

# EUROPEAN PARLIAMENT

2004



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*Committee on Women's Rights and Gender Equality*

PROVISIONAL  
**2005/0260(COD)**

21.6.2006

## **DRAFT OPINION**

of the Committee on Women's Rights and Gender Equality

for the Committee on Culture and Education

on the proposal for a directive of the European Parliament and of the Council amending Council Directive 89/552/ECC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (COM(2005)0646 – C6-0443/2005 – 2005/0260(COD))

Draftswoman: Lissy Gröner

PA\_Legam

## SHORT JUSTIFICATION

The Draftswoman welcomes the proposal of the Commission, in particular to bring linear and non-linear services within the same regulatory framework. However, some aspects of gender equality as well as protection of minors ought to be inserted in order to have a directive in line with the priorities of the Union. In a European context where more women enter the workforce but not enough measures are being implemented to reconcile working and family life. Also, a clear and strong protection of minors ought to be defined in the directive. On the same line, product placement should not be allowed since it is not proven that it enhances competitiveness while there is a clear risk to jeopardise the quality of content as well as the independence of authors, with possible negative consequences on consumers of audiovisual services as well as on the public.

## AMENDMENTS

The Committee on Women's Rights and Gender Equality calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission<sup>1</sup>

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Amendments by Parliament

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### Amendment 1 RECITAL 40

(40) Commercial and technological developments give users increased choice and responsibility in their use of audiovisual media services. To remain proportionate with the goals of general interest, regulation must allow a certain degree of flexibility with regard to linear audiovisual media services: the separation principle should be limited to advertising and teleshopping, ***product placement should be allowed under certain circumstances*** and some quantitative restrictions should be abolished. ***However, where product placement is surreptitious, it should be prohibited.*** The separation principle should not prevent the use of new advertising techniques.

(40) Commercial and technological developments give users increased choice and responsibility in their use of audiovisual media services. To remain proportionate with the goals of general interest, regulation must allow a certain degree of flexibility with regard to linear audiovisual media services: the separation principle should be limited to advertising and teleshopping and some quantitative restrictions should be abolished. The separation principle should not prevent the use of new advertising techniques.

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<sup>1</sup> Not yet published in OJ.

*Justification*

*In order to ensure the quality of products and the protection of consumers, product placement should remain prohibited in EU audiovisual services.*

Amendment 2  
RECITAL 45

(45) Surreptitious advertising is a practice prohibited by this Directive because of its negative effect on consumers. ***The prohibition of surreptitious advertising does not cover legitimate product placement within the framework of this Directive.***

(45) Surreptitious advertising is a practice prohibited by this Directive because of its negative effect on consumers.

*Justification*

*In order to ensure the quality of products and the protection of consumers, product placement should remain prohibited in EU audiovisual services.*

Amendment 3  
RECITAL 46

(46) Product placement is a reality in cinematographic works and in audiovisual works made for television, but ***Member States regulate this practice differently. To ensure a level playing field, and thus enhance the competitiveness of the European media industry, it is necessary to adopt rules for product placement. The definition of product placement introduced here covers any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within a programme, normally in return for payment or for similar consideration. It is subject to the same qualitative rules and restrictions applying to advertising.***

(46) Product placement is a reality in ***non-EU*** cinematographic works and in audiovisual works made for television, but ***it has not been demonstrated that it would enhance the competitiveness of the European media industry.***

*Justification*

*In order to ensure the quality of products and the protection of consumers, product placement should remain prohibited in EU audiovisual services.*

Amendment 4

ARTICLE 1, POINT 2

Article 1, point (a a) (new) (directive 89/552/CEE)

***(aa) 'Audiovisual media services for children' means any media service as defined in Art. 1 (a) which is aimed at children or where children represent a significant proportion of the audience.***

*Justification*

*A reinforced protection of minors ought to be settled, since a growing number of women enter the workforce and leaving minors unattended in front of the television.*

Amendment 5

ARTICLE 1, POINT 6

Article 3d a (new) (directive 89/552/CEE)

***Article 3da***

***Member States shall take appropriate measures to ensure that audiovisual media services under their jurisdiction are not made available in such a way that gender stereotypes are supported or reinforced***

