

II

(Acts who

se pulli cati o

COUNCIL

COUNCIL RECOMMENDATION

of 5 June 2001

on the drinking of alcohol by young people, in particular children and adolescents

(2001/458/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152(4), second subparagraph thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) In accordance with point (p) of Article 3(1) of the Treaty, the activities of the Community shall include a contribution to the attainment of a high level of health protection.
- (2) In accordance with Article 152 of the Treaty, a high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities.
- (3) Health education and information are expressly mentioned in Article 152 of the Treaty, and constitute a priority for Community action in public health.
- (4) The Resolution on alcohol abuse, adopted by the Council and the representatives of the Governments of the Member States, meeting within the Council on 29 May 1986 ⁽²⁾, states that the increase in alcohol abuse is causing serious concern for public health and social welfare, that the production, sale and distribution of alcoholic beverages is an important factor in the economy of most Member States, that, at European level, a joint initiative is advisable in the field of prevention of alcohol abuse, and that the Commission in weighing carefully the interests involved, shall conduct a

balanced policy to this end, and, where necessary, submit proposals to the Council.

- (5) In the Communication from the Commission on the health strategy of the European Community and the proposal for a Decision of the European Parliament and the Council adopting a programme for action in the field of public health (2001 to 2006), alcohol is one of the areas mentioned in which particular measures and actions could be undertaken ⁽³⁾.
- (6) The present recommendation represents a first step towards the development of a more comprehensive approach across the Community (as embodied in the Council's conclusions of 5 June 2001 on a Community strategy to reduce alcohol-related harm).
- (7) One of the objectives of the programme of community Action on health promotion, information, education and training (European Parliament and Council Decision No 645/96/EC ⁽⁴⁾) is the promotion of examination, assessment and exchange of experience and support for actions concerning measures to prevent alcohol abuse and the health and social consequences thereof. This Programme thus offers a basis for the follow-up and monitoring of the proposed measures.
- (8) Within the programme of Community action on health monitoring (European Parliament and Council Decision No 1400/97/EC) ⁽⁵⁾ one of the areas in which health indicators may be established is alcohol consumption. This may be particularly helpful to support the implementation of the proposed measures.
- (9) Under the programme of Community action on injury prevention (European Parliament and Council Decision No 372/1999/EC) ⁽⁶⁾ account will be taken of injury associated with alcohol abuse as part of the actions undertaken, which could be useful to support the collection of data needed for the implementation of the proposed measures.

⁽¹⁾ Opinion given on 16 May 2001.

⁽²⁾ OJ C 184, 23.7.1986, p. 3.

⁽³⁾ OJ C 337 E, 28.11.2000, p. 122.

⁽⁴⁾ OJ L 95, 16.4.1996, p. 1.

⁽⁵⁾ OJ L 193, 22.7.1997, p. 1.

⁽⁶⁾ OJ L 46, 20.2.1999, p. 1.

