

Proposal for a Regulation on Energy Efficiency Labelling

Proposed advertising restrictions pose severe threat to media pluralism and diversity

The undersigned media and advertising associations, representing newspaper and magazine publishers, broadcasters, as well as the advertising industry, are highly concerned about proposals by the European Commission as well as several amendments introducing mandatory information requirements in advertising for energy related products, in the ongoing discussions in the ITRE Committee about the draft Report by MEP Tamburrano on the Proposal for an Energy Efficiency Labelling Regulation (COM(2015) 341 final).

Mandatory information requirements in media advertising constitute an unreasonable and even unnecessary intervention in the freedom of advertising (which is a necessary component of the freedom of the media) and has a negative effect on the pluralistic media landscape. Mandatory information requirements simply encourage advertisers **not** to place advertising in media in cases where products might not have the most energy-efficient output. This endangers media's health and the possibility to inform citizens independently on many different topics, including climate change or money laundering. Finally, the choice to buy a white good is not taken with an advertisement, but rather at a later point in time.

The undersigned media and advertising associations are seeking for your active support in the ongoing discussions on compromise amendments as well as in the final vote in the ITRE Committee and urge you to:

- **support amendments 44, 229, 230, 434, 437, 655, 656, 657**
- **and reject amendments 60, 228, 436, 440, 442 443, 445 as well as the rapporteur's proposal for a compromise amendment.**

Article 3 (3) (a) of the Commission proposal would indeed require sellers and dealers to make reference to the energy efficiency class of the product in any advertisement for a specific model. The requirements of the form of this label shall be further elaborated by means of delegated acts by the Commission, as stated in article 12.

The Rapporteur goes beyond the Commission proposal and suggests in amendment 60 to either display the full energy label or make reference to the class and to other environmental and performance information indicated on the energy label.

The Rapporteur's current compromise proposal for Art.3 (3) (a) even worsens this initial proposal by suggesting to make the displaying of the full label mandatory in visual advertisements and to make mandatory the reference at least to the energy efficiency class and the absolute energy consumption of the product in any radio or other type of non-visual advertisement.

We do not see a compromise in that new draft, but a continuation of the Rapporteur's initial proposal which intends to afflict advertising with unsustainable and unnecessary information requirements thereby putting at risk the financing of the media.

A free and independent media, with editorial content funded largely by advertising revenues, is the best manner to inform Europe's citizens about environmental themes, such as the climate change and its relation to the energy output of products.

Free media in Europe depend on advertising, therefore any legislation directly or indirectly impacting advertising immediately undermines their sustainability.

An informed purchase decision of the consumer, which is the aim of a future Energy Efficiency Labelling Regulation, is possible without any collateral damage to the media. The harmonised

energy efficiency label and information already has to be displayed in the showroom, in case of distance selling before the conclusion of the contract as well in technical promotional material, prior to the purchase decision.

Advertisements rather raise consumers' awareness about a product but do not necessarily trigger the purchase. Before consumers decide to buy a product, they get information about the products available on the market, compare products, and go to online shops or a sales room. The proposed additional mandatory information requirements in media advertising do not lead to better information of consumers, but they endanger the free and independent media in Europe by putting important advertising revenues at risk.

A perfect example of a system ensuring an informed purchase decision of the consumer without endangering media advertising revenues is Regulation (EC) No 1222/2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters. This approach could work as well for energy related products.

Such a system would allow the media to continue its role of informing and educating citizens through its editorial content, e.g. about climate change, thereby triggering a change of behaviour with regard to the individual energy consumption. We believe that it would be contrary to the objective of creating societal awareness about energy consumption to introduce mandatory information in advertising. As explained above, the result would be less financial resources for media, and this is what enables to pay journalists to investigate and inform citizens about energy issues.

We thank you very much for your time and consideration.

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