European Commission: Belgium and UK Requested to Implement Outstanding Provisions of the AVMS Directive

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The European Commission has requested Belgium and the UK to implement outstanding provisions of the EU's Audiovisual Media Services (AVMS) Directive. The AVMS Directive aims at ensuring a single market and legal certainty for Europe's TV and audiovisual industry. This is done through the creation of a level playing -field for both broadcast and on-demand audiovisual media services across borders, while ensuring cultural diversity, the protection of children and consumers, the safeguarding of media pluralism and combating racial and religious hatred. This Directive is based on the principle of the "country of origin", according to which audiovisual media service providers are bound by the regulations in their country of origin only. In pursuance of this principle, such services cannot be subject to regulation in the destination country, except in very limited circumstances, such as that of incitement to hatred. EU member states had agreed to implement the AVMS Directive into their national law by 19 December 2009 (see IP/09/1983).

Belgium has informed the Commission of measures to implement the AVMS Directive in regard to all audiovisual media services that are based in the three linguistic communities: French, Flemish and German. Nevertheless, audiovisual media services located in Brussels that are not in French or Dutch fall outside the scope of competence of the linguistic Communities and remain under the scope of competence of the federal authorities. Laws covering these services have not yet been adopted by the Belgian federal state. This results in the absence of regulation for on-demand services in Brussels that are not provided in French or Dutch. The Commission has been notified by the Belgian authorities about the preparation of a new draft law, which is still in a preliminary phase.

The UK has also informed the Commission of measures to implement the AVMS Directive into its national law, but the new legislation does not cover audiovisual services provided in Gibraltar. A draft law is being prepared, but the adoption process is still in progress.

The requests are presented in the form of 'reasoned opinions' covered by EU infringement procedures. Both Belgium and the UK have a two-month period within which to notify the Commission of the measures that they have taken to comply with EU rules. If they do not succeed in doing so, the Commission could

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refer them to the EU's Court of Justice. Without measures to implement the Directive fully in Brussels and Gibraltar, audiovisual services will not have full legal certainty in these regions.

"European Commission: "Digital Agenda: Commission requests Belgium and UK to implement Audiovisual Media Services Directive in Brussels and Gibraltar", Press Release of 29 September 2011

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