

**COVER PAGE FOR THE SUBMISSION OF COMMENTS TO THE ISSUES PAPERS OF THE  
COMMISSION REGARDING THE REVISION OF THE TVWF DIRECTIVE**

In order to facilitate the consultation process you are kindly requested to fill out the following form:

Organisation (exact name): Versatel Deutschland Holding GmbH  
Organisation (abbreviation): Versatel  
Name of contact person: Miriam Hui  
E-mail: miriam.hui@versatel.de  
WWW: www.versatel.de

Subject:

(please tick **one** appropriate box)

- 1. Material and Territorial Competence
- 2. Rights to Information and Short Extracts
- 3. Cultural Diversity and Promotion of European and Independent Audiovisual Production
- 4. Commercial Communications
- 5. Media Pluralism
- 6. Protection of Minors and Human Dignity, Right of Reply

The European Commission invites you to submit your observations on these issues papers by **5 September 2005**. Please submit your comments in a generally readable electronic format. Please submit a **separate document** for each issues paper you would like to comment on. All submissions will be published on the Commission's website if not requested otherwise. If you would like your contribution to be treated confidentially, please indicate this at the top of the first page of your submission. Should you want to add a cover letter please do so in a separate document. In case your comments exceed four pages please start your submission with an **executive summary**. All submissions should be mailed to the functional mailbox of the Audiovisual Policy Unit of the Directorate-General for Information Society and Media: [avpolicy@cec.eu.int](mailto:avpolicy@cec.eu.int).

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

### **Issues Paper: Protection of Minors and Human Dignity and Right of Reply**

#### **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. Protection of Minors**

Pursuant to Art 22. of the TVWF Directive, Member States shall ensure that television broadcasts by broadcasters under their jurisdiction do not include programmes which might seriously impair the physical, mental or moral development of minors, in particular those that involve pornography or gratuitous violence. Exceptions exist in cases where it is ensured by time frame selections of the broadcast, or by any technical measure that minors generally will not be able to receive the content.

Versatel agrees with the Commission that the requirements set out in the directive are sufficient. With focus on non-linear services the basic tier of rules to cover the protection of minors and human dignity should be applied. However, Versatel would like to stress the necessity to implement balanced regulatory requirements, considering both, an efficient protection system and a guarantee for the providers to implement innovative services. Taking into account the possibilities to establish closed user groups, non-linear services should not be subject to the general prohibitions of Art. 22 of the framework directive. With reference to

the variety of technical measures, a general obligation to grant technical access blocking systems should be considered as sufficient. It should be left up to the providers to decide on the special features they would like adopt. Versatel would suggest that the providers could notify their access blocking system to an independent control board.

Versatel strongly favours self-regulation bodies. In Germany various self-regulatory bodies exist, being embedded within a governmental system. In a constantly changing environment, Versatel encourages a flexible and less detailed regulation supported by the development of a strong self regulatory regime.

Berlin, September 2, 2005

Versatel Deutschland Holding GmbH

Jan Mönikes, Regulatory Counsel

Syndikus Versatel Deutschland