



## Introduction

On behalf of the Board of ASAI, I wish to express our appreciation for the invitation to address the Chair and members of the Committee on Environment and Climate Action. I am accompanied here today by Michael Lee, Deputy Chief Executive.

## ASAI

ASAI is the recognised regulator for advertising in Ireland. Established over 40 years, it operates as a self-regulatory organisation (SRO) and is highly embedded in the advertising ecosystem. Advertising self-regulation is recognized by the OECD and APEC and, in Europe, by the European Union in the Unfair Commercial Practices, Misleading and Comparative Advertising, and the Audiovisual Media Services Directives.

ASAI seeks to ensure the highest standards of advertising in Ireland, across all media (offline and online) through the enforcement of its Code – in the interests of consumers, business, society and advertising generally.

ASAI keeps abreast of national and international developments relevant to its Code and regulation and has been keenly aware of the global movement towards sustainability in many areas. This brings growth of marketing communications that reflect or incorporate ideas and claims associated with the concept of sustainability. There is a need to look beyond the advertising content itself to see if claims being made or implied are contributing to a more sustainable environment or future. Such claims must be grounded in transparency and authenticity and capable of substantiation to avoid the potential pitfalls of greenwashing.

## ASAI Code on Environmental Claims

The extensive ASAI Code, developed through public consultation and with diverse stakeholders, incorporates a dedicated segment specifically for environmental claims. This includes rules regarding qualified and unqualified claims, the need for substantiation and making the limits of the lifecycle clear. The ASAI independent Complaints Committee are seeing a growing volume of complaints for adjudication falling within the general term of greenwashing. This trend has been an emerging one experienced by our contemporaries at European and international levels.

## European Advertising Standards Alliance

The European Advertising Standards Alliance (EASA), co-founded by ASAI, is the single voice on advertising self-regulation issues in Europe and represents 27 national advertising self-regulatory organisations. As Vice-Chair of EASA, I only last month moderated a critically important EASA panel discussion on “Further contributing to responsible environmental marketing communications”. One of the speakers, Marie-Paule Benassi, Head of Unit, Consumer Enforcement and Redress, DG Just, commented that:

*“Consumers want to be greener in their consumption choices. Green claims must not be used as a marketing trick: they have to enable the transition and be adapted to the needs of consumers. [...] There is complementarity between law and self-regulation.”*

At the same event, keynote speaker Didier Reynders, European Commissioner for Justice, commented:

*“Legislation alone cannot solve all our problems...I see both regulatory and self-regulatory instruments as complementary to each other.”*

As an ongoing agenda, with EASA and its members having a significant role in the development of best practice for advertising self-regulation, EASA members are continuing the conversation to further identify appropriate needs and actions.

Within the advertising ecosystem, other players are actively engaging on the sustainability agenda. Last year the World Federation of Advertisers launched their Planet Pledge, complemented by developing guidance covering how brands can make sure environmental claims featured in their marketing communications are credible for both consumers and regulators. Separately, Ad Net Zero is the advertising industry's drive to reduce the carbon impact of developing, producing and running advertising to real net zero. Ad Net Zero in Ireland is driven by all the key trade bodies and organisations in the Irish marketing and advertising community.

### **AVMSD & Compliance Monitoring**

With the imminent transposition of the Audiovisual and Media Services Directive, the new Media Commission will have EU-wide responsibility in the new area of video-sharing platform services regulation. ASAI, with EASA, has been in liaison with the Broadcasting Authority of Ireland about the potential of opening up its existing cross-border complaints mechanism to them as a tool which could be leveraged to manage future advertising complaints, including those emerging in the sustainability space.

ASAI conducts compliance monitoring to evaluate code compliance of marketing communications. To manage scale for online advertising, the ASAI has been working with European partners on Artificial Intelligence and machine learning capabilities as tools to capture both compliant and non-compliant advertising. These tools will greatly assist ASAI in assessing compliance of marketing communications, including those concerning sustainability.

### **Closing comments**

ASAI considers that the subject under the Committee's review is timely, appropriate and significant and is an area for continued consideration in a cohesive way.

Such is the scale of the subject that ASAI holds the view that multiple stakeholders across borders are needed to work harmoniously in an inclusive and collaborative way of bringing forward this agenda for the benefit of all stakeholders. ASAI will continue to actively play its part.

Thank you for your attention and I welcome the opportunity to contribute further today.

**Orla Twomey**  
**Chief Executive**

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