

Procedure file

Basic information	
INI - Own-initiative procedure	2012/2132(INI)
Procedure completed	
Implementation of the Audiovisual Media Services Directive	
See also 2009/0056(COD)	
Subject	
3.30.01 Audiovisual industry and services	
3.30.02 Television, cable, digital, mobile	
3.30.04 Radiocommunications, broadcasting	
8.50.01 Implementation of EU law	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	CULT Culture and Education		29/05/2012
		PPE BORYS Piotr	
		Shadow rapporteur	
		S&D KAMMEREVERT Petra	
		ALDE SCHAAKE Marietje	
		Verts/ALE TRÜPEL Helga	
		ECR MCCLARKIN Emma	
	Committee for opinion	Rapporteur for opinion	Appointed
	ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
European Commission	IMCO Internal Market and Consumer Protection		30/05/2012
		S&D GARCÉS RAMÓN Vicente Miguel	
	JURI Legal Affairs		18/09/2012
		S&D CASTEX Françoise	
	LIBE Civil Liberties, Justice and Home Affairs		
Commission DG	Commissioner		
Communications Networks, Content and Technology	KROES Neelie		

Key events			
04/05/2012	Non-legislative basic document published	COM(2012)0203	
05/07/2012	Committee referral announced in Parliament		
21/02/2013	Vote in committee		

28/02/2013	Committee report tabled for plenary	A7-0055/2013	Summary
20/05/2013	Debate in Parliament		
22/05/2013	Results of vote in Parliament		
22/05/2013	Decision by Parliament	T7-0215/2013	Summary
22/05/2013	End of procedure in Parliament		

Technical information

Procedure reference	2012/2132(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
	See also 2009/0056(COD)
Legal basis	Rules of Procedure EP 54
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	CULT/7/09941

Documentation gateway

Follow-up document		COM(2012)0203	04/05/2012	EC	Summary
Committee draft report		PE500.577	28/11/2012	EP	
Amendments tabled in committee		PE504.031	18/01/2013	EP	
Committee opinion	IMCO	PE500.516	23/01/2013	EP	
Committee opinion	JURI	PE501.905	23/01/2013	EP	
Committee opinion	LIBE	PE500.739	31/01/2013	EP	
Committee report tabled for plenary, single reading		A7-0055/2013	28/02/2013	EP	Summary
Text adopted by Parliament, single reading		T7-0215/2013	22/05/2013	EP	Summary
Commission response to text adopted in plenary		SP(2013)519	18/09/2013	EC	

Implementation of the Audiovisual Media Services Directive

The Committee on Culture and Education adopted the initiative report by Piotr BORYS (EPP, PL) in follow-up to the Commissions first report on the Implementation of the Audiovisual Media Services Directive (AVMSD) covering the period 2009-2010.

Members remind the Commission of its commitment to the smart regulation agenda, and the importance of making timely and pertinent ex-post controls of EU legislation in order to manage the quality of regulation throughout the policy cycle and note that the Commission has submitted its application report with a significant delay.

The report notes that the Member States have implemented the AVMSD in a particularly diverse manner and that the country of origin principle, when properly applied, gives broadcasters important clarity and certainty about their operational arrangements.

Members deplore that the Commissions application report does not assess the need for a possible adaptation of the AVMSD in view of these findings, as required by the Directive.

They strongly support a technology-neutral approach, in view of evolving viewing and delivery patterns, to facilitate increased consumer choice and call, in this regard, for a full impact assessment of the current state of play on the market and of the regulatory framework.

- Accessibility (Article 7): Members point out that the Commissions report neither fully addresses the issue of accessibility, nor assesses the effectiveness of the implementation of the appropriate provisions in individual Member States.

They call on the Commission to monitor the situation regarding the provision of media services to people with disabilities and the elderly, stressing the need for the Member States to encourage broadcasters to gain a better understanding of their needs. They point to the need for wider accessibility of programmes, in particular those rendered via on-demand services, through further developments in, inter alia, audio description, audio/spoken subtitles, sign language and menu navigation, notably of electronic programme guides (EPGs).

They believe that Article 7 of the AVMSD should be reworded in order to include stronger, binding language, requiring media service providers to ensure that their services are made available to people with disabilities.

- Exclusive rights and short news reports (Articles 14 & 15): Members call on the Commission, in its next report on the application of the AVMSD, to assess whether the Member States have implemented this directive in a way that preserves the necessary and existing balance between safeguarding the principle of freedom of access to information, especially on events of high interest to society, and the protection of rights holders.

