# Preparing for a fully converged audiovisual world

2013/2180(INI) - 28/01/2014 - Committee report tabled for plenary, single reading

The Committee on Culture and Education adopted the own-initiative report by Sabine Verheyen (EPP, DE) on preparing for a fully converged audiovisual world in response to the Commission Green Paper on the subject. It noted that technical media convergence had become a reality – particularly for broadcasting, the press and the internet – and European policies concerning media, culture and networks needed to adapt the regulatory framework to the new conditions and ensure that a uniform level of regulation could be established and enforced, including as regards new entrants to the market from the EU and third countries.

**Convergent markets**: Members stressed the likely creation of **dominant market positions** and stated that regulation was required where content gateways control access to media and impact directly or indirectly on the shaping of opinion. They recalled that such gateways could include TV platforms (like satellite, cable and IPTV), devices (like connected TVs and games consoles) or over-the-top services. The committee called on the Commission and Member States to monitor developments in this regard and to make full use of the possibilities offered by European competition and anti-trust law and, if necessary, introduce measures to safeguard diversity, and also to draw up a regulatory framework for convergence that is adapted to these developments.

**Access and findability**: the report asked the Commission to ensure, in a legally binding manner, **compliance with the principles of internet neutrality**, and reiterated that net neutrality rules did not remove the need to apply 'must-carry' rules for managed networks or specialised services such as cable TV and IPTV. It called on the Commission to:

- check the extent to which operators of content gateways tend to abuse their position in order to prioritise their own content, and to develop measures to rule out any future abuse;
- define what a platform is and to establish, if necessary, regulation that also covers technical networks' transfer of audiovisual content;
- investigate where measures to **secure the accessibility and findability of audiovisual media were needed** and how they could be enforced, while recalling that regulatory measures should only be taken if a platform provider, by means of apps, exploited a dominant market position or gatekeeper function in order to favour or discriminate against particular content.

Members were concerned that 'appisation' could lead to market access problems for producers of audiovisual content.

**Safeguarding diversity and funding**: the report emphasises that new advertising strategies that used new technologies to increase their effectiveness (screenshots, consumer profiling, multi-screen strategies) **raised the issue of protecting consumers**, their private lives and their personal data. With this in mind, Members stressed the need to come up with a set of consistent rules to apply to these strategies. They also called on the Commission to:

- examine the extent to which market distortions as regards quantitative and qualitative bans on advertising have arisen as a result of the unequal treatment of linear and non-linear services under Directive 2010/13/EU;
- determine how the refinancing, funding and production of quality European audiovisual content can be secured in a future-proof and balanced manner;

**Infrastructure and frequencies**: Members regretted there were still vast areas across Europe with limited internet infrastructure, and reminded the Commission that it was vital for consumers to have access to high-speed internet.

They also urged industry actors to work together on a voluntary basis in order to ensure that there was a common framework for media standards, so that a more consistent approach applied across different media. On frequencies, Members stressed that DVB-T/T2 offered excellent long-term opportunities for the joint use of the 700 MHz frequency band by broadcasting and mobile communications.

**Values:** the committee regretted the Green Paper's lack of a specific reference to the dual nature of audiovisual media as cultural and economic assets. It drew attention to the fact that including audiovisual culture and media in international free trade agreements represented a contradiction of the EU's commitment to promote cultural diversity and to respect **Member States' sovereignty over their own cultural heritage.**

Members encouraged Europe's audiovisual industry to continue to develop consistent, attractive services, especially on-line, so as to enrich the range of European audiovisual content on offer.

**Regulatory framework**: Members called on the Commission to conduct an impact assessment so as to look into whether, in the light of developments in all audiovisual media services accessible to European citizens, the scope of the AVMS Directive was still relevant.

Lastly, the report stressed the importance of protection of minors, and the **equal treatment of all data packages**, regardless of content, application, origin and destination.