



# Revising the AVMSD

Strasbourg, 16.3.2017  
#KeyTrends2017  
WIFI – COE-Guest

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# 1992













# 1992



Francis Fukuyama's

***The end of history  
and the last man***

# *The end of history*

# *The end of history*

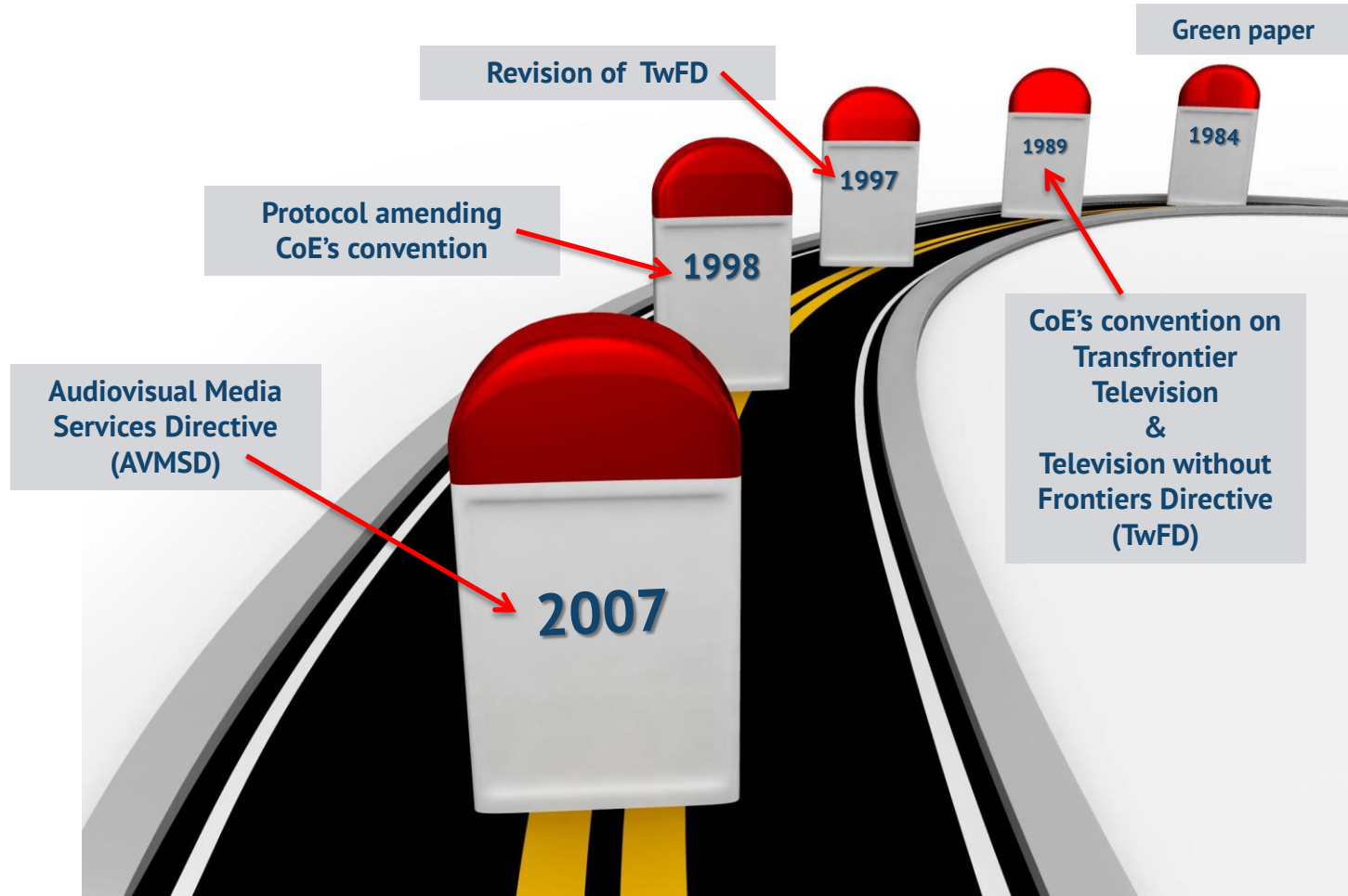
*What we may be witnessing is not just the end of the Cold War, or the passing of a particular period of post-war history, but **the end of history as such**: that is, the **end point of mankind's ideological evolution** and the **universalization of Western liberal democracy as the final form of human government.***

# *The end of history*



# Timeline of media regulation in Europe

13



# 2017

# *Amending the AVMSD*



# *Amending the AVMSD* *another milestone...?*

*...or the end of history  
for media regulation?*

# NO REVOLUTION

# NO REVOLUTION

## Main principles unchanged

# A WIDER SCOPE

# A WIDER SCOPE

## Video-sharing platforms included

# Video-sharing platforms

**Commercial services** addressed to the public which:

- **store a large amount of** programmes or user-generated **videos**, for which the video-sharing platform **provider does not have editorial responsibility**;
- **content is organised** in a way determined **by the provider** of the service, in particular by **hosting, displaying, tagging and sequencing**;
- the **principal purpose of the service** (or a dissociable section thereof) is devoted to **providing** programmes and user-generated **videos to the general public**, in order to **inform, entertain or educate**;
- is made available by **electronic communications networks**.



# Video-sharing platforms

## Duties:

- **Protect minors** from **harmful content**
- **Protect all citizens** from **incitement to hatred**
- Implemented by **co-regulation**

# COUNTRY OF ORIGIN

# COUNTRY OF ORIGIN

## Principle maintained

# COUNTRY OF ORIGIN

**Yes, but...**

# VoD QUOTAS

## ...with a twist

# Promotion of works on on-demand services

- minimum **quota** obligations (**20% share** of their catalogues)
- obligation to give **prominence** to European works in their catalogues.
- Member States are allowed to impose financial contributions to providers of on-demand services established in other Member States (but only on the turnover generated in the imposing country)

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*“The success of the AVMSD is largely built on the core principle of COO, and yet the European Commission is proposing to undermine this with ill-founded and ill-advised changes. **The Commission is about to paint a moustache on the Mona Lisa.**”*

*Robert Kenny & Tim Suter  
“The proposed AVMSD: an unravelling of the Digital Single Market”*

# VoD QUOTAS

## From 20% to 30%?



# ADVERTISING

# ADVERTISING RELAXED

# Advertising

- Limit of **20% of broadcasting time** maintained between 7h and 23h...
- ...but broadcasters can **choose freely when to show ads** throughout the day.
- **More flexibility** for **product placement** and **sponsorship**.
- Reinforcement of **self- and co-regulatory codes**.

# ADVERTISING

## 20% on Prime Time



# Advertising



*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**. It may also **decrease advertising revenues** as well as **reduce funding for the production of content**. **Stricter limits** should therefore apply during the period from **20:00 to 23:00** with a **limit of 20% of advertising** within that particular period.*



# *The end of history for media regulation?*

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*C'est trop facile  
quand les guerres sont finies  
d'aller gueuler  
que c'était la dernière...*

*Jacques Brel, « Grand Jacques (c'est trop facile) »*