

This document is an unofficial translation from Dutch to English [of this original document](#). Illustrative images and the layout are not respected, but original strikethrough passages and underlinings were transferred to this document. Source [1] is not used.

Not all parts of the proposed initiative proposal were accepted: An idea of the original initiative proposal, to expand the definition also for meat products, was denied. It is (mostly) those parts which are strikethrough. That's why this is called the Amended Initiative Proposal.

**This local law change proposal bans fossil products and services ads. For the sake of legal tenability, advertising for and by companies in the fossil fuel exploration sector are not banned.** This does not mean it is legally not possible to ban greenwashing advertising or the advertising of the fossil fuel industry. Tobacco companies are also not allowed to publish any ad, whether or not it is for tobacco products. However there is not a lot of jurisprudence on the link between (greenwashing, or otherwise misleading) fossil company ads and climate change and/or health.

## AMENDED INITIATIVE PROPOSAL RIS314661

8<sup>th</sup> of July 2024

Leonie Gerritsen, Dutch Animal Party

# Do not stunt with the Climate

## INTRODUCTION

The Hague adopts new advertising policy this year for public spaces. It is of great importance that the policy does not undermine the climate goals. Given the urgency of the climate crisis, regulation of advertising in the public space is an appropriate measure that should be taken now. The policy should therefore not only cover new contracts that will not be reviewed for several years. The present proposal has the aim that The Hague should prohibit in public spaces the placement of advertising that greatly exacerbates the climate crisis.

A major factor making the climate crisis worse is the use of fossil fuels. The proposal therefore aims to ban fossil products from advertising. Indeed, this type of advertising has the purpose to encourage consumers and companies to continue using fossil fuels. Advertising significantly influences our behaviour. Just as tobacco advertising is banned because it is harmful to our lungs, advertising that contributes significantly to climate change should be banned because it is harmful to the earth.

## MOTIVATION

The Hague aims to become a climate neutral municipality and has acknowledged the climate crisis in December 2019 (RIS304259). Mobility, food and household energy consumption are the biggest causes of CO<sub>2</sub> emissions in a Dutch household. This initiative proposal focuses therefore on the most important factor within these categories: fossil fuels ~~and meat consumption~~.

~~Global meat consumption has a major impact on the climate. By not consuming meat, on average 13.3 kg CO<sub>2</sub>eq can be saved per person per week. Meat production also requires a lot of water consumption and causes health damage and too much nitrogen emissions in The Netherlands. This also has implications for The Hague's natural areas, housing and animal welfare.~~ Fossil fuels, such as coal, oil and gas, cause a lot of CO<sub>2</sub> emissions, health damage and environmental damage.

The Hague aims to become a climate neutral city with clean air and sustainability ambitions. It is therefore inappropriate that products and services that undermine this goal are promoted in public space. This proposal therefore seeks to ban advertising for fossil fuels ~~and meat products~~ from the public space in The Hague to encourage residents and visitors to use less of these products.

## LEGAL CONTEXT

The initiator wants - given the urgency of the climate crisis - that The Hague should finally take the step to regulate advertising. This specifically concerns advertising in public space. The APV (*'General Local Ordinance'*) defines commercial advertising in public space as follows: 'any public commendation of goods or services, with the apparent intended to serve a commercial interest'. [2] Advertising, however, is broader than only the commendation of products or services, as it also includes brand advertising, announcements or the promotion of a particular theme or idea. The term 'advertising' is therefore used instead of the term 'commercial advertising'. Other municipalities, such as Utrecht, also use this broader concept. [3]

The municipality of The Hague sets its own rules for advertising in public spaces. Amending the APV is a competence of the council. The competence of the municipality, based on the Municipal Law extends in any case to the protection of the health of persons (Eiffel study, see appendix). By removing fossil ~~and meat~~ advertisements from public space, this interest is served by reduction of CO2 emissions, a cleaner air and healthier environment. Also the measure contributes to reducing the nitrogen crisis.

In addition to its public law instruments, the municipality has direct influence on the contracts with advertising operators, through the program of requirements that is prepared for the tender. These are long-term contracts with operators on advertising in bus stop facilities at public transportation facilities, freestanding advertising display cases and billboards. This power lies with the city board.

