

TV, online, on-demand

Modern Rules for Audiovisual Europe



Audiovisual media content is more readily available than ever. Apart from hundreds of television channels, videos online and on-demand are increasingly popular. The *Audiovisual Media Services Directive* sets European standards for these services so that national borders don't stand in the way of reaching viewers and users.

Audiovisual Europe has seen tremendous change since 1989 when the Television Without Frontiers Directive defined the first set of rules for television broadcasting in the European Union. Already then, satellite television did not stop at national borders. New opportunities for content delivery raised the question of how these services should be regulated. What rules should apply to videos available from the internet or to films that are supplied at the user's request?

A solution for all kinds of audiovisual media...

The Audiovisual Media Services Directive, which entered into force on 19 December 2007, offers a solution that preserves the core principles of the existing European rules for television and adapts them to the new audiovisual environment. The Directive covers both traditional television broadcasting and new on-demand services like on demand films and news.

The distinction between the two depends on who decides when a specific programme is transmitted and whether a schedule exists. Television broadcasts are 'linear' services because they follow a schedule arranged by the broadcaster, while on-demand (or 'non-linear') services leave users to decide when to watch a particular programme. While these services differ in how they are made available, they are both addressed to the general public. Private correspondence therefore falls outside the scope of the Directive, as do services that do not primarily seek to distribute audiovisual content, such as the electronic versions of newspapers and magazines.

...but one size does not fit all

The Directive treats linear and on-demand services differently, taking into account the degree of user control over the service. On-demand services are thus subject to lighter regulation that matches the relative impact they have on society as a whole.

A lighter touch

To support the development of new business opportunities without jeopardizing important public interests such as the protection of minors and human dignity, the rules for audiovisual media services have to be as concise as necessary and as flexible as possible.

In addition to its graduated approach to regulation, the Directive achieves this by promoting Member State use of self- and/or co-regulatory measures while eschewing new licensing schemes. National legislators can thus choose more flexible regulatory arrangements where these enjoy stakeholder support, align with their national legal systems and promise effective enforcement.

In this way, the Directive extends pertinent standards to on-demand services with a minimum of additional administrative procedures.

In this manner, the Directive upholds core societal values, from protecting minors to ensuring accessible services for people with hearing or visual impairments. At the same time, it recognizes the pivotal role that user choice and responsibility play in the new on-demand environment.

Knowing the rules of the game

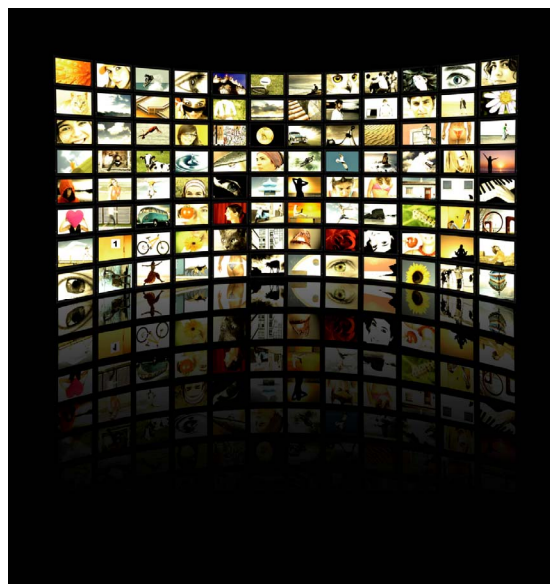
Creation and uptake of new and innovative services rely on the applicable rules for a stable and predictable business environment. Knowing which rules apply and who enforces them therefore is a special concern for service providers and users alike.

The Directive extends to all audiovisual media services the country of origin principle. It means that each service must comply with the rules of the country in which its provider is located. The enforcement of the rules is the responsibility of that Member State. Service providers can therefore easily identify the rules applicable to them and Member States share responsibilities on a clear and straightforward basis. At the same time, the principle promotes media pluralism by opening up national markets to competition from other EU countries.

Protecting the viewers

As on-demand services become increasingly popular, it is important to protect an appropriate economic foundation for all audiovisual media service providers. The Directive introduces a set of rules for commercial communications right across the new audiovisual environment, and also updates the rules on television advertising. As a result, users now benefit from general requirements that make advertising and commercial messages readily recognizable, protect human dignity, and abstain from using surreptitious and subliminal techniques.

The Directive sets clear rules for the so called product placement technique which is used to include or to refer to products in film scenes or



as part of certain audiovisual programmes. Programme sponsorship has to abide by the same rules in all audiovisual media services.

The existing ban on tobacco advertising is extended to on-demand services. The same applies to the portrayal of alcohol thus giving special consideration to the protection of minors. The Directive also addresses for the first time the issue of 'fatty foods' in commercials linked to children's programmes.

Broadcasters benefit from more flexibility as regards the insertion of spot advertising within the established hourly limit of 12 minutes for advertising and teleshopping spots. In this manner, all service providers can better exploit the potential of audiovisual commercial communications, while a high standard of consumer protection is ensured.

Next steps

Member States now have until 19 December 2009 to transpose the new rules into national law, so that both service providers and users will be able to benefit from the modernized European rules for audiovisual media services.

For further information

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Europe's Information Society Thematic Portal: http://ec.europa.eu/information_society

Regulatory Framework for Audiovisual Media Services:

http://ec.europa.eu/avpolicy/reg/index_en.htm

Visit also: http://ec.europa.eu/avpolicy/index_en.htm