European Commission: Communication on the Future of European Regulatory Audiovisual Policy

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On 15 December 2003 the European Commission adopted a Communication which sets out a roadmap for future EU regulatory action in the audiovisual sector. The Communication presents the results of the public consultation relating to the review of the "Television without Frontiers" Directive, launched at the beginning of 2003 (see IRIS 2003-2: 5), and on the basis of these results proposes a number of short and medium term initiatives.

The Commission has concluded that the current situation of the market does not require at present a revision of the Directive. However, it believes that in the medium term technological developments and changes in the structure of the audiovisual market might make changes to regulation for the different distribution channels for audiovisual content necessary. It thus envisages a possible thorough revision of the Directive at a later stage.

The present Communication proposes a two step approach. In the short term, the Commission will publish an interpretative Communication on the provisions of the Directive concerning advertising (first quarter of 2004). This will clarify in particular how these provisions apply with regard to new advertising techniques and should therefore bring greater legal certainty. As a result of the comments made by stakeholders during the consultation, the Commission will also put forward in the first quarter of 2004 a proposal for an update of the Recommendation on the protection of minors and human dignity.

In addition to these initiatives, a number of issues have been identified for which further reflection is needed. On some of these issues the Commission will seek the advise of independents experts through the establishment of focus groups (in 2004). These will concentrate on the subjects of regulation of audiovisual content, the level of detail in the regulation of advertising, and the right to information and right to short reporting. Furthermore, the Commission will launch, or has already launched, independent studies on the following topics: the impact of advertising regulation; the impact of measures concerning the promotion of the distribution and production of TV programmes; co-regulatory measures in the media sector; and the regulatory treatment of interactive television. The results of the focus groups and of the independents studies could lead to a proposal by the next European Commission to update the Directive.

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Aside from focusing on the "Television without Frontiers" Directive, the Communication also analyses all the different Community policies which have an impact on the audiovisual sector, namely regarding competition, media pluralism, copyright, electronic communications networks and services and Information Society services, accessibility for people with disabilities to television, consumer protection, the law applicable to non-contractual obligations, trade policy and the promotion of cultural diversity in external relations.

As regards cinema, the Communication announces the adoption by the Commission in the first quarter of 2004 of a proposal for a Council Recommendation on cinematographic heritage (see article supra, IRIS 2004-1: 5) and of a proposal for an update of the Cinema Communication (see IRIS 2001-9: 6).

The Community's support programmes for the audiovisual sector (the MEDIA programmes) were also subject to a public consultation and review in 2003 (see IRIS 2003-6: 5). The Commission will propose a new generation of these programmes in a separate document, in the first quarter of 2004.

"The Future of European Regulatory Audiovisual Policy", Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, COM (2003) 784 final, Brussels, 15 December 2003

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