtænkes nu at hæve aldersgrænsen til 16 år. Der er endvidere fokus på alkoholikere blandt forældrene med henblik på så tidligt som muligt at opfange børn med alkoholproblemer i familien.

### Tyskland:

Der er vedtaget en lov om forbud mod alkoholreklamer i biografen i forbindelse med film for mindreårige.

### **Libido Drinks ('Viagra Pops')**

Der blev henvist til mødet med interessegrupperne den 11. juni 2003. Der blev ikke tilføjet yderligere oplysninger.

### **Eventuelt**

Formanden takkede deltagerne for et meget konstruktivt møde og bad om, at punkter til dagsordenen for næste møde sendes til GD for Sundhed og Forbrugerbeskyttelse/ Kontor G3.



**EUROPEAN COMMISSION**  
HEALTH & CONSUMER PROTECTION DIRECTORATE-GENERAL  
Directorate G - Public Health, Luxembourg  
G3 - Health promotion, health monitoring and injury prevention

**Meeting of the Working Group on "Alcohol and Health"**  
**(with representatives of Member States, EEA Countries, Candidate Countries and interest groups)**

**LIST OF PARTICIPANTS**

Luxembourg, 11-12 June 2003

**MEMBER STATES**

11 - 12 June 2003, room JMO M6

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# WORKING IN EUROPE FOR THE PREVENTION OF ALCOHOL RELATED HARM

*Alcohol and Health Working Group*

*Revision of the Television Without  
Frontiers Directive and Article 15*

*Luxembourg, 11th June 2003*



# WORKING IN EUROPE FOR THE PREVENTION OF ALCOHOL RELATED HARM

- ↪ *The Harm done by alcohol*
- ↪ *Advertising on the most powerful media medium*
- ↪ *Article 15*
- ↪ *Aim of the public consultation*
- ↪ *Cultural differences are becoming narrower with regards to the drinking of young people*
- ↪ *The Nipo Study*
- ↪ *Problems with the application of article 15*
- ↪ *Eurocare Recommendation*



# *The Harm Done By Alcohol:*

- ↪ *1 in 4 European men and 1 in 10 European women consume alcohol at levels hazardous and harmful to health*
- ↪ *1 in 4 drinking occasions include consumption of more than 6 units of alcohol (60g)*
- ↪ *5% of European adults are physically dependent on alcohol*
- ↪ *9.2% of all disability and premature death in Europe is due to alcohol (14% for men)*
- ↪ *Alcohol is no ordinary commodity*
  - *Source: World Health Organization, Global burden of disease study*



# *Advertising...on the most powerful medium. Did you know that:*

- ↪ Although considered the essence of any act of communication, words only make up 7% of the memorised message while body language, colours and images account for 70% of what one will remember from a message, the remaining 23% being directly related to the voice and intonation adopted by a speaker*
- ↪ On average, children (defined as between four and 15) spend two hours and 23 minutes a day watching TV, an hour and 11 minutes less than adults. One in five children still watches after the 9pm watershed, although this falls to one in 10 by 10pm.*

*↪* broadcasting standards commission and the independent television commission,



## *Article 15:*

*Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:*

- (a) it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages;*
- (b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;*
- (c) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;*
- (d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;*
- (e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;*
- (f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.*





# *The Public Consultation*

- ↪ *The main goal of the public consultation is to provide the Commission with information which will help it to assess whether there is a need to update or adapt the "TWF" Directive.*
- ↪ *The Commission recognises that the TWF Directive should demonstrate the validity of a common European approach to audio-visual issues and the Member States' commitment to achieve this goal*
- ↪ *Paradoxically, the Commission recognises that there are a remarkable number of differences at Member State level regarding the specific provisions covering alcohol advertising*



# *Cultural differences are becoming narrower and narrower....*

↪ *One of the most important concerns reported in the Council Recommendation 2001/458/EC is that “binge drinking patterns” are becoming a general trend among young people in all European countries and that levels of alcohol consumption by young people and related harm are high, and growing. At the same time, research evidence suggests that young people respond to alcohol marketing on an emotional level, changing their beliefs and expectations about drinking. (Nipo research)*



