



Regulation of audiovisual media services across Europe

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***i-COM Conference “AVMSD refit or reform?”
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Overview

1. AVMSD implementation:

- Protection of minors
- Commercial communications
- European works

2. Regulatory asymmetries

- Targeting countries
- EU vs Council of Europe

Implementation of AVMSD

The two objectives of the TVWF

- free movement of TV broadcasting services in the EU based on the principle of country of origin
- protection of fundamental public interest objectives through minimum harmonisation

...have been kept during all revision processes:

- (1989) 1995 (1997), 2005 (2007), 2016 (2017?)

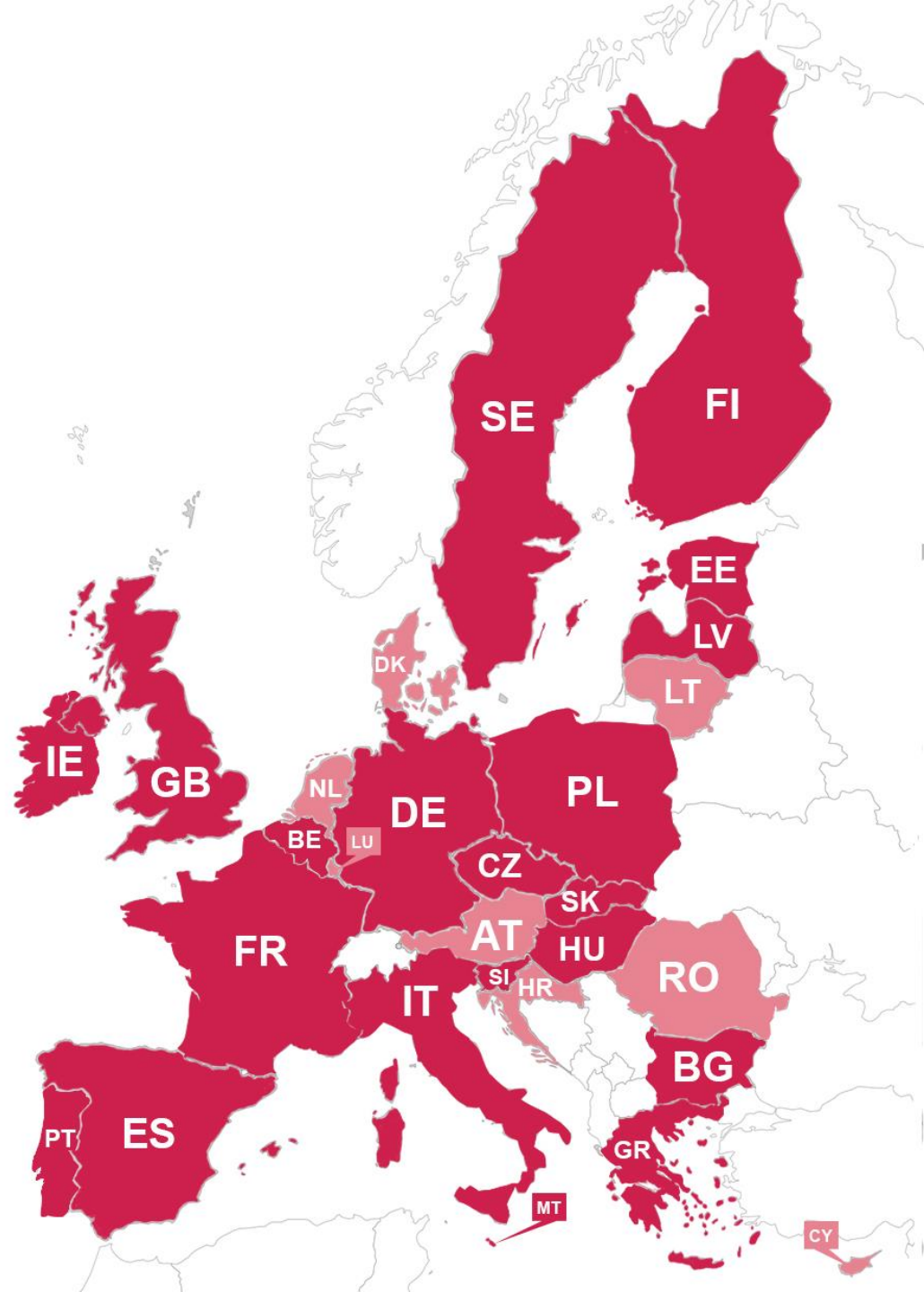
Degree of implementation

Protection of minors

More detailed

Detailed restriction, hours, age categories, type of content (trailers, promotion), criteria of assessing suitability of programs

