



International Video Federation

September 5, 2005

Submission in response to the Issues Paper on
“Protection of Minors and Human Dignity – Right of Reply”
Revision of the Television Without Frontiers Directive

The International Video Federation

The members of the International Video Federation (IVF) comprise companies, which are involved in all areas of the audiovisual industry (development, production, distribution, etc.) as well as entities dedicated to, and specialized in, the distribution of audiovisual content on physical carriers (DVD and VHS) and/or over digital networks, including the Internet.

Comments

The IVF welcomes the invitation to comment on Directorate-General INFOSOC/Media’s Issues Paper on “Protection of Minors and Human Dignity – Right of Reply”, released in the framework of the review of the “Television Without Frontiers” (TWF) Directive.

As a first comment, the IVF and its members wish to express their support of Directorate-General INFOSOC/Media’s preliminary assessment that Article 22 of the TWF Directive constitutes an appropriate provision which does not require review in respect of linear audiovisual services. Indeed, we believe that the present wording of Article 22 is appropriate and sufficiently flexible to continue to usefully serve its purpose, notably in light of widespread differences between what

is considered to be “harmful” to different age groups in the individual EU Member States.

We would therefore like to focus our attention on the question of how to make sure that children are protected from harmful content in the case of non-linear audiovisual services. We understand that Directorate-General INFOSOC/Media is leaning towards the option of including “protection of minors” in a set of basic rules that would apply to all audiovisual services (linear and non-linear). The IVF and its members would support transposing the basic principles inherent in Article 22 into appropriate rules to deal with issues of protection of minors and human dignity in the non-linear environment. In this context, we strongly believe that “self-regulation” constitutes the most appropriate way to meet this policy goal. Thus, we welcome the fact that the Issues Paper refers to self-regulation as an effective means to ensure that regulatory aims are met. This approach is in line with the Council of Ministers’ stance as expressed in its 1998 Recommendation on Protection of Minors¹, which also endorsed the promotion of self-regulation as the most appropriate way to address the different national, social and cultural preoccupations, which undeniably continue to exist at Member State level.

Audiovisual classification systems provide a good example of the need to take into account social and cultural preoccupations that often vary greatly from country to country. The members of the IVF take the view that audiovisual content classification systems have many benefits by providing information and, in certain cases, a warning to end-users, retailers and rental shops of the recommended age for the viewing of specific audiovisual content, while also enabling adults to view entertainment intended for adults only, independently of the potential vulnerability of a young audience. Content classification systems applicable to audiovisual content are usually specific to individual countries reflecting their individual preoccupations, and a single mandatory

¹ **COUNCIL RECOMMENDATION** of 24 September 1998 on the development of the competitiveness of the European audiovisual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity.

or voluntary content classification system for audiovisual content in the European Union would therefore neither be necessary nor appropriate.

To efficiently serve their purposes, content classification schemes should always reflect the differing national, social and cultural preoccupations mentioned above. As an illustration, questions of suitability for different age groups are largely a matter of what is considered appropriate to a particular time, country and distribution mode: the social, cultural and legal treatment of these questions varies from country to country and evolves with the passage of time. Some countries have chosen to regulate audiovisual content classification both in the cinema and video sectors, other countries have limited mandatory content classification to the cinema sector, and others again have left it up to the industry to adopt its own code of conduct.

The IVF and its members strive to reassure the public that classification systems, mandatory as well as voluntary, can be trusted and that their terms and conditions are adhered to by all market operators concerned.

We would be happy to provide further details on the above-mentioned issues. We thank you for your attention and consideration.

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