The European Court of Human Rights Human Rights oversees freedom of expression, which includes advertising. The Court is of the opinion that freedom of expression, which includes advertising, can be limited if a larger purpose of public interest is served. Goals include safety and health. Fossil ~~and meat~~ advertisements entice consumers and businesses to buy products that contribute to climate change, which has a negative impact on public health. Climate change is already having a negative impact on public health, argues RIVM (*Dutch Government Institute for Public Health and Environment*), among others. [4] Recently, more than 200 leading medical journals stated that climate change leads to heat-related deaths, among other things, skin cancer, tropical infections and allergies. [5] By banning fossil fuel ~~and meat~~ advertisements from public spaces, The Hague is helping to protect public health. Restricting fossil advertising has been designated by the IPCC in 2021 as an example of an effective policy measure. [6]

The Hague strives for a clean and healthy city and is therefore investing in clean air through the Clean Transport Approach [7] and the Clean Air Agreement. [8] Banning of fossil ~~and meat~~ advertising fits into this ambition and is consistent with the precautionary principle that states that the government must take measures take measures to protect residents against serious or irreversible damage to the society or the environment.

This initiative proposal is based on an previous proposal to ban fossil advertising [9]. The earlier proposal was rejected by a slim majority, in part because it was feared that this measure would cost money. Deeper analysis has taken place which showed that no costs are expected. Now that a new advertising policy is proposed [10] and the coalition agreement states a possible ban on fossil advertising, it is time to follow through. After all, there are many other places that are also working to limiting advertising for products that contribute to climate change. ~~This also applies, for example, to meat advertising, whose environmental impact is significant.~~ In the Province of North Holland on December 19 2022 following a motion by the PvdA and GroenLinks [11] it has already been decided to ban both ban fossil and meat advertising. This proposal also includes two legal opinions attached to support the proposal: one from [Eiffel](#) and one from [Van der Vijver](#).

## PROBLEM DEFINITION

### **Fossil and meat advertising contributes to more CO2 emissions and air pollution and thereby causing health damage**

Fossil advertising aims to entice consumers to purchase more products that are based on fossil fuels (coal, oil, gas). Fossil products such as internal combustion engine vehicles and grey energy cause emissions of substances such as CO2 and particulate matter. This has a direct and negative impact on climate change and air quality, and thus on the health of residents and visitors to The Hague. Also, the use of fossil combustion engines in The Hague has a direct impact on the nitrogen problem putting the nature under severe pressure. ~~Meat advertisements also contribute to climate change, poor air quality and other environmental problems. Partly for this reason, The Hague has a sustainable food policy [12], aimed on a protein transition.~~

### **Fossil and meat advertising runs counter to Global Goals and municipal policy ambitions**

This industry is the biggest contributor to climate change. Regulating these advertisements helps to reduce carbon emissions and prevent climate change, which is in line with Goal 13 'Climate Action' of the SDGs, also known as the Global Goals. In addition to climate change fossil fuels and meat production also have a negative impact on working conditions, nature, the environment and human rights worldwide.

Banning these advertisements helps The Hague in achieving its own climate goals of being climate neutral by 2030. The Hague city council has established that European, national and local governments must do everything in their power to limit global warming to 1.5°C. This commitment has also been confirmed by the Dutch government by signing the climate agreement of Paris. Banning fossil and meat advertising is also in line with municipal policy documents such as the Clean Transportation Approach and the Clean Air Agreement. These documents aim to clean up the air in The Hague, by banning polluting transport modes and promoting clean transport promote clean transportation, with the goal of improving public health. It also connects with municipal, provincial and national ambitions to combat the nitrogen problem in Natura 2000 areas.

### **Fossil and meat advertising is misleading and takes the urgency out of energy transition**

Fossil advertising gives the wrong impression of the fossil industry's efforts to go green. The advertisements emphasize green initiatives, while these represent only a small part of the often polluting activities of this industry. These ads normalize the fossil industry and their harmful products. This reduces the urgency to green and sustainability, which is precisely what is urgently needed. Polluting companies often use green advertisements to support lobbying efforts, especially around important political decision moments in The Hague. That is why it is extra important that The Hague repels these advertisements. In 2019, only 2% of the fossil industry's investments focused on the green transition. Nevertheless, the industry is still searching for new oil and gas fields.