# *The NIPO Study 2002*

- ↪ *Dutch children between the ages of 10 and 15 are very aware of TV commercials advertising alcoholic drinks. (Nipo study)*
- ↪ *Research shows that the commercials for Bacardi Breezer and Smirnoff Ice are the most effective with young people*
- ↪ *22% of young watchers say they feel like having a Smirnoff Ice after watching the Smirnoff commercial*



# *Problems with application of article 15:*

- ↪ The current system sees itself as being there to prevent excesses of individual advertisements but the cumulative weight and thrust of advertising leaves no doubt that alcohol is seen as an essential part of a successful social – and increasingly, sex – life*
- ↪ It is becoming extremely difficult to prove that alcohol is portrayed as playing a key role in implied sexual success. For instance, complainants need to prove that there is sexual success “off camera” or that without the alcohol, there would be no sexual success*
- ↪ The Commission has received several complaints explaining these problems*



# *Eurocare's response to the public consultation:*

↪ *Eurocare has already participated in the hearing that took place on the 2 and 3rd April 2003 and will send its final written contributions.*

↪ *“All interested parties are invited to participate in the public debate by responding to the questions specified in the discussion papers and submitting their written contributions by 15 July 2003.”*

- [http://europa.eu.int/comm/avpolicy/regul/review-twtf2003/consult\\_fr.htm](http://europa.eu.int/comm/avpolicy/regul/review-twtf2003/consult_fr.htm)
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# *Eurocare's response to the public consultation:*

- ↪ How has Article 15 been implemented in the different Member States? Eurocare would recommend that the monitoring looks at images as well as the code of conduct that sustain them*
- ↪ The setting up of an advisory expert group which would look at reducing and resolving the differences of the specific provisions covering alcohol advertising in all the Member States, including the applicant countries.*



# *Eurocare's Recommendations*

- ↪ The Advisory expert group would also look at adding objective parameters which could be measured, such as time limits (e.g. 21:00 hours), programme limits (e.g. youth and sports) and limit on concentration of alcohol advertising (e.g. no more than 1 commercial per advertiser per programme)*
- ↪ The advisory expert group should be made up of at least 50% of professionals working in public health as well as professionals working in television advertising in order to be recognized as a valid entity by all people involved*

# WORKING IN EUROPE FOR THE PREVENTION OF ALCOHOL RELATED HARM

**Thank you for your  
attention**

eurocare

FBK For Eurocare

eurocare



**This paper was produced for a meeting organized by Health & Consumer Protection DG and represents the views of its author on the subject. These views have not been adopted or in any way approved by the Commission and should not be relied upon as a statement of the Commission's or Health & Consumer Protection DG's views. The European Commission does not guarantee the accuracy of the data included in this paper, nor does it accept responsibility for any use made thereof.**



# Responsible Commercial Communications

European Brewing Industry  
Action



# European Brewing Industry Action

- support TAG and EASA efforts
- Brewers' own initiatives: *responding to the challenge*

*Commitment made in November 2002 :*

- *Progress in sharing best practice*
- *Improving compliance*
- *Encouraging effective self-regulation in new Member States*
- *Raising consumer awareness*



# Brewers' Action in an enlarged Europe

Brewers' deeds since November 2002

self-regulation task force



Coordinating national efforts in the European brewing community



Producing the necessary tools



# Developing tools

## Guidelines for Responsible Commercial Communications

- Ensuring effective application of a self-regulatory process for commercial communications about beer
- Encouraging the implementation of the Common standards throughout an enlarged Europe
- Incorporating 3 essential elements



# Guidelines

## 3 essential elements

- Common Standards
  - Application of a Code for Beer
- Compliance Principles
  - Ensuring an effective complaints mechanism
  - Building in additional checks and balances
- Communication Strategy
  - Communication to the Brewing Industry
  - Communication to Consumers



# Implementation

## Background

- Different cultural, commercial and regulatory backgrounds
- Sharing responsibility
- Building upon national experiences



# Building upon Brewers' national experiences

## Cerveceros de España

- Self-Regulatory Code on Commercial Communications for Beer updated in 2003
- Under the supervision of the main Spanish Consumers organisation
- Stricter provisions regarding minors, in the light of the Council Recommendation
- System for all commercial communications, in co-operation with Autocontrol (EASA member)





