# [DE] *Bundestag* Bans Tobacco Advertising

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*Nicola Weißenborn*
*Institute of European Media Law (EMR), Saarbrücken/Brussels*

On 9 November 2006, the *Bundestag* adopted a bill banning tobacco advertising. The law is meant to transpose Directive 2003/33/EC on the advertising and sponsorship of tobacco products in media other than television. Under the new Act, tobacco advertising will be prohibited not only on television and radio, but also in newspapers, magazines and on the Internet. Sponsorship by tobacco manufacturers will also be restricted.

Despite the deadline of 31 July 2005, Germany has still not transposed the Directive into domestic law; in fact, it complained to the Court of Justice of the European Communities (ECJ) that the EU was not entitled to impose such a ban (see IRIS 2005-7: 10). However, in his closing submissions published on 13 June 2006, the Advocate General argued that the claim should be dismissed (see IRIS 2006-7:4). Before the ECJ reached its decision, the European Commission initiated infringement procedures against Germany for non-compliance with the Directive (see IRIS 2006-3: 8 and IRIS 2006-10: 8). The majority of the *Bundestag* members appears to have bowed to this pressure.

On 15 December 2006, the *Bundesrat* discussed the adoption of the bill. Although its consent is not necessary for the bill to become law, it could file an objection. However, the relevant committee of the *Bundesrat* has recommended that no application for a committee for joint consideration of bills to be convened should be made under Art. 77 para. 2 of the Basic Law. Such an application would be a precondition for the filing of an objection.

### *Plenarprotokoll der 63. Sitzung des Deutschen Bundestages*

http://www.bundestag.de/bic/plenarprotokolle/pp/63/index.html

*Plenary minutes of the 63rd Bundestag session*

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