

Self-Regulation

Mapping Exercise Report

July 2009

Introduction *(by Commission services)*

The Commission's Communication on an EU strategy to support Member States in reducing alcohol related harm, published in 2006, announced that the Commission services will work with stakeholders to create sustained momentum for cooperation on responsible commercial communication and sales, in order to prevent irresponsible marketing of alcoholic beverages.

A large part of this work takes place within the framework of the European Alcohol and Health Forum, which was created in 2007 with the overall objective to provide a common platform for all interested stakeholders at EU level that pledge to step up actions relevant to reducing alcohol-related harm. The priority working areas of the Forum include "*cooperation to promote responsibility in and prevent irresponsible commercial communication and sales*".

In this context, the Task Force on Marketing Communication was established under the Forum to develop the environment for responsible communication practice. The mandate of the Task Force included the following tasks:

- to examine best practice actions aimed at promoting responsibility in marketing, and preventing irresponsible marketing;
- to examine and build upon the report of the Directorate General for Health and Consumer Protection on the Advertising Round Table¹

Against this background, the attached report is the first attempt to map the elements of a self regulation framework in Member States, and at EU level. The report shows that the development of self regulation systems in Europe is highly variable. In some countries, such as the UK, Spain, Germany, Greece, Ireland, Italy (among others), the systems are – according to the existing degree of detail – almost fully implemented. This contrasts with others, such as Latvia, Malta and Lithuania where the systems appear to be at a very early stage. In these latter countries, identifying progress over the coming months/years will be relatively straightforward. For the more advanced countries, however, there may now be a rationale for developing a more nuanced classification of the maturity of the system than we currently have, in order to capture on-going developments as well as the need to obtain a picture of the effectiveness of the self regulatory systems.

More fundamentally, the report highlights the patchwork nature of information gathering in this area. It is no simple task to summarise the existing state of SR for alcohol across a) all sectors – wine, spirits, beer and b) along the value chain of each sector. This report should be seen as a baseline for further monitoring efforts.

¹ Available at http://ec.europa.eu/consumers/overview/report_advertising_en.pdf

Next steps

The present report was drawn up by The Open University / The University of Stirling, in the framework of a service contract with the European Commission, and should be considered as a first, baseline assessment of how the EU level and Member States fare in relation to basic requirements of a functioning self regulatory system: it is work in progress, with further iterations seeking to capture any further development of these systems, and also improvements to how the development of these systems should be monitored. For example, the picture could be further differentiated according to value chain, alcohol sector, indicators for the effectiveness of the emerging SROs and characteristics of the individual codes of commercial communication.

The report will be presented to the Forum plenary meeting of 12 November 2009.

The present report will also feed into the broader review of the implementation of the EU Alcohol Strategy which the Commission services will publish in September this year, and will thus contribute to the overall monitoring of the Alcohol Strategy.

Mapping Exercise Report on Self Regulation

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SELF REGULATION IN ALCOHOL MARKETING

This report aims to gain a more differentiated and precise picture of the current situation at EU-level and in the 27 Member States in terms of the development of self-regulation (SR) systems for alcohol marketing. The objective of this report is not to further the debate about whether, or to what extent, self regulation is effective. That debate is on-going with a recent report by ELSA presenting the case against the effectiveness of SR, and other reports, for example by Landmark Europe arguing for its value. This report is intended, instead, to be simply a technical exercise to map what steps have been taken in Member States, by national authorities or economic operators, to set up or encourage systems for the self regulation of alcohol advertising and marketing by economic operators. A key objective in developing systems for advertising self regulation is to support adherence to high ethical standards, particularly in relation to children and young people.

Drawing on the available information, this mapping includes a brief synopsis of the situation in each of the Member States, plus information on EU-wide standards. It should be noted that a lack of a national code does not necessarily mean a lack of compliance with the common EU-wide standard.

The Round Table on Advertising should be seen as the benchmark for the SR process. This was set up in October 2005 in response to a request by advertisers for guidance and support on self-regulation. The Round Table provided a forum for debate around SR in advertising. The goal of discussions was the clearer definition of a best practice model for self-regulation. The Report of the Round Table set out the key determinants of effectiveness in the Best Practice Model, summarised under four headings: effectiveness, independence, coverage and funding. Agreed elements within these headings are set out in Appendix 4.

It should also be remembered that local contexts differ from country to country. National legislation, which is outside the scope of this report, varies from one country to another. Other issues to be noted include the possibility of things slipping through self-regulation schemes, and that the principles of SR codes may not necessarily extend along to include all parts of the alcohol industry value chain which includes malt/grain/hops/grape producers, alcohol producers, distributors, marketers, retailers and the hospitality sector.

Furthermore some SROs can be considered partial in nature, in the sense that they have limited coverage of alcohol issues. Partial, or limited, SROs may only have competency over some areas, with others being unregulated or controlled by statutory regulation. Partial SR codes may also operate in some constituencies, for example only covering some forms of a communications such as TV and print advertising, and not other marketing communications.

Various principles regarding the operation of SROs (Self Regulatory Organisations) have been suggested. SROs normally involve a wide variety of stakeholders in the process of developing codes of conduct, including NGOs and public health bodies. The SRO should not rely only on complaints from the general public and interested parties but should pro-actively monitor marketing activity against the agreed codes.

The panels used to adjudicate the SROs should include a majority of independent persons. Sanctions should be clear and effective, and have the power to change future behaviour after the campaign at which it was directed; and the SRO process should be independent and open to public scrutiny. A breakdown on the functions offered by SROs across Europe country by country such as copy advice, monitoring, free handling of consumer complaints, online complaints facility, publication of decisions, appeals procedure, stakeholder involvement, and promotional activity can be found in Appendix 2.

INFORMATION SOURCES

Information to inform this mapping has been supplied mainly by economic operators at the request of Commission services. Contributing organisations are the EASA (European Advertising Standards Alliance); EFRD (European Forum for Responsible Drinking), HOTREC, which is the umbrella trade association of hotels, restaurants and cafes in the European Union; EuroCommerce, which represents the retail, wholesale and international trade sectors in Europe; CEPS (the European Spirits Organisation); The Brewers of Europe, CEEV (Comité Européen des Entreprises Vins)- the representative body of the EU industry and trade in wines, ESA (the European Sponsorship Association), and STAP (Dutch Institute for Alcohol Policy).

A summary table of the current situation is also included at the end of this report (Appendix 1). This highlights the position of Member States in relation to several SR-related criteria. It shows that information on the hospitality sector is only available on fourteen member states, and on retail there is information on seven states. Definitive information was not available on levels of compliance with the codes for 18 MS.

EU-WIDE SITUATION

Self-regulation in the area of alcohol advertising takes place mainly at national level. However, what is happening at national level is to a large extent determined by EU-wide developments. In this light the activities of several Europe-wide bodies, providing best practice guidelines for application by the national self-regulatory bodies responsible for sector and company codes, need to be mentioned.

EASA (advertising self-regulation)

Advertising SROs are members of the co-ordinating body EASA. EASA does not itself regulate advertising, but acts as a common industry voice on advertising self-regulation, and disseminates information, conducts research, and publishes results and examples of best practice. However EASA's SRO and industry association members have agreed a set of common principles for best practice in self regulation with the following core values: independence, transparency, efficiency, effectiveness and consumer benefits. Within countries SROs often have specific codes in relation to alcohol advertising. The lack of a common EU code is explained by the fact that advertising regulation seems to work best at national level. It can therefore reflect national, cultural, commercial and legal differences and react to national trends and concerns (EASA 2005).

EFRD (Spirits Sector)

The European Forum for Responsible Drinking (EFRD) is an alliance of leading European spirits producers supporting targeted initiatives to promote responsible drinking. These initiatives focus on attitudinal and awareness programmes, responsible marketing and self-regulation as well as the promotion of a better understanding of the evidence base. The EFRD issued the updated Common Standards for Responsible Commercial Communication in 2006 and provides a voluntary EU-wide benchmark for advertising communications. The EFRD Common Standards are under continuous development with new annexes added periodically. The latest addition (annex 2 on digital media, replacing the former annex 2 on internet) is extremely recent (adopted a couple of weeks ago) and was for the first time consulted with external stakeholders. The new annex is due to come into force in June 2009.

The common standards have been adopted by CEPS. The EFRD sponsored the Alcohol Advertising Monitoring exercise which took place in 2007. The Compliance Report, published in 2008 by the EASA, examined compliance with self-regulatory organisations in 19 EU countries. It shows that only a small number of commercial messages are in breach of the code: 6% of ads were found to be in breach of the code and 3% were found to not respect the requirements for responsible drinking messages (EASA 2008a).

EFRD also invests in training for marketing professionals to ensure they understand and properly apply the provisions of the codes. In April 2008 an on-line training tool was launched: www.marketresponsibly.eu currently with 836 registries to the site and on-going evaluation process with those joining the site.

CEPS (Spirits Sector)

The European Spirits Organisation CEPS aims to promote the responsible marketing and consumption of spirits. CEPS acts as the European representative body for producers of spirit drinks with a membership comprising of 33 national associations representing the industry in 27 countries, as well as a group of leading spirits producing companies. As well as members adhering to the EFRD common standards, CEPS issues a charter on responsible alcohol consumption, including codes of conduct on marketing of spirit drinks (CEPS 2008).

EFRD & CEPS Standards

Across Europe the aforementioned EFRD and CEPS standards have been incorporated into almost all national self regulatory codes of advertising practice (for spirit drinks). With regards to advertising the standards generally provide as follows:

General Principles: All advertising should be legal, decent, honest and truthful to conform to accepted principles of fair competition and good business practice, prepared with a due sense of social responsibility and based on principles of fairness and good faith. They should not be unethical or otherwise impugn human dignity and integrity.

Misuse: Advertisements for alcoholic drinks should not encourage excessive or irresponsible consumption, present abstinence or moderation in a negative way, nor suggest any link with violent, aggressive, dangerous or anti-social behaviour.

Minors: Advertisement should not be directed at minors or show minors consuming alcohol. Advertisers should avoid media or events where more than 30% a majority of the audience is known or reasonably expected to be minors below 18 years old underage.

Driving: Advertisements should not associate drinking with driving a motor vehicle.

Workplace: Advertisements should not associate drinking with the operation of machinery or with hazardous activities.

Medical Aspects: Advertisements must not suggest that alcohol can prevent, treat or cure a human disease or refer to such properties. Health aspects can be included to the extent specifically permitted by national law, including references to government issues sensible drinking guidelines or limits.

