European Parliament: Resolution on the Commission Green Paper on Commercial Communications in the Internal Market

IRIS 1997-9:1/6

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A year ago, the Commission published a Green Paper on "Commercial Communications in the Internal Market", in which it made suggestions on removing obstacles which discrepancies between the laws of different countries created for trade in the field of transfrontier commercial communications (see IRIS 1997-5: 6). The term "commercial communications" covers all forms of advertising, direct marketing, sponsorship, sales promotion and public relations promoting products and services. The Green Paper stressed that the development of new information society services might well make for additional trade barriers.

In its Resolution of 15 July, the European Parliament welcomed the Green Paper in a general sense, but thought that the Commission's proposals were insufficient to achieve the intended goals.

In particular, the Parliament wants more details of the system proposed for evaluation of the proportionality of trade-restricting measures. It is referring here to one of the Commission's main proposals - that a global method be used to assess the conformity with EU law of trade restrictions which individual countries may introduce in the general interest, provided that the principle of proportionality is respected. The Parliament wants to see this task entrusted to a tripartite committee, comprising representatives of member states, industry and consumer organisations in equal numbers.

In order to improve consumer protection in cases of voluntary self-regulation, the Parliament calls on the commercial communications sector to make the relevant procedures at national and European level more transparent. The Parliament also criticises the Commission's use of its authority to institute proceedings for violation of the EU Treaty under Article 169 of the text. It calls on the Commission to make full use of its power to monitor national practices in future.

The Parliament proposes that a Directive be issued to implement the proposed measures.

Resolution on the Commission Green Paper on Commercial Communications in the Internal Market, Minutes of the sitting of Tuesday 15 July 1997, provisional edition, EP 260.946: 26-32

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