



EPC | European Publishers Council



Brussels, 17 July 2008

Dear MEP,

We, the undersigned media organisations, representing newspapers, magazines, online database and Internet publishers as well as television sales houses and radio broadcasters write to you to express our utmost concern about the content and implications of the own-initiative report of Eva-Britt Svensson on “How marketing and advertising affect equality between women and men” due to be presented at Plenary in the first week of September.

The report makes many unsubstantiated assertions concerning media content in democratic societies and furthermore, makes far-reaching suggestions for action that go way beyond the competence of any EU institution, in part reproduced below by way of example:

E. whereas advertising and marketing create culture rather than just reflect it, our concepts of gender being socially constructed and advertisements helping us construct them,

F. whereas advertising is a component part of the market economy and, owing to its ubiquity, has an undeniable impact on public behaviour and the shaping of public opinion,

G. whereas advertising often presents a caricatured view of women's and men's lives,

I. whereas gender discrimination in the media is still widespread; whereas gender stereotyping advertising and media can be considered part of this discrimination,

J. whereas gender stereotyping in advertising thus echoes the unequal distribution of gender power,

R. whereas advertising through different types of media is omnipresent in our daily lives; whereas, regardless of our age and gender, we are exposed to commercial breaks in daily TV programmes as well as to other types of advertising; whereas it is of particular importance that advertising through media be subject to ethically and/or legally binding rules to prevent adverts communicating gender stereotypes and sex-based discrimination as well as incitement to violence and to sexism; whereas the law of many Member States is inadequate and national codes of ethics applicable to advertising are not respected or in some cases do not even exist;

9. Calls on Member States to establish national media monitoring bodies with a specific gender equality branch and expertise in order to receive complaints from the public, to grant gender equality awards to media and advertisement professionals, to study and report on the question of women in the media and to carry out regular, systematic monitoring of gender images in media content. In addition, research may be undertaken by the future European Gender Institute;

16. Stresses the importance of the role played by the media in creating and perpetuating gender stereotypes and calls on the EU institutions and Member States to comply with and/or establish ethical codes and/or legal rules applicable to creators and distributors of advertising concerning the concepts of discriminatory advertising and demanding respect for values of human dignity;

However, the report does not recognise the value of the media in constituting an independent platform for debate on all societal issues and raising awareness nor does it refer to the commitment that they have in promoting media literacy among all population groups.

In the first place, the report assumes that there is a legal void in EU member states as regards the depiction of gender in both advertising and media content, whereas in fact there is a plethora of national legislation and effective self-regulatory rules like internal codes of media conduct in this domain.

Therefore, we would like to put on record that:

- We oppose any attempt to regulate the content of Europe's media, for which we do not consider the EU Institutions to have any legal mandate, whereas they have the duty to respect the editorial independence of the media.
- Matters of editorial policy and advertising fall properly within the remit of self-regulation and existing legislation.
- We would oppose any attempt to go beyond the existing provisions contained in the recently revised Audiovisual Media Services Directive.
- Gender issues can only be evaluated taking into account the appraisal of taste and decency of each individual EU Member State, and not at a harmonised EU-wide level. National codes already cover the issue of gender discrimination at national level, with the advantage of allowing for the necessary flexibility and margin of interpretation.
- We also question the EU's competence to indulge in areas of advertising regulation which concerns matters of taste and decency. The recently adopted report on "How marketing and advertising affect equality between women and men" in the Committee on Women's Rights and Gender Equality, does not attempt to cover such subjective areas, which by their nature are open to different interpretations in the Member States. Hence such matters are best dealt with by existing national self-regulatory codes of advertising practice.

In referring to advertising and media content, we consider that the report contains so many unsubstantiated claims and calls for action that the EU has no powers to impose that we would urge you to support the deletion of all relevant recitals and paragraphs, namely:

- Recitals E, F, G, I, J and R;
- Paragraphs 8, 9, 16, 19, 21, 25 and 29

As **deadline for amendments is 27 August 2008** we will be in contact with you in person and to provide you with more information on the positive role of the media in society before the Plenary vote in the first week of September to ensure that this proposal, threatening to freedom of expression, is not passed as it is by the European Parliament.

Yours sincerely,

The undersigned European media organisations:

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Director General**

**Frederik Stucki – Association of European Radios (AER)
Secretary General**

**Bertrand Cazes – association of television and radio sales houses (egta)
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