Draft minutes of the meeting of the
WORKING GROUP ON ALCOHOL AND HEALTH
on 11-12 June 2003 in Luxembourg

Joint Meeting with representatives of interest groups
(alcohol industry, advertisers, self-regulatory bodies and NGOs)

11 June 2003
14.00 - 17.30

Adoption of the Agenda

Welcome and introduction by Chairman, John F. Ryan (Head of Unit, DG-SANCO/G3).
The Agenda was adopted; change between item 3 and 4; no points to be raised under ‘Any Other Business’.

Introduction

by the Commission Services

The Public Health Programme (2003-2008) and Work Plan 2003

The Chairman presented the Public Health Programme and the Work Plan 2003 on behalf of the Commission Services. Previously, the eight public health programmes were targeted at specific diseases or actions. Alcohol issues were principally part of the Health Promotion Programme.

These specific programmes have been replaced with a new Public Health Programme (2003-2008) which is carried out mainly through project financing in accordance with an annual Work Plan. Projects are mainly financed through calls for proposals but 18% of the budget is reserved for calls for tenders. The New Public Health Programme has an annual budget of 52 Million €.

The Programme has three strands:

1. Health information
2. Rapid alert for health threats
3. Health determinants
The chairman gave an up-date on the evaluation of project applications. The deadline for the call for proposals 2003 was 16 May 2003. The project applications are being evaluated at present and the final project selection will take place in July 2003 after the opinion of the Programme Committee has been received.

Alcohol issues play a substantial role in the 2003 Work Plan. Collection of health data in the first strand also includes collection of alcohol and lifestyle data to produce indicators on i.e. alcohol consumption, legislation and promotion. In the series of Public Health Reports mentioned in the work plan, an alcohol report on the Economic and Social Burden of Alcohol has been chosen among this year’s priority topics.

In the third strand, the 2003 Work Plan seeks to establish a network of expert organisations to support the implementation of the Council Recommendation on the drinking of alcohol by young people and to contribute to further development of a Community strategy to reduce alcohol-related harm. Furthermore, it aims to initiate preparation of a conference on alcohol, health and society to be held in 2005 and it also plans to promote the involvement of young people in the development of alcohol policies and activities – a priority of the Council Recommendation on alcohol and young people (Council Recommendation of 5.6.2001 O.J. L 161 of 16.6.2001, p. 38).

**Reorganization of DG-SANCO/G**

The Chairman explained the forthcoming plans for reorganization of DG-SANCO/G. In future there will be three units (organized in order of the three strands of the Public Health Programme) of which two will deal with alcohol issues; these will be the Health Information Unit and the Health Determinants Unit. The fourth unit will deal with financial and ongoing organizational issues. An executive agency will also be established to assist with the implementation of the programme.

**Presentation on the application of Article 15 regarding alcoholic beverages in the context of the revision of the Television without Frontiers Directive**

*by EUROCare*

A presentation was made by Florence Berteletti Kemp on behalf of EUROCare. PowerPoint presentation is attached.

The floor was then given to Mr. Wim Van Dalen, Manager of the Foundation for Alcohol Prevention. He elaborated on the EUROCare outlook on the Television without Frontiers Directive given in the presentation and stated that self-regulation codes have to be concrete and clear to be used as a tool in advertisement. Especially in regards to children and young people, he did not see self-regulation as a valid tool.

A discussion about the Television without Frontiers Directive took place. It was said that criteria such as in Article 15 c “social and sexual success” are very difficult to define and enforce. In the course of the discussion, Mr. Niels Hald, on behalf of the Brewers of Europe referred to the positive conclusions made by the Commission in its 4th report on the application of the TWF Directive. The Chairman advised that a presentation would be made at the next stakeholders meeting by a representative of DG EAC.

Another issue raised was problem of circumventing national regulation and legislation when TV-stations broadcast from one country to target consumers (only) in another country as for example a broadcasting from London but targeting consumers only in Denmark. This allows TV to show alcohol advertisements in Denmark. The problem can only be solved through EC-legislation/harmonization, according to the NGO representatives.
It was agreed to continue the discussion at the next Working Group meeting.