~~The same issue is present in the meat sector which, for example, in 2022 with the advertising 'Nederland Vleesland' (*The Netherlands Meat Country*), where they tried to change their image in terms of climate impact and poor handling of animal welfare. The negative impact of the consumption of meat on the climate and on the environment are not mentioned.~~

## APPROACH

### Intended effect.

This proposal aims to ban fossil ~~and meat~~ advertisements out of the streetscape of The Hague, with the aim that this will lead to a decrease in the use of these products by residents and visitors to the city. It is an acknowledgement of the fact that the fossil ~~and livestock~~ industry play a major role in exacerbating climate change. The proposal aims to contribute to the preventing increasingly worse effects of climate change and to protect health.

### Definition of fossil-free advertising

The Alliance Amsterdam Advertising Fossil Free has, on behalf of 51 organizations, drafted an advisory for the Amsterdam city council on how to ban B&W on how to deal with banning fossil advertising [13]. This alliance drew up the following definition of fossil advertising:

#### **Product - Fossil fuel**

- Fossil fuel for transportation (e.g. gasoline, diesel, gas)
- Fossil generated electricity and heat

#### **Service - Air & sea travel**

- All air and boat travel on fossil fuel, regardless of the sender of the advertisement (may be Djoser, Corendon, TUI, SunWeb, but also Albert Heijn or Kruidvat or an embassy)
- Package holidays to destinations outside Europe where the flight or boat trip is not included

#### **Service – Cars**

- New means of transport and leased means of transport with a fossil combustion engine and hybrid cars (such as the SUV, gasoline-powered car)

#### **Issue and image advertisements for the following sectors**

- Companies in oil and gas extraction
- Aviation companies and airport

Fossil advertising can be described as advertising by companies in the coal sector, the oil and gas sector and the aviation sector with the products and services fossil fuels, air holidays/airline tickets, grey electricity and gas contracts, cruise travel and cars with fossil or hybrid fuel engine. Included in this definition are issue and image advertising and sponsorship of companies from the aforementioned sectors.

Initiator suggests that for the sake of legal tenability this definition should be partially adopted, with the exception of the advertising for and by companies in the fossil sector. Initiator thus proposes to add the definition to the APV, and requests the college to include this definition in the Outdoor Advertising Policy.

~~A similar definition can also be used for meat advertising. In this case it concerns advertising for food derived from slaughtered animals, and thus to advertising for meat and advertising by companies in the meat industry. This does not include issue and image advertising and sponsorship by companies from these sectors. The initiator therefore proposes to add this definition to the APV.~~

### Impact on businesses

Companies have the freedom to choose what they advertise within certain limits, and consumers, of course, make their own choices. The European Court of Human Rights oversees the freedom of expression which includes advertising. Advertising can be restricted if a larger purpose such as

health is at stake. Climate change, as well as emissions of CO<sub>2</sub> and other substances, have a negative impact on the health of residents. Banning the aforementioned advertising can give companies in these sectors an extra impetus to move faster to a green and non-polluting business model. It can be noted that this initiative proposal involves a partial restriction of advertising opportunities for businesses. This initiative proposal does not aim to ban this type of advertising completely, only to ban it from outdoor spaces. This ban does not relate to fossil ~~or meat~~ advertising that is for example present in printed media, radio, TV or online in The Hague. Additionally, this proposed amendment to the APV includes a clause allowing for company names, logos and advertisements on or in the immediate vicinity of store premises, for example. The business operations of these businesses is thus only limitedly restricted. At the same time, this proposal does take a step to address the climate crisis.

#### Dealing with existing contracts

The municipality has made agreements with various parties regarding advertising in public places, such as at public transportation, freestanding advertising display cases and billboards. A legal investigation by attorney Van der Vijver shows that the amending the APV is no ground to suspect that damage claims should be paid. After all, the municipal council is publicly authorized to amend the APV in the field of outdoor advertising. A prohibition of certain advertising expressions has an effect because the operators of outdoor advertising in the municipality have to comply with the applicable regulations, including an - amended - APV.

In addition, the agreements between the municipality and the operators do not contain any provisions that could constitute a guarantee that the APV could not be adapted (apart from the question of whether that would be legally possible). Also in the event of an amendment to the APV, the municipality can thus remain in full compliance with its contract fulfillment. Additionally, it remains a question whether an operator suffers any damages at all.

