

**MAY.2008****02 Cross-border defamation  
again under EU scrutiny**  
ROME II regulation back on the table**In the lobby**

VAT, Media Pluralism, Content Online,  
Fair compensation for private copying

**03 EU matters at home**

The influence of national govern-  
ments on EU decision making is often  
underestimated

**EU Alcohol Forum  
to scrutinize advertising  
effectiveness**

Recently set up "Science Group"  
to focus on advertising

**OPA Europe points out  
the main threats  
for online publishers****04 No more****lifestyle regulation!**

says Vice-President Verheugen to FAEP  
High-level meetings of the Corporate  
Advisory Group in Brussels

**FAEP News  
FAEP Agenda****ADVERTISING****The life blood of magazines  
under threat again –  
car advertising**

DE: Die EU setzt erneut zur  
Werberegulierung an. Diesmal soll die  
Autowerbung in den Printmedien strikte  
Vorschriften befolgen mit der moeglichen  
Konsequenz, dass sie abwandert zu ande-  
ren Mediengattungen.

FR: L'Union européenne menace régu-  
lièrement d'imposer des mesures plus  
strictes pour la publicité. FAEP multiplie  
les contacts avec les décideurs publics  
pour éviter que de nouvelles règles dans le  
secteur automobile ne soit proposées.



Gefahr für die Extremis.  
Der Young-Modell Young One Jr.

**DRIVING CAUSES  
POLAR CAPS TO MELT**

It is not the first battle against possible EU regulatory interference into the publishing business model – advertising freedoms have been under threat since tobacco advertising was banned in 2004.

These days, the Commission is reviewing of the existing Labelling Directive that sets requirements for car advertising in print media. FAEP senses a strong political will to address climate change by any means. Introducing advertising requirements, such as labels on emission categories for every car ad, is considered by politicians as an appropriate tool to raise awareness amongst European citizens.

As indicated by some car manufacturers, these plans could lead to a significant shift of car advertising spending from print to other media and marketing means, as this emission category label in the ad disturbs

the advertising message in a way that car manufacturers might not consider print advertising sufficiently attractive.

Over the last weeks, FAEP realised a number of meetings for publishers from across Europe to inform EU politicians about the importance of advertising revenues for magazines. On average 8% of advertising income for magazines in Europe comes from the car industry. While in Portugal this share is at 12% the highest in Europe, some magazines – especially news magazines, more intellectual magazines and car magazines – depend on up to 30% on car advertising income.

EU Commissioner Dimas is likely to make his legislative plans public by early June. Until then FAEP will have to use all possible means to prevent any further reduction in the "life blood of magazines".

## VAT

FAEP has drafted an input to the Commission's general consultation on reduced VAT rates, strongly arguing in favour of zero or super reduced rates for the press. While there is no imminent legal threat, the consultation should provide ideas for the future work of the Commission on reduced rates. FAEP's input will be submitted by the 12th May deadline.

## Media Pluralism

The "own-initiative" Report of Estonian socialist MEP Mikko on Media Pluralism is scheduled for adoption in the Culture Committee of the European Parliament at the beginning of June, with a view to being adopted by the plenary after the summer recess. FAEP follows these discussions and urge rejection of any unfavourable amendments should they be tabled.

## Content online

Following the January communication on creative content online, the Commission organised the first platform of stakeholder on 17 April 2008. An exchange of views on new business models took place. If consumer associations push for an online legal licence, it was concluded that there was no urgent need for legislation. A recommendation is awaited for November.

## Fair compensation for private copying

Trying to phase-out levies, the European Commission launched a second stakeholder consultation to which FAEP contributed on 18th April. To find points of convergence between the very extreme views and define future policy strategy at European level, the Commission is organising a hearing on 27 May 2008.



## FREEDOM OF EXPRESSION

# Cross-border defamation again under EU scrutiny

**DE:** Die grenzüberschreitende Diffamierung ist erneut auf der politischen Agenda der EU. In einer kuerzlich in Auftrag gegebenen Studie sollen legislative Vorschlaege erarbeitet werden.

**FR:** La diffamation transfrontière est de nouveau à l'agenda européen. Une étude a récemment été attribuée à un cabinet de consultance espagnol pour identifier les problèmes existants et proposer des solutions législatives.