**Up-date on self-regulation of alcohol promotion**

*by Industry representatives, The Amsterdam Group*

On behalf of their respective organisations, Messrs H. Wagner (The Amsterdam Group), N. Hald and Jacobo Ollala Maranon (The Brewers of Europe), R. Connor (CEPS), C. Graham and D. Lyle (EASA) reported on the progress achieved by the different sectors, the Amsterdam Group and EASA since the last Stakeholders meeting, held in November 2002. Please see attached the presentation made on behalf of the Brewers of Europe.

The industry raised the issue about complaints on alcohol advertising and pointed out that there is a low level of complaints in Europe. This led to a discussion among the participants about possible causes why the number is low. Some NGOs present at the meeting stated that they do not use the complaint procedure, as they do not find it useful. The NGOs present also expressed that a lack of confidence in the complaint procedure results in few complaints. On this matter, it was also discussed whether or not copy advice for advertisers in combination with sharing of best practice could be useful as an alternative to complaint procedures. The problem with copy advice could occur if a complaint is later introduced to the same authority which cleared the advertisement draft previously.

The Chairman pointed out that the industry has to act within the rules set in Community legislation. This is also a competition issue. The EC-competition rules ensure a level playing field for advertisers. None can profit from not respecting the rules.

**Promotional campaigns for Wine**

*by Comité des Vins*

Comité des Vins spoke on the decrease in wine consumption. The wine industry promotes campaigns with the message that wine consumption should be moderate and in combination with a nutritional diet.

On behalf of the Brewers of Europe, Mr. P. Perron expressed the view that the concept of social responsibility ought to be shared by all relevant sectors, and that there was still room for improvement, including through the training of company staff where needed.

**Libido Drinks ‘Viagra Pops’**

*by Chris Graham, President of the European Advertising Standards Alliance (EASA)*

The topic was briefly discussed among the meeting participants. It was pointed out that industry has an important responsibility in this regard.

Mr Graham pointed out that industry has undertaken rapidly after being made aware of this product to put self-regulatory measures in action and successfully stopped the launch of this product in the UK. Industry has also committed itself in case this or similar products should appear on other markets to take appropriate action as done before.

**Future co-operation with stakeholders**
It was made clear that cooperation between stakeholders and the Commission Services is important also in the future. A future joint meeting will therefore arranged before the end of 2003. Points for discussion should be communicated to the Commission Services.

**Any other business**

The Chairman informed the participants that a Eurobarometer report on alcohol consumption was soon to be published by the European Commission.
Meeting of the Working Group  
(representatives of Member States, EEA Countries and Candidate Countries)  
12 June 2003  
9.30 - 17.00

Adoption of the agenda

Welcome and introduction by Chairman, John F. Ryan, the agenda was adopted. No additional points under ‘Any Other Business’.

Introduction by the Commission Services

Matti Rajala, Head of Unit DG-SANCO/G2, spoke on the collaboration between the two units which will be dealing with alcohol after the future reorganization of DG-SANCO/G (see point 2 of 11 June 2003 – meeting).

Public Health Programme 2003-2008

by Chairman, John F. Ryan, Head of Unit (DG-SANCO/G3)

The Public Health Programme 2003-2008 and the planned actions in the field of alcohol was presented:

Work Plan 2003: alcohol projects:

Strand 1:
* Information and knowledge:
  - Data collection
  - Lifestyle data
  - Diffusion of information

Strand 3:
* Health Determinants:
  - Establishment of a network of Expert Organizations
  - Initiation of preparation of a conference on alcohol, health and society to be held in 2005.
  - Promotion of the involvement of young people in the development of alcohol policies and activities.

Up-date on calls for proposals/tenders:

SANCO-G has received project proposals worth approximately ten times more than the budget (annual 52 m €). More than 400 projects have been analyzed and evaluated by the units’ experts and other Commission Services have been consulted to take their point of view on board.

The final selection of projects will take place in July 2003. The contracts will be signed in the second half of 2003 and the projects will start in January 2004.
The Commission can finance up to 80% (raised from 70%) of the project when financing through calls for proposals, whereas tenders are fully financed. 18% of this year’s budget is reserved for tenders.

