

Advertising Self-Regulation Charter

Preamble

Advertising self-regulation is recognised as the prime example of business self-regulation and corporate social responsibility. It is found, in varying forms, in most European countries.

Advertising self-regulation, like advertising itself, is a grassroots activity that operates most effectively at national level. Two vital factors therefore determine the form that advertising self-regulation takes in any country. The first is tradition: each country's self-regulatory system must take account of its cultural, commercial and legal traditions. The second factor is opportunity: self-regulation's relationship with the law is a complementary one and self-regulation can flourish only insofar as the legislative landscape allows it sufficient scope.

However, these variations in structure and procedure are not reflected in the rules applied by national self-regulatory systems, where a remarkable degree of consistency is apparent. This is not surprising, since all these national rules are based on the International Chamber of Commerce's Codes of Marketing and Advertising Practice. They all set out to achieve the same result: a high standard of consumer protection based on the premise that advertising should be legal, decent, honest and truthful.

The European Advertising Standards Alliance and its members firmly support the creation of a Single Market for consumers and businesses, and are committed to working together to deliver it. A coherent self-regulatory framework across the EU is the foundation for ensuring the appropriate balance between an effective Single Market, providing a level playing field for advertisers to operate in, and the equally important objective of maintaining a high level of consumer protection.

Advertising self-regulation thus reflects a rich and varied tapestry of systems for business responsibility, complementing the law. This Charter of Best Practice offers a goal for self-regulatory systems throughout the Single Market while recognising that the means of achieving it may differ. It is a practical example of 'unity through diversity'.

Charter

We, the undersigned, representatives of the advertising industry of Europe i.e. advertisers, agencies and media, and the European Advertising Standards Alliance (EASA), re-commit to effective self-regulation across the enlarged European Union as the best way to maximise confidence in responsible advertising – for consumers, competitors and society.

We recognise that effective advertising self-regulation demonstrates industry's ability and obligation to regulate itself responsibly, by actively promoting the highest ethical standards in all commercial communications and safeguarding the public and consumer interest. We further recognise that contractual relationships between advertisers, agencies and the media should recognise the need for responsible marketing communications.

We declare

- *That effective self-regulation provides compelling evidence of business' commitment to Corporate Social Responsibility*
- *That effective self-regulation together with the statutory enforcement authorities can provide appropriate redress for consumers, a level playing field for advertisers, and a significant step towards completing the Single Market*
- *That legislation cannot achieve these aims on its own, but it can provide the essential legal backstop to make self-regulation effective and tackle rogue traders*
- *That the continued acceptance of self-regulation by European consumers, governments and society can best be assured by the application of common principles and standards of best practice in all self-regulatory systems across Europe.*

To this end, recognising EASA's statement of Common Principles and Operating Standards of Best Practice¹ and EASA's Best Practice Self-Regulatory model², we confirm our commitment to achieving in the practical operation of self-regulatory bodies³ and systems the following principles:

1. *Comprehensive coverage by self-regulatory systems of all forms of advertising and all practitioners*
2. *Adequate and sustained funding by the advertising industry proportionate to advertising expenditure in each country*
3. *Comprehensive and effective codes of advertising practice*
 - *based on the globally accepted codes of marketing and advertising practice of the International Chamber of Commerce (ICC)*
 - *applicable to all forms of advertising*
4. *Broad consultation with interested parties during code development.*
5. *Due consideration of the involvement of independent, non-governmental lay persons in the complaint adjudication process.*
6. *Efficient and resourced administration of codes and handling of complaints thereon in an independent and impartial manner by a self-regulatory body set up for the purpose*
7. *Prompt and efficient complaint handling at no cost to the consumer*
8. *Provision of advice and training to industry practitioners in order to raise standards*
9. *Effective sanctions and enforcement, including the publication of decisions, combined with efficient compliance work and monitoring of codes*
10. *Effective awareness of the self-regulatory system by industry and consumers*

¹ Adopted at EASA's AGM on 31 May 2002 in Brussels, Belgium

² Adopted at EASA's AGM on 1 April 2004 in Istanbul, Turkey

³ Self-Regulatory Organisations (SROs) are independent, national bodies, actively supported by the constituent parts of the local advertising industry. SROs are responsible for administering their respective self-regulatory systems and applying national codes of advertising practice