



Council of the
European Union

Brussels, 6 July 2021
(OR. en)

10283/21

AG 59
MI 511
COMPET 516
CLIMA 164
ENER 303
TRANS 435
CULT 43

COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.: C(2021) 4347 final

Subject: COMMISSION IMPLEMENTING DECISION of 16.6.2021 on the request for registration of the European citizens' initiative entitled 'Ban Fossil Fuel Advertising and Sponsorships' pursuant to Regulation (EU) 2019/788 of the European Parliament and of the Council

Delegations will find attached document C(2021) 4347 final.

Encl: C(2021) 4347 final



Brussels, 16.6.2021
C(2021) 4347 final

COMMISSION IMPLEMENTING DECISION

of 16.6.2021

**on the request for registration of the European citizens' initiative entitled
'Ban Fossil Fuel Advertising and Sponsorships' pursuant to Regulation (EU) 2019/788
of the European Parliament and of the Council**

(Only the English text is authentic)

COMMISSION IMPLEMENTING DECISION

of 16.6.2021

on the request for registration of the European citizens' initiative entitled 'Ban Fossil Fuel Advertising and Sponsorships' pursuant to Regulation (EU) 2019/788 of the European Parliament and of the Council

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative¹, and in particular Article 6(2) and (3) thereof,

Whereas:

- (1) A request for registration of the European citizens' initiative entitled 'Ban Fossil Fuel Advertising and Sponsorships' was submitted to the Commission on 22 April 2021.
- (2) The objectives of the initiative are expressed as follows: 'We call on the European Commission to propose an EU legislative act: prohibiting advertisements for fossil fuels, as well as air, road and water-borne transportation (other than transport services of general economic interest) powered by fossil fuels; prohibiting advertisements from any undertakings active in the market for fossil fuels, in particular by extracting, refining, supplying, distributing or selling fossil fuels; prohibiting sponsorships by undertakings defined under point 2 above, or using trademarks or commercial names used for fossil fuels. This law would fall into the EU competence, in that it would consist in an internal market regulation aimed at enhancing consumer protection, as well as a high level of public health and environmental protection. Indeed, this legislation would increase public awareness of products and technologies that are responsible for climate change and other environmental and health harms. As such, it would pursue objectives that are envisaged by the EU environmental and consumer protection policies, via the harmonisation of rules on fossil fuel advertisements and sponsorships. This would fall under shared competences including (see Article 4 TFEU), internal market, environment, consumer protection.'
- (3) An annex provides further details on the subject matter, objectives and background to the initiative. In particular, it clarifies that the fossil fuel products concerned include oil, fossil gas and coal. It further clarifies the scope of the proposed/requested ban, which, according to the organisers, should cover any promotion or advertising, direct or indirect, as well as any free or promotional distribution, or any sponsorship relationship; the ban should apply both offline and online, and cover advertising and sponsorship notably in the context of sport, education, science, public events and third party media events. Finally, the annex explains the reasons behind the initiative, as

¹ OJ L 130, 17.5.2019, p. 55

follows: (1) 'Fossil fuels are perpetuating the climate crisis, and should not be advertised', (2) 'Fossil fuels have created a public health crisis, and should not be advertised', (3) 'Fossil fuel companies are misleading consumers, and some have been found to be breaking advertising guidelines' and (4) 'Fossil fuel sponsorships are being used for political access'.

- (4) The group of organisers has also submitted a draft legal act entitled 'Ban Fossil Fuel Advertisements and Sponsorships: ECI Directive'. The scope of the draft legal act is 'the advertising of fossil fuel products, fossil fuel undertakings, and their promotion: (a) in the press and other printed publications; (b) in all forms of audiovisual commercial communications; (c) in radio broadcasting; (d) in information society services; and (e) through fossil fuel-related sponsorship, including the free or discounted distribution of fossil fuel products.'
- (5) Insofar as the initiative aims at preserving, protecting and improving the quality of the environment, protecting human health and prudent and rational utilisation of natural resources, the Commission has the power to present a proposal for a legal act on the basis of Article 192 of the Treaty.
- (6) Insofar as there are differences between national rules which are such as to create obstacles to trade and obstruct the fundamental freedoms and thus have a direct effect on the functioning of the internal market or to cause significant distortions of competition, the Commission has the power to present a proposal for a legal act approximating the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market on the basis of Article 114 of the Treaty.
- (7) For these reasons, none of the parts of the initiative manifestly falls outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.
- (8) This conclusion is without prejudice to the assessment of whether the concrete factual and substantive conditions required for the Commission to act, including proportionality and compatibility with fundamental rights, would be met in this case.
- (9) The group of organisers has provided appropriate evidence that it fulfils the requirements laid down in Article 5(1) and (2) of Regulation (EU) 2019/788 and has designated the contact persons in accordance with Article 5(3), first subparagraph, of that Regulation.
- (10) The initiative is not manifestly abusive, frivolous or vexatious, nor is it manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on European Union and rights enshrined in the Charter of Fundamental Rights of the European Union.
- (11) The initiative entitled 'Ban Fossil Fuel Advertising and Sponsorships' should therefore be registered,

HAS ADOPTED THIS DECISION:

Article 1

The European citizens' initiative entitled 'Ban Fossil Fuel Advertising and Sponsorships' shall be registered.

Article 2

This Decision is addressed to the group of organisers of the European citizens' initiative entitled 'Ban Fossil Fuel Advertising and Sponsorships', represented by Ms Silvia PASTORELLI and Ms Sílvia DÍAZ PÉREZ acting as contact persons.

Done at Brussels, 16.6.2021

For the Commission
Věra JOUROVÁ
Vice-President