**Work Plan 2004**

The text is being drafted at present and will be sent to the Programme Committee. Carry overs from the 2003 Work Plan depend on what projects are selected in the 2003 round.

The Member States representatives asked detailed questions on the cross over from the previous eight programmes to the new Public Health Programme. The Commission explained that a main force of the Public Health Programme compared to the previous eight programmes is that a more structured approach is now taken placing projects in the context of the programme objectives and encouraging cross-cutting approaches.

A question was raised as to whether or not alcohol issues should be discussed separately or with other issues such as drugs or tobacco. This question will be on the Agenda for next Working Group meeting.

It was pointed out that networks of Member States representatives and stakeholders will help to reinforce links to the Member States. A specific Alcohol Group is also necessary to discuss subjects such as tax policy, the involvement of young people and health in other policies.

The Chairman pointed out that a balance between health and the Internal Market has to be found. The national health ministries play a new role in this connection.

Also, Member States raised the issue of ensuring coherency between public health objectives and the support for agricultural products (wine) and industry products (beer and spirits). There is a difference in the Community approach towards these two product categories giving in some ways “better treatment” to agricultural products. For instance, when it comes to wine promotion campaigns. Here the Commission supports the message of modest consumption whereas other alcoholic beverages are considered as health determinants. The Chairman replied that national health ministries have now an input on the health promotions proposed by the wine industry. Health issues in other Community policies will be handled by a new public health unit, which will be formed in the future reorganization.

It is important to point out that product categories are a question of qualification and other policies have to be taken into account such as agriculture and trade aspects.

**General Agreement on Trade in Services (GATS) negotiations – Distribution of Alcoholic Beverages**

*by Mr. Nicholas Bernier-Abad*
The Netherlands representative, Ms Sandra B. Van Ginneken, opened the discussion raising the question whether the EU was requesting in the WTO/DDA negotiations changes from WTO Members in the regulation of the distribution of alcoholic beverages, including state monopolies.

DG TRADE made a presentation on GATS and distribution of alcoholic beverages, and led a short exchange of views. The representatives of Member States showed appreciation for the information about the GATS agreement and its mechanisms, and the current status of the Doha Development Agenda (DDA) negotiations. DG Trade explained that the GATS agreement includes appropriate protection of the right of national governments to regulate health-related issues. Many participants expressed that they had very little background on GATS, although a few had received information about aspects of the EU position in the DDA negotiations, in particular our requests to some WTO Members on distribution of alcoholic beverages.

There was a very constructive and useful debate. Several representatives showed the common view that public health aspects should be considered in the approach to the GATS negotiations. They all understood the interest of the EU in requesting commitments from WTO Members on non-discriminatory treatment. However, there were serious concerns that the EU would target in the negotiations the removal of specific control instruments, like public monopolies, where they are applied.

It was agreed that it is important to strengthen the collaboration and on-going exchange of information on aspects related to distribution of alcohol, and other products like tobacco and pharmaceuticals.

The Chairman concluded that the discussion is important and should be taken forward.

**Sales Promotion**

*by Ms. Francesca Siniscalchi, DG-SANCO/G2*

A proposal for a regulation concerning sales promotions in the internal market is being negotiated in the Council at present (after 1st reading in the EP). The proposal aims at harmonization and mutual recognition; however, an exemption from the scope for tobacco products, which should allow the continuation of national tobacco control policies, has been taken on board at the Coreper. The actual text (not yet agreed as a common position) suggests inter alia a prohibition of providing free gifts consisting of an alcohol product, in particular an alcoholic beverage, to individuals under the age of 18 (Article 5, 3). An exemption from the scope of the proposal for alcohol products, similar to that agreed on tobacco products, has been proposed by some Member States. The proposal is unlikely to become a Regulation, since the majority of MS seem to prefer a Directive.

**Revision of the Television without Frontiers Directive**

*by Mr. Emmanuel Joly, DG-EAC*

The Chairman gave a briefing of the discussion from the 11 June 2003 stakeholder meeting concerning the Television without Frontiers Directive.

