

# EBU viewpoint

Response to First Reading in European Parliament

February 2007

## Audiovisual Media Services Directive

### The cornerstone for Europe's audiovisual future

The EBU welcomes the Draft Audiovisual Media Services Directive, which covers all audiovisual media services, irrespective of the technology or distribution platform used. It reflects today's reality and a vision for the future. It will contribute greatly to the development of Europe's audiovisual landscape and ensure that Europe can compete in the digital world. The Directive will ensure that both economic and cultural values are reflected in Europe's audiovisual sector.

In the interest of freedom and pluralism of the media, the EBU supports the Commission's proposal to introduce an Article on independent media authorities.

### Key issues

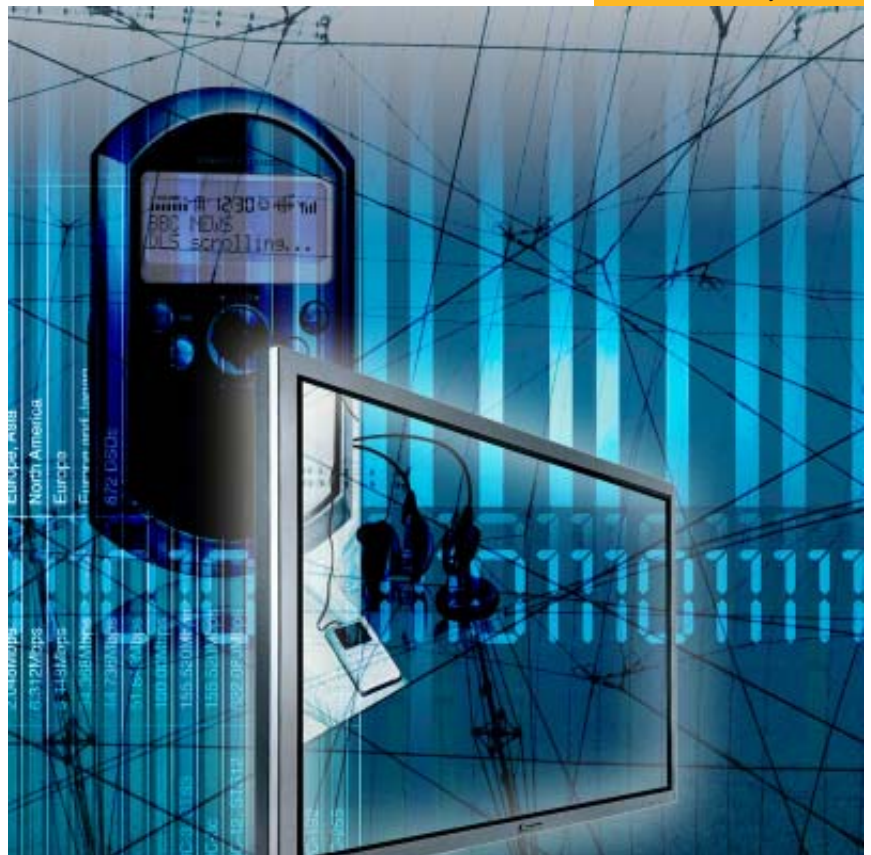
#### Extension of the scope

The EBU supports the extension of the scope of the Directive in the interest of a level regulatory playing field for all actors in the market.

However we are concerned with a number of changes introduced in the first reading in the European Parliament.

#### Exclusion of "bundling and reselling"

We believe that any provider which selects audiovisual content, bundles it and offers a content package to the general public engages in an editorial activity. This should be regarded as providing a media service within the scope of the Directive. Where providers of communications services extend the scope of their activities and start to offer audiovisual media services, they should accept the additional responsibilities. *Therefore Amendment 51 should be rejected.*



#### Exclusion of "press in electronic form"

The content should determine whether or not a service falls within the scope of the Directive, not who offers the service. If the content is audiovisual then it should be covered by the Directive. The exception as proposed in Amendment 66 is too broad and imprecise. *We suggest this part of Amendment 66 be rejected.*

We believe that it is right to exclude electronic versions of newspapers and magazines, where inclusion of audiovisual content is incidental. Perhaps Recital 15 could cover this case.

#### Limiting application to "TV-like" programmes or formats

Limiting application of the Directive through reference to traditional television formats

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would go against the whole spirit of the Directive which aims to be a modern, future proof regulatory framework for the audiovisual sector. With the development of new delivery platforms and changing viewer expectations, future audiovisual services will certainly be different from those of today.

We fear the inclusion of such a requirement would give rise to different interpretations and create loopholes. *We advocate rejection of this part of Amendment 18.*

## Jurisdiction – Services targeting another Member State

The EBU believes that the solution set out in Article 3 in the “general approach” of the Council will tackle the problem of circumvention of stricter national rules by services intended for the public in another Member State. *Therefore the Amendments 221 & 222, setting down additional criteria to be met, should not be accepted as they would make the Council’s solution ineffective.*

## Short Reporting

We are pleased that the Council and the Parliament have introduced a European news access right. However, care must be taken to safeguard existing national news access systems, based on reciprocity. For cross-border news access too, the definition of modalities and conditions should be left to the Member States. *Amendments 218, 223, & 98 need to be improved accordingly.*

## Definition of independent producers

EBU members value the role of Europe’s independent producers. We need to retain freedom in defining our contractual relationships with independent producers, as with other suppliers to our business. Where broadcasters take on the financial risks they should not be deprived of the rights. Broadcasters need secondary rights in order to

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Public service broadcasters all over the EU are driving the take up of digital technology. Audiences want to see their public service brands on all platforms, anytime. Public service broadcasters are important players in the online world. Their websites are among the most visited in their country.

*“Public service broadcasters have a key role to play in the context of convergence of media content,... they are among the players leading the way to the development of new and innovative content services”.*  
*Viviane Reding, European Commissioner, Budapest, 3 November 2006*

The EBU helps Europe’s public service broadcasters to deliver unique high quality European programming to their audiences. It offers members technical, operational and legal services, and coordinates quality European content for radio, television and new platforms. It provides members with information and analysis on media trends, and training designed to meet their needs. The EBU works to secure the recognition of the crucial role of public service broadcasters in Europe’s digital audiovisual landscape.

- 75% of EU citizens watch EBU members’ main channels.
- EBU members’ TV channels reach 375 million individuals in the EU.
- EBU members invest 10 billion Euros annually in new European TV productions.

respond to the audiences’ demands for time-shifting of programmes. *Therefore we suggest that Amendment 137 be rejected as superfluous or even harmful to our relationships with the independent sector.*

## Product Placement

We support the Parliament’s graduated approach to product placement, based on a distinction between outright product placement and production aid (or production props). However we feel that the requirement of systematic identification of product placement during programmes would disrupt viewing. *We suggest that this part of Amendment 227 be rejected.*

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