

EHN response to the call for feedback on the Audiovisual Media Services Directive

The European Union has the competence to regulate cross-border marketing and to harmonise national rules in order to facilitate the establishment and proper functioning of the internal market, in particular the free movement of goods and services. In addition, the EU Treaties require the Union to ensure a high level of health and consumer protection across all its policies, including internal market policy. The EU should therefore make full use of these powers when addressing the marketing of products that are harmful to human health.

With the exception of tobacco products, EU-level action to regulate marketing has been ineffective. It has relied excessively on voluntary measures, which have failed to reduce exposure to advertising. Commercial marketing practices shape the physical and social environments in which people are born, grow, work, live, and age. A substantial body of evidence demonstrates that self-regulation in this area does not work and should be replaced by co-regulation or binding regulation.

The EU's growing interest in regulating harmful marketing reflects increasing evidence that the widespread and pervasive marketing of tobacco, vapes, alcohol, and unhealthy foods and drinks contributes to unhealthy environments and promotes the consumption of these products, notwithstanding robust evidence that they are major contributors to the growing burden of non-communicable diseases (NCDs).

Marketing channels have expanded significantly since the revision of the Audiovisual Media Services Directive (AVMSD). Social media platforms, company websites, and other digital tools are now extensively used by commercial actors to influence consumer behaviour.

Addressing marketing solely through the AVMSD is therefore insufficient. Moreover, the AVMSD fails to address the persuasive power of marketing, as it does not limit the volume or omnipresence of advertising for unhealthy food products. More fundamentally, it is counterintuitive that industries promoting products harmful to health—and which actively lobby against marketing restrictions—are allowed to participate in the development, implementation, and monitoring of policies designed to protect public health.

The Final Declaration of the Filtered Conference (3–4 November 2025) calls for comprehensive bans and restrictions of all forms of advertising, promotion, and sponsorship of products that cause harm to health, with a particular focus on tobacco, nicotine products, vapes, unhealthy foods and drinks, and alcohol.

In 2021, the Healthy Marketing Alliance developed a draft Directive (“Blueprint”) on the protection of children from the marketing of nutritionally poor foods. By establishing a standalone legislative instrument outside the AVMSD, this Blueprint could serve as a strong basis for EU regulation on the marketing of unhealthy foods to children (see annex).

As the European Commission has recognised, most recently in the EU Cardiovascular Health Plan, novel tobacco and nicotine products, vapes and electronic cigarettes, require strong regulation in light of market developments and ever strengthening evidence of harm, especially to children. We therefore call on the Commission to ensure that these products are fully considered in revisions of marketing regulations, both online and offline. We further

urge the Commission to include these products in the forthcoming reviews of the Tobacco Advertising Directive and the Tobacco Products Directive, in order to ensure regulatory coherence and a high level of health protection across all EU Member States.

The excessive marketing of alcohol products to children and young people must also be addressed. Contrary to popular belief, there is no scientific evidence supporting a protective effect of alcohol consumption on cardiovascular health. EHN therefore calls for the adoption of legislative measures banning the marketing of alcohol products, both online and offline, to children and young people under the age of 18.