- (10) In the communication from the Commission 'entitled Priorities in EU road safety' ⁽¹⁾ drinking and driving is identified as one of the top priorities where concerted action could reduce the significant death toll on EU roads. The Council in its conclusions of 5 April 2001 took note of the Commission's recommendation concerning maximum permitted blood alcohol content for drivers of motorised vehicles, which specifically identifies the problem of young drivers and riders, and encouraged Member States to consider carefully all the proposed measures.
- (11) Directive 2000/13/EC ⁽²⁾ of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs provides for the further determination of rules on the listing of the ingredients on labels of alcoholic beverages. This measure had been proposed by the Commission because, *inter alia*, more and more alcoholic beverages whose composition and presentation are geared to sales to young people had come onto the market in recent years. It is important that young people should be able, using the information presented on the products, to know what they are drinking. Moreover, common legislation on the labelling of alcoholic beverages is essential for the expansion and preservation of the internal market in these products.
- (12) According to Article 15 of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, as amended by Council Directive 97/36/EC ⁽³⁾, television advertising for alcoholic beverages shall comply with a set of criteria, with a specific reference to the protection of minors.
- (13) In implementing the recommended measures, it must be kept in mind that restrictions to cross-border commercial communication services must be compatible with Article 49 of the Treaty and must therefore be proportional to the general interest objectives they pursue such as the protection of public health and consumers.
- (14) It has to be noted that any decision to remove offending products emanating from another Member State is subject to Decision 3052/95/EC ⁽⁴⁾ establishing a procedure for the exchange of information on national measures derogating from the principle of the free movement of goods within the Community. It must be notified and its proportionality justified to the Commission as required by that Decision.
- (15) Without prejudice to any national legislation or measures, producers and retailers should be urged to establish or enforce self-regulatory controls over, and to agree on standards for, all forms of promotion, marketing and retailing of alcoholic beverages, irrespective of the medium used, in the framework of codes of conduct.
- (16) Self-regulation of advertising for alcoholic beverages, which has the support of the relevant interested parties, such as producers, advertisers and media and which is already working in a number of Member States, often in close cooperation with governments and non-governmental organisations, can play an important role with regard to the protection of children and adolescents from alcohol related-harm. Youth organisations could also make an important contribution in this context.
- (17) There is statistical evidence in some Member States of changes in the drinking patterns amongst adolescents which are of particular concern, namely: an increase in binge drinking and heavy drinking among minors, a trend towards significant, unsupervised consumption of alcohol outside the family environment at an earlier stage, an increasing consumption by young girls in some Member States, and a trend to consume alcohol in combination with other drugs. The available information needs, however, to be further developed.
- (18) There is a clear need in the Community for improved research as to the causes, the nature and the scale of the problems, caused by the drinking of alcohol by young people, in particular children and adolescents, through, *inter alia*, more extensive and consistent data collection.
- (19) In accordance with Article 5 of the Treaty, efforts to achieve the objective of a contribution by the Community towards ensuring a high level of health protection must be undertaken in accordance with the principle of subsidiarity, and in accordance with the principle that Community action shall not go beyond what is necessary to achieve the objectives of the Treaty. The recommended measures must therefore take account of past and current measures implemented in the Member States, and be proportionate to their public health objective.
- (20) A continuous assessment of the measures undertaken should be carried out, with particular regard to their effectiveness and the achievements at both national and Community level,
- RECOMMENDS THAT:
- I. In formulating their strategies and taking regulatory or other action appropriate to their individual circumstances, in the framework of a common approach across the Community, with respect to young people and alcohol, and with particular regard to children and adolescents, Member States, with the support as appropriate of the Commission, should:

⁽¹⁾ OJ L 43, 14.2.2001, p. 31.

⁽²⁾ OJ L 109, 6.5.2000, p. 29.

⁽³⁾ OJ L 202, 30.7.1997, p. 60.

⁽⁴⁾ OJ L 321, 30.12.1995, p. 1.

