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Audiovisual and Media Policies

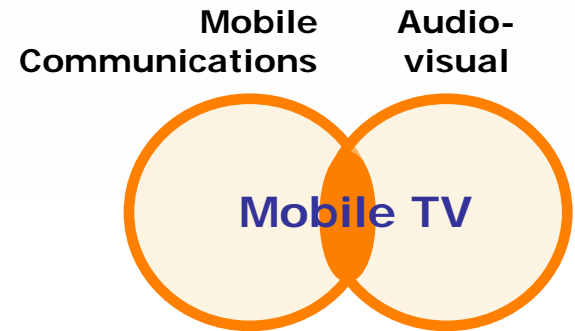
Mobile TV and EU Content Regulation



Mobile TV is at the centre of EU communications and audiovisual policy

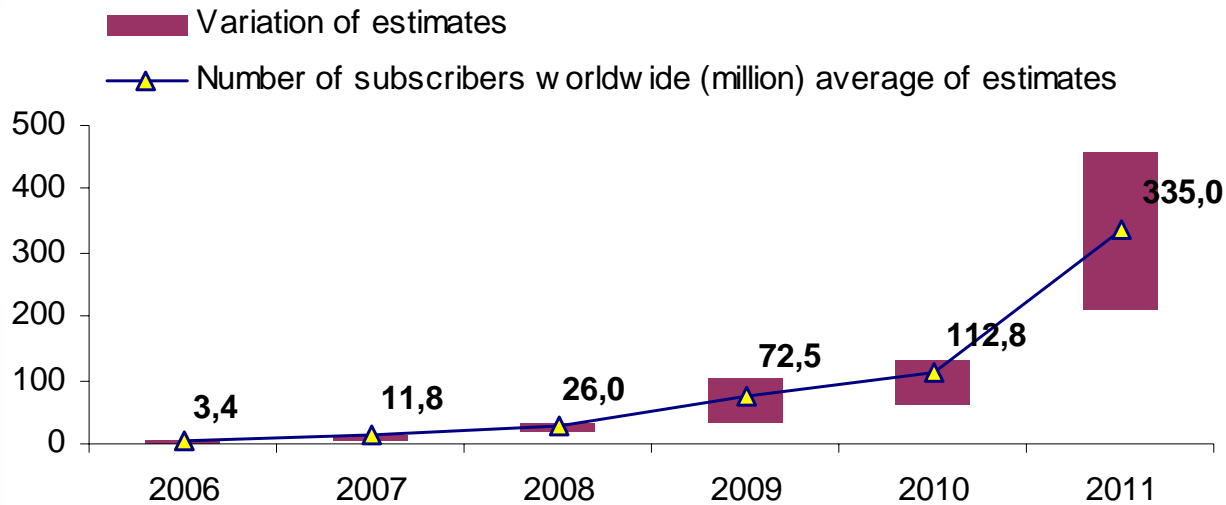
New, innovative media services such as mobile TV are at the heart of EU policy

Mobile TV: transmission of traditional (linear) and on-demand audiovisual content to a mobile device (live and time-shifted)



Market estimates

Broadcast Mobile TV Subscriber Uptake: Perplexity among Analysts



Estimates by: In-Stat, ABI, NSR, Datamonitor, Informa Telecoms&Media, eMarketer, Strategy Analytics, Gartner

Expected revenues

7-9 billion €
around 2010-
11 and

20 billion €
turnover in
2015

(McKinsey)

Mobile TV in Europe: “The time to act is now”

- First commercial launches (e.g. Italy) deliver promising results
- **2008** is key date for mobile TV take-up in Europe (Olympic Games, Euro 2008)
- **“The time to act is now”** – a call for a more coherent and proactive policy on mobile TV in Europe



Four key factors for success

Issues

- 1) **Spectrum:** make frequencies available
- 2) **Authorisations:** regulatory certainty
- 3) **Standards & interoperability:** a fast EU-wide take up
- 4) **Content:** internal market for AV media content



EU response

Mobile TV
Communication

E-communications
& digital dividend
policy's review

Regulatory: AVMS

Content Online
Communication

MEDIA 2007



Content regulation rationale

- eCommunications: regulation to be removed once competition is effective
- Content regulation: balancing economic and public interest objectives:
 - protection of minors/human dignity
 - consumer protection
 - cultural diversity/media pluralism



Internal market as pre-condition for take up of new services

- New services need a stable regulatory environment
- Today - 27 or more different regulatory regimes across Europe
- Country of origin principle - legal certainty for cross-border business
- The alternative:
 - **minimum harmonisation at EU level**
 - **fragmented markets with high legal risk**



From Television without Frontiers to Audiovisual Media Services

- **Main objective:**
Internal market for TV broadcasts and
now also AVMS
- **Means:**
Country of establishment/origin
- **Consequences:**
Co-ordination of basic principles