DG-EAC gave a presentation of the historical background and the revision of the Directive.
The Chairman informed the Member States that the Directive shall be implemented through legal regulation and not through self-regulation. Self-regulation is accepted as a form of implementation of the Recommendation on young people and alcohol but this does not apply for the Television without Frontiers Directive. There must be a possibility for legal redress.

The presentation was followed by a discussion among the Member States representatives. Some stated that the Television without Frontiers Directive has had a negative impact on health issues. When implementing the Directive in Poland, the Directive was taken very literally resulting in removing ‘sports’ from the Polish restrictions of alcohol advertising. The Commission pointed out that the Television without Frontiers Directive sets minimum standards which means that national restrictions can apply at the same time.

Mr. Lars Moller of WHO spoke about a monitoring system to control self-regulation and made clear that WHO would like to take part in such a monitoring system. The Commission mentioned that advertising is likely to be a prioritized area in the Work Plan 2004.

**Implementation of the Recommendation on Alcohol and Young people – short contributions from the Member States**

The Member States presented information on how they have implemented *Council Recommendation of 5 June 2001 on the drinking of alcohol by young people, in particular children and adolescents, Official Journal L 161, 16.06.2001 p. 38 – 41*

The Recommendation accepts self-regulation as a tool of implementation. Most Member States consider the Recommendation a very important document. The drinking industry is now encouraged to start a discussion on self-regulation including “happy hours” etc. On the other hand, some Member States are concerned about the price and availability of alcohol and reject self-regulation as a trustworthy tool of implementation.

Examples of implementation and outcome:

**Portugal:**

The recommendation has resulted in a two years action plan including early protection of young people, a code of conduct and labelling of alcoholic products (‘Be responsible, drink moderately’)  

**Finland:**

Alcohol Programme 2000-2004, focus on Alcohol and Health, the Harm and Burden as well as drink and drive issues.

**Italy:**

A law has been introduced to address the dangers of alcohol especially in regards to young people and drink and drive issues. Driving schools are educating young people on the possible dangers of alcohol. Self-regulation codes concerning alcohol advertising have been drafted by the industry.

**Austria:**

Education of adults on basis of the statement ‘Drinking adults behind a drinking child’.
Sweden:
There has been a total ban on alcohol advertisements in any form, which has now been repealed due to the ECJ decision. The Swedish representative pointed out that the consumption of alcohol has increased by 25% since Sweden joined the European Community. This is the highest consumption in Sweden in the past 100 years.

Denmark:
The Danish representative indicated that the prevalence of drinking among Danish youth is the highest in the Community. In 1998 a law was passed to prohibit sales of alcohol to young people under the age of 15, it is now considered to raise the age limit to 16 years. Also the focus is turned towards alcoholic parents to make an early detection of children facing alcohol problems within the family.

Germany:
A law prohibiting alcohol advertisements in cinemas shown in connection with movies targeting minors has been enacted.

Libido Drinks (‘Viagra Pops’)
There was made a reference to the stakeholders meeting on 11 June 2003. No additional points were made.

Any other business
The Chairman thanked the participants for a very useful meeting and asked that points to be raised on next meeting should be sent to DG-SANCO/G3.
Meeting of the Working Group on “Alcohol and Health”
(with representatives of Member States, EEA Countries, Candidate Countries and interest groups)

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Luxembourg, 11-12 June 2003

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11 - 12 June 2003, room JMO M6

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Alcohol and Health Working Group

Revision of the Television Without Frontiers Directive and Article 15

Luxembourg, 11th June 2003
WORKING IN EUROPE FOR THE PREVENTION OF ALCOHOL RELATED HARM

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

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

FBK For Eurocare
Advertising...on the most powerful medium. Did you know that:

- Although considered the essence of any act of communication, words only make up 7% of the memorised message while body language, colours and images account for 70% of what one will remember from a message, the remaining 23% being directly related to the voice and intonation adopted by a speaker.