# Building upon Brewers' national experiences

## Deutscher Brauer Bund

Code of Conduct for alcoholic beverages developed by the German Advertising Industry:

- since 1976
- signed by the associations of all producers and importers of alcoholic beverages
- low level of complaints



# Building upon Brewers' national experiences

## Czech Brewers

1st quarter 2003 : The Czech Brewers have adopted a *Code of Responsible Brewers*, including:

- detailed provisions on advertising
- additional provisions:
  - on promotions
  - on packaging

with special attention to the protection of minors



# Our directions for the future

- pursue the activities undertaken by the Brewers of Europe Self-Regulation Task Force:
  - Dissemination of the Guidelines for Responsible Commercial Communications
  - Providing support to the Brewers' network in implementation
- continue to support the overall efforts produced by TAG and EASA
- continue to report to the Stakeholders on the progress achieved
- Report back to the WHO following initial exchange of views



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# Meeting of the Working Party on Alcohol and Health GATS Negotiations and Distribution Services of Alcohol Beverages



**Nicolas Bernier**

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**DG Trade**

**Trade in Services (including e-commerce)**

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**<http://europa.eu.int/comm/trade/>**

**Luxembourg,  
June 12th, 2003**



## GATS: General Agreement on Trade in Services

- Economic development and governance
- The GATS is a multilateral agreement created by the Members of the World Trade Organisation (WTO) in 1994 at the end of the Uruguay round
- It is about opening market access and granting national treatment to non-national providers of services
- The agreement includes a work programme (“built-in agenda”) committing Members to successive rounds of negotiations aimed at progressively higher level of trade liberalisation
- First round of negotiations: Doha Development Agenda (DDA),
  - Initiated in November 2001
  - Target completion by end 2004

## GATS: General Agreement on Trade in Services

- The GATS is about trade in services, including:
  - Professional services
  - Business services
  - Computer-related services
  - Postal and courier
  - Telecommunications
  - Audio-visual
  - Construction
  - **Distribution**
  - Educational services
  - Environmental services
  - Financial services - Banking and insurance
  - Tourism and travel-related services
  - Health-related and social services
  - Transport
  - Recreational, cultural and sporting services
  - Others

## GATS: modes of service supply

- Mode 1 Cross-border supply
- Mode 2 Consumption abroad
- Mode 3 Commercial presence
- Mode 4 Presence of natural people



## GATS principles

- Most-favoured-nation treatment - MFN
  - But exemptions are allowed for cases specified by the WTO Member, and among countries that are members of regional trading agreements (economic integration)
- The GATS does not interfere with the right of governments to regulate
- Respect for the Members' right to create and apply domestic regulation
  - Measures must be applied reasonably, objectively and impartially
  - Licencing requirements will not constitute unnecessary barriers to trade in services
- Members have the right to modify or withdraw commitments, within certain rules and appropriate compensation

## GATS/Distribution services - EU's existing commitments

- EU's commitments since the Uruguay round (1995)
- The EU has already a very significant commitments on distribution services
- Our commitments include distribution of all products, except:
  - arms,
  - chemical products,
  - explosives and
  - precious metals
- In addition, there are country-specific limitations

## GATS/Distribution of alcoholic beverages - EU's existing commitments

- The EU has commitments for distribution of alcoholic beverages comparable to other products, with the following exemptions:
  - Ireland does not have commitment for commercial presence of retailing services
  - Sweden has no commitments on retailing services
  - Finland has no commitments on any distribution service
- **This is fully compatible with our measures of domestic regulation governing distribution of alcoholic beverages**
- **Our GATS commitments are not in conflict with our highly responsible regulation of distribution of alcoholic beverages**



## The EU and the GATS/DDA round of negotiations

- The EU is committed to progressively liberalise trade in services on a multilateral basis
- Leading the GATS/DDA negotiations to a significant, successful outcome is a responsibility of all major Members of the WTO
- The EU is seeking to promote effective liberalisation of the distribution sector in the context of the DDA negotiations
- We firmly believe that distribution is a key service sector to convey welfare to consumers around the world