Alcohol Content: Advertisements should avoid confusion as to the nature and strength of alcoholic drinks. They may present information on alcoholic strength but should not emphasise high strength as a positive quality. Messages may not imply that consuming beverages of low alcohol content will avoid alcohol abuse.

Performance: Advertisements should not create the impression that consumption of alcoholic drinks enhances mental or physical performance for example when playing sports.

Social/sexual Aspects: Advertisements should not create the impression that consumption of alcohol is required for social or sexual success. They should not be unethical, offend against prevailing standards of taste and decency or otherwise impugn human dignity and integrity.

Sampling: No sampling of alcoholic drinks should be offered to minors. Sampling may be allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations.

(EASA 2007)

Specific details on the content of the codes can be found on the EFRD and CEPS websites.

CEEV (Wine Sector)

CEEV (www.ceev.be) is the representative body of the EU industry and trade in wines: still wines, aromatised wines, sparkling wines, liqueur wines and other vine products. Its membership comprises 24 national associations. Promoting moderation and responsibility in the consumption of wines and reducing alcohol related harm is one of the activities undertaken by the CEEV, through the “Wine in Moderation, Art de Vivre” programme (www.wineinmoderation.eu). CEEV also promotes specific “Wine Communication Standards” for best practice self-regulation on commercial Communications:

http://www.wineinmoderation.eu/index.php?option=com_content&view=article&id=17&Itemid=22&lang=en

The Wine Communication Standards objectives are to:

Reinforce the traditions of wine presentation and communication to consumers as a means to promote moderation and responsibility.

Ensure commercial communications on wine products do not encourage or condone excess consumption or misuse of any kind. These basic principles act in tandem with existing legislation in force and with requirements of good business practices

and provide guidelines for the application of best practices by national self-regulatory mechanisms and company codes.
 Include recommended best practice elements to promote effective implementation and compliance monitoring of these Standards by national self-regulatory (SR) mechanisms: copy advice, sanctions, complaint handling and independence.

The WCS do not seek to replace relevant national rules or codes of conduct. It looks at building on existing self-regulation schemes and to expand the self-regulation commitments where they did not exist, and to do so along the lines of the best practice elements identified in the Round Table on Advertising Self-Regulation, by providing best practice guidelines for application and monitoring compliance by national self-regulatory bodies (SROs) in the EASA network, sector and company codes. Monitoring of compliance with these Standards will be dealt by the Self Regulatory Organisations (SROs) in the EASA network or other appropriate independent organisations at national level (CEEV 2009).

The Brewers of Europe (Beer Sector)

The Brewers of Europe currently represents 27 national brewing associations and around 95% of the beer brewed in the EU. Whilst The Brewers of Europe's 31 commitments do include one major, EU-wide commitment, a key feature of the other 30 is their local element. They are commitments filed by national brewing associations under The Brewers of Europe's umbrella, aiming to help tackle the issues at the national and, often, sub-national level². The EU-wide commitment of the BoE focuses on helping to guarantee that self-regulatory systems for beer advertising not only include codes, but also that these codes are operating within effective systems. The Brewers of Europe has committed to 7 operational standards (See appendix 3; and http://www.brewersofeurope.org/docs/publications/20080415_commitments.pdf) that take, and convert to make them relevant to the beer sector, the components for a best practice self-regulatory model, as set out in DG SANCO's 2006 Report on self regulation in the EU Advertising Sector. This EU-wide commitment has been supplemented by a further 15 national commitments on self-regulation and will be further enforced by additional national self regulatory commitments in 2009. The 7 operational standards are outlined in appendix 3 along with an overview table for each country which will be populated by the brewers in due course. Furthermore 3 major brewing companies who are members: ABInBev, Heineken and SABMiller have all opted to work towards adopting a 70/30 rule in relation to share of minors in the audience for marketing activities (Brewers of Europe 2009).

In the last advertising monitoring exercise carried out by EASA and its SROs, 965 beer ads were looked at and 95% of the ads were found to be in compliance with the content requirements of the codes and laws they were monitored against. 2% of the ads monitored did not respect the requirements for responsible drinking messages in countries where displaying such a message is compulsory³.

² Further details on the Brewers of Europe commitments, for example those at national level, can be accessed from the Alcohol Forum Commitments Database on <http://ec.europa.eu/eahf/index.jsp>

³ <http://www.brewersofeurope.org/docs/publications/EU%20Beer%20Report%20-%20Monitoring%202008.pdf>

The Brewers of Europe adhere to Guidelines for Responsible Commercial Communications for beer when they develop their national self regulatory codes. The guidelines are:

Basic Principles: commercial communications should: be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice; be prepared with a due sense of social responsibility and be based on principles of fairness and good faith; under no circumstances should they be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity.

Misuse: Commercial communications about beer should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way; Commercial communications about beer should not suggest an association with violent, aggressive, dangerous or anti-social behaviour; Commercial communications about beer should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable.

Minors: Commercial communications about beer should not be aimed at minors or show minors consuming beer; Commercial communications should not promote beer in media, programmes or at events where the majority of the audience are known to be minors.

Driving: commercial communications about beer should not directly or indirectly associate; consumption with the act of driving vehicles of any kind.

Association with hazardous activities: Commercial communications about beer should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, portray the act of consumption prior to or during activities, or in locations, which are potentially hazardous⁴.

Medical Aspects: Commercial communications about beer must not attribute the property of preventing, treating or curing a human disease or refer to such properties; This principle is also laid down in article 2, paragraph 1.b. of the Directive 2000/13/EC of 20 March 2000 on the approximation of the laws in the Member States relating to the labelling, presentation and advertising of foodstuffs; Commercial communications on health aspects are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government issued sensible drinking guidelines or limits.

Alcohol Content: Commercial communications should not create any confusion as to the nature and strength of beer; Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beer of low alcohol content will avoid misuse.

Performance: Commercial communications should not create the impression that consumption of beer enhances mental ability or physical performance, e.g. when in

engaging in sports; commercial communications should not create the impression that consumption of beer enhances social or sexual success.

Promotions & Sampling: No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption; Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of beer should be offered to minors.

The 7 Operational Standards that The Brewers of Europe have committed to implement across their membership by April 2010 are as follows:

1. Full coverage (All communication, All actors)
2. Code compliance (Letter and spirit, Copy advice)
3. Complaints jury (Independent members, Independent chair)
4. Speed (Fast decisions, Immediate removals)
5. Sanctions (Act as deterrent, Credible)
6. Consumer awareness (Complaints system, Jury decisions)
7. Self-monitoring (Systematic and ongoing, Regular review)

ESA (Sponsorship)

Members of the European Sponsorship Association (ESA) abide by its own Code of Conduct, and also adhere to the ICC Marketing Codes which include sponsorship. ESA is also drawing up a Guide to Sponsorship Practice, as a benchmark for all the activities undertaken and to be used in the self regulation process. There are many other guidelines that commercial operators follow, such as the Brewers of Europe guidelines or the EFRD codes, which might relate to alcohol sponsorship. A recent ESA survey of rights holders (in sport or culture or elsewhere) indicates that many sponsor seekers also have their own self regulatory criteria regarding alcohol sponsorship, which might cover which events are suitable for sponsorship by alcohol companies or not, and on how any sponsorship is promoted and marketed surrounding the event itself (ESA 2009).

ESA has recently set up in 2008 a system to handle public complaints about sponsorship, which is handled on a pan-European basis through the auspices of the EASA. The system primarily considers issues relating to event or property sponsorship. The ESA/EASA process involves the SROs in each country passing on any general sponsorship complaints to a central Joint Arbitration Panel made up of 3 people (a representative each of ESA and EASA and an independent expert), who will adjudicate on any issues having looked at the complaint and the sponsor's response. To date there have been no complaints so far (ESA 2009).

Austria

Statutory Regulation

In Austria legislation covers many other aspects of alcohol marketing, under three regulations: the Federal Act on the Austrian Broadcasting Corporation, the Private Radio Act, and the Private Television Act. These statutory Regulations are directed specifically at institutions that provide advertising space. In general these regulations include a total ban on advertising spirits and restrictions on the advertising of certain products. Misleading advertising is also covered by competition law. There are restrictions in the general terms and conditions of the Austrian Broadcasting

Corporation on the marketing of wine and spirits on radio and TV and a ban on the advertising of mixed drinks before 19h25 (STAP 2007a).

Self Regulation

Austria has an SRO named the OWR (Österreichischer Werberat) in place and an SR code on alcohol. The OWR deals mainly with issues of taste and decency. The SR code is directed at all companies related to the Austrian advertising industry and concerns all kinds of economical advertising but does not cover areas such as sponsorship or product placement.

Its structure consists of a council and a secretariat and it has 90 independent jury members: they are advertisers, agencies, media, as well as personalities among academics, medical scientists, counsellors, psychologists and consumer representatives (EASA 2007). Recently the SRO has undergone several changes. The main focus of revamping was to provide a more professional complaint handling system with an independent and impartial code-applying-body. This was done by installing a quicker, transparent and more service-oriented online complaint handling system and by restructuring its jury to include external stakeholders. This new jury, called 'Werberat NEU' and operational since October 2008, is composed of advertisers, agencies, media, as well as personalities among academics, medical scientists, counsellors, psychologist and consumer representatives.

The national spirits association, Fachverband der Nahrungs- und Genussmittelindustrie Österreichs - (FNGO), is a signatory of the SR code owned by the OWR (CEPS 2008).

The Austrian brewery association has a self-regulatory code. It is available at: http://www.bierserver.at/cms/download/kodex_folder_4c.pdf (HOTREC 2009) and enforced through the newly revamped SRO.

The national association HOTREC has not co-signed/endorsed a self-regulatory code on the marketing of alcohol developed by alcohol producers.

Austrian retailers are currently discussing possible codes of good practices within the Austrian Alcohol Forum (EuroCommerce 2009).

Belgium

Statutory Regulation

Due to Belgium's federal structure, legislative regulation of advertising occurs at national and community level with different restrictions across the two communities. With some exceptions for broadcast advertising, in general alcoholic beverages may advertise in all media (CANADEAN 2005). The only federal law is the 'Consumers Health Law' which contain one article on alcohol advertising. However there are five different statutory regulations that regulate TV and radio broadcasting in the different communities of Belgium: Flemish, French and German Speaking; and the different regions: Flemish region, Brussels-Capital Region and Wallonia. They all contain a chapter on the regulation of advertising, sponsorship and teleshopping and in most cases alcohol is mentioned (STAP 2007a).