## FINANCES

Banning fossil ~~and meat~~ advertisements from the public space need not cause any loss of revenue for the municipality and operators, as this form of advertising will be replaced by other advertising. With this, the initiative proposal need not have any financial consequences. However, it could be possible for operators to argue that they want to pay less remittance. However, first it should be convincingly demonstrated that there are substantially changed financial or commercial conditions following response to changed regulations. This is not self-evident, as a very wide range of possible (non-fossil) advertisers remain. In addition, it is part of reasonable entrepreneurial risk that regulations can fluctuate. Changing laws or regulations do not automatically and directly lead to the need to adjust current contracts. When, on 1 October 2021, the Law Remote Gambling Act legalised online gambling, this had positive effects on the number of permitted buyers of advertising space. Contracts that were already agreed upon before this law went into effect, were not suddenly broken up in order to force a higher remittance. The same applied when gambling advertisements were restricted again [14]. Should an adjustment of the contract be desirable, moreover, a possible adjustment could be the adjustment of the conditions, such as a (short) extension of the concession term or a (minor) extension of the number of advertising places.

We see no reason to assume financial consequences that relate to the current budget.

## PLANNING AND COMMUNICATION

If the proposed amendment to the APV of the municipality of The Hague is adopted, then operators need to comply with it. The municipality will have to contact operators of outdoor advertising to make them aware of the changes in the APV and in the municipal advertising policy. The city board urges the state to achieve a nationwide ban on such advertising and sponsorship.

Finally, it is asked to report no later than the fourth quarter of 2024 to report on these initiated actions.

## CONCEPT - DECISION

The municipal council of the municipality of The Hague, meeting on 12 September 2024, having regard to the proposal of Leonie Gerritsen, Animal Party.

### Decision:

1. To ban fossil ~~and meat~~ advertisements in The Hague's public spaces by:
  - a. Adding the following paragraph to the General Local Ordinance under Article 1:1:  
„Fossil advertising: ~~advertising by or for companies in the coal sector, the oil and gas sector and the aviation sector~~ and advertising about fossil fuel products and services, air holidays, airline tickets, grey electricity contracts, gas contracts, cruise travel or cars with a fossil or hybrid fuel engine.“  
„~~Meat advertising: advertising by or for companies in the meat sector and advertising about meat. Where meat is defined as food derived from slaughtered animals.~~“
  - b. In the General Local Ordinance under Article 2:97 Commercial advertising, add a seventh paragraph:  
„Fossil ~~and meat~~ advertising, visible from a place accessible to the public, is prohibited, unless it concerns:
    - i. company names, company logos and advertisements on or in the immediate vicinity of the premises where the activities to which the advertising relates take place;
    - ii. road signs in business parks;“
  - c. In the General Local Ordinance under the first paragraphs of Articles 6:1 and 6:1a (penalty provision and penalty provision administrative fine) to Article 2:97, add paragraph 5 to the enumeration.
2. To bring this ordinance into force on 1 January 2025.
3. To instruct the city board to amend the current policy they have adopted in accordance with this proposal to adjust the current policy adopted by them in accordance with this proposal.
4. To instruct the city board to inform the operators of advertising media in The Hague of the amendment to the APV and the municipal advertising policy in order to prohibit fossil ~~and meat~~ advertisements in e.g. public transport stop facilities, freestanding advertising display cases and billboards. Thus operators have ample time to prepare for regulatory changes.
5. Urge the State to achieve a nationwide ban on fossil ~~and meat~~ advertisements ~~as well as fossil and meat sponsorship~~. The nationwide ban should apply not only in outdoor spaces but also in the (social) media.
6. To request the college to communicate the progress of the said actions in the fourth quarter of 2024 to the council as well as any other estimable (financial) consequences.

Thus adopted at the public council meeting of 12 September 2024

The Registrar,

The Chairman,

## IMPRINT

Animal Party The Hague  
Spui 70  
2511 BT Den Haag

Tel. nr. | 070 353 3714  
E-mail | [pvdd@denhaag.nl](mailto:pvdd@denhaag.nl)  
Website | [denhaag.partijvoordedieren.nl](http://denhaag.partijvoordedieren.nl)

Robert Barker | text  
Jan Willem van den Bos | text  
George Ongkiehong | text  
Nicole Dick | layout  
Partij voor de Dieren Den Haag