- On average, children (defined as between four and 15) spend two hours and 23 minutes a day watching TV, an hour and 11 minutes less than adults. One in five children still watches after the 9pm watershed, although this falls to one in 10 by 10pm.

broadcasting standards commission and the independent television commission,

FBK For Eurocare
Article 15:

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

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

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

One of the most important concerns reported in the Council Recommendation 2001/458/EC is that “binge drinking patterns” are becoming a general trend among young people in all European countries and that levels of alcohol consumption by young people and related harm are high, and growing. At the same time, research evidence suggests that young people respond to alcohol marketing on an emotional level, changing their beliefs and expectations about drinking. (Nipo research)
Dutch children between the ages of 10 and 15 are very aware of TV commercials advertising alcoholic drinks. (Nipo study)

Research shows that the commercials for Bacardi Breezer and Smirnoff Ice are the most effective with young people.

22% of young watchers say they feel like having a Smirnoff Ice after watching the Smirnoff commercial.
Problems with application of article 15:

- The current system sees itself as being there to prevent excesses of individual advertisements but the cumulative weight and thrust of advertising leaves no doubt that alcohol is seen as an essential part of a successful social – and increasingly, sex – life.

- It is becoming extremely difficult to prove that alcohol is portrayed as playing a key role in implied sexual success. For instance, complainants need to prove that there is sexual success “off camera” or that without the alcohol, there would be no sexual success.

- The Commission has received several complaints explaining these problems.
Eurocare’s response to the public consultation:

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

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

Eurocare’s response to the public consultation:

- How has Article 15 been implemented in the different Member States? Eurocare would recommend that the monitoring looks at images as well as the code of conduct that sustain them.

- The setting up of an advisory expert group which would look at reducing and resolving the differences of the specific provisions covering alcohol advertising in all the Member States, including the applicant countries.
Eurocare’s Recommendations

- The Advisory expert group would also look at adding objective parameters which could be measured, such as time limits (e.g. 21:00 hours), programme limits (e.g. youth and sports) and limit on concentration of alcohol advertising (e.g. no more than 1 commercial per advertiser per programme).

- The advisory expert group should be made up of at least 50% of professionals working in public health as well as professionals working in television advertising in order to be recognized as a valid entity by all people involved.
WORKING IN EUROPE FOR THE PREVENTION OF ALCOHOL RELATED HARM

Thank you for your attention
Responsible
Commercial Communications

European Brewing Industry
Action
European Brewing Industry Action

• support TAG and EASA efforts

• Brewers’ own initiatives: responding to the challenge

  Commitment made in November 2002:
  – Progress in sharing best practice
  – Improving compliance
  – Encouraging effective self-regulation in new Member States
  – Raising consumer awareness
Brewers’ Action in an enlarged Europe

Brewers’ deeds since November 2002

Coordinating national efforts in the European brewing community

Producing the necessary tools

self-regulation task force
Developing tools

Guidelines for Responsible Commercial Communications

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

3 essential elements

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

Background

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

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

Deutscher Brauer Bund

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

- since 1976
- signed by the associations of all producers and importers of alcoholic beverages
- low level of complaints
Building upon Brewers’ national experiences

Czech Brewers

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

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

with special attention to the protection of minors
Our directions for the future

- pursue the activities undertaken by the Brewers of Europe Self-Regulation Task Force:
  - Dissemination of the Guidelines for Responsible Commercial Communications
  - Providing support to the Brewers’ network in implementation
- continue to support the overall efforts produced by TAG and EASA
- continue to report to the Stakeholders on the progress achieved
- Report back to the WHO following initial exchange of views
This paper was produced for a meeting organized by Health & Consumer Protection DG and represents the views of its author on the subject. These views have not been adopted or in any way approved by the Commission and should not be relied upon as a statement of the Commission's or Health & Consumer Protection DG's views. The European Commission does not guarantee the accuracy of the data included in this paper, nor does it accept responsibility for any use made thereof.
Meeting of the Working Party on Alcohol and Health
GATS Negotiations and Distribution Services of Alcohol Beverages

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Luxembourg,
June 12th, 2003
GATS: General Agreement on Trade in Services