## GATS/DDA round - EU's initial offer

- The EU presented its DDA initial offer in April 2003
- The European Commission conducted a highly successful **Public Consultation Process**
- The EU has made a very significant offer on distribution services, among other sectors
- **But we have left unchanged the existing limitations on distribution of alcoholic beverages**

## GATS/DDA round - Initial offers of other WTO Members

- Around 25 WTO Members have already presented initial offers
- At this time, this is a reasonable number, although it should be significantly higher by Cancun
- Only a few countries are making significant offers on distribution services
- A significant number of countries have not made any offer on distribution services
- The EU will continue making a significant effort to promote trade liberalisation of distribution services

## The EU and the DDA round - Initial requests

- According to the GATS procedures, initial requests were exchanged among WTO Members as of June 2002
- The EU sent requests to 109 WTO Members
- We included requests for liberalisation of distribution services (all sub-sectors, modes and products)
- Requests were modulated for middle-low income and least developed countries
- We firmly believe that all our requests are legitimate, fully in line with the GATS agreements and DDA objectives, and will benefit consumers world-wide

## Wrap up

- The EU is committed to regulate effectively the distribution of alcohol beverages, in order to protect public interests
- ...And to promote liberalisation of trade in services on a multilateral basis (WTO/GATS)
- ...Respecting the right of WTO Members to regulate
- These objectives are not in conflict and are fully compatible
- The GATS has effective mechanisms to promote trade liberalisation and respect domestic regulation



# TRADE



Your perspective, comments

Thanks a lot :)

*REVIEW OF THE 'TELEVISION WITHOUT FRONTIERS' DIRECTIVE*

**LUXEMBOURG, 12 JUNE 2003**

Ladies and Gentlemen,

- In fact, it is the development of satellite broadcasting in the beginning of the eighties that prompted the first initiatives in this field. In 1984, the Commission presented a Green Paper on the establishment of a Common market in broadcasting. In 1989, the 'Television Without Frontiers' Directive, was adopted as the main Community instrument in the broadcasting sector. It was revised and updated in 1997.
- Member States had until the end of 1998 to implement the revised Directive into national legislation. It has now been applied for more than 4 years. As foreseen in the Directive itself, which provides for a review every two year, an in-depth work programme for the evaluation of the Directive has been adopted by the Commission at the beginning of the year. It is being carried out as we speak.
- The principal aim of the Directive is to ensure the free movement of broadcasting services in Europe and to promote the development of a European market in broadcasting and related activities, such as television advertising and the production of audiovisual programmes.
- To this end, the Directive is based on two basic complementary principles:
  - **Control by the country of origin of the broadcast:** the originating Member State must verify that broadcasts comply with national law as co-ordinated by the

Directive without secondary control on the same grounds in the receiving Member State.

- **Freedom of reception and retransmission:** All Member States must ensure freedom of reception and shall not restrict retransmissions on their territory of television broadcasts from other Member States for reasons co-ordinated by the Directive.
- The Directive provides for the Community co-ordination of certain provisions laid down by law, regulation or administrative action in Member States in the following areas:
  - the law applicable to television broadcasts;
  - the promotion of the production and distribution of European works;
  - access by the public to major events for society;
  - advertising, sponsoring and teleshopping;
  - the protection of minors and the right to reply.
- It is important to bear in mind that these provisions have been laid down in order for the single market to operate constitute the minimum level of harmonisation necessary to ensure the freedom to provide broadcasting services in the European Union. This is of course the primary purpose of the Directive.
- The Commission also considers that regulation in the media sector should be proportionate and kept to the minimum necessary to achieve these public interest objectives. In the media sector, the fundamental principle of freedom of expression as enshrined in Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 11 of the European Union's Charter of Fundamental Rights is of paramount importance.

## **STATE OF PLAY IN IMPLEMENTING THE DIRECTIVE**

- The Directive is now implemented in all Member States. Its geographical scope has been extended to the Candidate countries through the alignment process on the

‘Community *acquis*’. It is worth noting that at present, the Directive is implemented in more than 27 countries.

