European Commission: The Commission Finishes the Preliminary Analysis of AVMS Implementation Measures

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The European Commission has finished the preliminary analysis of the measures implementing the Audiovisual Media Services (AVMS) Directive into national law notified by 16 Member States: Belgium, Bulgaria, Czech Republic, Denmark, Finland, France, Greece, Ireland, Italy, Malta, the Netherlands, Romania, Spain, Sweden, Slovakia and the United Kingdom. Subsequently, the European Commission has sent fact-finding letters to these states inquiring about these implementing measures. The Commission is thus seeking to ensure that all provisions of the AVMS Directive have been correctly transposed into national legislation across the EU. The receipt of a letter does not in itself imply incorrect implementation of the Directive in a member state, but merely that the Commission has outstanding questions on the matter.

The questions posed to the member states vary from one state to another. Issues raised by the letters include the following:

- The country of origin principle and jurisdiction issues concerning audiovisual services;

- Issues regarding commercial communications (in particular product placement and sponsorship);

- Basic obligations under the Directive (e.g., rules on incitement to hatred, balanced coverage obligations, registration of on-demand services);

- The right of reply of any person whose legitimate interests have been damaged by an incorrect assertion in a television programme;

- The protection of minors;

- The promotion of European works;

- The list of events of major importance;

- Cooperation between regulators.

The 16 member states have been asked to reply to the fact-finding letters within 10 weeks. Three member states, Poland, Portugal and Slovenia, have not yet

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notified the Commission of implementing measures and are currently undergoing infringement procedures. The Commission is still in the process of analysing the measures notified by the remaining member states (Austria, Cyprus, Estonia, Germany, Hungary, Luxemburg, Lithuania and Latvia).

"Digital Agenda: Commission seeks information from 16 member states on their implementation of Audiovisual Media Services Directive", Brussels 29 March 2011, IP/11/373

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