European Parliament: First Reading Vote on Proposed Tobacco Advertising Directive

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On 20 November 2002, the European Parliament cast its First Reading vote on the proposed Tobacco Advertising Directive. MEPs rejected several amendments that would have restricted the scope of the Directive. They did, however, adopt an amendment ensuring the competence of the individual Member States to regulate matters concerning tobacco advertising and sponsoring not covered by the proposed Directive, for example, indirect advertising and sponsorship without cross-border effects.

The First Reading vote follows the Commission's proposal for a Tobacco Advertising Directive of May 2001. The proposal takes into account the October 2000 judgment of the European Court of Justice in Case C-376/98 (see IRIS 2000-8: 3). This judgment had annulled the previous Tobacco Advertising Directive (98/43/EC) as the Court ruled that a full ban on any kind of tobacco advertising and sponsorship could not be adopted on the basis of Article 95 of the EC Treaty (measures that have as their object the establishment and functioning of the internal market). However, the Court noted explicitly that a Directive prohibiting certain forms of tobacco advertising and sponsorship might be based on Article 95 of the EC Treaty, subject to the limits laid down by the Court.

The current proposal for the Tobacco Advertising Directive has complied with these limits. The proposed Directive intends to remove the increasing trade barriers posed to the free movement of products and services as a result of the widely divergent regulations in the field of tobacco advertising and sponsorship in the individual Member States. The harmonisation of rules in this field will lead to a general ban on tobacco advertising in the press and on the Internet. The proposed ban on tobacco advertising via the radio and on sponsorship of radio programmes is in line with the rules on television advertising under the "Television without Frontiers" Directive. The proposal furthermore includes a ban on tobacco sponsorship of events or activities with cross-border implications.

"Byrne: Parliament's support clears way for EU ban on tobacco advertising", Press Release of the European Commission of 20 November 2002, IP/02/1716

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Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products (presented by the Commission pursuant to Articles 47(2), 55 and 95 of the EC Treaty), 30 May 2001, COM (2001) 283 final

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52001PC0283:EN:HTML

Directive 98/43/EC of the European Parliament and of the Council of 6 July 1998 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products, Official Journal of the European Communities L 213/09, 30 July 1998

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