



Notification Number: 2006/480/F

Order laying down the conditions relating to the health message to accompany the messages advertising or promoting certain foods and drinks

Date received : 01/09/2006
End of Standstill : 02/09/2006
Issue of comments by : Commission, Spain
Fiscal Measures : Yes

Message

Message 002

Communication from the Commission - SG(2006) D/52138
Directive 98/34/EC
Translation of the message 001
Notification: 2006/0480/F

No abre el plazo - Nezhajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200602138.EN)

1. Structured Information Line

MSG 002 IND 2006 0480 F EN 04-09-2006 01-09-2006 F NOTIF 04-09-2006

2. Member State

France

3. Department Responsible

Délégué interministériel aux normes – SQUALPI –
DARQSI-DGE- –bâtiment le Bervil-
12 rue Villiot-75572 PARIS CEDEX 12
suzanne.piau@industrie.gouv.fr ou syrte@industrie.gouv.fr
tél : 01 53 44 97 04 – fax : 01 53 44 98 88

3. Originating Department



Ministère de la Santé et des Solidarités, Direction générale de la santé, bureau 5A
14 avenue Duquesne, 75730 Paris 07 SP

4. Notification Number

2006/0480/F - C60A

5. Title

Order laying down the conditions relating to the health message to accompany the messages advertising or promoting certain foods and drinks

6. Products Concerned

Advertising or promotional messages broadcast by the media (television, radio, Internet, bill-posting, written press, mobile telephones and cinema) and the periodical printed matter and publications of distributors and manufacturers that are distributed to the public, promoting drinks containing added sugar, salt or synthetic sweeteners or promoting manufactured foodstuffs.

7. Notification Under Another Act

a) Framework Directive 2000/13/EEC on the labelling, presentation and advertising of foodstuffs (OJ L 109, 6/5/2000).

8. Main Content

The draft order implements the future Article R.2133-1 of the Public Health Code, which appears in Article 1 of the draft decree implementing Article L.2133-1 of the Public Health Code. The aim of the order is to determine the content of the nutritional messages that advertisers shall have to display on their advertising according to the advertising or promotional medium. The nutritional messages have been created for the entire population, with the exception of messages intended to accompany advertisements for foodstuffs intended for babies and young children, who are the subject of specific legislation. The nutritional messages are adapted in accordance with the medium used (the need to buy additional advertising space or not, spoken media, written media, screen media) and are specially adapted for a children's audience. The draft order contains the minimum general technical rules for presenting health messages so that they can be easily read or heard, comply with their public health brief and are clearly distinguishable from the advertising or promotional message that they accompany.

Keywords: advertising- foodstuffs – nutritional messages

9. Brief Statement of Grounds

It is a question of implementing a measure designed to educate people about nutrition, with the aim of increasing awareness among the general public, and particularly children, and of acquainting people with the key reference points in relation to nutrition. The measure also makes it possible to increase the funding granted to the National Institute for Prevention and Health Education for developing measures in relation to prevention and education in nutrition, particularly at a local level. This measure contributes to the fight against diseases associated with poor nutrition and helps prevent obesity. The health messages included in the draft order all correspond to nutritional items that have been recognised as particularly important health determinants. They originate from the recommendations of the National Nutrition and Health Programme developed by the Ministry for Health and Solidarity.



10. Reference Documents - Basic Texts

The basic text is the draft decree implementing Article L. 2133-1 of the Public Health Code.

11. Invocation of the Emergency Procedure

NO

12. Grounds for the Emergency

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13. Confidentiality

a) NO

14. Fiscal measures

a) Yes

The draft decree does in fact implement a fiscal measure laid down in Article L. 2133 - 1(3) of the Public Health Code, by Article 133 of Law No 2004 – 1485 of 30 December 2004 implementing the corrective law on finance for 2004. In strict legal terms, this provision constitutes a technical rule within the meaning of Article 1 point 11-3 of Directive 98/34/EC. This fiscal measure could not, however, enter into force without statutory implementing provisions. For these reasons, the notification concerns this order, which defines the conditions under which the health messages must be displayed on promotional material relating to nutrition, the failure, on the part of advertisers, to display these messages being punishable by the payment, by the advertisers, of a tax representing 1.5% of the annual sum of the monies intended for the broadcasting and dissemination of promotional measures. The income from this tax will make it possible to increase the funding granted to the National Institute for Prevention and Health Education for undertaking measures in relation to education in nutrition. It is therefore essential to make these measures applicable by 1 January 2007, at the latest.