Following a five year lobby campaign, between 2002 and 2007, the media succeeded in rejecting an EU regulation on cross-border defamation which would have allowed plaintiffs to sue according to the privacy laws of their country of "habitual residence" rather than that where the media is established.

The so-called ROME II Regulation, however, contained an article which requires the Commission to carry out further study into cross-border defamation cases with the aim of identifying possible problems resulting from national provisions in force in the Member States and to suggest possible solutions to any perceived problems.

The study has recently been awarded to a Spanish consulting firm, MAINSTRAT and is due to be completed towards the end of 2008. While the terms of reference make specific mention that rules applicable to freedom of the press and freedom of expression in the media should be taken into account, publishers and other media will need to make input to the consultants' work in order to ensure that its conclusions do not lead to more calls for new legislation.

**ADVANTAGE**  
advertising in our society

**Platform Workshop**  
**Digital Advertising**

hosted by:  
**MEP Holger  
Krahmer**

**NEW DATE 10.06** 2008, European Parliament, Brussels

# EU matters at home

DE: Gleichwohl 80% der nationalen Gesetze ihren Ursprung in Brüssel haben, sind die nationalen Regierungen nicht unbeteiligt an der EU Gesetzgebung. Eine regelmaessige Einflussnahme auf nationaler Ebene zur Unterstuetzung der EU Lobbyarbeit ist unabdingbar.

FR: Si 80% des législations nationales viennent de l'Europe, le rôle des Etats membres ainsi que l'origine des députés européens jouent un rôle important dans le processus décisionnel.

While it is true that 80% of national legislation has its origins in Brussels, and that therefore influencing the legislative process in Brussels is vital, there remains an important role national ministries in making input to the EU processes and consequently a need also for national lobbying on EU issues. Despite the fact that the European Commission is the sole authority who can make

proposals for EU legislation, individual member states' governments can influence the early stages of the drafting process as well as having considerable say the adoption of the final act.

Indeed, compromises and deals between Member States are commonplace on each piece of EU legislation, leading to perhaps not ideal, clear-cut laws. Member States also have a certain margin of manoeuvre in transposing EU Directives into national legislation (though this is not the case with EU Regulations, which have a "direct effect" on national law).

Also important to remember is national-level contacts and input to national MEPs, who are always more likely to 'hear' messages from their own economic constituents.

For these reasons, national lobbying is fundamental to help influence both the early stages of law-drafting in Brussels as well as the final stages of implementing the EU law at home.



Koro Castellano, Managing Director of elmundo.es and President of the Online Publishers Association Europe (OPA Europe).

**The Board of OPA Europe through Vittorio Zambardino (Gruppo Espresso, Italy) addresses the most urgent challenges, online publishers face these days, including privacy and advertising.**

What readers seek online is our inherent value - our brand. And our content: news and information. The concept of "online" press is disappearing. When reading our news online, people do not distinguish between that and what they read in the everyday press. Many online readers do not even read the "real life" press; in many cases having given up buying paper copies.

However, advertising, and the technology used to deliver it, still makes some of our audience uneasy. Evangelising people in order to make them familiar with advertising as a piece of content, rather than a "trick" sneaking into their PC, is a major challenge.

EU regulations for online privacy are already very strict. Whilst publishers face strong pressure from the advertising industry to use cookies, they may know less about their readers than search engines and ad-serving companies, which process more data. Our challenge is to increase people's confidence while trying to move past the "cookies era".

What about link-based ads? They challenge our display-based business. Advertising is only partially a matter of formats. In fact our brands cede a part of their value to the advertisers we host. It's still a matter of confidence and professionalism. Sometimes the online advertising industry does not see this point. It's a mistake we strive to correct.

## ADVERTISING

# EU Alcohol Forum to scrutinize advertising effectiveness

DE: Die Rolle der Werbung zur Vermeidung exzessiven Alkoholkonsums war erneut Thema beim Alkoholforum der EU Kommission. Ob soziales Marketing zu einer Verhaltensaenderung fuehren kann ist aber noch fraglich.

FR: Le forum européen sur l'alcool et la santé analysera les effets de la publicité sur la consommation abusive. Une attention plus particulière sera portée aux effets positifs du marketing social, marketing qui a pour but d'influencer les citoyens des conséquences de l'abus de boisson alcoolisée.