Self Regulation

In Belgium the SRO for advertising is the JEP (Jury voor Ethische Praktijken inzake Reclame / Jury d'Ethique Publicitaire). It consists of a jury and a secretariat. The jury comprises an independent chairman (magistrate, lawyer, professor or member of the advertising industry), three vice chairs and at least six member appointed by the board of the advertising council on recommendation of the associations of advertisers, agencies and media (EASA 2007).

Furthermore under the Belgian system there are now independent parties handling appeals in relation to complaint judgements. A wide-reaching campaign was also run by the SRO in order to encourage consumers to complain about ads that they felt were unacceptable. Training sessions are planned happening on a regular basis, for advertisers, agencies creatives and for complaints jury members, to explain the sensitivities around alcohol advertising and the requirement that ads meet both the letter and the spirit of codes.

A self-regulatory national code on 'practice and advertising' for alcoholic beverages, the Belgian Covenant was first set up by the Belgian Brewers' Federation⁴. Its coverage was expanded in 2005 to encompass all professional associations along the beer and alcoholic drinks value chain at the request of the Minister of Public Health. Signatories include the Belgian Retail Federation (FEDIS). The Covenant is regarded as enforceable and sanction-able, with its form and scope providing a broader approach than a more traditional legal framework. The Covenant contains a number of provisions, including no targeting of minors and no advertising 5 minutes before or after children's television programmes (Brewers of Europe 2009). The Fédération Belge des Vins et Spiritueux asbl - (FBVS) is a signatory of the Covenant (*Convention en matière de conduite et de publicité des boissons contenant de l'alcool*) (CEPS 2008).

The covenant also requests any advertising on alcoholic beverages (TV, newspapers, and radio) to bear a slogan on responsible drinking. Compliance with the covenant is secured by the *Jury d'Ethique publicitaire*. Further information about the Covenant is available at: <http://www.beerparadise.be/emc.asp?pageId=340>

Belgium's Hotel and Catering Federation (FED Ho.Re.Ca), the Belgian brewers and the distribution companies are all members of the Arnoldus Group, which is committed to the promotion of the Covenant to its members. The aim of the group is to contribute to the prevention of alcohol abuse and to the promotion of responsible drinking (HOTREC 2009).

Bulgaria

Statutory Regulation

Advertising in Bulgaria is subject to legislative control under the health law implemented by the Ministry of Health, and the radio and TV law implemented by the Council for Electronic Media. The regulations cover electronic media as well as TV, radio and printed media, and contain rules on marketing practices that could directly

⁴ As the Belgian Minister of Public Health has signed the covenant 'co-regulation' would be a more appropriate term than self-regulation.

or indirectly target children (STAP 2007a). Also new rules for spirits advertising enforcing a ban in direct marketing and time limitations for indirect marketing came into force in 2005. Other alcoholic beverages may advertise in any media within certain constraints (CANADEAN 2005). Further to the rules on the publicity of spirits; publicity for wine and beer should not be oriented to youths under 18. These measures also cover retailers.

Self Regulation

At present Bulgaria has no SRO. However, a "full" SRO is in project and will be launched in July 2009. In the meantime the Bulgarian Brewers have filed a commitment to implement the 7 operational standards and continued with their leading role in setting up a self-regulatory system. Independent parties, including a consumer group, are present on a jury ruling on potentially code-breaking beer adverts (Brewers of Europe 2009). Advertising of spirit drinks is not prohibited, but is allowed under certain set of rules as defined in the 2005 Health Act. A SR code for is being developed (CEPS 2009).

No reply was received in response to the HOTREC enquiry.

Cyprus

Statutory Regulation

In Cyprus advertising is largely subject to legislative control. However all alcoholic beverages may advertise in any media subject to certain unspecified constraints (CANDEAN 2005).

Self Regulation

At present Cyprus has no SRO, but there is a "full" SRO in project. ASR code for alcohol is already in place. The Cyprus Brewers are currently proceeding to implement the 7 operational standards for effective self regulation systems for beer advertising and thus filed a commitment to the Forum in April 2009. They have developed and adopted the code and are proceeding with the setting up of an independent self-regulatory authority that can handle any complaints about beer advertising.

In the framework of the implementation of the Wine in Moderation programme, the Cyprus Wine Association (33 companies) currently has planned the signing of the Wine Communications Standards and its entry in application in 2009 (CEEV 2009).

Currently Cyprus is not a member of CEPS (CEPS 2008). There is very limited or no local spirits production and the limited local producers do not advertise. Advertising for spirits is therefore likely to be by EFRD companies which comply with common standards through the application of their own company codes.

There are no umbrella organisations from Cyprus that are members of HOTREC.

Cyprus is not included in the EuroCommerce report.

Czech Republic

Statutory regulation

Broadcast and advertising legislation regulates the commercial communication of alcoholic beverages in the Czech Republic, including comparative, misleading and unfair advertising in the broadcast media. The Council for Radio and Television Broadcasting (Rada České republiky pro rozhlasové a televizní vysílání) was established by the Czech Government and has responsibility to observe the law for advertising in electronic media (Broadcasting Act 468/1991).

The Ministry of Industry and Trade is responsible for the Advertising Act (1995), which contains general provisions relating to advertising as well as provisions relating to specific product groups, including alcoholic drinks. (Canadean - Report on Responsible Marketing of Alcoholic Beverages in Europe, 2005)

Self Regulation

The Czech Republic's SRO, the RPR (Rada Pro Reklamu), is in place since 1994. There is a RPR ethical standards self-regulatory code as well as a code on the marketing of alcoholic beverages developed by alcohol producers. The RPR consists of five bodies: general assembly, executive committee, arbitration committee (The Jury), supervisory board and secretariat. The RPR structure is based on a tri-partial model with advertisers, agencies and media present in all parts of the RPR.

The Brewers of Europe's operational standards are being implemented with the Czech Brewers having integrated their code into the central SRO system (the RPR Code), whilst also guarding an internal fast-track system to deal with any urgent cases (Brewers of Europe 2009). The Forum PSR (the Social Aspect Organization, whose members are spirits producers both local & importers) has a Self-Regulatory Code in which almost all provisions of the EFRD Common Standards are included. At the moment, the member of CEPS – the Union of the Czech Spirits Producers – (UCSP) – is not a signatory of this code (CEPS 2008).

The national HOTREC association has not as yet endorsed the self-regulatory code, however discussions are under way, particularly with the General Partner, Staropramen Brewery (InBev Group) on how to cooperate in this field.

In the Czech Republic retailers do not have any code or other self regulation on marketing and advertising of alcohol, but there is legislation stating that every retailer or anybody selling alcohol must have a sign at the point of sale that alcohol (and tobacco) can be sold only to adults of 18 years and older. The cashier or a bartender is also responsible for not selling alcohol to teenagers and has to ask for ID with a photo (EuroCommerce 2009).

Denmark

Statutory Regulation

Aspects of advertising self regulation are in place in Denmark but statutory regulation, mostly under the Broadcast Act and the Marketing Practices Act, covers several areas and the country does not have a dedicated SRO.

Self Regulation

A self regulating Code, the Regulations of Marketing Alcoholic Beverages, was developed in partnership between the Ministry of Business Affairs, the Ministry of Health, the alcohol industry, consumer affairs organisations and NGOs. The code stipulate that marketing should not be: insistent, provocative or persuasive, target children or adolescents, associate drinking with sports or social achievement (HOTREC 2009, Eurocommerce 2009).

The Alcohol Advertising Board (<http://www.alkoholreklameraevn.dk/>) was set up in 2000 by the Danish Ministry of Economic and Business Affairs to enforce the Code of practice for the marketing of alcoholic beverages in Denmark, which previously had been taken care of by the Consumer Ombudsman. Members of the Board include the Danish Consumer Council, the Danish Brewers' Association, The Federation of Retail Grocers in Denmark (DSK), The Danish Association of Advertising and Relationship Agencies (DRRB), The Danish Chamber of Commerce, The Wine and Spirits Organization in Denmark, The Organisation of Danish Spirits Producers and The Association of Hotels, Restaurants and Leisure Industries of Denmark (HORESTA).

All these organisations endorse the code of practice for the marketing of alcoholic beverages towards consumers in Denmark. HORESTA is particularly keen on taking responsibility regarding the marketing and promotion of alcohol to younger people (HOTREC 2009).

The Alcohol Advertising Board rules on complaints concerning the marketing of alcoholic beverages in Denmark. If the Alcohol Advertising Board finds that a specific advertisement or advertising campaign is in contravention of the code, the Board will criticise the marketing initiative and in the case of gross or repetitive infringements publish the criticism by a press release. The Board's decisions are expected to be followed up by immediate action - either a direct halt to the marketing or a change in the marketing campaign. All complaints are published on the web site, when decided upon.

Estonia

Statutory Regulation

Advertising in Estonia is currently subject to significant legislative regulations which limit the advertising of alcoholic products, including prohibitions on strong drinks using certain media (CANADEAN 2005).

Self Regulation

Estonia has a partial SRO still under development, and a SR code on alcohol. The local CEPS member - Alcohol Producers Association – (APA) – adopted in March 2008 a code of ethics on the marketing of alcoholic beverages. This code contains basic provisions of the EFRD Common Standards (CEPS 2008).

A Brewers' draft plan, based on the roadmap also being developed for Latvia and Lithuania, to implement the 7 operational standards is under discussion (Brewers of Europe 2009).

There was no reply to the HOTREC enquiry on self-regulatory codes on the marketing of alcoholic beverages developed by alcohol producers.

No information was provided on the SR situation covering retailers.

Finland

Statutory Regulation

Alcoholic beverages advertising is controlled by legislation under the Alcohol Act that prohibits advertising for products over 22% abv and constrains it for other products over 1.2% abv. Because of the strong legislative environment, self-regulation is not an important element for alcohol advertising (ELSA 2007a, CANDADEAN 2005). Advertising targeted at minors is banned, and this applies to all forms of marketing. Previously there were no time limits for advertising on TV or radio, however an amendment in 2006 decreed that advertising on TV be banned before 9pm, and advertising in cinemas in films rated for under 18s be banned (STAP 2007a). The National Supervisory Authority for Welfare and Health, responsible for enforcement of advertising regulations, has provided a written guide for advertisers and provides pre-production advice upon request.

Self Regulation

Finland has SROs on advertising: MEN (Mainonnan Eettinen Neuvosto) and business practice; LTL (Liiketalautakunta), and has a SR code for alcohol in place. The MEN board consist of a chair and six members appointed by the central chamber of commerce (EASA 2007). The Federation of the Brewing and Soft Drinks Industry has introduced shared guidelines on responsible marketing communications for alcoholic brewery beverages. This Federation operates in connection with the Finnish Food and Drink Industries Federation (Eurocommerce 2009).