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

- Professional services
- Business services
- Computer-related services
- Postal and courier
- Telecommunications
- Audio-visual
- Construction
- **Distribution**
- Educational services
- Environmental services
- Financial services - Banking and insurance
- Tourism and travel-related services
- Health-related and social services
- Transport
- Recreational, cultural and sporting services
- Others
GATS: modes of service supply

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

- Most-favoured-nation treatment - MFN
  - But exemptions are allowed for cases specified by the WTO Member, and among countries that are members of regional trading agreements (economic integration)

- The GATS does not interfere with the right of governments to regulate

- Respect for the Members’ right to create and apply domestic regulation
  - Measures must be applied reasonably, objectively and impartially
  - Licencing requirements will not constitute unnecessary barriers to trade in services

- Members have the right to modify or withdraw commitments, within certain rules and appropriate compensation
GATS/Distribution services - EU’s existing commitments

- EU’s commitments since the Uruguay round (1995)
- The EU has already a very significant commitments on distribution services
- Our commitments include distribution of all products, except:
  - arms,
  - chemical products,
  - explosives and
  - precious metals
- In addition, there are country-specific limitations
The EU has commitments for distribution of alcoholic beverages comparable to other products, with the following exemptions:

- Ireland does not have commitment for commercial presence of retailing services
- Sweden has no commitments on retailing services
- Finland has no commitments on any distribution service

This is fully compatible with our measures of domestic regulation governing distribution of alcoholic beverages.

Our GATS commitments are not in conflict with our highly responsible regulation of distribution of alcoholic beverages.
The EU and the GATS/DDA round of negotiations

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

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

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

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

- The EU is committed to regulate effectively the distribution of alcohol beverages, in order to protect public interests
- …And to promote liberalisation of trade in services on a multilateral basis (WTO/GATS)
- …Respecting the right of WTO Members to regulate

- These objectives are not in conflict and are fully compatible
- The GATS has effective mechanisms to promote trade liberalisation and respect domestic regulation
Your perspective, comments

Thanks a lot :)
Ladies and Gentlemen,

• In fact, it is the development of satellite broadcasting in the beginning of the eighties that prompted the first initiatives in this field. In 1984, the Commission presented a Green Paper on the establishment of a Common market in broadcasting. In 1989, the ‘Television Without Frontiers’ Directive, was adopted as the main Community instrument in the broadcasting sector. It was revised and updated in 1997.

• Member States had until the end of 1998 to implement the revised Directive into national legislation. It has now been applied for more than 4 years. As foreseen in the Directive itself, which provides for a review every two year, an in-depth work programme for the evaluation of the Directive has been adopted by the Commission at the beginning of the year. It is being carried out as we speak.

• The principal aim of the Directive is to ensure the free movement of broadcasting services in Europe and to promote the development of a European market in broadcasting and related activities, such as television advertising and the production of audiovisual programmes.

• To this end, the Directive is based on two basic complementary principles:

  ➢ **Control by the country of origin of the broadcast**: the originating Member State must verify that broadcasts comply with national law as co-ordinated by the
Directive without secondary control on the same grounds in the receiving Member State.

- **Freedom of reception and retransmission**: All Member States must ensure freedom of reception and shall not restrict retransmissions on their territory of television broadcasts from other Member States for reasons co-ordinated by the Directive.

- The Directive provides for the Community co-ordination of certain provisions laid down by law, regulation or administrative action in Member States in the following areas:
  - the law applicable to television broadcasts;
  - the promotion of the production and distribution of European works;
  - access by the public to major events for society;
  - advertising, sponsoring and teleshopping;
  - the protection of minors and the right to reply.

- It is important to bear in mind that these provisions have been laid down in order for the single market to operate constitute the minimum level of harmonisation necessary to ensure the freedom to provide broadcasting services in the European Union. This is of course the primary purpose of the Directive.

- The Commission also considers that regulation in the media sector should be proportionate and kept to the minimum necessary to achieve these public interest objectives. In the media sector, the fundamental principle of freedom of expression as enshrined in Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 11 of the European Union's Charter of Fundamental Rights is of paramount importance.

