



The revised EU audiovisual media rules:

***creating modern regulatory
environment for all media services***

**“Future of television” workshop –
Geneva, 7 June 2019**

AVMSD and the changing market realities

- **Aim of the revision:** to adapt existing rules for audiovisual media services to the new realities - viewers are moving away from traditional audiovisual media services towards consumption of audiovisual content on-demand and online
- **Minimum harmonisation:** when transposing the rules MS can decide to go further than what is required by the AVMSD and adopt stricter or more detailed rules for services under their jurisdiction
- **Anchored in two main Digital Single Market principles:**
 - Similar obligations for comparable services
 - Responsible behaviour of platforms

Ensuring a level playing field: similar obligations for comparable services

- Broadcasters and on-demand services:
 - Minors will be equally protected on TV and on-demand services
 - Reinforced obligations for on-demand services for the promotion of European works
- Extension of certain rules to OTT without editorial responsibility, taking into account that they compete for the same audiences and revenues

Ensuring a level playing field: greater flexibility for broadcasters

- Balance between competitiveness and consumer protection
- Advertising: from hourly limit rule to time window approach
- Signal integrity: protection of the editorial responsibility of the media service providers and the audiovisual value chain

Findability and accessibility

Findability - possibility for Member States to impose obligations to ensure the appropriate prominence of audiovisual media services of general interest

Accessibility - improvement through different means, e.g. sign language, subtitling, audio description

➤ Obligations:

- Services to be made continuously and progressively more accessible
- Regular reporting by the media service providers to the national authorities
- Reporting by Member States to the Commission every three years (with 1st report 4 years from the entry into force of the Directive)
- Accessibility action plans
- Online point of contact
- Emergency information

Ensuring responsible behaviour of platforms

- **Rationale to cover video-sharing platforms (VSPs):**
 - (i) With great power comes great responsibility
 - (ii) Comparable viewing experience should lead to comparable protection
- **Obligations**
 - (i) Protect minors from harmful content
 - (ii) Protect users from incitement to violence or hatred and from content constituting criminal offences
 - (iii) Respect certain obligations concerning audiovisual commercial communications, depending on the degree of control exercised over them

Ensuring responsible behaviour of platforms

Measures

- To protect minors: parental control systems, age verification systems, rating of content by users
- To protect users: inclusion in the terms and conditions of the service, flagging and reporting mechanisms
- As regards commercial communications: for those under the control of the VSP same rules as for AVMS; for those not under the control of the VSP other requirements (inclusion in the terms and conditions and transparency mechanisms)



Greater role for self and co-regulation

National level - obligation for the Member States to encourage the use of co-regulation and provide favourable conditions for development of self-regulation. Safeguard: MS may adopt stricter or more detailed rules if they deem that codes of conduct are not effective enough

EU level - possibility for the Member States and the Commission to foster self-regulation through Union codes of conduct. Signatories of such codes to submit drafts to the Commission; consultation of the Contact Committee

Criteria for codes of conduct - broad acceptance by stakeholders, clear objectives, monitoring and evaluation, effective enforcement

Take-aways

→ The revised AVMSD is an important step in the completion of the DSM and a contribution to a fairer and more proportionate environment for all players in the audiovisual sector

→ It reflects and accompanies the ongoing convergence of the audiovisual services from the consumer point of view (interchangeability between the linear, non-linear providers and VSPs) and establishes a level playing field from the perspective of providers

Transposition deadline for Member States: **September 2020**



European
Commission

Thank you!