15. Impact assessment

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16. TBT and SPS aspects

SPS Agreement

a) NO

b) i) The draft is not a sanitary or phytosanitary measure pursuant to Annex A to the SPS Agreement.

Catherine Day
General Secretary
European Commission

Contact point Directive 98/34
Fax: (32-2) 296 76 60
email: Dir83-189-central@cec.eu.int



sent to :

BELNotif Qualité et Sécurité
Mme Descamps

Bundesministerium für Wirtschaft und Technologie (Referat EA3)
Frau Christina Jäckel

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1
Frau MARKL Iris

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1
Frau Brigitte WIKGOLM

Cyprus org. for the promotion of quality Ministry of Commerce, Industry & Tourism
M. Antonis Ioannou

Czech Office for Standards, Metrology and testing
Mrs Lucie Ruzickova

Department of Trade and Industry STRD2
Mr Philip Plumb

Délégation Interministérielle aux Normes
Mme Piau

EFTA Surveillance Authority
Mr. Gunnar Thor PETURSSON

ELOT
M.Mourtzanos K

EU internal market coordination (Ministry of Economics)
Mrs Zanda Liekna

Erhvervs- og Boligstyrelsen
Lene Hald Nielsen

European Free Trade Association
.

Hungarian Notification Centre Ministry of economy & transport
Mr Zsolt Fazekas

Institut Belge de Normalisation
Mme F. Hombert

Instituto Português da Qualidade
Sra Cândida Pires

Kauppa-ja teollisuusministeri



Ms. Leila Orava

Kommerskollegium
Mme Jenni Altin

Lithuanian Standards Board
Daiva Lesickiene

Malta standards Authority
Dr Lorna Cachia

Min. of Economic Affairs & Communication
Mr. Karl Stern

Min. of Industry, Energy & Technology
Mr K. Polychronidis

Ministerie van Financiën Belastingdienst - Douane Noord / CDIU
De Heer IJ.G. van der Heide

Ministerio de Asuntos Exteriores Secretaría de Estado para la Unión Europ
Esther Perez Pelaez

Ministero dello sviluppo economico F1 - Ispettorato tecnico industria
Signor Vincenzo Correggia

Ministry of Economy Dept for Economic Regulations
Mrs Barbara H. Kozłowska

NSAI
Mr Tony Losty

National Agency for Enterprise & Housing Dahlerups Pakhus
Mrs. Pernille Hjort Engstroem

Office of standards, metrology & Testing Director of the department of European I
Mrs Kvetoslava STEINLOVA

Représentation Permanente de la Belgique auprès de l'Union européenne

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Représentation Permanente de la France

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Représentation Permanente du Luxembourg

.

SL

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Service de l'Energie de l'Etat
Mr J.-P. Hoffmann



Slovenian Institute for Standardization SIST
Mrs Vesna Stazisar

Undersecretariat of Foreign Trade General Directorate of Standardisation
Mr Mehmet COMERT

sent to :

Department of Trade and Industry STRD2
Mr Philip Plumb

EFTA Surveillance Authority
Mr. Gunnar Thor PETURSSON

European Free Trade Association
.

Hungarian Notification Centre Ministry of economy & transport
Mr Zsolt Fazekas

Kauppa-ja teollisuusministeri
Ms. Leila Orava

NSAI
Mr Tony Losty

Représentation Permanente de l'Irlande
Denis Colfer

Représentation Permanente du Royaume-Uni
.

SL
.

Undersecretariat of Foreign Trade General Directorate of Standardisation
Mr Mehmet COMERT