**STATE OF PLAY IN IMPLEMENTING THE DIRECTIVE**

- The Directive is now implemented in all Member States. Its geographical scope has been extended to the Candidate countries through the alignment process on the
‘Community acquis’. It is worth noting that at present, the Directive is implemented in more than 27 countries.

- The Directive is considered to be an effective and appropriate instrument by all market players and has accompanied the creation and development of an increasing number of channels throughout Europe. The application of the Directive is subject to very few complaints and disputes.

- However, there is a need to assess the appropriateness of the current regulatory framework in the light of technology and market developments. The increase in the number of channels available, the offer of broadband entertainment services, the development of Personal Videorecorders (PVR), full interactivity and new advertising techniques present new challenges as well as the general economic development and its impact on the sector.

- In order to address these challenges, the Commission already proposed in its 1999 Communication on ‘Principles and Guidelines for the Community’s Audiovisual Policy in the Digital Age’ five general principles for regulatory action. According to the Commission, regulation should:
  
  - be based on clearly defined policy objectives;
  - be kept to the minimum necessary to meet those objectives (proportionality);
  - further enhance legal certainty in a dynamic market;
  - aim to be technologically neutral, and;
  - be enforced as closely as possible to the activities being regulated (subsidiarity).


- In an annex to this report, the Commission proposes a work programme which aims to open a debate on the possible need to adjust the regulatory framework because of the developments in markets and technologies.
• As part of this public consultation exercise, there are two series of public hearings organised in the Commission's premises in Brussels, to enable interested parties to contribute fully to the debate.

• A set of public hearings took place in the beginning of April. More than 300 representative of the audiovisual sector (broadcasters, producers, sports associations, advertising agencies, right owners, national regulatory authorities) participated, including some from the candidate countries.

• At this point in time, it is impossible to prejudge the results of the public consultation. However, some of the participants have expressed interest in clarifying the rules applicable to TV advertising with regards to the development of new advertising techniques. In this respect, the Commission will look at all the possible solutions to enhance legal certainty in this area.

• A second set of public hearings will be held on 23, 24 and 25 June. These public hearings will address the three following themes:
  ➢ Promotion of cultural diversity and of competitiveness of the European programme industry;
  ➢ Protection of minors and public order and the right to reply;
  ➢ Aspects related to the application of the Directive (determination of the competent authority, role of the National Regulatory Authorities, etc.)

• All interested parties are invited to participate in the public debate by attending the hearings and by responding to the questions specified in the discussion papers and sending their written contributions to the Commission by 15 July 2003.

• The purpose of this open debate is to provide the Commission with the necessary input that could lead to the decision to update or adapt the present regulatory framework.

• All contributions received in the course of this public consultation exercise will be made public, unless requests not to do so have been expressly formulated (where
appropriate by adding a confidential annex). They will be posted on the website of the Education and Culture Directorate-General.

FUTURE ACTIONS

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

TELEVISION ADVERTISING FOR ALCOHOLIC BEVERAGES

• Within the set of rules on Television advertising are included the provisions advertising for certain products like tobacco, medicinal products and alcohol:
• According to Article 15, Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:
  1. It shall not be aimed specifically at minors or in particular depict minors consuming these beverages;
  2. It shall not link the consumption of alcohol to enhanced physical performance or to driving;
  3. It shall not create the impression that the consumption of alcohol contributes towards social or sexual success;
  4. It shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts,
  5. It shall not encourage immediate consumption of alcohol or present abstinence or moderation in a negative light;
  6. It shall not place emphasis on high alcoholic content as being a positive quality of the beverages.
These provisions are quite restrictive but are now generally well-accepted by operators – advertisers and broadcasters -. They have been so far applied in a satisfactory manner. Recently in March and in April two complaints concerning the same member State have however been filed to the Commission and we are now considering whether the Member State concerned has failed to comply with its obligation to ensure that the provision concerned (Article 15, paragraph c) of the directive is effectively complied with at national level. We are now currently dealing with these cases. But apart from these complaints we had not received before any complaint about the application of these provisions, which means, we assume, that these provisions were correctly applied.