

BREXIT IN BRIEF | ADVERTISING

At 11:00pm on 29th March 2019, the United Kingdom will leave the European Union unless the Article 50 period is extended, the United Kingdom revokes its Article 50 notice, or a withdrawal agreement is agreed and concluded between the United Kingdom and the European Union providing for a later withdrawal date. Below is a brief overview of the potential implications in respect of advertising and marketing within the United Kingdom or within the European Union.

HOW MIGHT I BE AFFECTED?

- ❖ Advertising and marketing laws within the UK are predominantly derived from, and harmonised with, EU legislation. With such EU legislation having been reflected and implemented in the UK through domestic legislation (and in conjunction with the Advertising Standards Authority's regulatory codes), it is unlikely that Brexit should wield drastic changes. However, elements of the EU legislation, including the Unfair Commercial Practices Directive which regulates advertising and marketing, are subject to maximum harmonisation. This currently restricts the UK's ability to strengthen or weaken regulation in this area and, as such, it is possible that deviation or divergence from these rules may occur once the UK has left the EU which may lead to stricter or more liberal regulation. This may affect you because:
 - ❖ The Advertising Standards Authority may relax or strengthen its stance in areas it has previously been forced to align with current EU legislation.
 - ❖ Any changes in the UK in conflict with EU legislation may lead to businesses being required to run separate or alternative advertising campaigns within the UK and the EU.

WHAT IF THERE IS NO DEAL?

- ❖ As above, EU legislation in this area has largely been implemented in the UK through domestic legislation. As such, no immediate changes should be expected.

WHAT SHOULD I BE DOING?

- ❖ Keep an eye on proposals put forward by the Government and the Advertising Standards Authority in respect of plans to diverge UK law post-Brexit.

If you would like further information or advice in respect of the potential implications of Brexit, please contact Piers Larbey at piers@fletcherday.co.uk or on 020 7870 3870.