

Connected TV

2012/2300(INI) - 10/06/2013 - Committee report tabled for plenary, single reading

The Committee on Culture and Education adopted the own-initiative report Petra KAMMEREVERT (S&D, DE) on connected TV.

It notes that the current provisions of [Audiovisual Media Services Directive](#) (Directive 2010/13/EU) do not yet reflect ongoing technological convergence, a situation which may result in **unequal competitive conditions** and unacceptable discrepancies in the protection of users and raises fresh questions - regardless of media type - of **content access, dissemination method and findability**. Members note that the **regulatory objectives** of the Audiovisual Media Services Directive – particularly those of ensuring diversity of opinion and of the media, protecting children, encouraging media service providers to guarantee accessibility to the visually and hearing impaired, and safeguarding fair competition, as well as quality- and content-based regulation of advertising – retain their importance to society and their regulatory justification as a matter of principle. However, the **limits of the effectiveness and enforceability of these protective provisions are becoming increasingly apparent** because of the methods of use made possible by hybrid receiving systems, combining TV and the internet which will allow users to browse indiscriminately between TV channels and the internet, including websites illegally offering audiovisual content. The range of possible uses offered by hybrid devices calls into question core principles of the Audiovisual Media Services Directive, such as the mandatory separation of advertising and programmes, and rules on the insertion of advertising.

In this context, the committee calls on the Commission to **evaluate the extent to which it is necessary to revise the Audiovisual Media Services Directive** and other current requirements laid down in network and media regulations (e.g. the telecommunications package) with respect to the rules on findability and non-discriminatory access to platforms, for content providers and content developers as well as for users, expanding the concept of platforms, and to adapt the existing instruments to new constellations. Furthermore, the concept of media services defined in Article 1 of the Audiovisual Media Services Directive should be defined in such a way that the need for regulation by Member States is determined more on the basis of the **potential socio-political impact of services and specific features of that impact**, particularly their relevance to opinion-forming and to diversity of opinion, as well as on the basis of editorial responsibility.

The report calls on the Commission to:

- provide a breakdown, of which regulatory mechanisms are still necessary against the background of convergence and which should perhaps be established in order to create a level playing field for all content and service providers, so as to **ensure fair competition among content providers and guarantee users the chance to choose, from among a wide range of high-quality services**;
- ensure that the ban on the violation of human dignity, the ban on incitement to hatred, protection against discrimination and the principle of barrier-free access to **apply in the same way** to all forms of media content;
- consider whether the principle of the **division between advertising and programme content** can be maintained across all types of media or whether the aim of providing protection could be better achieved by making advertising and programme content clearly recognisable and clearly distinguishable across all types of media;
- consider to what extent a reform of media regulation so as to move towards incentive and certification schemes and **strengthen co- and self-regulatory approaches** can enable the regulatory objectives of the Audiovisual Media Services Directive to be attained in a lasting fashion, while at the same time maintaining the necessary flexibility for fair competition among

media service providers. It is stressed that compliance with the measures must be monitored and the assessment of their effectiveness must be carried out by an independent regulator;

- ensure that platforms are operated on the basis of **open interoperable standards** in a way which accords with market conditions and the general interest, entailing fair competition. The committee feels that platform services and portal services should be interoperable, in order to give third parties the opportunity, without discrimination, to produce and market their own applications, irrespective of the medium of transmission;
- ensure that the **anonymous use of TV and on-line services** by means of hybrid receiving devices that are sold in or imported into the EU is guaranteed in principle and that it is in full compliance with EU rules on privacy and data protection, as the processing of personal data is only lawful if, and to the extent that, consent is given by the user. Members feel that analyses of user behaviour and the establishment of user profiles using complete IP addresses (including geo-location) should be allowed only with the witting and unambiguous consent (opt-in) of the user. This must be ensured by legislation;
- **exclude audiovisual media services from liberalisation measures** negotiated as part of international trade agreements.

Lastly, the report calls on Member States, in the negotiations on the multiannual financial framework, to reconsider the cut in funding, from the figure of EUR 9.2 billion originally proposed to EUR 1 billion, for DG Connect, CNECT, in order to cover the further development of telecommunications infrastructure.