European Commission: Two EU Member States Singled Out for Non-Compliance with Tobacco Advertising Directive

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The European Commission has sent "reasoned opinions" to Germany and Luxembourg. Both these countries have failed to implement Directive 2003/33/EC of 26 May 2003 on the advertising and sponsorship of tobacco products. The two non-compliant EU Member States had already been targeted by the Commission in October 2005, when a "letter of formal notice" was issued to their addresses. If they neglect to comply within two months, they face legal action and, ultimately, a ruling by the European Court of Justice that they have failed to fulfil their obligation to transpose EU legislation.

The Commissioner for European Health and Consumer Protection has stressed his determination in pursuing adequate implementation of this Directive by all Member States. Public health is at stake and "fancy advertising" contributes to "glamorising" smoking, particularly in the eyes of young people. Although most countries have indeed complied with their duty to implement the Directive, the Commission is also investigating cases of flawed transposition which will be duly tackled if exemptions or derogations contrary to the Directive are found in national provisions.

The Directive bans tobacco advertising in the print media, on the radio and on the internet. It also prohibits tobacco sponsorship of cross-border events or activities. The Directive was passed by the European Parliament and Council in 2003 and was due for transposition into Member States' legislation by 31 July 2005. It encompasses advertising and sponsorship with a cross-border dimension only. Although advertising in cinemas, on billboards or by way of merchandising (using ashtrays or parasols for example) falls outside its scope, it can still be banned by national laws, which is the case in several EU Member States.

Tobacco advertising on television has been banned in the EU since the early 1990s and is regulated by the Television without Frontiers Directive.

"Tobacco advertising: European Commission takes action against two non-compliant EU Member states", press release of 1 February 2006, IP/06/107

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