

Audiovisual media services: changing market realities

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The Committee on Culture and Education adopted the report by Sabine VERHEYEN (EPP, DE) and Petra KAMMEREVERT (S&D, DE) on the proposal for a directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities.

The committee recommended that the European Parliaments position adopted at first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

Purpose and scope of the Directive: in general, Members advocated tightening up the child protection provisions of EU rules on audiovisual media services and also those on advertising and promoting European audiovisual works. Members seek to enhance the current rules to the increasing convergence of media markets and technologies in Europe. This convergence of media requires an updated legal framework in order to reflect developments in the market and to achieve a balance between access to online content services, consumer protection and competitiveness.

The scope of the Directive is being extended to cover not only traditional broadcasting and on-demand services, but also video-sharing platform services as well as user-generated videos. Members proposed extending the definition of programme to include family programmes such as entertainment and reality programmes, which are watched by adults and children alike.

In order to align the provisions for these services and to create a genuine level playing field, Chapter I of the proposed Directive has been restructured. Certain Articles concerning, inter alia: incitement to violence or hatred, protection of minors from harmful content, audiovisual commercial communications, sponsoring, co- and self-regulations and codes of conduct, have been merged.

Protection of minors and quotas: Members proposed banning advertising and product placement for tobacco, electronic cigarettes and alcohol in childrens TV programmes and video-sharing platforms. The transmission of childrens programmes may be interrupted by television advertising once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes. The transmission of teleshopping shall be prohibited during children's programmes. Member States shall remain free to define a prime time window, the duration of which shall not exceed a period of four consecutive hours. Within such a prime time window, the proportion of television advertising spots and teleshopping spots shall not exceed 20 %.

Quantitative advertising rules, commercial communications and product placement: Members called for a higher degree of flexibility on quantitative advertising rules is necessary. Members stated that it is important for broadcasters to have more flexibility and to be able to decide when to place advertising in order to maximise advertisers' demand and viewers' flow. The hourly limit should thus be abolished while a daily limit of 20% of advertising should be introduced. It is also necessary, however, to maintain a sufficient level of consumer protection in that regard because such flexibility could expose viewers to an excessive amount of advertising during prime time. Specific limits should therefore apply within prime time windows.

Commercial communications regarding alcoholic beverages, tobacco and medical products should still be limited. No television advertising or teleshopping shall be inserted during religious services. Members stipulated that isolated advertising and teleshopping spots shall be admissible in sports events.

Limitations for commercial communications concerning nutrition should be agreed in codes of conduct in order to achieve a higher level of protection. Those codes shall aim to effectively reduce the exposure of children to audiovisual commercial communications for such foods and beverages.

Promotion of European audiovisual works: in order to reflect Europes cultural diversity, Members called for a 30% quota of European works in on-demand platform catalogues, instead of the 20% proposed by the EU Commission.

Members suggested that Member States may require that providers of on-demand audiovisual media services established under their jurisdiction to contribute financially to the production of European works, taking into account the cultural and linguistic diversity of the territorial area in which they are located or provide their service, including via direct investment in content and contributions to national funds.

European Regulators Group for Audiovisual Media Services (ERGA) and the contact committee: while welcoming the contribution of the ERGA as an informative and consultative body, Members suggested that the contact committee should be given more competences. It should decide on opinions, including on jurisdiction and Union rules and codes of conduct in the area of protection of minors and hate speech as well as for audiovisual commercial communications for foods high in fat, salt/sodium and sugars drafted by the ERGA, in order to facilitate coordination with the law of the Member States.