With special thanks to Femke Slegers from Reclame Fossielvrij

## SOURCES

- [1] Barker, R. (2019). Motie Klimaatcrisis (RIS304259). Retrieved from: <https://denhaag.raadsinformatie.nl/modules/6/Moties%2C%20amendementen%20en%20initiatieven/555007>
- [2] Gemeente Den Haag. (2021). Algemene plaatselijke verordening voor de gemeente Den Haag. Retrieved from: <https://lokaleregelgeving.overheid.nl/CVDR11313/51>
- [3] Gemeente Utrecht. (2017). Reclameverordening gemeente Utrecht 2017. Retrieved from: <https://lokaleregelgeving.overheid.nl/CVDR460353>
- [4] RIVM. (2022). Klimaat en gezondheid. Retrieved from: <https://www.rivm.nl/klimaat-en-gezondheid>
- [5] The Guardian. (2021). More than 200 health journals call for urgent action on climate crisis. Retrieved from: <https://www.theguardian.com/environment/2021/sep/06/more-than-200-health-journals-call-for-urgent-action-on-climate-crisis>
- [6] IPCC. (2021). IPCC Sixth Assessment Report. Retrieved from: <https://www.ipcc.ch/report/ar6/wg3/>
- [7] Gemeente Den Haag. (2019). Aanpak schoon vervoer (RIS303606). Retrieved from: <https://denhaag.raadsinformatie.nl/modules/13/Overige%20bestuurlijke%20stukken/536083>
- [8] Rijksoverheid. (2020). Deelnemers Schone Lucht Akkoord. Retrieved from: <https://www.schoneluchtakkoord.nl/schone-lucht-akkoord/deelnemers/>
- [9] Barker, R. (2021). Gewijzigd initiatiefvoorstel: Weer fossiele reclame uit de openbare ruimte (RIS310966). Retrieved from: <https://denhaag.raadsinformatie.nl/modules/6/Moties,%20amendementen%20en%20initiatieven/71>



[10] Gemeente Den Haag. (2023). Evaluatie reclamebeleid (RIS314585). Retrieved from: <https://denhaag.raadsinformatie.nl/modules/13/Overige%20bestuurlijke%20stukken/822395>

[11] Muurlink, G & Gielen, A. (2022). Motie Reclameafspraken aanpassen aan provinciaal duurzaamheidsbeleid (M256-2022). Retrieved from: <https://noordholland.bestuurlijkeinformatie.nl/Agenda/Document/5aead2c0-80e2-4c8d-bf26-22299077bbde?documentId=367adf4b-9fd8-4f61-ae6a-e5291181089c&agendaItemId=15ea99ad-117c-42ac-982f-93ef999e2848>

[12] Barker, R. & Holman, J. & Wijsmuller, J. (2019). 2e gewijzigd, Duurzaam voedsel; nog een tandje bijzetten (RIS302821). Retrieved from: [https://denhaag.raadsinformatie.nl/modules/6/moties,\\_amendementen\\_en\\_initiatieven/516824](https://denhaag.raadsinformatie.nl/modules/6/moties,_amendementen_en_initiatieven/516824)

[13] Alliantie Amsterdamse Reclame Fossielvrij. (2020). Amsterdamse Reclame Fossielvrij. Retrieved from: <https://verbiedfossielereclame.nl/wp-content/uploads/2020/11/Amsterdamse-Reclame-Fossielvrij.pdf>

[14] Barker, R. (2022). Schriftelijke vragen Gokken met reclame (RIS312894). Retrieved from: [https://denhaag.notubiz.nl/modules/4/schriftelijke\\_vragen/770182](https://denhaag.notubiz.nl/modules/4/schriftelijke_vragen/770182)

## ANNEXES

Eiffel (2021). Banning fossil advertising from public spaces in Utrecht. Retrieved from: <https://assets.partijvoordedieren.nl/assets/site/denHaag/Advies-Eiffel-Het-weren-van-fossiele-reclame-bijlage.pdf>

Van der Vijver, T. (2022). Legal analysis of civil law aspects of the initiative proposal banning fossil advertising. Retrieved from: [https://assets.partijvoordedieren.nl/assets/site/denHaag/Bijlage\\_2\\_-\\_Advies\\_Ecolytico\\_Legal.pdf](https://assets.partijvoordedieren.nl/assets/site/denHaag/Bijlage_2_-_Advies_Ecolytico_Legal.pdf)