Finland has a very restrictive context in terms of spirits advertising. The Brewers' Association provides guidance on how to comply with the letter and the spirit of the law (Brewers of Europe 2009).

The national HOTREC association, The Finnish Hospitality Association (FHA) has not endorsed this self-regulatory code. Their argument is that they already have a legal duty, in line with laws in relation to the advertisement of alcoholic beverages in Finland, to act responsibly when it comes to the advertising or marketing of alcoholic beverages (HOTREC 2009).

The Finnish Grocery Trade Association has an own control program, where it provides its members updated rules and recommendations concerning sale of age-

restricted products. The FGTA recommends its members that products that contain under 1,2 % alcohol (but do contain some) are not sold to minors. Law does not require this. It recommends to its members that they join FGTA's own control database. From the beginning of August 2009 member companies' own control data concerning sale of age-restricted products is distributed through this database to the controlling authorities for a risk based use of their resources. All customers looking younger than 23 have to show ID when purchasing products prohibited from customers under 18. All FGTA's member companies' cashiers, totaling some 40 000 people, participate Age Control Passport e-Learning Program. By the end of this year they have to successfully pass an exam proving their knowledge and skills in adhering to law and FGTA's recommendations. Age Control Passport will be a permanent requirement for member companies' cashiers from 1.1.2010. The FGTA and three main Finnish provinces are piloting a model for local cooperation between retailers, provinces, municipalities and police concerning sale of age-restricted products. Finally the FGTA participates in public discussion concerning age-restricted products. FGTA is currently planning a joint campaign together with the national controlling agency in order to discourage customers from buying age-restricted products to minors (EuroCommerce 2009).

France

Statutory Regulation

Under French law the 'Loi Evin' features a statutory Code of Conduct 'Code de la Sante Publique' that imposes strict controls on the content, timing and place of alcohol advertising, including prohibiting it from television and cinema and restricting it in other media. Advertising that is allowed is subject to the self-regulatory controls, which include specific alcohol guidelines (ELSA 2007a, CANADEAN 2005). The national HOTREC association has referred to the existence of statutory regulation as a reason for the lack of a self regulatory code for retailers. They reported that alcohol advertising is already strictly regulated in the media and point of sale by the law called the "LOI EVIN" (10 January 1991). Advertising is prohibited for very strong alcohol like absinthe (HOTREC 2009).

Self Regulation

France has an SRO named the ARPP (Autorité de Régulation Professionnelle de la Publicité) and a SR code in place with five categories: the general rules, the thematic rules, the rules depending on the media, depending on the sector and the doctrine rule. Also there are SR codes with specific relevance to alcohol: the 'Code d'autodiscipline et de déontologie en matière de communication commerciale', the 'Code d'éthique des Brasseurs', and the 'Code de bonne conduite pour la retransmission télévisée d'événements sportifs', regarding sport events. Under the regulations only description of taste, smell, vintage and qualities related to origins of alcoholic beverages is allowed. France has almost full implementation of CEPS standards (CEPS 2008).

The French self regulatory system was recently re-organized with the former "BVP" being replaced by the ARPP <http://www.arpp-pub.org/>. Other changes were the creation of a new jury composed of lay experts (<http://www.jdp-pub.org/>), a consultative committee with members of the civil society (<http://www.cpp-pub.org/>), and an ethical council in charge of advising the SRO (<http://www.cep-pub.org/>).

A self-regulation code for Wines adapting the Wine Communications Standards to the evolving national legal framework is planned to be discussed and adopted in 2009 (CEEV 2009).

The national HOTREC association, Synhorcat, was not aware of any self-regulatory codes on the marketing of alcoholic beverages developed by alcohol producers in France relating to the hospitality industry.

The French Retail Federation (FCD) brought in the 'Action Prévention Alcohol' in 2008. This includes an emphasis on non-sale of alcohol to under-16s, with a legal notice needing to be clearly visible in store; improvements in alcohol labelling; no alcoholic tastings to be offered to under 18s, noticeably pregnant women or drunks; tastings only to be in small quantities; and the display of anti drink-driving messages and alcohol-related health damage messages (Eurocommerce 2009).

Germany

Statutory Regulation

In Germany Advertising is subject to extensive legislative regulation under the 'Jugendschutzgesetz', which deals with limitations on the placing and broadcast time of advertising, and the 'Jugendmedienschutz-Staatsvertrag' which contains rules on content including rules on appeal to children. Controls on misleading consumers are also dealt with under competition law (CANADEAN 2005).

Self Regulation

There are two SROs in Germany with EASA membership, the Deutscher Werberat (DW; German Advertising Standards Council) which deals with social responsibility and taste and decency, and the Wettbewerbszentrale (Zentrale zur Bekämpfung unlauteren Wettbewerbs e.V.) which deals with misleading advertising and unfair competition. The DW consists of 13 members with ten permanent members, four of which represent advertisers, three the media, two agencies and one from an advertising related profession. An additional three members are co-opted from within the advertising industry (EASA 2007). Wettbewerbszentrale is made up of a board of directors which appoints a chief executive officer and also employs 20 fully qualified lawyers and 30 admin staff (EASA 2007).

There are several SR codes in place on the marketing of alcoholic beverages. The codes of the Bundesverband der deutschen Spirituosen-Industrie und –Importeure (Association of German Spirits Producers and Importers) and the Deutscher Brauer-Bund (Association of German Brewers) are two examples.

The German alcohol industry (beer, spirits, wine and sparkling wine) as well as retail, media and agencies all adhere to the voluntary Code of Conduct on commercial communication for Alcoholic Beverages set out by the German Advertising Standards Council ZAW 2009. In 2005 the Code of Conduct, adopted in 1976, was extended to cover all forms of commercial communication including direct marketing, and communications via the internet, mobile telephones, sponsorship and sales promotions. The code of conduct stipulates that it is not permitted to encourage abusive consumption of alcohol, or to show minors, competitive athletes, drivers of motor vehicles or members of the medical profession consuming alcohol. Further

provisions introduced in April 2009 state that commercial communications for alcoholic beverages should not be shown on sportswear of children's and youth teams nor be conveyed in advertising and sponsorship campaigns associated with minors. Various price promotions including flat rate offers are now forbidden as is the encouragement of irresponsible consumption. A pre-vetting and copy advice system has also been introduced. Further, the Deutscher Werberat has plans to increase its dialogue with groups in society. From September 2009, the DW will make itself available for open discussions with all interested stakeholders within the framework of the "Conference – Advertising and Society".

The national HOTREC association has not co-signed or endorsed a self-regulatory code on the marketing of alcohol developed by alcohol producers as they say they do not want to “anticipate political decisions”. They regard individual responsibility and alcohol providers' initiatives to be effective enough (HOTREC 2009).

Compliance with the Codes, organization of the complaints procedure and assessment of complaints are the responsibility of the German Advertising Standards Council (www.werberat.de).

Other global self-regulatory codes also governing alcohol marketing in Germany are the codes of Diageo (www.diageo.de) and Pernod Ricard (<http://www. Pernod-Ricard-deutschland.de/>). Further information is available at: www.brauer-bund.de, www.bsi-bonn.de or www.zaw.de (HOTREC 2009).

Greece

Statutory regulation

The National Broadcasting Council (ESR Ethniko Symvoulío Radiotileorassis) is responsible for television and radio. Outdoor advertising is regulated by the Ministry of the Environment and Public Works. Advertising of alcoholic beverages is covered by Presidential Decree 100/2000 which implemented the Television Without Frontiers Directive.

Self Regulation

Greece has an SRO in place for advertising called the SEE (Συμβούλιο Ελέγχου Επικοινωνίας), a SR code relating to alcohol, and a mature system in terms of compliance with The Brewers of Europe's seven operational standards (Brewers of Europe 2009). The SEE is made up of a general assembly and a board of directors. The board consists of two representatives from the advertisers association, two from agencies, one from private TV stations, one from Athens radio stations one from magazines, one from TV and cinema production companies and one from state TV. The final place alternates between the advertising and agency associations (EASA 2007).

The spirits self-regulatory code was signed by the Federation of Greek Distillates and Spirits – (SEAOP) and the Association of Drinks Companies (ADC). It includes most

of the provisions of the EFRD Common Standards. The code is enforced by the SEE (CEPS 2008).

The HOTREC member was not aware of the implementation of an SR code.

No information was provided by EuroCommerce regarding retail.

Hungary

Statutory Regulation

Previously Advertising of alcoholic drinks was completely banned, but is now permitted subject to legislative regulation under the Law on Economic Advertising Activity and the Media Law. Advertising is allowed in all media subject to constraints on content, timing and place (ELSA 2007a, CANADEAN 2005).

Self Regulation

Hungary has an SRO – the ORT (Önszabályozó Reklám Testület) and an SR code on alcohol in place under the Hungarian Code of Advertising 2005, and the Code of Advertising Ethics of the Association of Hungarian Brewers. The ORT consists of a general assembly, a board, a presidency, one standing and one ad hoc committee, and a secretariat. The board is elected by the general assembly and elects a president from its number. The ad hoc committee contains five members, representing advertisers, agencies and the media, and one lawyer and one academic (EASA 2007).

The Hungarian member of CEPS has signed up to the code and is now working on bringing it into line with the EFRD common standards.

The Hungarian Brewers have plugged into the system of the SRO. They filed an SR commitment to the European Alcohol and Health Forum in April 2009, thereby committing to implementation of 7 operational standards, including through integration into the Hungarian SRO.

The HOTREC representative reported that they were not aware of a self-regulatory code on the marketing of alcoholic beverages developed by alcohol producers relating to the hospitality industry.

Hungary was not included in the EuroCommerce report regarding retail.

Ireland

Statutory regulation

Statutory regulation of advertising in Ireland is generally limited to framework legislation with Broadcasting regulated by the statutory body: the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission, under the Broadcasting Code, allowing considerable scope for self-regulation (CANADEAN 2005).

Self Regulation

Ireland has an SRO for advertising named the ASAI (The Advertising Standards Authority for Ireland) in place and a fully implemented ASAI SR code. The code

includes specific provisions concerning the advertising of alcohol products. The ASAI is governed by a board of directors of 15 members each representing advertisers, agencies and media with an independent chair. The complaints committee has 10-14 members plus an independent chair, and must consist of no more than 50% of members from an advertising background (EASA 2007).

