European Commission: Future Strategy for Audiovisual Policy in the Digital Age

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The European Commission recently adopted a Communication on the planned future strategy for the audiovisual sector. The document sets out the main issues and principles of an audiovisual policy to cover the next five years, taking into account the technical progress and rapid growth of the audiovisual sector.

The Communication makes it clear that the Commission does not intend to create a totally new regulatory framework for audiovisual services in the digital age. Rather, it hopes to build on existing measures such as the "Television without Frontiers" Directive and the Council Recommendation on the Protection of Minors and Human Dignity. Measures at European level should be supplemented by national provisions. In fields where future development cannot be foreseen, such as the development of new services or forms of advertising, the Commission hopes to keep a close eye on the respective markets so that it can react promptly and appropriately to any need for regulation that may arise in the future.

A key element of European audiovisual policy should be support for European programme production and cultural and linguistic diversity in Europe.

The Commission sets out a number of important regulatory principles on which European audiovisual policy should be based in the next few years: 1. The principle of proportionality - regulatory intervention should deal specifically with the problem that needs resolving and should not exceed what is absolutely necessary to achieve the objective in question. 2. Separate regulation of content and the transport of content. Here, the Commission stresses that content-related issues, under the subsidiarity principle, should, in principle, still be regulated by the Member States. 3. Recognition of the role of public broadcasting authorities - in view of its important cultural and social functions, public service broadcasting should be supported and integrated into the sphere of new services and technologies. The principles of fair competition and the operation of a free market should also be respected. The Commission also gives Member States responsibility for programming and funding of public service broadcasting, for example. 4. Self-regulation - as a complement to State measures, self-regulation by operators and users should be encouraged in certain fields such as the protection of minors. In addition, independent regulatory authorities should be afforded an active role in the audiovisual sector.

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In the Communication, the Commission mentions several practical initiatives which are planned in terms of legislation and support measures in the audiovisual sector. These include reports on the application of the "Television without Frontiers" Directive and the impact of the Recommendations on the protection of minors in the audiovisual sector. New guidelines for State aid to cinema and television programme production and a Communication on legal aspects relating to the cinema sector may also be published. Further support measures are planned, such as the new "Media Plus" programme, the "eEurope initiative" and the Fifth Framework Programme for Research and Development. It is hoped that proposals for a Directive on Copyright and Related Rights in the Information Society and on Electronic Commerce will quickly be adopted. Other important elements of audiovisual policy over the next five years include access to audiovisual content, protection of minors, new forms of advertising and sponsorship, consumer protection and external relations with international and regional organisations (eg the WTO and Council of Europe) as well as with applicant countries and non-Member States.

Communication from the Commission to the Council, the European Parliament, the Economic and Social Committees and the Committee of the Regions, Principles and Guidelines for the Community's Audiovisual Policy in the Digital Age, COM (99) 657 final, 14 December 1999.

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