Preparing for a fully converged audiovisual world

2013/2180(INI) - 12/03/2014 - Text adopted by Parliament, single reading

The European Parliament adopted by 613 votes to 34 with 30 abstentions, a resolution on Preparing for a Fully Converged Audiovisual World, in reply to the Commission's Green Paper on the subject.

Parliament considered that technical media convergence was now a reality, particularly for broadcasting, the press and the internet. In this context, European policies concerning media, culture and networks should **adapt the regulatory framework to the new conditions**, while ensuring that a uniform level of regulation can be established and enforced, including as regards new entrants to the market from the EU and third countries.

Convergent markets: if the increasing trend towards horizontal concentration in the industry and vertical integration along the value chain can provide new business opportunities they may also create **dominant market positions**. Parliament stressed that **regulation is required** where content gateways control access to media and impact directly or indirectly on the shaping of opinion.

Members recalled that the term 'content gateway' may include TV platforms (like satellite, cable and IPTV), devices (like connected TVs and games consoles) or over-the-top (OTT) services. Parliament invited the Commission and the Member States to consider these developments:

- to make full use of the possibilities offered by European competition and anti-trust law and, if necessary, to introduce measures to safeguard diversity;

- to draw up a regulatory framework for convergence that is adapted to these developments.

Access and findability: to guarantee a pluralist supply of information and a diversity of opinion and culture, the resolution called on the Commission, to ensure, in a legally binding manner, **compliance with the principles of internet neutrality**. It recalled the 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. Parliament 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 are needed and how they can be enforced.

The resolution nonetheless recalled that regulatory measures should only be taken if a platform provider, by means of apps, exploits a dominant market position or gatekeeper function in order to favour or discriminate against particular content.

Furthermore, whilst encouraging the creation of applications ('apps') Members expressed the fear that ' appisation' can lead to market access problems for producers of audiovisual content.

Safeguarding diversity and funding models: Parliament emphasised that new advertising strategies that use new technologies to increase their effectiveness (screenshots, consumer profiling, multi-screen strategies) raise 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 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 (Directive 'AMS');

- 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 are still vast areas across Europe with limited internet infrastructure. They reminded the Commission that in order to unlock the potential of a converged audiovisual world, it was vital for consumers to have access to **high-speed internet**.

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

Values: Parliament regretted the Green Paper's lack of a specific reference to the dual nature of audiovisual media as cultural and economic assets. It reminded the Commission that including audiovisual culture and media in international free trade agreements contradicted the EU's commitment to promote cultural diversity and identity as well as its **obligations vis-à-vis respecting Member States' sovereignty over their own cultural heritage**. Underlining that having a large number of platforms is no guarantee of diversity of content, 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: Parliament called on the Commission to conduct an impact assessment to look into whether, in the light of developments in all audiovisual media services accessible to European citizens, the scope of the Audiovisual Media Services (AMS) Directive is still relevant.

The resolution stressed the importance of **protection of minors and equality of treatment** of all data packages, regardless of content, application, origin and destination.

Finally, the Commission was invited to examine whether **copyright law** needs to be adapted to enable linear and non-linear content on the various platforms and their cross-border accessibility to be appropriately evaluated.