European Commission: Green Paper on Commercial Communications

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Ad van Loon
European Audiovisual Observatory

On 8 May 1996 the European Commission adopted its long awaited Green Paper on Commercial Communications in the Internal Market. It was already announced in November 1992. The Green Paper is based on a comprehensive review of the relevant legislation in each Member State of the European Union, a full market analysis and surveys undertaken by the Commission. The detailed results of these reviews are included in an associated Working Document.

The Green Paper, although targeting all possible forms of commercial communication, is especially relevant to the communication of commercial information by transfrontirer broadcasting and new information services (especially on-line services). These transfrontier services may be hampered in their development because they have to comply with different national rules in different Member States and this then affects the functioning of the internal market. Therefore, the Commission is exploring the possibility of formulating rules that are common to all Member States so as to avoid that those who are engaged in the transfrontier communication of commercial information would have to comply with all the different rules in all of the Member States where the communication is or can be received. National legislation at the level of the EU Member States usually restricts the possibility or contents of commercial communications for general interest reasons: protection of minors, public health, consumer protection, etc. Although non-discriminatory national rules restricting the communication of commercial information in the general interest are possible under Community law, they have to be proportionate in view of the aims pursued: they should not unduly affect the realisation of possible other general interest goals pursuit.

Therefore, the Commission aims at identifying restrictions that are capable of effectively protecting the general interest objectives aimed at and which would also be proportionate in view of possible other general interest objectives that are worth protecting. For this, the Commission proposes to establish an ad hoc committee of representatives of the Member States to identify measures that are effective and at the same time proportionate. Furthermore, the Commission announces a Communication that will propose a transparency mechanism for Information Society services. Such a mechanism would involve an obligation for the Member States to notify their draft legislation (including that pertaining to

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commercial communication) to all other Member States and to the Commission so that it could be analysed in terms of compatibility with Community law.

The Commission invites all interested parties to submit their views on the proposals of the Green Paper before the end of October 1996 by sending them to Ms Margot Fröhlinger at the European Commission's DG XV/E-5, C-107 8/59, Rue de la Loi 200, B-1049 Brussels, fax: +32 2 2957712, e-mail: E5@dg15.cec.be. Albania Andorra Austria Belgium Bulgaria Cyprius Czech Rep.

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Commercial Communications in the Internal Market - Green Paper from the Commission, COM(96)192, 8 May 1996.

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