Neutral



Degree of implementation

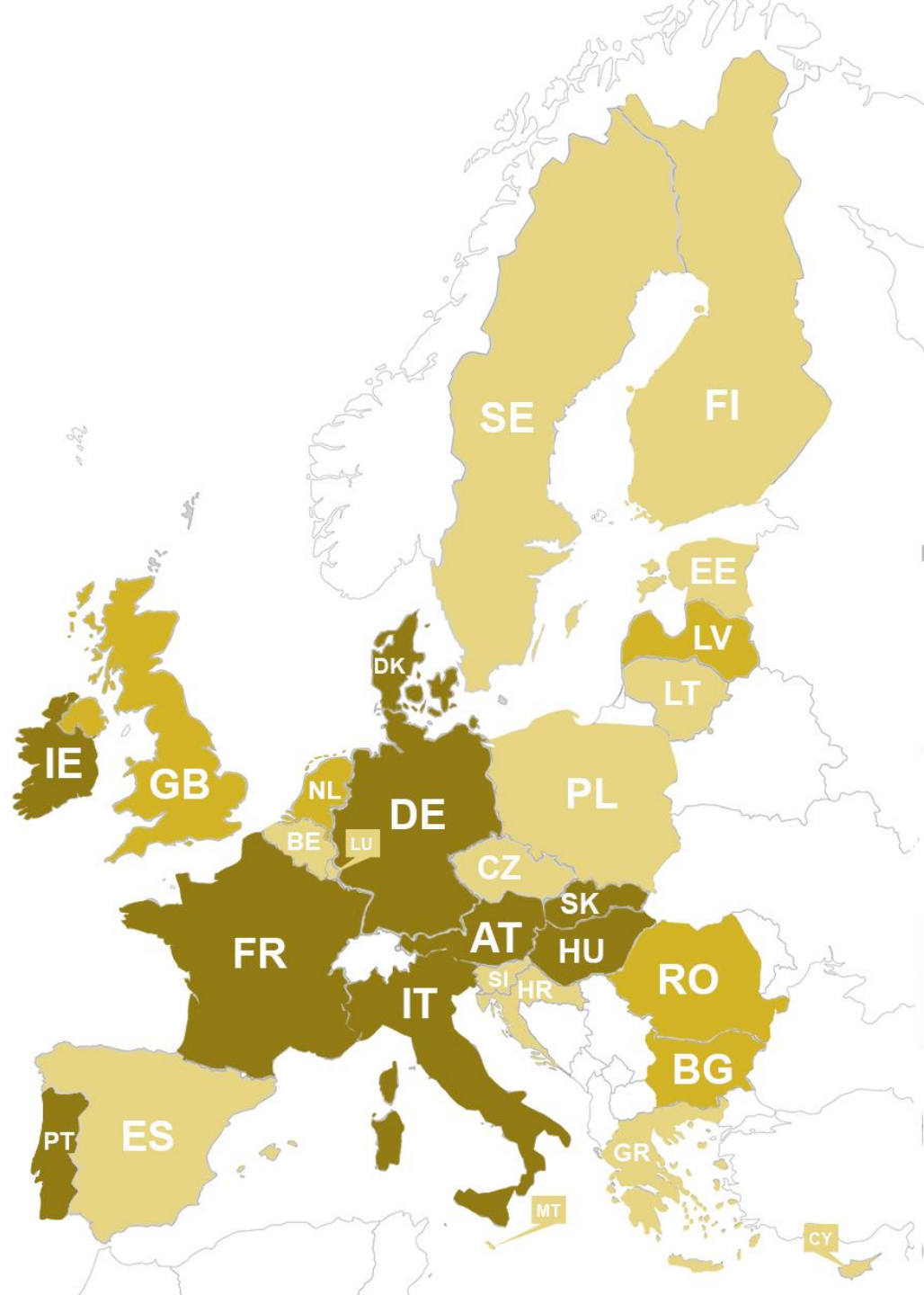
Proportion of advertising and teleshopping spots