An alcohol industry SRO MEAS also operates the Irish MEAS Code on the naming, packaging and promotion of alcoholic drinks (2006) is endorsed/co-signed by organizations in the hospitality sector. MEAS is the Irish word for ‘respect’ and is the working name for the organisation – the Mature Enjoyment of Alcohol in Society Limited. The MEAS code, to which the spirits industry is a signatory, covers all the provisions of the EFRD Common Standards (CEPS 2008). This MS has a mature system in terms of The Brewers of Europe’s 7 operational standards (Brewers of Europe 2009).

All alcohol advertisements are pre-vetted by Central Copy Clearance Ireland (CCCI) against the statutory broadcast code and against the ASAI SR Code. CCCI which was set up under the auspices of the Association of Advertisers in Ireland and the Institute of Advertising Practitioners in Ireland, facilitated by the Drinks Industry Group. No advertisement can appear in the Irish media without pre-vetting and a certificate from CCCI.

All the major retailers, with the exception for one, have just agreed on a code on display of alcohol (EuroCommerce 2009).

Co- regulation

The Alcohol Marketing, Communications and Sponsorship Codes of Practice were adopted by the Irish Government and the Alcohol and Advertising Industries in 2008. These co-regulatory codes, which build on the Placement Codes agreed in 2004, cover advertising placement on Television, Radio, Cinema, Outdoor/Ambient, Print and Digital (non-broadcast) Media. They also cover the sponsorship of events by alcohol companies. The codes are monitored by the Alcohol Marketing Communications Monitoring Body (AMCMB) which has an independent chair and has members from the Dept of Health, the Broadcasting Commission of Ireland, the advertising industry and the drinks industry.

The industry has also recently developed a comprehensive training programme for all codes covering the alcohol industry in Ireland.

Italy

Statutory Regulation

In Italy six different regulations (statutory and non statutory) exist that specifically refer to alcohol marketing and advertising. The Law on alcohol and alcohol related problems (2001), the Ratification of the European convention on Television without Frontiers” (1991), the Self-regulation code on TV and minors (2002) and the Regulations for the implementation of the art. 13,15,16 of the European Directive 3 October 1989 (89/552 CEE) regarding television advertising of alcoholic beverages and tobacco and the protection of minors (1991) are statutory codes. The Advertising

self-regulation code (1966) and the Ethical code issued by national public radio – TV network (Rai) (1954) are non-statutory codes

Legislation requires alcohol producers to set up a self-governing code for advertising, which was undertaken by modifying alcohol specific rules in the advertising self regulation Code. Advertising of alcoholic drinks is allowed in all media subject to constraints which apply particularly for spirits (STAP 2007a, CANADEAN 2005).

Self Regulation

Italy has an SRO for advertising, the IAP (Istituto dell'Autodisciplina Pubblicitaria). Italy also has a specific SR article on alcohol in place, which is followed by the Italian Brewers. The IAP consists of a board of directors, an assembly, a study committee and a secretariat. Code of Marketing and Communication Self Regulation are applied by an Advertising Review Board and a jury. The review board comprises 10-20 experts in legal matters, consumer affairs, advertising and media. The jury is made up of 10-20 members, including lawyers, academics and experts in consumer affairs or advertising, all independent from the advertising industry (EASA 2007).

HOTREC member, FIPE (Federazione Italiana Pubblici Esercizi - the Italian Federation of Bars and Catering) is not aware of a specific self-regulatory code developed individually by alcohol producers (HOTREC 2009). However, there is a self-regulatory code ('Codice etico di autoregolamentazione per la sicurezza stradale') which was developed by public authorities (Ministry for the Interior; Ministry of Youth Affairs; Regions). This is also signed/endorsed by the alcohol producers and the hospitality sector (FIPE-SILB) in 2007. The Federazione Italiana Industriali Produttori Esportatori ed Importatori di Vini, Acquaviti, Liquori, Sciroppi, Aceti ed Affini - (FEDERVINI) – abides by the principle of the Self-Regulatory code, owned by the SRO (HOTREC 2009, CEPS 2008).

Italy has a code of self-regulation, brought in March 2007, which restricts retail-related advertisements of beer, spirits and wine (Eurocommerce 2009).

Latvia

Statutory Regulation

Alcohol advertising in Latvia is subject to legislative regulations under the 'Handling of Alcoholic Beverages Law', the 'Radio and Television Law' and the 'Advertising Law' which prohibit spirits advertising on television and radio. Apart from this, alcoholic beverages may advertise in any media subject to constraints on their content and placement (STAP 2007a, CANADEAN 2005).

Self Regulation

Latvia does have a SR code related to alcohol but there is no official SRO. Over 80% of the spirits production in Latvia is from one company which claims to be almost fully in line with EFRD standards and is working towards full compliance.

The Brewers of Latvia are developing a plan to meet The Brewers of Europe's 7 operational standards and signed up to a new, updated self-regulatory brewers code in March 2009 (Brewers of Europe 2009).

There was no reply to the HOTREC enquiry.

No information on SR was provided by EuroCommerce.

Lithuania

Statutory Regulation

Alcoholic beverages may advertise in any media within legislative constraints under the 'Law on Alcohol Control' on their content and placement, which varies for spirits and other alcoholic drinks (STAP 2007a, CANADEAN 2005).

Self Regulation

Lithuania has an SRO for advertising called the LRB (Lietuvos Reklamos Biuras), and an SR code in place for alcohol. The LRB is structured of a 14 member general assembly, a five member board, a nine member arbitration committee and a director. The board is made up from one communications agency representative, two advertisers and two media. The arbitration committee is made up of five representatives of the advertising industry (advertisers, agencies and media) together with members representing the national consumer rights protection body, the equal opportunities ombudsman, the children's rights protection office and university psychology professor (EASA 2007).

This MS is not currently a member of CEPS but may be joining soon.

The Brewers have set up a self-regulatory system, whereby adverts are judged by an independent jury (Brewers of Europe 2009).

There was no reply to the HOTREC enquiry and information on SR is not included in the EuroCommerce report.

Luxembourg

Statutory Regulation

Advertising of alcoholic beverages in Luxembourg is controlled by self-regulation rather than legislation. Advertising of all alcoholic drinks is permitted in all media subject to constraints on content (CANADEAN 2005).

Self Regulation

The not-for profit organisation "Advertising Council of Luxembourg - CPL" (Conseil de la Publicité du Grand-Duché de Luxembourg) was officially registered on 20 November 2008. The aims of the Council were to put in place advertising self-regulation, adopt and recommend the observance of all codes that can be used to put into practice its aims. All companies, associations and other bodies representing the advertising industry can become a member.

The Luxembourg SRO, the Commission Luxembourgeoise pour l'Ethique en Publicité (CLEP) was then launched in May 2009 (www.clep.lu). CLEP's main priorities are to make sure that advertising in Luxembourg adheres to the national advertising code, which has been based on the 2006 Consolidated Code of the International Chamber of Commerce. Apart from handling complaints on advertising

content submitted by Members of the public, the CLEP will also provide copy advice to advertisers, agencies and the media prior to the diffusion of the ads highlighting whether the proposed advertising content is in compliance with the code.

The Luxembourg Brewers supported EASA to relaunch the SRO and the SR system in Luxembourg as part of their commitment to the 7 operational standards. The code being enforced by the SRO includes specific rules in relation to alcohol and has been endorsed by the Luxembourg Brewers.

Luxembourg does not have HOTREC representation and retailers in Luxembourg have not adhered to any specific code on marketing and advertising (EuroCommerce 2009).

Malta

Statutory Regulation

Broadcast advertising is controlled by legislation but there are no restrictions in other media. The advertising of alcohol on television and radio is regulated by a set of guidelines which in general are also observed by other operators in the communications sector (CANADEAN 2005).

Self Regulation

Malta does not have an SRO or SR code for alcohol in place but is moving to the next level in terms of The Brewer of Europe's standards, where discussions are in their early phase with regard to how to implement the 7 operational standards. There is only one brewer in Malta.

There is very limited or no local spirits production and the limited local producers do not advertise. Advertising for spirits is therefore likely to be by EFRD companies which comply with common standards through the application of their own company codes.

There was no reply to the HOTREC enquiry and they are not included in the EuroCommerce report.

Netherlands

Statutory Regulation

Alcohol advertising is lightly controlled by legislation under the 'Alcohol Licensing and Catering Act' (Drank- en Horecawet) leaving it almost entirely regulated through self regulation (STAP 2007a, CANADEAN 2005).

Self Regulation

The Netherlands has an SRO for advertising called the SRC (Stichting Reclame Code), and operates full compliance with an SR code on alcohol, the 'Advertising Code for Alcoholic Beverages'. The SRC consists of an executive board, an advertising code committee, an appeals board and a secretariat. The Executive board is responsible for appointing the chair of the advertising code committee and the

appeals board as well as members representing the consumer interest in both bodies (EASA 2007).

Compliance with the Code is secured by STIVA, the Dutch Foundation for Responsible Alcohol Use, which is an SAO. Complaints can be brought by anyone to the Reclame Code Commissie (Commission for advertising codes), which consists of 4 members representing advertisers, PR agencies, advertisement providers and consumers under an independent chairman. The STIVA code is fully in line with the provisions of the EFRD Common Standards (CEPS 2008).

This MS has a mature system with regard to The Brewer of Europe's 7 operational standards and almost full implementation of CEPS standards.

The Dutch Brewers, also as part of a Forum commitment, through the SAO STIVA and utilising KPMG, have audited the system to help identify areas for improvement (Brewers of Europe 2009).

There is also a set of 'Guidelines for Promotions by the Catering Industry (Richtlijn voor Horeca promoties). The Dutch Food Retail Federation (CBL) states that: no alcoholic drinks to be displayed near soft drinks; no free offers of alcoholic beverages; no advertising containing free offers; a maximum discount permitted of 50% off the normal retail price; no advertising when more than 25% of the audience is younger than 18, and no selling to drunks. Advertisements should not show or stimulate excessive or irresponsible drinking, should not suggest that drinking alcohol has positive effects on work, sports or social success, and every advertisement should contain an educational slogan (Eurocommerce 2009).

Poland

Statutory Regulation

Alcohol advertising in Poland is subject to legislative regulations under the 'The Act of October 26th, 1982 on Upbringing in Sobriety and Counteracting Alcoholism' which prohibit all but beer advertising, which may advertise in any media within constraints on its content, timing and placement (STAP 2007a, CANADEAN 2005).

