

Coordination of certain provisions in Member States concerning the pursuit of television broadcasting activities ('Audiovisual media services without frontiers')

2005/0260(COD) - 13/12/2005 - Legislative proposal

PURPOSE : to amend the “Television Without Frontiers” Directive in order to establish a modernised and flexible framework for television broadcasts, including other linear (scheduled) audiovisual media services, and to introduce a set of minimum rules for non-linear (on-demand) audiovisual media services.

PROPOSED ACT : Directive of the European Parliament and of the Council.

CONTENT : the aim of the revision is to define rules for audiovisual media services in a platform neutral way, which would mean that the same basic rules apply to the same kind of services. The set of applicable rules shall no longer depend on the delivery platform but on the nature of a service. The future regulation will distinguish between linear audiovisual services or “broadcasting”, including IPTV, streaming or web-casting on one side, and non-linear services, such as “video-on-demand”- services, on the other side.

The amending Directive introduces new definitions based around the notion of “audiovisual media service”. The definition of audiovisual media services covers mass media in their function to inform, entertain and educate, but excludes any form of private correspondence, like e-mails sent to a limited number of recipients. This definition also excludes all services the principal purpose of which is not to provide audiovisual content, even where such services contain some audiovisual elements. Services where the audiovisual content is merely ancillary to and not the principal purpose of the service are not covered.

Other measures contain the basic tier of rules for all audiovisual media services. As a consequence, some of the specific provisions for television broadcasts can be abolished.

Non-linear (on-demand) services will be subject to some minimum principles with regard to the protection of minors; the prohibition of incitement to hatred; the identification of the media service provider; the identification of commercial communication and some qualitative restrictions for commercial communication (ex. for alcohol or targeted at minors).

A new Article introduces a rule on the non-discriminatory application of the right to short news reporting for linear services.

The main changes to Chapter IV on television advertising concern flexible rules for the insertion of advertising, clear rules for product placement, the abolition of the daily limit on television advertising and the dropping of quantitative restrictions with regard to teleshopping. The daily limit of three hours of advertising per days is considered obsolete, as it finds no application in practice and therefore it is deleted. The insertion rules have been simplified and made more flexible. Instead of being compelled - as is now the case - to allow 20 minutes time between each advertising break, broadcasters can now choose the most appropriate moment to insert advertising during programmes. Nonetheless, films made for television, cinematographic works, children’s programmes and news programmes may be interrupted by advertising only once per each period of 35 minutes.