



International Telecommunication Union

Europe: the Review of the Television Without Frontiers (TWF) Directive

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- o 1) The current TWF Directive
- o 2) The proposed directive on audiovisual media services (AMS) amending TWF Directive
- o 3) Our concerns as a company involved in the development of new media platforms

The current TWF Directive (1989, 1997) 1/2

- o Already modified in 1997 to clarify certain of its provisions and to bring it up to date.
- o Scope: to regulate TV broadcasting services (traditional TV, PPV and NVOD but not VOD and on-demand information services).



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The current TWF Directive (1989, 1997) 2/2

0 Provisions:

1. Promotion of EU works (Quotas for all EU works and for independent productions)
2. Advertising and Sponsorship (Rules of max/min and in between durations)
3. Protection of minors (degree of harmfulness - clear identifications)
4. Broadcasting of major events (non exclusivity)
5. The country of origin principle (law applicable)
6. The right of reply (interest damaged)

- o To introduce new rules for all forms of AMS
- o Scope: it would apply to all audiovisual media services whether scheduled (“pushed”) or on-demand (“pulled”). It would also cover any type of transmission network or platform delivery (cable, satellite, terrestrial network, ADSL, IP, mobile phones, etc.).

0 Principles:

1. two types of AMS:

- non-linear services: “where the user decides ... when a specific program is transmitted... ”;
- television broadcasting (linear services): “where a media service provider decides ... when a specific program is transmitted ...”.

2. A basic tier of rules would apply to all AMS and an additional tier would apply only to linear services



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The proposed Directive on AMS 3/4

0 Rules:

1. Basic for all:

- Information on service providers (the person who has editorial responsibility), protection of minors, prohibition of discrimination, promotion of European works, media chronology, audiovisual commercial communications (including product placement)

2. Additional for linear services only:

- Quotas, events of major importance, right of access to content, right of reply, advertising and teleshopping (lighter requirements)



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The proposed Directive on AMS 4/4

- o Current situation: the co-decision procedure
 1. Discussions among different Committees (leading or not) of the EU Parliament (EP) since the end of August amending different reports produced by these committees
 2. Adoption of a report (from leading committee) expected at the end of October
 3. EP vote in plenary expected at November/December
 4. Council Debate expected for mid-November

- o A strong lobby to avoid the extension of the scope to non-linear services as a business involved in the development of new media platforms



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Our arguments 1/2

- o The TWF Directive had a role to play in the current state of broadcasting services, now the way customers consume content has changed and regulation must reflect this
- o No recognition of “pulled” content and user generated content
- o Potential consequences for service providers located in the EU (country of origin principle)



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Our arguments 2/2

- o The extension of regulation to non-linear services could threaten to stifle innovation and prevent the development of new services and notably new business models of advertising
- o No evidence has been presented to support that the extension is necessary or proportionate - in breach of minimum/better regulation
- o A lighter regulation for linear services is required also as new forms appeared



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Conclusions

- o Your help through any lobby actions is required as much as possible before the end of this month to discourage the willingness of the EU Commission
- o Many thanks for your attention!
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