Self Regulation

Poland has an SRO and an SR code for alcohol in place, the 'Polish Brewers Advertising Code'. The SRO for advertising is called Rada Reklamy (Związek Stowarzyszeń Rada Reklamy) and consists of a general assembly, a board, a committee of ethics in advertising and a secretariat. The board has six members: two representing advertisers, two agencies and two media. The board are elected by the general assembly, as are the 15 members of the ethics committee who are nominated from industry representatives (EASA 2007).

It is moving to the next level in terms of the Brewer of Europe 7 operational standards and although the ability to advertise spirits is limited, it does have a code which is fully compliant with the EFRD common standards. The Polish Brewers have filed a commitment to the Forum and integrated into the Polish SRO in order to be subject to the decisions of their independent jury (Brewers of Europe 2009). Spirits advertising in Poland is banned (except for POS material and in professional publications). The

Polish Spirits Industry adopted in 2006 a self-regulatory code which includes almost all the EFRD Common Standards provisions. In June 2008, the association joined the SRO and the two organizations are now discussing the best way to ensure enforcement on the provisions of the code (CEPS 2008).

There was no reply to the HOTREC enquiry and information on self-regulation is not included in the Eurocommerce report regarding retail.

Portugal

Statutory Regulation

A statutory regulator oversees advertising that, for alcoholic beverages, is allowed in all media although when it may appear is restricted on radio and television under the 'Advertising Code for all Communication Media Channels' (STAP 2007a, CANADEAN 2005).

Self Regulation

Portugal has an SRO for advertising named ICAP (Instituto Civil da Autodisciplina da Publicidade), and also has a SR alcohol code in place, the 'Self-regulation Code for Marketing and Advertising of AB – alcohol industry'. ICAP is made up three governing bodies: a board of general assembly, a board of directors and a board of finance. The board of the general assembly consists of a chair, a vice chair and a secretary. The board of directors contains nine members, a chair, two vice chairs and six members, two each representing advertisers, agencies and the media. A jury is made up of industry representatives and legal experts (EASA 2007).

This MS has almost full compliance with the CEPS standards. The CEPS members - Associação Nacional de Empresas de Bebidas Espirituosas - (ANEBE) and Associação dos Comerciantes e Industriais de Bebidas Espirituosas e Vinhos - (ACIBEV) – are signatories of the code owned by the local SRO. It covers almost all provisions of the EFRD Common Standards (CEPS 2008).

A self-regulation code for Wines adapting the Wine Communications Standards to the national legal framework is planned to be adopted in 2009 (CEEV 2009).

HOTREC reported that the national code, the Portuguese Brewers' Code on Commercial Communication for Beer, had been endorsed/co-signed by organizations in the hospitality sector in 2006 (Brewers of Europe 2009). The code has been subscribed to by the Portuguese restaurants' association also. The Portuguese brewers code is enforced through ICAP, the SRO. This integration was part of their commitment to the Forum, as filed following the decision to set up an EU Forum.

The Portuguese retailers have subscribed to the Self-Regulatory Code of the Portuguese Beer Sector on the Commercial Activity. The commercial activity includes advertising and merchandising (EuroCommerce 2009).

Romania

Statutory Regulation

Broadcast advertising of alcoholic beverages in Romania is subject to statutory controls under five pieces of statutory regulation: the 'Code of Regulation of the

Audiovisual Content’, the ‘Audio Visual Law’, the ‘Advertising Law’, ‘Law no. 61 regarding the social life and public order norms’ and ‘decision no. 128 regarding certain measures for ensuring the physical and moral development conditions for schoolchildren and students’ (STAP 2007a). Advertising of all alcoholic drinks is permitted in all media subject to restrictions on content, timing and place (CANADEAN 2005).

Self Regulation

Moves towards a self regulatory system are in process. Romania has an SRO for advertising called RAC (Consiliul Roman pentru Publicitate), and a SR code for alcohol in place. It is moving to the next level in The Brewer of Europe 7 operational standards. RAC is made up of a board with seven members from the advertising industry and a secretary. Also an ethical committee of five members carries out adjudication with four members taken from the RAC and one independent member (EASA 2007). The Romanian Brewers have developed a code and self-regulatory system and integrated into the Romanian SRO as part of their commitment to the Forum (Brewers of Europe 2009). Romania does not have membership of HOTREC. There was no information on SR in the EuroCommerce report.

Slovakia

Statutory Regulation

There has recently been a considerable relaxation in legislative restrictions on alcohol advertising, which had been completely banned until 2000. Current legislation includes the ‘Advertising Act’ and the ‘Act on Broadcasting and Retransmission’. Advertising of all alcoholic drinks is permitted subject to constraints on content and placement (CANADEAN 2005).

Self Regulation

Slovakia has an SRO for advertising the RPR (Rada Pre Reklamu) in place and an SR code: the ‘Ethical Principles on Advertising Practice Valid in the Slovak Republic’. The RPR consists of a general assembly, a presidential board, and arbitration committee and a secretariat. The board has nine members, a president, a managing director and seven members elected by the general assembly. The arbitration committee is made up of 11 individuals including lawyers, academics and advertisers (EASA 2007).

It is moving to the next level in terms of adherence to The Brewer of Europe’s 7 operational standards. The Slovakian Brewers filed an SR commitment in April 2009, thereby committing to implementation of the 7 operational standards, including through integration into the Hungarian SRO (the RPR).

It does not have membership of HOTREC. Information on retail SR was not included in the EuroCommerce report.

Slovenia

Statutory Regulation

There is significant legislative regulation of advertising under the ‘Act Amending the Health and Hygiene Safety of Foodstuffs and Products and Materials Coming in Contact with Foodstuffs Act.’ which prohibits the advertising of products with an ABV above 15% and constrains the content, timing and place of the remainder (STAP 2007a, CANADEAN 2005). Therefore advertising of spirit drinks is prohibited in all media.

Self Regulation

Slovenia has an SRO: SOZ (Slovenska Oglaševalska Zbornica) and an SR code for alcohol in place. SOZ is structured of a managing board, a supervisory board, and advertising arbitration court and a secretariat. The managing board contains nine members, three representing advertisers, three agencies and three the media. The arbitration court has seven members elected by the general assembly and are proposed by the advertising, agency and media associations. However procedure adopted in 2005 stipulate that three of the members must be independent such as retired advertisers, academics or lawyers (EASA 2007).

Slovenia is no longer a CEPS member (CEPS 2008). Slovenia does not have membership of HOTREC. There was no information included on SR in the EuroCommerce report.

Spain

Statutory Regulation

Legislation places some restrictions on alcohol advertising, which varies by Autonomous Regions. The General Advertising Law establishes that alcohol advertising is forbidden in those places where it cannot be sold or consumed. It also establishes that beverages over 20% ABV cannot be advertised on television. The Television without Frontiers Law additionally establishes certain limits regarding the content of the advertising. The Laws approved by the different Autonomous Regions contain restrictions on alcohol advertising, not only regarding content but also regarding the media where alcohol can or cannot be broadcasted or published (STAP 2007a, CANADEAN 2005).

Self Regulation

Spain has an advertising SRO named Autocontrol (Asociación para la Autorregulación de la Comunicación Comercial). Autocontrol has a basis of more than 300 members associated and 40 industry associations, representing more than 70% of national advertising expenditure.

Autocontrol provides copy advice service for all media with special focus on TV. Autocontrol’s Jury (*Jurado de la Publicidad*) is the independent body in charge of solving complaints against advertising. The Jury is composed of well recognized independent experts (25% of its members are named by the *Instituto Nacional de Consumo* -Ministry of Health and Consumer Affairs-). Autocontrol’s Jury is part of the EEJ-Net (European Extra-Judicial Network for resolving consumer disputes), for accomplishing with the requirements established by the Commission in its *Recommendation 98/257/EC*. Autocontrol is in charge of applying 15 sectorial industry codes and has 14 corregulation agreements signed with different public institutions with competence on advertising.

Spain has a mature system in terms of The Brewer of Europe's 7 operational standards, where the Spanish Brewers filed a co Forum commitment to implement the 7 operational standards. In 1995 the Brewers of Spain (Cerveceros de España) adopted their Self Regulation Code. The enforcement of this Code is assigned to the Spanish SRO (Autocontrol). The Code owned by the CEPS member - Federación Española de Bebidas Espirituosas - (FEBE) – and enforced by the SRO has been fully in line with the EFRD Common Standards since July 2008.

In the framework of the implementation of the Wine in Moderation programme, the national Spanish Wine Association (www.fev.es) has adopted a new Wine Self-Regulation code, implementing the Wine Communications Standards in Spain. Autocontrol is responsible for monitoring its compliance by the signing Spanish wine companies (CEEV 2009).

There was no reply from the HOTREC member on self-regulatory codes in the hospitality industry. The Spanish retail organizations (Asedas and Anged) have signed a collaboration agreement Ministry for Public Health and Consumers. Retailers will distribute and display in their stores information material prepared by the Ministry for the prevention of alcohol consumption in young people (EuroCommerce 2009).

Sweden

Statutory Regulation

Legislative controls prohibit most advertising of alcoholic beverages over 2.25% ABV under the 'Alcohol Act' although commercial advertising of products up to 15% ABV is allowed in periodicals (CANADEAN 2005). The Swedish Law on Alcohol and the Swedish Marketing Law also puts up clear and strong limitations on the selling, serving and marketing of alcoholic drinks.

Self Regulation

Although no broadcast advertising is allowed by law and in print media advertising is only permitted for products below 15% ABV, in 2006 the Swedish Spirits & Wine Suppliers Association, SSWS (the trade organisation for importers and/or producers of spirits and wine) and Brewers of Sweden (the trade organisation of Swedish breweries, soft drinks, cider and bottled water producers) adopted a joint recommendation on advertising for alcoholic and low alcohol beverages.

The Recommendation is a guide to interpreting the particular moderation requirements of the Swedish Alcohol Act. It provides instructions for the how, when and where of alcohol advertising and explains the current regulations for the marketing of alcoholic and low-alcohol beverages in the media. The Recommendation is also consistent with the Swedish Marketing Practices Act and the Swedish Radio and Television Act. The SSWS (Swedish Spirits & Wine Suppliers) code is fully in line with CS (note: models cannot be used in advertising)

They also set up the system whereby the Swedish Alcohol Suppliers' Scrutineer (AGM), the former Director General of the Swedish Alcohol Board, monitors how

companies in these organisations market and inform about alcoholic beverages in Sweden. The AGM has the power to impose fines on companies that contravene the recommendations and laws relating to alcoholic and low-alcohol beverages.