Stricter

Stricter rules include either or both a smaller hourly or daily proportion, restriction during certain days and hours

Stricter in PSB

Neutral



Degree of implementation

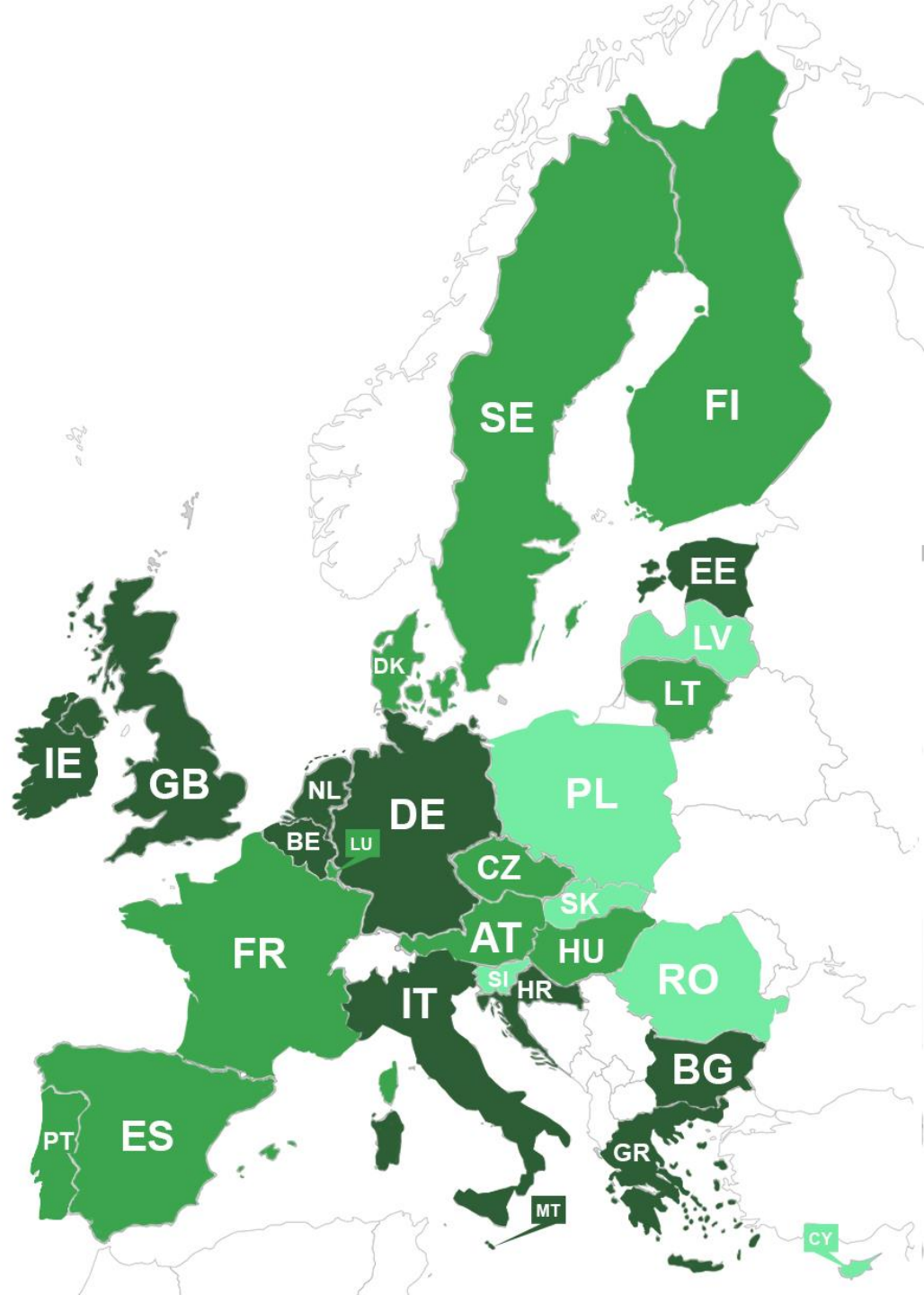
Sponsorship

During documentaries, religious and children's programs, sponsorship logos are:

