

## Digital Single Market

# AVMSD - Application and Implementation

As guardian of the Treaty, the Commission ensures that the provisions of the Directive are properly implemented by the Member States and complied with by audiovisual media service providers established in the EU.

The Commission endeavours to discuss issues of interpretation and application of the rules of the Directive with the Member States and their regulatory authorities at the Contact Committee and the Regulators meetings organized in Brussels.

The Commission continuously provides for relevant information and indicators in the framework of its reporting obligations in line with the 2002 Communication on improving the application of the monitoring of European Union law. In some cases, the Commission pursues infringement proceedings against a particular Member State in case of incorrect transposition or application of the Directive.

## Contact Committee

The Contact Committee has been established to monitor the implementation of the Directive and the developments in the sector as well as a forum for the exchange of views. It deals not only with the existing audiovisual policy but also with the relevant developments arising in this sector. The committee also helps the Member States with their national reports which have to be written every two years.

The committee should pay special attention to technical developments in the audiovisual sector. Chaired by the Commission and composed of representatives of the authorities of the Member States, it may be convened at the request of any of the delegations.

The minutes and agenda of all the meetings conducted until now are available for reference

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### Article 29

1. A contact committee is established under the aegis of the Commission. It shall be composed of representatives of the competent authorities of the Member States. It shall be chaired by a representative of the Commission and meet either on his initiative or at the request of the delegation of a Member State.

2. The tasks of the contact committee shall be:
  - a. to facilitate effective implementation of this Directive through regular consultation on any practical problems arising from its application, and particularly from the application of Article 2, as well as on any other matters on which exchanges of views are deemed useful;
  - b. to deliver own-initiative opinions or opinions requested by the Commission on the application by the Member States of this Directive;
  - c. to be the forum for an exchange of views on what matters should be dealt with in the reports which Member States must submit pursuant to Article 16(3) and on their methodology;
  - d. to discuss the outcome of regular consultations which the Commission holds with representatives of broadcasting organisations, producers, consumers, manufacturers, service providers and trade unions and the creative community;
  - e. to facilitate the exchange of information between the Member States and the Commission on the situation and the development of regulatory activities regarding audiovisual media services, taking account of the Union's audiovisual policy, as well as relevant developments in the technical field;
  - f. to examine any development arising in the sector on which an exchange of views appears useful.

## Audiovisual Regulators

The [European Regulators Group for Audiovisual Media Services \(ERGA\)](#) [1] brings together heads or high level representatives of national independent regulatory bodies in the field of audiovisual services, to advise the Commission on the implementation of the EU's [Audiovisual Media Services Directive \(AVMSD\)](#) [2].

On 3 February 2014, the European Commission adopted a [Decision](#) [3] setting the objectives for the Group:

- to advise and assist the Commission in its work, to ensure a consistent implementation of the AVMSD as well as in any other matters related to audiovisual media services within the Commission's competence.
- to facilitate cooperation between the regulatory bodies in the EU, as provided for in the directive regulating audiovisual media services.
- to allow for an exchange of experience and good practices.

The [AVMSD](#) [2] recognizes the role of the independent [regulatory authorities](#) [4] which, in most Member States are responsible for the enforcement of the national measures transposing the rules of the Directive.

In general, regulators in the field of audiovisual media services supervise audiovisual programmes' compliance with European and national rules. This provision should provide a basis for an increased cooperation between regulators and the Commission in order to achieve an overall better enforcement of the rules of the Directive notably when issues of jurisdiction are at stake. More broadly, this exchange of information and cooperation allows discussions at EU level on issues of interpretation and application of provisions of the Directive, especially advertising rules. Such discussions allow a more consistent application of the rules and thus a level playing field throughout the EU.

**Click to read the legal text**

## **Article 30**

Member States shall take appropriate measures to provide each other and the Commission with the information necessary for the application of this Directive, in particular Articles 2, 3 and 4, in particular through their competent independent regulatory bodies

## **Infringement procedures**

The Commission is sometimes required to take legal action, known as infringement proceedings against a particular Member State in case of violations of the Directive. The Commission may learn about infringements through complaints by citizens, parliamentary questions or following a monitoring exercise carried out by an independent consultant on the rules on audiovisual commercial communications.

Read some of the [examples of infringements](#) [5] pursued by the Commission in recent years.

Before launching infringement procedures, the Commission [contacts the Member States' national authorities](#) [5] to request additional information or to inform them of potential issues in relation to the transposition or the implementation of the Directive in their national legislation.

Refer to [illustrative examples of the EU Court of Justice case law](#) [6] in the broadcasting sector for more information

## **Reference to National Laws**

Community law requires Member States to notify to the Commission by which national laws, regulations or administrative actions they have transposed a directive.

For information on the national legislation implementing the original TVwF Directive as well as the two amending Directives please consult these documents:

- [Directive 89/552/EEC \(TVwF\)](#) [7]
- [Directive 97/36/EC](#) [8]
- [Directive 2007/65/EC \(AVMSD\)](#) [9]

Please note that the AVMSD has been codified by [Dir 2010/13/EU](#) [10].

No separate transposition measures were required for the codified Directive.

### **Read more on:**

- [Audiovisual Regulators - ERGA](#) [11]
- [Reports on the application of the AVMS and the TVWF Directive](#) [12]
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### **Team responsible**

[DG Connect](#) [15]

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