Further information can be found at www.alkoholgranskningsmannen.se, the website set up to inform consumers about the system and facilitate the process for filing complaints to the scrutineer about and advertisements.

The Swedish Hotel and Restaurant Association (SHRA) has not co-signed/endorsed any specific SR-code for its members, concerning the marketing of alcohol. However, they have an 'ethics' programme that their members are obliged to comply with. This includes a rule demanding that the service of alcohol is handled and marketed in a responsible way (HOTREC 2009).

Sweden also has an advertising SRO named Ro. (Reklamombudsmannen). Ro. is made up of a board and a secretariat. The board has 8-16 members, with a chair and vice chair being lawyers with specialist knowledge of marketing law. Board members should have good knowledge of advertising and marketing. At least one member should have expertise in marketing to children and one be representative of the general public (EASA 2007).

United Kingdom

Co-Regulation

The system of co-regulation of alcohol marketing in the UK covers Broadcast advertising including TV, radio and teleshopping, but not sponsorship. Ofcom (the UK communications regulator) contracted-out responsibility to the advertising self-regulatory system in 2004. There is a Radio Code and a TV Code, both contain specific rules governing alcohol advertising. These are written by the BCAP (Broadcast Committee of Advertising Practice), which is an industry body. Ofcom retains ultimate sign-off on the Broadcast Advertising Codes. TV and radio sponsorship is regulated by the same codes, but those rules are applied by Ofcom. This is because sponsorship is seen as affecting the integrity of programming, so was retained by the programme regulator. Television advertising for alcohol is also subject to a pre-clearance system.

Self-Regulation

Non broadcast marketing of alcoholic beverages in the UK is governed by a self regulatory code of conduct: the British Code of Advertising, Sales Promotion and Direct Marketing; written by the Broadcast Committee of Advertising Practice, an industry body. The codes contain specific rules governing alcohol marketing.

All the UK Advertising codes are administered by the independent ASA (Advertising Standards Authority). The ASA's activities include investigating and adjudicating on complaints and proactive monitoring and compliance work. The ASA council, which is the independent arbiter of the codes, is chaired by a person of distinction unconnected with the advertising industry, and two thirds of members are also independent (EASA 2007). Despite there being a dual system of co-regulation and self-regulation, in effect the rules are broadly similar and day to day enforcement and administration is the same. The main difference is that, although rarely necessary, cases of non-compliance for broadcast advertising can be referred to Ofcom. CAP

operates a voluntary copy service for non-broadcast advertisers, which is well used by alcohol advertisers.

The Portman Group is a wholly self regulatory body and as a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. This code applies to marketing practices not covered by the ASA/CAP/BCAP system. The Social Responsibility Standards for the production and sale of Alcoholic Beverages is a self-regulatory document, drafted by the industry and is not a code, but offers guidance on best practice.

The Responsible Retailing of Alcohol: Guidance for the Off-Trade includes advice on the positioning of alcohol in-store, alcohol promotions and staff training. The Codes also cover alcohol promotion in broadcast and non-broadcast marketing and prevents irresponsible marketing that would encourage excessive consumption, appeal to young people or imply sexual prowess. This covers all marketing, TV, radio, in-store.

The Scotch Whisky Association - (SWA) launched in 2005 its code of Practice for Responsible Marketing and Promotion of Scotch Whisky. The Code is mandatory on SWA members. Producers of spirits other than Scotch Whisky abide by the Portman Group code. Both codes are in line with the EFRD Common Standards (CEPS 2008).

National HOTREC member, the British Beer and Pub Association (BB&PA), which represents two-thirds of the pubs in the UK, reported that it and its members in the hospitality sector have co-signed/endorsed a self-regulatory code developed by alcohol producers (HOTREC 2009).

This code is The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks (4th edition), available at:

<http://www.portman-group.org.uk/assets/documents/4th%20Ed%20of%20Code.pdf>

Recent reports have highlighted that the BBPA had been obliged to withdraw its voluntary code banning alcohol promotions that encourage irresponsible drinking, such as two-for-one offers. Their argument for doing so was that a communication from the Government suggested that under the Competition Act agreements on price or price-based promotions, the code could breach competition law. The Department for Business Enterprise in the UK has disputed whether the BBPA code would break competition laws, however.

REFERENCES

Brewers of Europe (2009) Self Regulation of Beer Advertising Across the EU. Report submitted to the European Commission (DG SANCO) for the EU Alcohol and Health Forum.

CANADEAN (2005) Responsible Marketing of Alcoholic Beverages in Europe. Funded by the Brewers of Europe. Canadean Ltd: Basingstoke.

CEPS (2008) Charter on Responsible Alcohol Consumption. CEPS: Brussels.

CEEV (2009) CEEV contribution to the Mapping exercise on Self-regulation.

Information submitted to the European Commission DG SANCO for the EU Alcohol & Health Forum.

- DG Health and Consumer Protection (2006) Self Regulation in the EU Advertising sector: a report of some discussion among Interested parties
- EASA (2005) Advertising Self Regulation: The Essentials. EASA: Brussels.
- EASA (2007) Advertising Self Regulation in Europe: An Analysis of Self Regulatory Systems and Codes of Advertising Practice (Blue Book). EASA: Brussels.
- EASA (2008a) Alcohol Advertising Monitoring: Compliance Report. EASA: Brussels.
- EASA (2008b) EASA Report on the Involvement and Consideration of Youth in Self Regulatory Systems. Report submitted to the European Commission (DG SANCO) for the EU Alcohol and Health Forum.
- ESA (2009) European Sponsorship Association: Alcohol Sponsorship Research. ESA: Surbiton.
- ESA (2009) Self-Regulation of Sponsorship. Information submitted to the European Commission (DG SANCO) for the EU Alcohol and Health Forum.
- Eurocommerce (2009) Marketing Communication on Alcohol in the Retail Sector. Report submitted to the European Commission (DG SANC) for the EU Alcohol and Health Forum.
- European Commission - DG SANCO (2008) European Alcohol & Health Forum: Task Force on Marketing Communications – Chair’s Report. Brussels, March 2008.
- CEPS (European Spirits Organisation) (2008) Information on alcohol advertising self regulation in the EU. Provided to the European Commission (DG SANC) for the EU Alcohol and Health Forum.
- HOTREC (2008) SR Codes and the Hospitality Industry. Presentation to the Task Force on Marketing Communication, European Alcohol & Health Forum. Brussels, July 2008.
- HOTREC (2009) Survey on the Application by the Hospitality Industry of Self-Regulatory Codes Developed by Alcohol Producers on the Marketing of Alcohol. Provided to the European Commission (DG SANC) for the EU Alcohol and Health Forum.
- Landmark Europe (2007) Alcoholic Beverage Advertising and Marketing in Europe: A Review of the Report on “Enforcement of National Laws and Self-Regulation on Advertising and Marketing of Alcohol” (ELSA) by STAP.
- STAP (2007a) Regulation of Alcohol Marketing in Europe: *ELSA* project overview on the existing regulations on advertising and marketing of alcohol, National Foundation for Alcohol Prevention. STAP: Utrecht.
- STAP (2007b) Alcohol Marketing in Europe: Strengthening Regulation to Protect Young People. Conclusions & Recommendations of the ELSA Project. STAP: Utrecht.

Appendix 1: Summary Table of SR Situation in Member States

Country	General Ad. SRO	General Ad. code	Alcohol adv. Law	One code for all alcohol sectors	Beer			Spirits			Wine			Hospitality	Retail
					Beer code in place	Is the Code in line with EU-wide sector Standards?	Is the code adjudicated on by a third party? By whom?	Spirits code in place	Is the Code in line with EU-wide sector Standards?	Is the code adjudicated on by a third party? By whom?	Wine code in place	Is the Code in line with EU-wide sector Standards?	Who adjudicates on the code?		
	Yes/No (name)	Yes/No	Is alcohol adv. regulated by law?	Yes/No	Yes/No	Yes/No		Yes/No	Yes/No		Yes/No	Yes/No		Is there a link with the national SR code(s) in place?	Is the code adjudicated on by a third party? By whom?
Austria	OWR	Yes		Yes	Yes	Yes	OWR	General code	Yes (1)	OWR					
Belgium	JEP	Yes		Yes	General code	Yes	JEP	General code	Yes (2)	JEP	General code	Yes	JEP	co-signed code	co-signed code
Bulgaria	In progress	In progress		N/A	Yes	Yes	In progress	In progress	In progress	In progress	In progress	In progress	In progress		
Cyprus	In progress	In progress		N/A	In progress	In progress	In progress	N/A (4)	N/A	N/A	In progress	In progress	In progress		
Czech. Rep	RPR	Yes		N/A	Yes	Yes	RPR	Yes	Yes	RPR					
Denmark	N/A	Yes		Yes	General code	Yes	Alcohol Adver	General code	Yes (1)	Alcohol Adver	General code		Alcohol Adver	co-signed code	
Estonia	No	No		N/A	In progress	In progress	In progress	Yes	In progress	No					
Finland	MEN	Yes	LAW	Yes	General code	Yes	Court	General code	N/A	Court	General code	N/A	Court		
France	ARPP	Yes	LAW	Yes	General code	Yes	Court	General code	Yes (2)	Court	General code	N/A	Court		
Germany	DW - ZEN	Yes		Yes	General code	Yes	DW	General code	Yes (2)	DW	General code	Yes	DW		
Greece	SEE	Yes		N/A	Yes	Yes	SEE	Yes	Yes (1)	SEE	In progress	In progress	In progress		
Hungary	ORT	Yes		N/A	Yes	Yes	ORT	General code	Yes (1)	ORT	In progress	In progress	In progress		
Ireland	ASAI	Yes		Yes	General code	Yes	ASAI	General code	Yes	ASAI	General code	Yes	ASAI	co-signed code	
Italy	IAP	Yes		Yes	General code	Yes	IAP	General code	Yes (1)	IAP	General code	In progress	In progress	co-signed code	
LAW	Very widespread statutory regulation				No	not in place					N/A				
Yes	in place / enforced				In progress	decision has been taken /in implementation phase				information not available					

