

Submission of Comments from Versatel Deutschland to the Issues Papers of the commission regarding the revision of the TVWF Directive

Issues Paper: Cultural Diversity and the Promotion of European and Independent Audiovisual Production

I. General remarks

Versatel as a telecommunications network operator faces a new regulatory framework due to innovations and integration of voice-, video- and data services and thus, the development of triple play products. Legal and planning uncertainties result from these innovations. Therefore, Versatel welcomes the opportunity to comment on the issues addressed.

Versatel generally favours a liberal approach to the future regulation of audiovisual services which supports and fosters the development of new innovative communication services and products. It supports the Commission in its commitment, to maintain a solid, forward-looking regulatory framework. Versatel would like to stress that it is crucial for the telecommunications network operators not to extend the narrow regime of the current TVWF Directive indiscriminately to new Triple Play services. In regards to the fact that those services are still in the phase of development at present time, and it is hard to predict as to what extent they will succeed on the market, their successful development may be seriously endangered by an over regulation. In Versatels view the need for an in-depth-regulation of innovative services should be assessed carefully on the basis of market implementation and development.

II. Non-linear Services

On the option to implement the provisions of Art 4 and 5 of the TVWF Directive to non-linear audiovisual services, Versatel opposes this on the argument, that such obligations would be premature at this stage and it would risk hindering the development of new services. At present time, it is hard to predict as to what extent the new services will succeed on the market. To oblige the providers to comply with requirements of investments leads to unacceptable restrictions. The providers should be enabled first to implement their services and to be regulated in regards to content obligations subsequently.

However, Versatel supports the deliberations to implement a monitoring procedure of the production structures in order to asses the time for possible regulatory intervention. Further

more, a different option could be a non-binding instrument that would not be a burden on a nascent industry in order to give a positive signal for the European content supply industry.

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