

Audiovisual media services: changing market realities

2016/0151(COD) - 02/10/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 452 votes to 132, with 65 abstentions, a legislative resolution 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 European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Purpose and scope: the purpose of this proposal is to amend Directive 2010/13/EU in order to take into account changes in the audiovisual landscape, in particular the convergence between television and Internet services. The updated legislation shall apply to all broadcasters, but also to video-on-demand and online video-sharing platforms and social media services if the provision of user-generated programmes and videos is an essential feature.

Protection of minors: video-sharing platform services provide audiovisual content that is increasingly consulted by the general public, especially young people. The protection of minors and all users from harmful content as well as speech inciting hatred, violence and terrorism shall be improved by establishing a clear responsibility for video-sharing platforms. The most harmful content, such as pornography and gratuitous violence, shall be subject to the most stringent measures.

Video-sharing platforms shall provide: (i) transparent and user-friendly mechanisms for platform users to report harmful content; (ii) systems for platform providers to explain to users what effect has been taken on the reports; (iii) transparent and user-friendly procedures for handling and resolving user complaints; and (iv) effective media literacy measures and tools.

The amended text imposes measures to ensure that personal data of minors collected by audiovisual media providers are not used for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising.

Member States shall be able to take action through their national audiovisual regulatory authorities against operators who do not comply with the rules. The revised Directive shall improve cooperation between Member States' audiovisual authorities by strengthening the European Regulators Group for Audiovisual Media Services (ERGA) and defining its role in EU legislation.

Accessibility: Member States shall ensure that services provided by media service providers under their jurisdiction are continuously and progressively made more accessible to persons with disabilities. Service providers shall be encouraged to develop accessibility action plans. These action plans should be communicated to national regulatory authorities or bodies.

Advertising: under the new rules, the transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising, teleshopping, or both, once for each scheduled period of at least 30 minutes. The transmission of teleshopping shall be prohibited during children's programmes.

Advertising shall represent a maximum of 20% of air time between 06.00. and 18.00. During the period between 18 and 24 hours, advertising may not exceed 20% of the air time. The proportion of television advertising spots and teleshopping spots within the period between 18.00 and 24.00 shall not exceed 20 % of that period. Under no circumstances shall programmes include product placement of cigarettes and other tobacco products, as well as electronic cigarettes and refill containers.

Cultural diversity: Member States shall ensure that media service providers of on-demand audiovisual media services under their jurisdiction secure at least a 30 % share of European works in their catalogues and ensure prominence of those works. In order to contribute to the development of European audiovisual productions, Member States may require financial participation from on-demand television and media service providers, in particular those established in another Member State. These obligations shall not apply to media service providers with a low turnover or a low audience.

Transparency and media pluralism: according to the revised Directive, Member States shall be able to determine whether and to what extent information about the ownership structure of a media service provider should be accessible to users, provided that the essence of the fundamental rights and freedoms concerned is respected and that such measures are necessary and proportionate. It is for each Member State to decide, in particular with respect to the information which may be provided on ownership structure and beneficial owners.