(1) the 70/30 rule and the 25 year minimum age for models not implemented

(2) the 70/30 rule is not implemented

(4) not a CEPS member

Country	General Ad. SRO	General Ad. code	Alcohol adv. Law	One code for all alcohol sectors	Beer			Spirits			Wine			Hospitality	Retail
	Yes/No (name)	Yes/No	Is alcohol adv. regulated by law?		Beer code in place	Is the Code in line with EU-wide sector Standards?	Is the code adjudicated on by a third party? By whom?	Spirits code in place	Is the Code in line with EU-wide sector Standards?	Is the code adjudicated on by a third party? By whom?	Wine code in place	Is the Code in line with EU-wide sector Standards?	Who adjudicates on the code?	Is there a link with the national SR code(s) in place?	Is the code adjudicated on by a third party? By whom?
				Yes/No	Yes/No	Yes/No		Yes/No	Yes/No		Yes/No	Yes/No		Yes/No	
Latvia	No	No		N/A	In progress	In progress	In progress	Yes	Yes (2)	Council of Ethics					
Lithuania	LRB	Yes		N/A	In progress	In progress	In progress	N/A (4)	N/A	N/A					
Luxembourg	CLEP	Yes		N/A	Yes	In progress	Yes	No	No	N/A	In progress	In progress	In progress		
Malta	No	No		N/A	In progress	In progress	The Sense Gr	Yes	In progress	The Sense Gr	In progress	In progress	In progress		
Netherlands	SRC	Yes		Yes	General code	Yes	SRC	General code	Yes	SRC	General code	Yes	SRC		
Poland	RR	Yes		N/A	Yes	Yes	RR	Yes	Yes (1)	RR					
Portugal	ICAP	Yes		N/A	Yes	Yes	ICAP	Yes	Yes (1)	ICAP	Yes	Yes	In progress	co-signed code	
Romania	RAC	Yes		N/A	Yes	Yes	RAC	No	No	N/A	In progress	In progress	In progress		
Slovakia	RPR	Yes		N/A	Yes	Yes	RPR	No	No	N/A					
Slovenia	SOZ	Yes	LAW	N/A	N/A	N/A	Court	N/A	N/A	Court	N/A	N/A	Court		
Spain	Autocontrol	Yes		N/A	Yes	Yes	Autocontrol	Yes	Yes	Autocontrol	Yes	Yes	Autocontrol		
Sweden	Ro.	Yes	LAW	Yes	General code	Yes	AGM	General code	Yes (2)	AGM	General code	N/A	AGM		
UK	ASA	Yes		Yes	General code	Yes	ASA	General code	Yes	ASA	General code	Yes	ASA	co-signed code	

LAW Very widespread statutory regulation

No not in place

N/A

Yes in place / enforced

In progress decision has been taken /in implementation phase

information not available

(1) the 70/30 rule and the 25 year minimum age for models not implemented

(2) the 70/30 rule is not implemented

(4) not a CEPS member

Appendix 2: EASA Summary Overview of SRO features in each MS

EASA Charter Commitment Summary 2009

This summary sheet offers a simplified overview of national self-regulatory bodies' implementation of the commitments set out in EASA's 2004 Self-Regulatory Charter. It should be read with the understanding that it does not fully reflect the particularities of existing effective SR systems in the EU, notably in Germany and Scandinavian countries.

For more detailed information on the commitments, please see the EASA publication: Advertising self-regulation in Europe - the Blue Book 5th edition (2007).

Self-regulatory feature	EU 27																												
	EU 15													EU 10										EU 2					
	A	B	DK	FIN	F	DW	WBZ	GR	IRL	I	L	NL	P	E	S	UK	CY	CZ	EE	HU	LV	LT	MT	PL	SK	SL	BG	RO	
Self-regulatory body	✓	✓	1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	→	✓	X	✓	X	✓	✓	✓	→	✓	
Code	✓	✓	✓	✓	✓	n/a	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	✓	✓	X	✓	✓	✓	✓	✓	
Copy advice	✓	✓	X	✓	✓	✓	✓	✓	✓	✓	X	→	✓	✓	X	✓	X	✓	X	✓	X	✓	X	✓	✓	✓	✓	X	→
Own-initiative monitoring	→	X	X	X	✓	✓	X	✓	✓	X	X	→	✓	✓	X	→	✓	→	X	X	✓	X	X	X	✓	✓	X	X	X
Free handling of consumer complaints	✓	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	→	✓	X	✓	X	✓	✓	✓	→	✓	
Online complaints facility	✓	✓	X	X	✓	→	✓	✓	✓	→	✓	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	→	X	✓	
Publication of decisions	✓	✓	X	✓	✓	n/a	✓	✓	✓	→	✓	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	✓	X	→	
Appeals procedure	✓	✓	X	✓	✓	n/a	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	X	✓	X	X	
Stakeholder involvement*	✓	✓	2	2	✓	→	n/a	✓	✓	X	✓	✓	✓	✓	2	✓	✓	✓	X	✓	X	✓	X	✓	✓	✓	✓	✓	
Promotional activity	✓	✓	X	✓	✓	✓	X	✓	✓	→	✓	✓	✓	✓	✓	✓	→	→	X	✓	X	✓	X	✓	✓	✓	✓	X	→
Website	✓	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	✓	✓	→	✓
Remit includes DMCs	✓	→	X	X	→	X	X	→	✓	✓	X	✓	→	→	→	→	X	→	X	→	X	X	X	→	→	X	→		
*Stakeholder involvement:																													
a) Broad consultation in code drafting	→	✓	2	2	✓	→	n/a	✓	✓	→	X	✓	✓	✓	2	✓	✓	X	X	✓	X	✓	X	✓	✓	→	✓	✓	
b) Independent element in jury	✓	✓	X	✓	✓	X	n/a	✓	✓	✓	X	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	✓	X	✓	

Key:	✓	In place	DW	Deutscher Werberat - deals with matters of taste and decency
	→	In development / Partially in place	WBZ	Wettbewerbszentrale - applies unfair competition law
	X	Not in place		
	1	Aspects of advertising self-regulation are in place in Denmark for sectors but there is no general dedicated SRO		
	2	2	In Scandinavian countries the ICC Code (on which there is no broad consultation) is directly translated and applied	
	n/a	Not applicable - the SRO applies anti-competition law		

Appendix 3: The table against which The Brewers of Europe will report in April 2010 on the implementation of their self-regulation commitment to the Forum to implement 7 operational standards for effective self-regulation across the EU

State of play: Overview table

THE 7 STANDARDS		AT	BE	BG	CY	CZ	DK	EE	FI	FR	DE	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	RO	SK	SI	ES	SE	UK
Full coverage	<i>All comms</i>																											
	<i>All actors</i>																											
Code compliance	<i>Letter & spirit</i>																											
	<i>Copy advice</i>																											
Complaints jury	<i>Independent</i>																											
	<i>Independent chair</i>																											
Speed	<i>Decision in 10 days</i>																											
	<i>Immediate removals</i>																											
Sanctions	<i>Act as deterrent</i>																											
	<i>Credible</i>																											
Consumer awareness	<i>Complaints system</i>																											
	<i>Jury decisions</i>																											
Self-monitoring	<i>Systematic & ongoing</i>																											
	<i>Regular review</i>																											
IN PLACE		IN PROGRESS			ROOM FOR IMPROVEMENT				NOT IN PLACE				NOT APPLICABLE															

Appendix 4: Elements of a best practice model for advertising self regulation (From the Round Table on Advertising held by the Commission in 2005 and 2006)

1. Effectiveness :

- The SROs should offer the provision of copy advice particularly for media where advertising copy may have so short a shelf-life to negative adjudications. Copy advice should ideally be provided free of charge
- All SROs, from establishment onwards, should establish and publish both performance objectives year by year and records of their performance against those benchmarks. Each SRO should have an explicit objective, to the effect that it should be easy to find through which channel to complain.
- There should be a benchmark for the ease with which any form for the submission of complaints is completed. This objective should be endorsed by its governing board and verified year by year in its customer satisfaction surveys. There should be a standard for the speed with which complaints are handled.
- There should be a systematic duty to publish decisions which is a tool for increasing transparency of the system and increased public confidence
- SROs could recommend to the Advertising industry for its agreement and action, minimum standards for training of new recruited young advertising staff and for the design of internal compliance processes
 - Sanctions for non-compliance with codes, for repeat offences and for consistently ignoring codes or adjudications, should be clear and effective. The minimum sanction should be timely withdrawal of advertising copy.
- Withdrawal should apply, in the absence of explicit local SR decisions to the contrary, not only in the jurisdiction of the adjudication but throughout the business concerned; differences in codes and cultural expectations may today mean that different decisions are reached in different markets. The collaboration of the media as a whole on backing the decisions of the SRO is an important element to enforcing the sanctions. The adoption, more generally of “compliance clauses” in advertising contracts should help to make sanctions more effective.

2. Independence :

- Openness, independence and transparency are seen as critical points for the public acceptability of the self-regulation on advertising. The effective contribution of the stakeholders (consumers, parent associations, academics etc) to the elaboration of codes deserves reinforced attention by EASA. Over time, monitoring should include indicators designed to verify that the stakeholders’ involvement meets the expectations of the society within which the SRO operate.
- Adjudication bodies should be composed of a substantial proportion of independent persons. Those persons could be selected on the basis of calls for expressions of interest, and appointed

by the Board. It could also include possible cooperation with statutory authorities for the appointment of the independent persons of the adjudication bodies. All Adjudication body Members should be subject to rules on the avoidance of conflict of interests and on the declaration of interests. A Jury is fundamental in guaranteeing the independence of the process. Composition, nomination process, independence and integrity of its members are the key determinants for the credibility of the system.

- The business and SR community should remain open to the benefits, as well as the costs of the development of some more clearly ‘independent’ presence at all levels.

3. Coverage:

- Advertising SR’s today in Europe aim to cover not only pure advertising but all other forms of “Commercial” or “marketing communication”. The aspiration is a global coverage for all type of marketing or commercial communication. It is important to find a generic definition, encompassing all advertising techniques using any medium or distribution channel based on new technology.
- Another issue of concern is the new emerging trends for “buzz marketing” and “word of mouth”. SROs should keep under review any trend to significantly increase the proportion of ‘adspend’ that escapes SR
- On both the European and national level considerable effort has been put into providing basic legal requirements, specifically for direct and interactive marketing. Legislation therefore underpins self-regulation of the individual marketing sector.
- SROs must commit to keeping abreast of emerging techniques, to discussing with all stakeholders any concerns raised by these techniques, and to deciding promptly either to deal with these concerns or to alert the public authorities that they would need to develop an alternative approach. Public authorities cannot assume that SR would be the fall-back for such issues, where legal approaches seem inadequate

4. Funding:

- There was general agreement in the Round Table on the desirability of strong political support for industry voluntary funding. There was no agreement on the feasibility of any additional advertising tax.