The logic

TVWF and AVMS Directive

- Two basic complementary principles
 - ◆ Control by originating Member State
 - ◆ All other Member States must ensure freedom of reception
- A set of common rules



Objectives of general interest

TVWF / AVMS

- Consumer protection
- Protection of minors and of public order
- Right to information
- Cultural diversity



Scope of the AVMS directive

Audiovisual media services:

- Services as defined by the Treaty
- Having as principal purpose
- The provision of moving images
- To inform, entertain and educate
- To the general public
- By e-communication networks
- Plus:
 - Editorial responsibility
 - Definition of *programmes*



Not subject to amended Directive

- Private correspondence
- Non-economic activity
- AV content only ancillary
 - on-line editions of newspapers and magazines
 - car manufacturers
 - travel sites
- No editorial activity
 - platforms for the exchange user generated content



Platform neutrality

- Services regulated according to the type of the service: linear (push) and non-linear (pull, on-demand)
- Network operators acting as AV media content providers subject to the same rules as other content providers
- But: NOT those who merely transmit content for which the editorial responsibility lies with third parties



Two tiers of obligations

- Linear (push) services : simplification
 - Television
 - Live webcasting
- Non linear (on-demand/pull) services : basic tier
 - Video on demand
 - News on demand
- Reasons for differentiation
 - Degree of choice and control of users
 - Impact on society



Basic tier of regulation

- Basic **light touch** regulation for all AV media services:
 - Identification of responsible editor
 - Protection of minors/human dignity
 - Cultural diversity
 - Identification and basic qualitative rules for commercial communications



Modernized rules for TV advertising

- Deletion of daily limit
- Insertion – more flexibility
 - Protection of films, children and news programmes
 - 30 minutes rule



TVWF -> AVMS: Commercial communications

- **Extension to on-demand services:**
 - Recognizable
 - No subliminal techniques
 - Respect human dignity
 - Ban: cigarettes, medicinal products
 - Protection of minors
 - Alcohol
 - Unhealthy food – codes of conduct



Product placement

- Allowed
 - Cinematographic works, films and series, sport, light entertainment
 - No payment (except children programmes)
- Requirements
 - Editorial independence
 - Information to users/identification
 - Bans apply
- Surreptitious advertising prohibited



TVWF -> AVMS: Protection of minors

- Art 22 – TV:
 - No programmes that might seriously impair minors
 - Likely to impair – not hear or see
- =
- + for on-demand services: only made available in such a way that...



New provisions

- Transparency rules
- Promotion of European content in on-demand services
- Short reporting (TV)
- Accessibility for people with disabilities
- Co- and self-regulation
- Codes of conduct for unhealthy food & drink advertising aimed at children



Audiovisual Media Services Directive

Timeline

- 2003 1st Consultation
- 2004 Communication
- 2005 2nd Consultation & Commission Proposal
- 2006 General Approach (Council) and EP First Reading
- May 2007 political agreement between Council and EP at common position stage
- September 2007 formal adoption
- 2009 end of transposition period



Content Online

- What EU added-value to foster EU online content industry?
- What types of instruments: soft law?

Timing

- 2006 public consultation
- Communication autumn 2007

Issues

- DRMs: consumer and market friendly
- Licensing: multi-territorial vs EU-wide



Thank you for your attention.

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

The screenshot shows a Microsoft Internet Explorer browser window displaying the website for Audiovisual and Media Policies. The browser's address bar shows the URL http://ec.europa.eu/avpolicy/index_en.htm. The website header includes the European Union flag and the text "Audiovisual and Media Policies" with a language selector set to "en". Below the header, there is a navigation menu with links for "Home", "News", "Calendar", "A-Z", and "Contact". The main content area features a "Welcome to ..." message followed by the title "Audiovisual and Media Policies". A "HIGHLIGHTS" box contains the text: "Audiovisual Media Services Directive: Political agreement at common position stage". Below this, a paragraph states: "The audiovisual sector directly employs over one million people in the European Union. In addition to its economic importance, it also plays a key social and cultural role: television is the most important source of information and entertainment in European Societies, with 98% of homes having a television, and the average European watching more than 200 minutes television per day." A list of four types of action is provided: 1. the Regulatory Framework: the Television without Frontiers Directive; 2. support mechanisms (MEDIA programme); 3. Other actions promoted with regard to the distribution of audiovisual content on electronic networks (Content Online and Media Literacy) and Media Pluralism; and 4. Protection of minors in an online-environment and European film heritage. To the right of the text is an illustration of a woman, a child, and a dog. A "News" sidebar on the right lists recent updates, including a statement by Viviane Reding on 18/06/07 and a discussion on state aid on 13/06/07. A "Funding" sidebar lists a notice on the Television Without Frontiers/Audio-visual Media Services Directive. The browser's taskbar at the bottom shows the Start button and several open applications, including Microsoft ActiveSync, Microsoft Office, Internet Explorer, Microsoft PowerPoint, and a folder named D:\tretta\My Doc... The system clock shows 11:49.



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