



Based on existing CPME policy, CPME issued the following document:
CPME position on the Review of Television without Frontiers Directive: towards an Audiovisual Media Services Directive (CPME 2006/116 EN)

**CPME position on the
REVIEW OF THE TELEVISION WITHOUT FRONTIERS DIRECTIVE: TOWARDS AN
AUDIOVISUAL MEDIA SERVICES DIRECTIVE¹**

CPMEⁱ welcomes the Commission Proposal to review the Television without Frontiers directive and to extend it to cover all audiovisual media services, irrespective of the technology or distribution platform used. It is a necessity in the light of the rapid technological developments in the media sector over the past few years

CPME also welcomes the distinction made between linear and non-linear services which allow appropriate answers to questions raised by the development of new media.

Nevertheless, within that context of modernisation of the rules, CPME would not favour any move with regard to the public health interest in general and the protection of minors in particular that could be seen as a relaxation of existing rules. This is especially with regard to advertising rules such as product placement, which have an impact on the healthy life style CPME is promoting. Indeed, Life-style related health determinants such as tobacco, alcohol, and nutrition are linked to a number of major health problems.

Principles regarding the protection of minors and human dignity, as well as public health, should apply to both linear and non linear services.

CPME gives its full support to the insertion of article 3g which regulates audiovisual commercial communications, banning tobacco advertising, restricting alcohol advertising, banning advertising that discriminate on grounds of race, sex, or nationality, are offensive to religious or political beliefs, encourage unsafe or unhealthy behaviour, or encourage behaviour prejudicial to the environment and article 3h which provides further regulation of audiovisual commercial communications with regard to product placement and/or sponsoring in the proposed directive.

¹ Proposal for a Directive of the European Parliament and of the Council amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, COM(2005) 646 final

Scope of the Directive

CPME welcomes the draft Directive providing for a regulatory framework for both linear and non-linear delivery of audiovisual content. However, CPME considers that some clarifications are needed, especially those regarding most vulnerable audience.

Indeed, children and children programmes need to be defined, and it should be made clear that audiovisual media services for children and documentaries must not contain product placement².

Country of Origin Principle

CPME stresses that the directive should ensure that rights of viewers in their own countries are not unduly infringed by television broadcasts from other countries. The country of origin principle being no guarantee for this matter, the host country principle should prevail.

Co-Regulation and Self-Regulation

CPME is of the opinion that legislation existing up to date (the “acquis”) should not be replaced by co-regulation or self-regulation. As for coming and future needs, CPME suggests that co-regulation rather than self-regulation be chosen.

Tobacco

Directive 2003/33/EC on Tobacco Advertising and Sponsorship prohibits advertising of cigarettes and other tobacco products with a cross border effect in the following media: in the press and other printed publications, in radio broadcasting, in information society services and through tobacco related sponsorship events or activities taking place in several member states of otherwise having cross-border effects.

CPME urges for an immediate and comprehensive ban on all tobacco advertising.

Alcohol

CPME welcomes the fact that alcohol advertisements aimed at minors and/or encouraging immoderate consumption are prohibited as well as product placement in audiovisual media services for children and documentaries.

CPME suggests adding to article 3h a ban for enterprises whose principal activity is the manufacture or sale of alcoholic beverages.

Nutrition

CPME welcomes the initiative taken by the European Commission on the prevention of overweight, obesity and the related chronic diseases. CPME is

² Definition of product placement: para 46, page 19 of the proposal (COM(2005) 646 final).

very much concerned by the growth pattern of obesity in the EU especially in children and is trying to find ways to curb the trend.

According to CPME, the EU should thoroughly consider to strictly limit/ban advertising of unhealthy foods and drinks. At least, such advertising should be substantially reduced and be limited to specific time frames. Legislation is needed. Advertising to children should be monitored specifically by a body without commercial interests.

The labelling of products could be of help here, with for example the use of colours applied to nutrient profiles.

Advertising of Medicinal Products

CPME welcomes article 3h para 3 where it forbids companies that include in their activities the manufacturing or sales of medicinal products and medical treatment from promoting specific prescription-only medicinal products or medicinal treatments through sponsorship of audiovisual media services.

Here the host country principle is of paramount importance, especially taking into consideration the fact that communications and broadcasting activities have nowadays no borders.

Any relaxation of the ban on Direct to Consumer advertising of prescription-only medicines and treatments would, without doubt, be detrimental to efforts to safeguard public health³. Therefore CPME supports the statement in recital 41 stressing that “the relation between Directive 2001/83/EC⁴ and Directive 89/552/EEC should remain the same after the entry into force of the present Directive”.

ⁱ *The Standing Committee of European Doctors (CPME) is the representative body of about 2 million physicians in Europe.*

Its aims are:

- *to promote the highest standards of medical training and medical practice, through advocating: - public health,*
 - *the relationship between patients and doctors*
 - *the free movement of doctors and patients within the European Union*
- *to achieve the highest quality of health care in Europe.*

It is composed of the most representative non-governmental national medical organisations in EU/EEA countries, that is to say 28 National Medical Associations. It also unites associated members, observers and associated organisations (specialised European medical organisations).

³ CPME 2004/080 Final, CP 2000/157 Final

⁴ As amended by Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use.