- The Directive is considered to be an effective and appropriate instrument by all market players and has accompanied the creation and development of an increasing number of channels throughout Europe. The application of the Directive is subject to very few complaints and disputes.
- However, there is a need to assess the appropriateness of the current regulatory framework in the light of technology and market developments. The increase in the number of channels available, the offer of broadband entertainment services, the development of Personal Videorecorders (PVR), full interactivity and new advertising techniques present new challenges as well as the general economic development and its impact on the sector.
- In order to address these challenges, the Commission already proposed in its 1999 Communication on ‘*Principles and Guidelines for the Community’s Audiovisual Policy in the Digital Age*’ five general principles for regulatory action. According to the Commission, regulation should:
  - be based on clearly defined policy objectives;
  - be kept to the minimum necessary to meet those objectives (proportionality);
  - further enhance legal certainty in a dynamic market;
  - aim to be technologically neutral, and;
  - be enforced as closely as possible to the activities being regulated (subsidiarity).
- On 6 January 2003, the Commission adopted the Fourth Report on the application of the ‘Television without Frontiers’ Directive.
- In an annex to this report, the Commission proposes a work programme which aims to open a debate on the possible need to adjust the regulatory framework because of the developments in markets and technologies.

- As part of this public consultation exercise, there are two series of public hearings organised in the Commission's premises in Brussels, to enable interested parties to contribute fully to the debate.
- A set of public hearings took place in the beginning of April. More than 300 representative of the audiovisual sector (broadcasters, producers, sports associations, advertising agencies, right owners, national regulatory authorities) participated, including some from the candidate countries.
- At this point in time, it is impossible to prejudge the results of the public consultation. However, some of the participants have expressed interest in clarifying the rules applicable to TV advertising with regards to the development of new advertising techniques. In this respect, the Commission will look at all the possible solutions to enhance legal certainty in this area.
- A second set of public hearings will be held on 23, 24 and 25 June. These public hearings will address the three following themes:
  - Promotion of cultural diversity and of competitiveness of the European programme industry;
  - Protection of minors and public order and the right to reply;
  - Aspects related to the application of the Directive (determination of the competent authority, role of the National Regulatory Authorities, etc.)
- All interested parties are invited to participate in the public debate by attending the hearings and by responding to the questions specified in the discussion papers and sending their written contributions to the Commission by 15 July 2003.
- The purpose of this open debate is to provide the Commission with the necessary input that could lead to the decision to update or adapt the present regulatory framework.
- All contributions received in the course of this public consultation exercise will be made public, unless requests not to do so have been expressly formulated (where

appropriate by adding a confidential annex). They will be posted on the website of the Education and Culture Directorate-General.

## **FUTURE ACTIONS**

- In the light of the reactions we receive, the Commission will decide whether there is a case to table further proposals and if so, what will be the nature of and the timetable for such proposals.
- At the end of this year or in the beginning of 2004, the Commission will publish a communication on the results of the consultation process and make proposals, if appropriate. In addition, the Commission will prepare a new evaluation report on the implementation of the 1998 Council Recommendation on protection of minors and human dignity in audiovisual services and information services.

## **TELEVISION ADVERTISING FOR ALCOHOLIC BEVERAGES**

- Within the set of rules on Television advertising are included the provisions advertising for certain products like tobacco, medicinal products and alcohol:
- According to Article 15, Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:
  1. It shall not be aimed specifically at minors or in particular depict minors consuming these beverages;
  2. It shall not link the consumption of alcohol to enhanced physical performance or to driving;
  3. It shall not create the impression that the consumption of alcohol contributes towards social or sexual success;
  4. It shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts,
  5. It shall not encourage immediate consumption of alcohol or present abstinence or moderation in a negative light;
  6. It shall not place emphasis on high alcoholic content as being a positive quality of the beverages.

- These provisions are quite restrictive but are now generally well-accepted by operators – advertisers and broadcasters -. They have been so far applied in a satisfactory manner. Recently in March and in April two complaints concerning the same member State have however been filed to the Commission and we are now considering whether the Member State concerned has failed to comply with its obligation to ensure that the provision concerned (Article 15, paragraph c) of the directive is effectively complied with at national level. We are now currently dealing with these cases. But apart from these complaints we had not received before any complaint about the application of these provisions, which means, we assume, that these provisions were correctly applied.