 **Prohibited**

 **Admitted**

 **Admitted and more detailed rules on sponsorship of news and current affairs programmes**

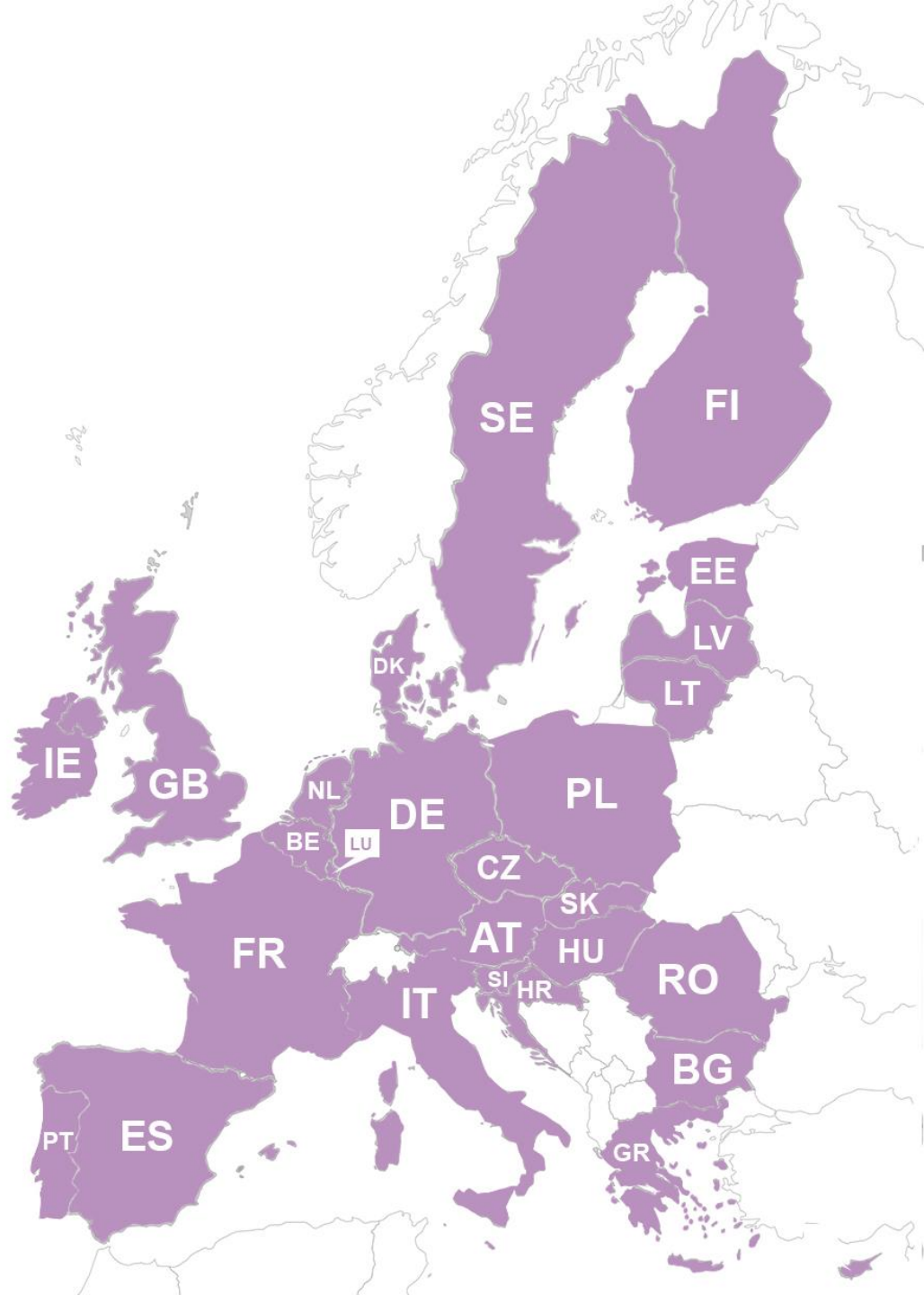


Degree of implementation

Product placement

Admissible in all 28

- in cinematographic works, films and series, sports programmes and light entertainment programmes
- where there is only the provision of goods or services free of charge (production props and prizes)



