

AUDIOVISUAL MEDIA REGULATION

The Audiovisual Media Services Directive (AVMSD) has promoted an open, diverse and vibrant audiovisual media sector in Europe.

However this environment is undergoing profound and rapid change: we believe that some measured and proportionate adjustments to existing rules are necessary to ensure that the Directive's principles and objectives remain relevant and attainable amidst media convergence. Our goal is to ensure that 'free-to-air' content of public value remains easily accessed by audiences and continues playing a central role in stimulating the European creative economy and cultural diversity.

European values: the core objectives of the AVMS Directive

The AVMS Directive sets out specific EU rules for TV and other audiovisual media services which reflect their democratic, cultural and social significance and their potential impact on public opinion. The Directive also provides legal certainty for audiovisual media services in the Internal Market.

Access to impartial news, information, and major events, pluralism, diversity and inclusion, respect of human dignity, protection of minors and consumers, prevention of hate speech, the promotion of European content and the role of independent audiovisual regulatory authorities: the Directive's regulatory principles reflect European values and objectives. At the same time, the Directive leaves ample room for national and regional cultural and linguistic diversity.

Adapting the AVMS Directive to media convergence

Linear TV remains predominant today and is appropriately covered by specific rules. However, catch-up and on-demand services, including short form of audiovisual content, are increasingly widespread.

In parallel, some audiovisual platforms now play a significant role by aggregating or selecting audiovisual content, or by providing a direct interface between the user and content. They are rapidly changing audiences' consumption patterns as well as the value chain, structuring the overall audiovisual offer and influencing users' access to programmes.

We believe that a careful examination of the role played by significant audiovisual platforms and their impact on audiences is necessary to realize AVMS Directive policy objectives such as pluralism and cultural diversity as well as the protection of minors and human dignity.

Balanced rules for significant audiovisual platforms

Our view is that audiovisual platforms which have a significant economic, democratic, cultural or social impact should be subject to a limited set of separate and specific rules under the AVMS Directive to ensure basic audiovisual media policy objectives. Thresholds should apply in order to cover significant audiovisual platforms only and avoid a disproportionate burden.

Prominence for content of public value

It is particularly important to ensure that content of particular value for society is available and prominent on significant audiovisual platforms and their user interfaces. It should, for example, be easy to find public value content on the preinstalled user interfaces of connected TV sets.

In addition, Member States should be able to extend their 'must-carry' rules to non-linear audiovisual media services. With increasing convergence and consolidation, there is a risk that audiovisual platform operators will be inclined to

draw audiences towards content that suits their commercial interests to the detriment of content of public value. Specific rules and their implementation should be determined at national level to best reflect cultural specificities and requirements.

Ensuring content integrity

Another issue arising at platform level is the protection of content and signal integrity to safeguard the editorial responsibility of audiovisual media service providers. The current regulatory framework leaves the door open to uncontrolled and unwarranted overlays, such as commercial communications, by third parties on audiovisual media services, which can undermine the European audiovisual production value chain. Audiovisual platform rules must be introduced in the AVMS Directive to prevent this situation from occurring.

Free access to information and major events

It is crucial to preserve the key principle regarding the public's free access to information and events of major importance to society, such as major sports' competitions. These rules underpin social cohesion, plurality and informed citizenship.

In an era of spiralling prices paid for exclusive sports rights, the listed events provisions are more important than ever to ensure universal access to important events. We believe that all EU Member States should be obliged to introduce a list of major events to be notified to the European Commission.

The Directive's provisions on short news reports are also very important to protect the right of the public to receive information about events of high interest and contribute to a plurality of views in the media.

Maintaining effective rules in the Internal Market

We strongly support the country-of-origin principle as it successfully facilitates cross-border services within the EU/EEA. However it may be necessary to revise current cooperation and derogation mechanisms to make them more effective, and to introduce additional safeguards in cases where media service providers are targeting audiences in other Member States. We also believe that all services from outside the EU/EEA area which target European consumers should respect European rules.

Advertising plays an important role in funding original European content

Appropriate and well-functioning EU rules on commercial communications safeguard viewers' interests and underpin investment in original European public service content. A robust set of qualitative rules and principles should apply to all electronic audiovisual commercial communications, regardless of whether these are part of an 'audiovisual media service' within the current definition of the AVMS Directive. We also believe that there is still a case for maintaining quantitative rules with regard to linear audiovisual media services.

The review of the AVMS Directive should focus on introducing future-proof tools adapted to media convergence.

- **Apply balanced rules to all significant audiovisual media platforms and services in line with their impact on audiences;**
- **Give Member States up to date tools regarding the availability and prominence of content of public value;**
- **Provide effective guarantees for the public's access to information and events of major importance for society;**
- **Maintain the country-of-origin principle;**
- **Apply a robust set of qualitative rules for all audiovisual commercial communications whilst maintaining quantitative rules to linear services.**