

EASA 2024-2029 EU Policy Priorities - Recommendations to policymakers

Introduction: the European Advertising Standards Alliance

Established in 1992, the European Advertising Standards Alliance (EASA) represents and coordinates the advertising collective self-regulatory systems across Europe. Within its remit comprising advertising content across all media, EASA aims to ensure that ads remain honest, legal, decent and truthful.

Its membership is composed of:

- **28** independent advertising self-regulatory organisations (SROs), which ensure the enforcement of advertising self-regulatory codes of conduct at national level

- **14** advertising industry associations (advertisers, influencers, agencies, the media, among others)
- **1** digital pure player

These 15 stakeholders support self-regulatory systems and commit to their principles.

EASA's self-regulatory members across Europe either directly enforce the International Chamber of Commerce Advertising and Marketing Communications Code (ICC code) or enforce dedicated codes of conduct which go beyond the ICC code and adapt its rules to the national context. These self-regulatory rules, which can be swiftly adjusted to evolving advertising techniques, practices and societal changes, usefully complement EU and national regulation.

Beyond the enforcement of codes of conduct, advertising self-regulatory systems feature training, advice to the industry and monitoring exercises with the aim of ensuring responsible advertising. European SROs handle 50'000 to 60'000 complaints each year and deliver 100'000 pieces of tailored advice to the industry.

The Commission's Better Regulation Agenda and Toolbox both acknowledge the added value of self- or co-regulatory regime. With half of all cases resolved within a week and 97% within two months, collective advertising self-regulatory systems provide a cost-efficient and expeditious dispute resolution. Furthermore, benefits of self-regulation are also recognised in EU law, such as the Unfair Commercial Practices Directive (UCPD) and the Audiovisual Media Services Directive (AVMSD).



Cross-cutting policy recommendations: collective ad self-regulation (SR) is part of the solution

During the 2024-2029 mandate, the European Advertising Standards Alliance (EASA) recommends:

1

to focus on the consistent and coherent implementation and enforcement of the current legislative framework, especially in the digital field where it has been substantially densified since 2019 through the DSA, DMA, AVMSD transposition, EMFA, AIA, etc.

2

to encourage the full application of the better regulation principles by the European Commission, especially the promotion of voluntary actions as a policy option that may adequately tackle identified problems.

3

to further recognise collective advertising self-regulatory systems in any policy initiative impacting the ad sector, enabling to fully reap the numerous benefits of ad self-regulation to help foster trust for the benefit of consumers and businesses.

4

to take into account existing legislation and ad self-regulatory rules before tabling any new legislative proposal, so as to avoid overlaps – especially where ad-related measures are envisaged in sectoral files.



Topic-specific recommendations: ad self-regulation and statutory regulation go hand-in-hand

1

Fighting greenwashing while ensuring companies can communicate sustainability credentials

a. The updated UCPD helps ensure green claims in advertising are not misleading. Ad self-regulatory codes, as recognised in UCPD Article 10, have an important role to play as well.

b. EASA recommends for the draft Green Claims directive to be further shaped in a way that enables legal certainty, realistic implementation, and full coherence with the updated UCPD – explicitly recognising ad self-regulation's contribution.

"Your self-regulatory approach to ensure that companies advertise products and services responsibly whilst staying clear from greenwashing has impressive results. [...] Legislation alone cannot solve all our problems. [...] Let me reaffirm that I see both regulatory and self-regulatory instruments as complementary to each other."

Commissioner Didier Reynders at EASA's 30th anniversary on 24th November 2022

2

Ensuring that consumer protection rules remain fit in the digital era

- a. The existing principle-based approach in the Unfair Commercial Practices Directive is what makes this Directive both future-proof and well-suited to efficiently protecting consumers.
- b. EASA's recommendation: it is not advisable to reopen the UCPD or to table parallel legislative initiatives, as UCPD's principle-based provisions remain relevant, sufficient, and effectively supplemented by collective advertising self-regulatory systems.

3

Keeping up with new online marketing practices and technologies – influencer marketing, VR, AI...

- a. Influencer marketing is covered by the UCPD, the AVMSD, and ad self-regulatory codes, which value is recognised in both these Directives. EASA's ad SR network is rolling out effective solutions to help promote responsible influencer marketing practices.
- b. Advertising self-regulatory codes and rules apply irrespective of the media, including in virtual worlds, virtual reality, augmented reality, mixed reality or any extended reality.
- c. Artificial intelligence can be regarded both as a remarkable tool for compliance checks and as an instrument for marketers. Consequently, the EASA network leverages AI's power for ad monitoring purposes, while applying all the relevant ad SR rules to AI-generated ad content.
- d. EASA recommends that policy initiatives tackling new practices and technologies impacting the ad ecosystem – such as influencer marketing, virtual worlds, or AI – leave sufficient margin of manoeuvre for advertising self-regulatory systems to unfold their potential.

4

Preserving the protection of children against unhealthy food advertising as a priority for ad self-regulation

- a. The ICC code, which underpins national self-regulatory codes applied by self-regulatory organisations members of EASA, contains several articles protecting children, supplemented by the ICC Framework for Responsible Food and Beverage Marketing communications that includes a dedicated section on responsible food marketing to children.
- b. Furthermore, most EASA's self-regulatory members have developed additional rules aimed at protecting children, much in the spirit of AVMSD's Article 4a.
- c. Therefore, EASA recommends harnessing the full potential of advertising self-regulatory systems and focusing on the enforcement of the existing rules. In the same spirit, future policy initiatives should refrain from resorting to blanket bans, which are usually neither proportionate nor efficient solutions.