

European Directive for Audiovisual Media Services in its Final Round!

by Ruth Hieronymi (MEP)

22 May 2007

From the point of view of the European Parliament the result of the negotiation on the audiovisual media services (AVMS) directive with the Council is a great success. Advantages of this result are: the up-date of the scope for TV-like media services, safeguard of the Country of Origin Principle, strengthening protection of minors, better access to audiovisual media services for people with disabilities, safeguard of a European-wide right for short reporting, obligation to independent regulatory bodies, better control of advertising aimed at children.

The most important results in detail:

1. The same requirements are applied to all audiovisual media content - this includes traditional TV broadcasting as well as new TV-like media services - regardless of the technology of transmission.
2. For the first time, co- and self-regulation is recommended to Member States for the implementation of a directive. It should be introduced especially for new non-linear services.
3. The Country of Origin Principle is central for the directive, as this principle enables "TV without Frontiers". It is at the core of the current TVWF directive and future AVMS directive. While safeguarding the Country of Origin Principle, it has been ensured that cases of circumvention, when a AVMS provider settles down in another Member State in order to circumvent stricter rules of the own Member State, can be supervised and avoided more efficiently.
4. Protection of minors in non-linear services is safeguarded by a derogation procedure in cases of serious threats to minors. This instrument enables Member States to block websites without debating this measure with the EU-Commission in advance. This regulation has been taken over word for word from the E-commerce directive (art 3 par 4, 5, 6), with which this instrument is already introduced.
5. For the first time, Member States are obliged to request codes of conducts from the advertising industry, for a better control of advertisement intended at children.

6. The role of media literacy is emphasised and Member States are obliged to report on their improvements in media literacy every three years.
7. The qualitative advertising rules are maintained, the quantitative advertising rules are abolished with the exception of one. Children's programmes, new programmes and TV films may only be interrupted for advertising breaks if their scheduled time exceeds 30 Minutes. The maximal volume of advertising is not changed by this deregulation and flexibilisation: it remains at 12 minutes of advertising per hour.
8. Up to now, there are different regulations for product placement in the Member States. With the new directive, a common legislation will be approved for the first time. Product placement is prohibited in principle. But there is an exception for TV films, serials and sports programmes, where product placement is allowed if a Member States does not prohibit it explicitly for these cases as well. Thematic placement is prohibited.
In order to obtain a high degree of transparency, product placement (not the product!) must be announced at the beginning, the end and after every advertising break of the relevant programme. A derogation of this obligation to inform is only possible when the programme has neither been produced nor commissioned by the broadcaster.
9. The guarantee for an independent media surveillance entity is an obligation for all Member States. It is up to the Member States to define the organisational form of this regulatory body.
10. It will be ensured that access to AVMS for people with disabilities is guaranteed as far as possible.
11. In order to ensure a high level of Information within the EU, a right to short reporting is introduced at European level. It is valid for events of high interest to the public, for which a broadcaster has acquired exclusive rights.

A future European media model that is qualified by pluralism and diversity is within reach with this new audiovisual media services directive. The cultural element of the AVMS is safeguarded, while providers of AVMS have the premise to exploit their audiovisual media services successfully in the global market thanks to a powerful internal market.