



Didier Reynders
 Commissioner for Justice
 European Commission
 B-1049 Brussels

Brussels, 29 June 2020

Reference: **Restrictions imposed on unaddressed printed advertising**

Dear Commissioner,

We write to you about a channel that is covered by the Unfair Commercial Practices Directive: unaddressed printed advertising, also commonly referred to as door drops.

In 2012, 2016 and 2020, the European Parliament has asked the European Commission to clarify in how far the move to an opt-in system for unaddressed printed advertising was compatible with Directive 2005/29/EC on Unfair Commercial Practices. In light of current developments at national and sometimes at local level on restrictions to the use of unaddressed printed advertising, we support the Commission's view which clarified at the time that *"Directive 2005/29/EC bans unsolicited advertising by remote media if it is persistent and unwanted. Assessments of the compatibility of national rules with this directive depend on their exact wording, but an opt-in scheme seems to go further than this ban."*¹

Indeed, in some countries, authorities – at national or local level² – are proposing a move from an opt-out approach to receive door drops to an opt-in approach. This means that citizens need to actively affix a "yes" sticker to their mailbox to declare that they are interested door drops. Not affixing the sticker will exclude them from receiving any unaddressed mail.

These measures are impacting a wide range of activities. Retailers are large users of unaddressed printed advertising and will significantly suffer if they are not able to reach out to local households. Impacted advertisers do not only include big retails or brands but also local shops who cannot afford

¹ Answer given by Ms Jourová on behalf of the Commission to parliamentary question E-004730/2016 from MEP Christel Schaldemose, 2016

² Denmark (discussion on implementing opt-in – ongoing), City of Amsterdam, NL (decision to adopt yes sticker since 2016/implemented since 2018 – court case ongoing), Flanders/Wallonia/Brussels regions, BE (proposal to adopt yes sticker in 2018 – stopped), city of Leuven, BE (proposal to adopt yes sticker in 2019 – discussion ongoing), France (test of yes sticker in Strasbourg in 2019 – ongoing)

other means of advertising. Additionally, non-profit organisations, like charities, cultural associations, political parties or sports clubs, rely on door drops to make people aware of their existence and to raise support for their public benefit activities. For the local market, unaddressed printed advertising is the main channel of communication with existing and prospective customers. In urban areas, local shops may suffer even more from restrictions on door drops, leading to more empty shops and an increased urban desertification in certain areas.

In addition, several of these businesses and organisations will struggle to recover from the COVID-19-related economic crisis. The use of all advertising channels, in particular unaddressed advertising, will be key to promote themselves and return to normal trading.

The avoidance of paper waste is often used as argument for these measures. Paper is one of the most recycled products in the world. In Europe, paper separate collection schemes and recycling facilities are well established and performing. The recycling rate of paper in Europe (71.6% in 2018³) is far higher than in other regions of the world and has increased by 47% since 1998 (+18.7 million tonnes⁴). Waste paper is actually not a waste but a resource for the production of new paper and packaging board. Door drops themselves are generally printed on newsprint paper, which includes a high proportion of recycled fibres, and will be further recycled. Paper fibre is reused 3.6 times per annum on average in Europe⁵.

Advertising provides consumers with information on a variety of products and brands, enables consumers to compare between shops and gives access to promotional offers. Unaddressed printed advertising is a suitable advertising medium in that regard as it educates the consumer by providing more facts, thereby supporting further competition and consumer choice. Door drops give access to promotions to vulnerable consumers who may not have access as easily to promotional offers online as other consumers. This is for instance the case of certain older people, households with low financial resources or generally consumers who do not have the necessary digital skills.

The move to an opt-in approach in unaddressed printed advertising is also impacting local free newspapers, which are often a medium for local advertising and a primary source of information on local life and therefore an important source of information for citizens.

Advertising is a legal commercial practice when carried out according to current European legislation which supports the functioning of the internal market and is linked to the freedom to conduct a business as recognised by Article 16 of the European Charter of Fundamental Rights.

Moreover, we consider that a restriction of unaddressed printed advertising in the form of an opt-in approach, is against the principle of proportionality applicable under the Unfair Commercial Practices Directive.

The signatories of this letter therefore call on your support to clarify that any local or national measure restricting unaddressed printed advertising should be proportionate and compatible with the European Directive on Unfair Commercial Practices.

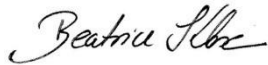
³ European Paper Recycling Council, Monitoring Report 2018, 2019

⁴ European Paper Recycling Council, Monitoring Report 2018, 2019

⁵ European Paper Recycling Council, Monitoring Report 2016, 2017 (initial source: CEPI 2017)

We remain at your disposal should you need any clarification.

Yours Sincerely,



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on behalf of

ACLEU – Association of Charity Lotteries in Europe
BVBA – Bundesverband Deutscher Anzeigenblätter
CEPI – Confederation of European Paper Industries
Danske Medier – Danish Media Association
EACA – European Association of Communications Agencies
ELMA – European Letterbox Marketing Association
EMMA – European Magazine Media Association
ENPA – European Newspaper Publishers' Association
EuPIA – European Printing Ink Association
EFA – European Fundraising Association
FEDMA – Federation of European Direct and Interactive Marketing
FEPE – European Federation of Envelope Manufacturers
Finnish Newspapers Association
GTF - Free Weekly Newspaper Association Sweden
INTERGRAF - European Federation for Print and Digital Communication
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