Degree of implementation

Promotion of European works

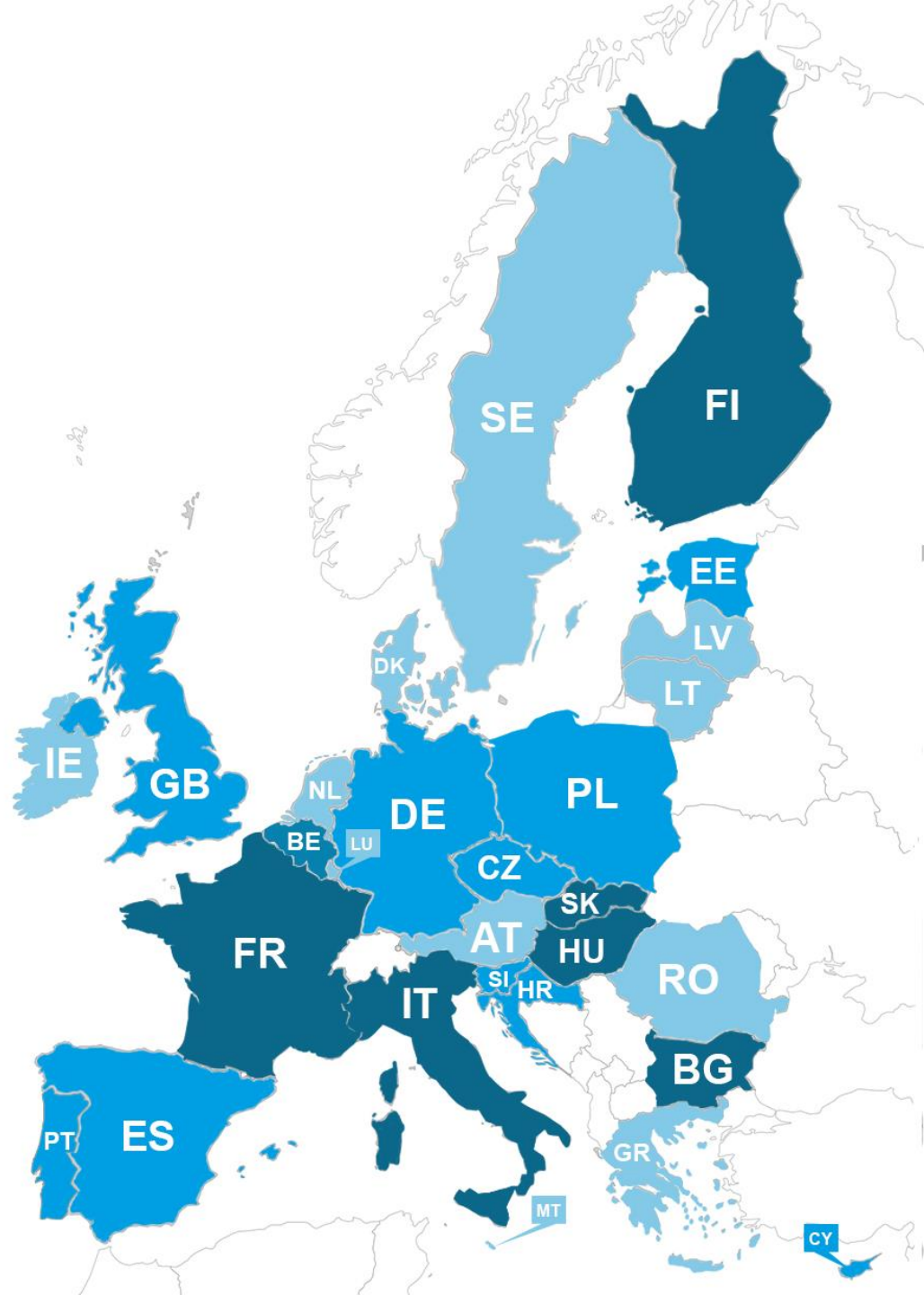
Stricter

A higher proportion of share or a higher financial contribution

More detailed

Detailed proportion of national or linguistic works, or detailed proportion where applicable

Neutral



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What about targeting countries?