At the plenary session of the EU's Alcohol and Health Forum on 16-17 April, it was announced that a scientific study on the effects of alcohol advertising and consumption would be carried out by a group of 18 scientists and academics from across the EU - to form the "Science Group" of the Forum. The

Group will be charged with other alcohol-related research, but one of its first tasks will focus on the advertising aspect.

In a parallel development, the Forum announced that the Task Force on Marketing Communications should focus more energy on examining the possible beneficial effects of "social marketing" in informing citizens about the hazards of alcohol abuse.

The Alcohol Forum was established in October 2007 and brings together a broad range of stakeholders: alcohol industry; media; health and consumer NGOs; charities; medical profession etc. Membership requires making measurable commitments towards reducing alcohol-related harm. FAEP was key in pointing out before joining that the media could not make editorial commitments. As a result, the media members of the forum have undertaken to provide information about the amount of editorial devoted to health issues and alcohol abuse.

# “No more lifestyle regulation!” says Vice-President Verheugen to FAEP

DE: Bei einem Treffen von Verlegern und Kommissar Verheugen in Brüssel hat sich der Kommissar in vielen Punkten fuer eine Unterstuetzung der FAEP-Anliegen ausgesprochen. Insbesondere die sogenannte „lifestyle“ Regulierung moechte er abschaffen.

FR: Lors du diner des membres corporate de la FAEP le 7 avril dernier, Le Commissaire européen à l'Industrie a promis de soutenir les éditeurs pour éviter toute réglementation plus stricte en matière de publicité liée au style de vie.

It was the first meeting FAEP's Corporate Advisory Group had with Europe's Industry Commissioner, Günter Verheugen, when we came together for dinner on April 7th in Brussels. Encouragingly, the Commissioner promised publishers to all his support to avoid any stricter advertising requirements for cars and he stated his strong opposition to all kinds of "lifestyle regulations" coming from Brussels.

On another point the Commissioner was very cautious in his predictions regarding the liberalisation of patient information to be disseminated in magazines. He supports the ban of pharmaceutical advertising, but likes the idea of disseminating approved patient information through all media. Publishers at this dinner did not miss the opportunity



EU Commissioner Verheugen

to illustrate to the Commissioner the role of magazines in informing their readers about health issues in a trustworthy way.

This very constructive high-level meeting was surrounded by the bi-annual Corporate Advisory Group meeting of FAEP's Corporate Members. This time delegations of publishers met with different Units in the EU Commission involved in the car advertising debate. The next morning two Members of the European Parliament opened the doors for FAEP members to discuss the most recent hot topics ePrivacy with MEP In't Veld (ALDE, Netherlands) and patient information with MEP Chatzimarkakis (ALDE, Germany). While it was very obvious at these meetings how Corporate Members contributed impressively to enhancing the contact with the EU politicians in Brussels, their potential for national interaction with MEPs and ministries was discussed at the wrap up meeting. Extending the group of Corporate Members is also a priority for FAEP.

## FAEP NEWS

### Publishing online group meeting in June

For the second time, FAEP is organising a meeting dedicated to specific issues faced by publishers in the online world. On 9 and 10 June, FAEP members will have the opportunity to exchange views with Commission representatives and MEPs on data privacy, cookies, new advertising techniques online and to participate at the AdVantage platform.

### Joao Palmeiro addresses European Communication Directors

FAEP's Vice-President Joao Palmeiro (Portugal) was the keynote speaker at the annual Gala Award Ceremony of the European Association of Communication Directors (EACD) on April 24th in Brussels. The EACD is a new platform in Brussels to bring together more than 800 communication professionals from all over Europe.

## FAEP AGENDA

Brussels,

**03 JUNE 2008**

FAEP AGM Gala Dinner

**03/04 JUNE 2008**

FAEP quarterly meetings

**9/10 JUNE 2008**

Publishing Online Group meeting in Brussels

**10 JUNE 2008**

AdVantage Platform workshop in the EU Parliament

**29/30 SEPTEMBER 2008**

FAEP quarterly meetings

**7/8 OCTOBER 2008**

Second CAG meeting

**FAEP** the voice of Europe's periodical press  
 info: faep.org  
 brussels RECEPTION DINNER  
**03.06 2008** 18.30H  
**A Relation of Trust – Magazine Content Connects**  
 STEVIE SPRING // MEGLENA KUNEVA // JERZY BACZYNSKI

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