

EBU viewpoint

EBU welcomes the political agreement of the EU Council

May 2007

Audiovisual Media Services Directive The cornerstone of Europe's audiovisual future

The EBU welcomes the agreed text of the future Audiovisual Media Services Directive, which covers all audiovisual media services, irrespective of the technology or distribution platform used.

The new Directive, which will replace the Television without Frontiers Directive, reflects today's realities and provides a vision for the future. The EBU expects it to contribute greatly to the development of Europe's audiovisual landscape and to enable Europe to compete in the digital world. The Directive will ensure that both economic and cultural values are reflected in Europe's audiovisual sector.

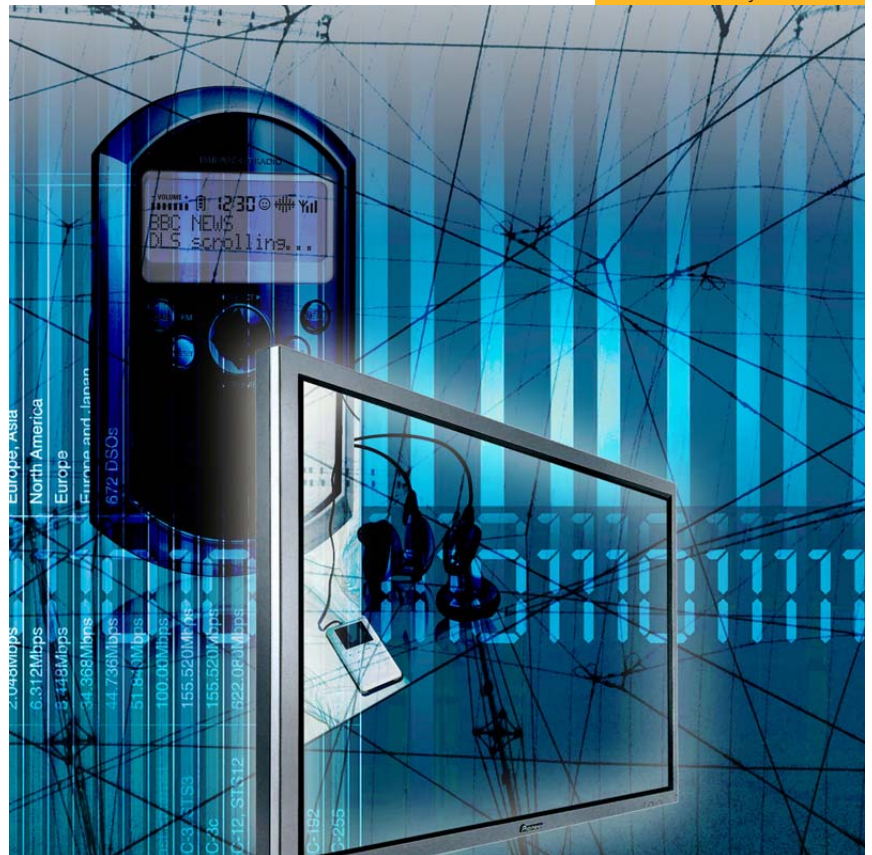
Key issues

Extension of the scope

The EBU is pleased that there is political agreement for the extended scope of the Directive. Audiences will now benefit from rules on advertising standards, protection of minors and cultural diversity across all audiovisual media services.

The new Directive covers not only television broadcasting (i.e. linear services provided for simultaneous viewing of programmes on the basis of a programme schedule) but also – with some lighter rules – on-demand services (i.e. non-linear services provided for the viewing of programmes at the moment chosen by the user and at his/her request on the basis of a catalogue of programmes). Excluded are services whose principal purpose is not the provision of audiovisual programmes to the general public.

The EBU appreciates that the definitions of "audiovisual media services" and "media service provider" have been clarified by using and specifying the notion of "editorial responsibility". This means that the rules of the Directive will also apply to the



repackaging of audiovisual content for the general public.

The scope of the new Directive is limited to services which are "television-like", in the sense that audiovisual "programmes" must be "comparable" to the form and content of television programmes. In this respect, care has to be taken in the implementation process so that the future-proof character of the new framework is not undermined by any limitation to traditional television formats.

Jurisdiction - services targeting another Member State

The EBU supports the solution set out in Article 3 as it introduces more efficient procedures in case of circumvention of national rules by a broadcaster which provides a television broadcast mostly intended for the public in another Member State. In this respect, the

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mentioning of economic and programme-related indicators is also a helpful clarification.

Short Reporting

The EBU is pleased that the Council and the Parliament have introduced a European news access right, ensuring access by broadcasters to short extracts from the transmitting broadcaster's signal to be used in general news programmes. The agreed text has further clarified certain aspects, taking into account requests by the EBU: the subsidiary character of transborder news access ensures that successful national news access systems which are in place cannot be circumvented, and any compensation for the transmitting broadcaster must be limited to the cost of providing access to the signal and thus may not be based on the value of exclusive rights acquired.

Product Placement

The EBU welcomes the new European framework, which, combined with a graduated approach, distinguishes between mere production aid (production props and prizes) and genuine product placement. The new rules should improve legal certainty and lead to a more harmonized approach by Member States. However, they will not resolve all practical issues that will need to be tackled by Member States during the implementation process.

Independent media authorities

In the interests of freedom and pluralism of the media, the EBU welcomes the reference made in the new text, even if only indirectly, to independent media authorities. The agreement puts the emphasis on the necessary cooperation among Member States and with the European Commission for application of the Directive, which should be ensured through, in particular, competent independent regulatory bodies at Member-State level.

EBU

Public service broadcasters all over the EU are driving the take up of digital technology. Audiences want to see their public service brands on all platforms, anytime. Public service broadcasters are important players in the online world. Their websites are among the most visited in their country.

The EBU helps Europe's public service broadcasters to deliver unique high quality European programming to their audiences. It offers members technical, operational and legal services, and coordinates quality European content for radio, television and new platforms. It provides members with information and analysis on media trends, and training designed to meet their needs. The EBU works to secure the recognition of the crucial role of public service broadcasters in Europe's digital audiovisual landscape.

- 75% of EU citizens watch EBU members' main channels.
- EBU members' TV channels reach 375 million individuals in the EU.
- EBU members invest 10 billion Euros annually in new European TV productions.

Timetable:

- **Political agreement on the Common Position by the EU Culture and Audiovisual Council on 24 May 2007**
- **Formal adoption of the Common Position in late June or July 2007**
- **Adoption of the text by the European Parliament plenary session in September or October 2007**

European Broadcasting Union

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