*Justification*

*Gender stereotypes in the media play a key role in the persistence of gender discrimination.*

Amendment 6

ARTICLE 1, POINT 6

Article 3g, point (c), point (i)(directive 89/552/CEE)

(i) include any discrimination on grounds of

(i) include any discrimination on grounds of race, ***ethnic origin, disability, age***, sex,

race, sex, **or** nationality;

nationality **or sexual orientation**;

*Justification*

*The present paragraph is adapted according to the wording of Art. 3 (e) which refers to Art.13 of the EC Treaty*

Amendment 7

ARTICLE 1, POINT 6

Article 3g, point (f) (directive 89/552/CEE)

(f) audiovisual commercial communications must not cause moral or physical detriment to minors. Therefore they shall not directly exhort minors to buy a product or service **by exploiting their inexperience or credulity**, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, or **unreasonably** show minors in dangerous situations.

(f) audiovisual commercial communications must not cause moral or physical detriment to minors. Therefore they shall not directly **or indirectly** exhort minors to buy a product or service, directly **or indirectly** encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, or show minors in dangerous situations, **unless justified for learning or training purposes.**

*Justification*

*See justification to the amendment on Article 1 point (2)*

Amendment 8

ARTICLE 1, POINT 6

Article 3g, point (f a) (new) (directive 89/552/CEE)

**(fa) Audiovisual media services for children shall not contain or be interrupted by advertising, sponsorship or any marketing of foods and drinks high in fat, sugar and salt and of alcoholic beverages.**

*Justification*

*See justification to the amendment on Article 1 point (2)*

Amendment 9

ARTICLE 1, POINT 6

Article 3h, paragraph 1 (directive 89/552/CEE)

1. Audiovisual media services that are sponsored **or that contain product placement** shall meet the following requirements:

1. Audiovisual media services that are sponsored shall meet the following requirements:

*Justification*

*See justification to the amendment on recital 40*

Amendment 10

ARTICLE 1, POINT 6

Article 3h, paragraph 1, point (c) (directive 89/552/CEE)

(c) viewers must be clearly informed of the existence of a sponsorship agreement **and/or the existence of product placement**. Sponsored programmes must be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in a appropriate way for programmes at the beginning, during and/or the end of the programmes. Programmes containing product placement must be appropriately identified at the start of the programme in order to avoid any confusion on the part of the viewer.

(c) viewers must be clearly informed of the existence of a sponsorship agreement. Sponsored programmes must be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in a appropriate way for programmes at the beginning, during and/or the end of the programmes. Programmes **produced in third countries** containing product placement must be appropriately identified at the start of the programme in order to avoid any confusion on the part of the viewer.

*Justification*

*See justification to the amendment on recital 40*

Amendment 11

ARTICLE 1, POINT 6

Article 3h, paragraph 2 (directive 89/552/CEE)

2. Audiovisual media services must not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products. **Further, audiovisual media services must not contain placement of tobacco products or cigarettes or product placement from undertakings whose principal activity is the**

2. Audiovisual media services must not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.

***manufacture or sale of cigarettes and other tobacco products.***

*Justification*

*See justification to the amendment on recital 40*

Amendment 12  
ARTICLE 1, POINT 6  
Article 3h, paragraph 4 (directive 89/552/CEE)

4. News and current affairs shall not be sponsored ***and not contain product placement. Audiovisual media services for children and documentaries may not contain product placement.***”

4. News and current affairs shall not be sponsored ”

*Justification*

*See justification to the amendment on recital 40*

Amendment 13  
ARTICLE 1, POINT 13  
Article 18, paragraph 2 (directive 89/552/CEE)

2. Paragraph 1 does not apply to announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes, sponsorship announcements ***and product placement.***”

2. Paragraph 1 does not apply to announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes ***and*** sponsorship announcements.”

*Justification*

*See justification to the amendment on recital 40*

Amendment 14  
ARTICLE 1, POINT 20  
Article 23b, paragraph 2 a (new) (directive 89/552/CEE)

***2a. Member States shall aim to ensure a balanced representation of women and men***

*in the national regulatory authorities*

*Justification*

*Women empowerment in the regulatory bodies is one of the ways to promote gender equality in the audiovisual sector*