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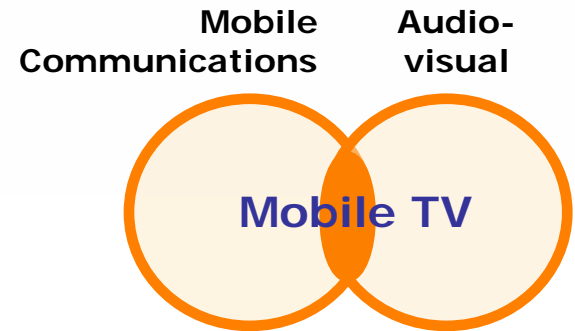
# Mobile TV and EU Content Regulation



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

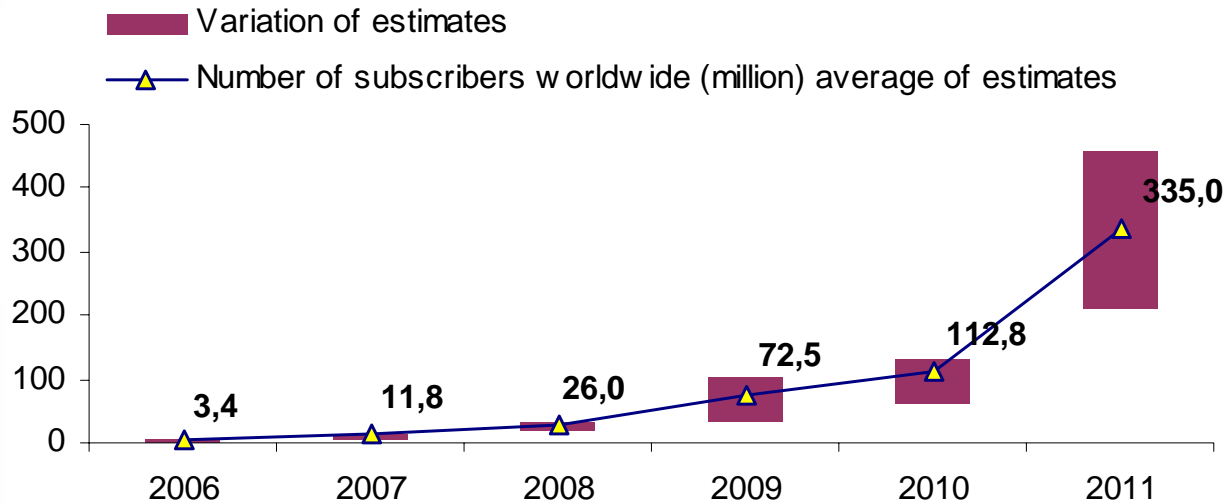
New, innovative media services such as mobile TV are at the heart of EU policy

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 1<sup>st</sup> Consultation
- 2004 Communication
- 2005 2<sup>nd</sup> 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](http://ec.europa.eu/avpolicy/index_en.htm)

The screenshot shows a Microsoft Internet Explorer browser window displaying the 'Audiovisual and Media Policies' page. The browser's address bar shows the URL 'http://ec.europa.eu/avpolicy/index\_en.htm'. The page header includes the European Commission logo and the text 'Audiovisual and Media Policies' with a language selector set to 'en'. A navigation menu lists various policy areas: Media Task Force, Regulatory Framework, Other Actions, MEDIA Programme, Media Literacy, External Policy, and Info Centre. 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 are 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. An illustration of a woman, a child, and a dog is positioned to the right of the text. 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. The browser's taskbar at the bottom shows the Start button and several open applications, including Microsoft Office and Internet Explorer.

