Court of Justice of the European Communities: French Restrictions on Televised Advertising Not Contrary to European Legislation

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On 9 February 1995, the Court of Justice of the European Communities has ruled that Articles 30, 85, 86, 5 and 3(f) of the EEC Treaty and the EEC Directive on "Television without Frontiers", do not prevent Member States from prohibiting - by Statute or by regulation - the broadcasting of advertisements for the distribution sector by television broadcasters established on their territory.

The Court answered to a question which was referred to it by the Tribunal de Commerce de Paris in its judgment of 27 September 1993, in the case of the Société d'Importation Édouard Leclerc-Siplec v. TF1 Publicité S.A. & M6 Publicité S.A.

The import company Leclerc-Siplec launched a complaint against TF1 Publicité and M6 Publicité for their refusal to broadcast an advertisement concerning the distribution of fuel by Leclerc supermarkets. TF1 and M6 refused on the basis of Article 8 of Decree No 92-280 of 27 March 1992 which prohibits televised advertising for the distribution sector. Leclerc-Siplec regarded Article 8 of the Decree contrary to several provisions of the EEC Treaty and the Directive on "Television without Frontiers" and asked the Paris Court to refer the question to the Court of Justice.

The Court rules, inter alia, that Article 3 of the Directive - which allows stricter rules for a Member State's own nationals than the rules laid down in the Directive - contains no restriction as to the interests which the Member States may take into consideration when prohibiting televised advertising.

Case C-412/93 of 9 February 1995, Société d'Importation Édouard Leclerc-Siplec v. TF1 Publicité S.A. & M6 Publicité S.A.

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