German case

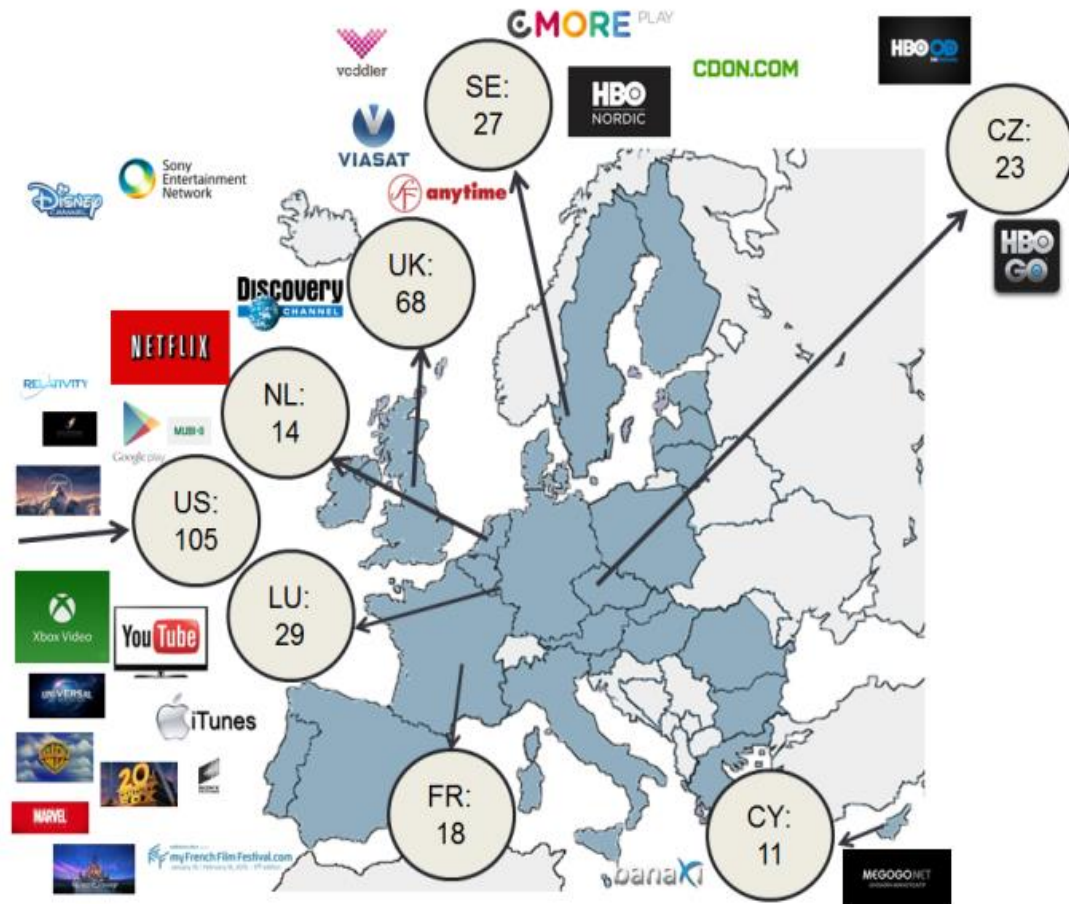
(SA.38418 – positive decision of 01/09/16):

VOD providers targeting Germany will be subject to a levy (Filmabgabe) to the German film fund

French case

(notified, pending):

VOD providers targeting France will be subject to a tax (taxe) to the general budget



Source: European Audiovisual Observatory – IRIS Plus 2015-2

What about the wider Europe?



Source: Council of Europe

Regulatory asymmetries

EU vs Council of Europe:

- 28 EU members are bound by the AVMSD as amended in 2007, now under reform
- other 15 European countries Parties to the European Convention on Transfrontier TV remain under the rules of 1998

Main differences include:

- Inverted jurisdiction criteria (sat.capacity/up-link)
- Exclusion of on-demand services
- Old criteria for commercial communications



Consult our databases!

MAVISE: <http://mavise.obs.coe.int>

E-YEARBOOK: <http://yearbook.obs.coe.int>

MERLIN: <http://merlin.obs.coe.int>

AVMSDatabase: <http://avmsd.obs.coe.int>

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