

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

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Pending the European Parliament's first reading opinion, the Council agreed on a general approach on this proposal, on the basis of a compromise text tabled by the Presidency. The Council addressed in particular four major issues, namely the Directive's scope, jurisdiction, product placement and quantitative advertising rules.

Following a long discussion, a compromise text was agreed that was supported by all delegations except Sweden, Ireland, Latvia, Belgium, Lithuania, Luxemburg and Austria. The Commission, Austria, Germany and Italy stated their intention of adding statements to the Council minutes. The text agreed seeks to address the significant technological and market developments of recent years while ensuring a competitive level playing field between service providers. It establishes common minimum rules for all audiovisual media services irrespective of the transmission platform used for their delivery.

Within the notion of audiovisual media services the text distinguishes between "linear" television broadcasts (e.g. scheduled broadcasting via traditional TV, the internet or mobile phones) which "pushes" content to viewers and "non-linear" on-demand services competing with television (such as video-on-demand), which the viewer "pulls" from a network). Only the common minimum rules would apply to on-demand services, whilst additional rules, including the quantitative rules on advertising, would apply to television broadcasts.

The text of the general approach would modernise and simplify the quantitative rules on television advertising by giving more flexibility to broadcasters with regard to the insertion of advertising.

However, the draft directive would not increase the hourly amount of admissible advertising and it would continue to limit possible interruptions for cinematographic works, television films and news programmes. Specific restrictions on the interruption of children's programmes by advertising are also retained.

The general approach would introduce into the Directive rules on the issue of product placement. In principle such a practice would be forbidden, but Member States would be free to derogate from this prohibition for certain categories of programmes, subject to strict conditions to protect the viewer.

Like the existing directive, the general approach continues to use the principle of country-of-origin to determine jurisdiction between Member States. However, the text agreed includes a Community mechanism allowing a "destination" Member State in certain limited circumstances to take measures against a provider established in another Member State. Co-operation between Member States in their handling of services provided across frontiers is also mandatory.