Welcoming the approach taken by the Commission and the European Court of Justice in relation to the interpretation of the AVMSD, they call for a continued broad interpretation of the term events which are regarded as being of major importance for society, including sports and entertainment events that are of general interest, and encourage the Member States to draw up lists of such events.

- Promotion of European audiovisual works (Article 13): Members highlight that while most Member States comply with the rules relating to the promotion of European works, priority is still given to national works, whilst the percentage of independent works on TV is on the decline. They consider that the data submitted by the Commission in its report are insufficient for the reaching of suitable conclusions.

They call on the Member States to take effective measures to promote better synergies among regulatory authorities, audiovisual media services providers and the Commission, so that EU films can reach a wider audience both within and beyond the EU on linear and non-linear services. They also recommend strengthening the role of the European Audiovisual Observatory, which they consider would be an appropriate solution for collecting data concerning the promotion of European audiovisual works.

- Protection of minors: Members recognise the efforts made by the advertising industry and members of the EU Pledge, to respond to the AVMSDs call for codes of conduct for commercial communications, accompanying or included in childrens programmes, of foods and beverages high in fat, sugar and salt. They stress that co-regulatory and self-regulatory initiatives, particularly in the field of advertising that targets minors, represent an advance on the prior situation because they offer a means of reacting more swiftly to developments in the rapidly changing world of the media. They note, however, that such initiatives may not always be sufficiently effective in all Member States and that they should be regarded as complementary to legal provisions in realising the aims of the AVMSD, particularly in an online context.

They invite the Commission to consider how the basic requirements of the AVMSD applicable to non-linear services can be extended to other online content and services which are currently out of its scope, and what steps need to be taken to create a level playing field for all operators and call on it to present to Parliament the results of its considerations no later than 31 December 2013.

- Advertising (Article 9): Members note that the 12-minute hourly advertising limit has been breached in some Member States and urge the Member States concerned to implement fully, correctly and without delay the provisions of the AVMSD in this respect.

They also urge the Commission, while monitoring compliance with existing rules setting out qualitative and quantitative stipulations on advertising, to have an eye towards future challenges, e.g. that of Connected TV, in terms of the competitiveness and the sustainable financing of audiovisual media services.

Members welcome the Commissions intention to update its interpretative communication on certain aspects of the provisions on televised advertising in 2013.

- Media literacy: Members take note of the findings by the Commission with regard to the level of media literacy in the Member States. They note that access to channels, and the choice of audiovisual services, has increased significantly and call on the Commission and the Member States to promote media literacy for all EU citizens through initiatives and coordinated actions, in order to increase the critical understanding of audiovisual media services.

- Future challenges: Members regret that the Commission only partially carried out its reporting task in keeping with its obligation under the AVMSD, and call for an interim evaluation before the next Commission application report.

They call on the Commission to monitor closely the development of hybrid services in the EU, in particular Connected TV, to establish in its Green Paper on Connected TV the various issues they raise and to pursue those issues through public consultation.

Lastly, Members also call on the Commission to address, in particular, the uncertainties surrounding the use of the term on-demand audiovisual media services and, with an eye both to greater consistency in EU legislation affecting on-demand audiovisual services and to likely developments in media convergence, to establish a clearer definition of the term so that the regulatory aims of the AVMSD can be achieved more effectively.

Implementation of the Audiovisual Media Services Directive

The European Parliament adopted by 593 votes to 69, with 14 abstentions, a resolution on the Implementation of the Audiovisual Media Services Directive (AVMSD) covering the period 2009-2010.

Parliament reminds the Commission of its commitment to the smart regulation agenda, and the importance of making timely and pertinent ex-post controls of EU legislation in order to manage the quality of regulation throughout the policy cycle and notes that the Commission has submitted its application report with a significant delay.

The resolution notes that the Member States have implemented the AVMSD in a particularly diverse manner and that the country of origin principle, when properly applied, gives broadcasters important clarity and certainty about their operational arrangements. It calls on the Commission to encourage the consistent and full implementation of the AVMSD in the Member States and to ensure that all due account is taken of the specific definitions contained in the recitals to this Directive when it is transposed into national law. It deplores the fact that the

Commissions application report does not assess the need for a possible adaptation of the AVMSD in view of these findings, as required by the Directive.

Parliament strongly supports a technology-neutral approach, in view of evolving viewing and delivery patterns, to facilitate increased consumer choice and calls, in this regard, for a full impact assessment of the current state of play on the market and of the regulatory framework.

- Accessibility (Article 7): Parliament points out that the Commissions report neither fully addresses the issue of accessibility, nor assesses the effectiveness of the implementation of the appropriate provisions in individual Member States.