1. promote research into all the different aspects of problems associated with alcohol consumption by young people and, in particular, children and adolescents, in order to better identify and evaluate measures to deal with these problems;
 2. ensure that the development, implementation and evaluation of comprehensive health promotion policies and programmes targeted at children, adolescents, their parents, teachers and carers, at local, regional, national and European level, should appropriately include the alcohol issue, with a particular emphasis on settings such as youth organisations, sporting organisations and schools, and taking into account existing experiences for instance the 'health-promoting school';
 3. produce and disseminate to interested parties evidence-based information on the factors which motivate young people, in particular children and adolescents, to start drinking;
 4. foster a multisectoral approach to educating young people about alcohol, in order to help prevent the negative consequences of its consumption, involving as appropriate, the education, health and youth services, law enforcement agencies, relevant non-governmental organisations and the media;
 5. support measures to raise awareness of the effects of alcohol drinking, in particular on children and adolescents, and of the consequences for the individual and the society;
 6. increase young people's involvement in youth health-related policies and actions, making full use of the contributions which they can make, especially in the field of information, and encourage specific activities which are initiated, planned, implemented and evaluated by young people;
 7. encourage the production of advisory materials for parents to help them discuss alcohol issues with their children, and promote their dissemination via local networks such as schools, health care services, libraries, community centres as well as via the Internet;
 8. further develop specific initiatives addressed to young people on the dangers of drink-driving, with a specific reference to settings such as leisure and entertainment venues, schools and driving schools;
 9. take action as a matter of priority against the illegal sale of alcohol to under-age consumers and, where appropriate, require a proof of age;
 10. support notably the development of specific approaches on early detection and consequent interventions aimed at preventing young people becoming alcohol-dependent.
- II. Member States should, having regard to their different legal, regulatory, or self-regulatory environments, as appropriate:
1. encourage, in cooperation with the producers and the retailers of alcoholic beverages and relevant non-governmental organisations, the establishment of effective mechanisms in the fields of promotion, marketing and retailing:
 - (a) to ensure that producers do not produce alcoholic beverages specifically targeted at children and adolescents;
 - (b) to ensure that alcoholic beverages are not designed or promoted to appeal to children and adolescents, and paying particular attention *inter alia* to the following elements:
 - the use of styles (such as characters, motifs or colours) associated with youth culture,
 - featuring children, adolescents, or other young-looking models, in promotion campaigns,
 - allusions to, or images associated with, the consumption of drugs and of other harmful substances, such as tobacco,
 - links with violence or antisocial behaviour,
 - implications of social, sexual or sporting success,
 - encouragement of children and adolescents to drink, including low-price selling to adolescents of alcoholic drinks,
 - advertising during, or sponsorship of, sporting, musical or other special events which a significant number of children and adolescents attend as actors or spectators,
 - advertising in media targeted at children and adolescents or reaching a significant number of children and adolescents,
 - free distribution of alcoholic drinks to children and adolescents, as well as sale or free distribution of products which are used to promote alcoholic drinks and which may appeal in particular to children and adolescents;
 - (c) to develop, as appropriate, specific training for servers and sales persons with regard to the protection of children and adolescents and with regard to existing licensing restrictions on the sale of alcohol to young people;

- (d) to allow manufacturers to get pre-launch advice, in advance of marketing a product or investing in a product, as well as on marketing campaigns before their actual launch;
- (e) to ensure that complaints against products which are not being promoted, marketed or retailed in accordance with the principles set out in points (a) and (b) can be effectively handled, and that, if appropriate, such products can be removed from sale and the relevant inappropriate marketing or promotional practices can be brought to an end;
2. urge the representative producer and trade organisations of alcoholic beverages to commit themselves to observe the principles described above.
- III. The Member States, with a view to contributing to the follow-up of this recommendation at Community level, and acting as appropriate in the context of the programme of action in the field of public health, should report, on request to the Commission on the implementation of the recommended measures,
2. to promote further research at Community level into the attitudes and motivations of young people, in particular children and adolescents, in regard of alcohol consumption and monitoring of ongoing developments;
3. to follow-up, assess and monitor the developments and measures undertaken in the Member States and at Community level, and to ensure in this context a continuous, constructive and structured dialogue with all interested parties;
4. to report on the implementation of the proposed measures, on the basis of the information provided by Member States, no later than the end of the fourth year after the date of adoption of this recommendation and then regularly thereafter, to consider the extent to which the proposed measures are working effectively, and to consider the need for revision or further action.
5. to make full use of all Community policies, particularly of the programme of action in the field of public health, in order to address the matters covered in this recommendation.

INVITES THE COMMISSION IN COOPERATION WITH MEMBER STATES:

1. to support the Member States in their efforts to implement these recommendations, especially by collecting and providing relevant comparable data, and by facilitating the exchange of information and best practices;

Done at Luxembourg, 5 June 2001.

Fo

The President

L. ENGQVIST
