

European standards and Ukraine's commitments to the European Union and the Council of Europe in regard to media reforms

Requirements regarding audiovisual media content and regarding the provision of audiovisual media services

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European Standards

1. Technology neutral and platform independent
2. No individual licensing of content distributors ('programme providers') who do not use the scarce radio spectrum
3. Freedom of movement of audiovisual media services across national borders: obligation for States to ensure freedom of reception and to not restrict retransmissions on their territory of audiovisual media services from other States
4. Only one State can have jurisdiction over an audiovisual media service provider
5. Distinction between linear and non-linear audiovisual media services:
On-demand audiovisual media services are different from television broadcasting with regard to the choice and control the user can exercise, and with regard to the impact they have on society. This justifies imposing lighter regulation on on-demand audiovisual media services, which should comply only with the basic rules provided for in this Directive

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6. Because of the specific nature of audiovisual media services, especially the impact of these services on the way people form their opinions, it is essential for users to know exactly who is responsible for the content of these services: Member States must ensure that users have easy and direct access at any time to information about the media service provider
7. The right of persons with a disability and of the elderly to participate and be integrated in the social and cultural life of the Union is inextricably linked to the provision of accessible audiovisual media services. The means to achieve accessibility should include, but need not be limited to, sign language, subtitling, audio-description and easily understandable menu navigation.
8. Strict separation of commercial and editorial content
9. News and current affairs programmes cannot be sponsored or be interrupted by advertising
10. Broadcasts of religious services cannot be interrupted by advertising; children's programmes can only be interrupted by advertising if their scheduled duration is > 30 minutes

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11. Interruption of feature films and sports event broadcasts is restricted
12. Advertising for tobacco, alcohol, medicines and medical treatment prohibited or severely restricted (distinction between prescription/non-prescription medicines or medical treatments)
13. Restrictions on the form and presentation of advertising/tele-shopping (advertising and tele-shopping shall not feature, visually or orally, persons regularly presenting news and current affairs programmes)
14. Restrictions on the duration of advertising/tele-shopping messages (12 minutes per hour) and requirement of minimum duration of tele-shopping windows
15. Prohibition of surreptitious audiovisual commercial communication
16. Prohibition of 'product placement'; derogations are appropriate for some kinds of programme, on the basis of a positive list.

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17. Introduction of a right of short reporting
18. Introduction of a right to cover major events
19. Obligation to introduce a 'right of reply' in case of an assertion of incorrect facts
20. Promotion of European content and independent productions (quota obligations)
21. Protection of media pluralism and diversity
22. Restrictions on violent expressions, prohibition of incitement to hatred and discrimination, protection of minors (self-regulation?)
23. Promotion of 'Media literacy' refers to skills, knowledge and understanding that allow consumers to use media effectively and safely.

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24. Close cooperation between the competent national regulatory bodies of the Member States and the Commission
25. Close cooperation between Member States and between their regulatory bodies
26. Member States shall remain free to require media service providers under their jurisdiction to comply with more detailed or stricter rules in the fields coordinated by this Directive provided that such rules are in compliance with Union law
27. Member States shall encourage co-regulation and/or self-regulatory regimes at national level in the fields coordinated by the Audiovisual Media Services Directive to the extent permitted by their legal systems. These regimes shall be such that they are broadly accepted by the main stakeholders in the Member States concerned and provide for effective enforcement.
28. Member States shall take appropriate measures to provide each other and the Commission with the information necessary for the application of the Audiovisual Media Services Directive in particular through their competent independent regulatory bodies.

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29. Member States may impose reasonable “must carry” obligations, for the transmission of specified radio and television broadcast channels and complementary services, particularly accessibility services to enable appropriate access for disabled end-users, on undertakings under their jurisdiction providing electronic communications networks used for the distribution of radio or television broadcast channels to the public where a significant number of end-users of such networks use them as their principal means to receive radio and television broadcast channels. Such obligations shall only be imposed where they are necessary to meet general interest objectives as clearly defined by each Member State and shall be proportionate and transparent. Member States shall review “must carry” obligations on a regular basis.