It calls on the Commission to monitor the situation regarding the provision of media services to people with disabilities and the elderly, stressing the need for the Member States to encourage broadcasters to gain a better understanding of their needs. It points to the need for wider accessibility of programmes, in particular those rendered via on-demand services, through further developments in, inter alia, audio description, audio/spoken subtitles, sign language and menu navigation, notably of electronic programme guides (EPGs). It therefore believes that Article 7 of the AVMSD should be reworded in order to include stronger, binding language, requiring media service providers to ensure that their services are made available to people with disabilities.

- Exclusive rights and short news reports (Articles 14 & 15): Parliament calls on the Commission, in its next report on the application of the AVMSD, to assess whether the Member States have implemented this Directive in a way that preserves the necessary and existing balance between safeguarding the principle of freedom of access to information and the protection of rights holders.

Welcoming the approach taken by the Commission and the European Court of Justice in relation to the interpretation of the AVMSD, it calls for a continued broad interpretation of the term events which are regarded as being of major importance for society, including sports and entertainment events that are of general interest, and encourages the Member States to draw up lists of such events.

- Promotion of European audiovisual works (Article 13): Parliament highlights that while most Member States comply with the rules relating to the promotion of European works, priority is still given to national works, whilst the percentage of independent works on TV is on the decline. It considers that the data submitted by the Commission in its report are insufficient for the reaching of suitable conclusions.

It calls on the Member States to take effective measures to promote better synergies among regulatory authorities, audiovisual media services providers and the Commission, so that EU films can reach a wider audience both within and beyond the EU on linear and non-linear services. It also recommends strengthening the role of the European Audiovisual Observatory, which it considers would be an appropriate solution for collecting data concerning the promotion of European audiovisual works.

- Protection of minors: Parliament recognises the efforts made by the advertising industry and members of the EU Pledge, to respond to the AVMSDs call for codes of conduct for commercial communications, accompanying or included in childrens programmes, of foods and beverages high in fat, sugar and salt. It stresses that co-regulatory and self-regulatory initiatives, particularly in the field of advertising that targets minors, represent an advance on the prior situation. It notes, however, that such initiatives may not always be sufficiently effective in all Member States and that they should be regarded as complementary to legal provisions in realising the aims of the AVMSD, particularly in an online context.

Parliament invites the Commission to consider how the basic requirements of the AVMSD applicable to non-linear services can be extended to other online content and services which are currently out of its scope, and what steps need to be taken to create a level playing field for all operators. It calls on the Commission to present to Parliament the results of its considerations no later than 31 December 2013.

- Advertising (Article 9): Parliament notes that the 12-minute hourly advertising limit has been breached in some Member States and urges the Member States concerned to implement fully, correctly and without delay the provisions of the AVMSD in this respect.

It also urges the Commission, while monitoring compliance with existing rules setting out qualitative and quantitative stipulations on advertising, to have an eye towards future challenges, e.g. that of Connected TV, in terms of the competitiveness and the sustainable financing of audiovisual media services. It highlights, in particular, the need to monitor commercial formats devised to circumvent this restriction, especially surreptitious advertising, which can confuse consumers.

Parliament calls on the Commission (i) to submit, as soon as possible, the clarifications needed of the issues it has identified in the field of commercial communications concerning sponsorship, self-promotion and product placement and (ii) to analyse the effectiveness of the regulations in place and to monitor compliance with the rules on advertising aimed at children and minors.

Parliament welcomes the Commissions intention to update its interpretative communication on certain aspects of the provisions on televised advertising in 2013.

- Media literacy: Parliament takes note of the findings by the Commission with regard to the level of media literacy in the Member States and that access to channels, and the choice of audiovisual services, has increased significantly. It stresses that, in order to achieve a true digital single market in Europe, further efforts are therefore needed in the field of improving media literacy among citizens and calls on the Commission and the Member States to promote media literacy for all EU citizens through initiatives and coordinated actions.

- Future challenges: Parliament regrets that the Commission only partially carried out its reporting task in keeping with its obligation under the AVMSD, and calls for an interim evaluation before the next Commission application report.

It calls on the Commission to monitor closely the development of hybrid services in the EU, in particular Connected TV, to establish in its Green Paper on Connected TV the various issues they raise and to pursue those issues through public consultation.

Lastly, Parliament calls on the Commission to address, in particular, the uncertainties surrounding the use of the term on-demand audiovisual media services and to establish a clearer definition of the term so that the regulatory aims of the AVMSD can be achieved more effectively.