

European Commission: Steps against Member States in Breach of the Tobacco Sponsorship Ban

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The European Commission has decided to initiate infringement procedures against Member States violating the EU tobacco advertising ban as contained in the Tobacco Advertising Directive 2003/33/EC. This Directive bans tobacco advertising in printed media, on radio and over the internet. It also prohibits tobacco sponsorship of cross-border events or activities. It only targets advertising and sponsorship with a cross-border dimension and does not allow exemptions regarding the entry into force of the prescribed measures and prohibitions. However, exemptions delaying implementation beyond the prescribed date of 31 July 2005, found in Czech, Spanish and Hungarian transposition provisions have prompted the Commission to send reasoned opinions to the first two Member States and an additional reasoned opinion to Hungary. Because Italy failed to give a timely reply to a reasoned opinion, the procedure against it has been taken a step further as the Commission has decided to refer it to the European Court of Justice. The Italian law to ban tobacco sponsorship does not apply to events which take place exclusively on Italian soil. However, such an event can have cross-border effects when it is transmitted to other countries.

There remain pending cases on the failure to communicate transposition measures. So far, 24 Member States have communicated these measures to the Commission. Germany was recently referred to the ECJ for failing to communicate its transposition measures, the United Kingdom has now complied with this communication obligation and Luxembourg recently informed the Commission of its measures, as a consequence, the case against it has been closed.

“Commission takes action against Member States breaking the tobacco sponsorship ban”, press release of 12 October 2006, IP/06/1374

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