European Commission: First Report on the Application of the Audiovisual Media Services Directive

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On 7 May 2012, the European Commission presented its first report on the application of the Audiovisual Media Services Directive (AVMSD) (see IRIS 2008-1/3). Article 33 of the Directive invites the European Commission to submit a report on its application every three years. This report covers the period 2009-2010. The document is divided into two parts: the first relates to the application of the Directive (including implementation status) and the second to the influence that recent technological developments has had on the regulatory framework.

In its introduction, the report recalls the goal of the Directive, which is to ensure the free circulation of audiovisual media services while taking into account important public policy objectives.

25 member states have notified having completed the transposition of the Directive into their national law. Two member states still need to adapt their laws.

The report assesses the concrete implementation of the rules laid down in the AVMSD according to the following categories:

- Country of origin (together with free circulation and freedom of expression);

- Public policy objectives (namely protection of minors and incitement to hatred);

- Audiovisual media services for all (more precisely accessibility for hearing and visually impaired people);

- Freedom of expression (linked to the right to information on events of major importance);

- Cultural diversity (with a highlight on the promotion of European and independent works);

- Commercial communications (covering advertising and teleshopping spots, alcohol advertising, advertising targeting children and also revealing discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation);

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- Self-regulatory initiatives (alternative means of regulation existing notably in the field of advertising).

For each topic, the report mentions whether the European Commission has asked for clarification from one or more member states on its/their national law or whether the European Commission has required some action to be taken by the national authorities. The report also mentions if some member states have included stricter (or additional) rules in their national law. Stricter rules have been adopted, for example, in the fields of advertising targeting children as well as alcohol advertising involving channels, advertised products or time slots. Since advertising practices are considered to be key issues, the European Commission plans to update its interpretative communication on televised advertising in 2013.

Finally, the emergence of Connected (or Hybrid TV) marks a new stage in the convergence of TV and Internet. Connected TV services already exist in two member states and should be introduced in at least two others. Connected TV is expected to grow very quickly in the coming years. Thus, the European Commission announces the launch of a public consultation (before the end of 2012) to assess the consequences of this technological development and test the regulatory framework set up by the Directive.

First Report from the European Commission on the application of Directive 2010/13/EU "Audiovisual Media Services Directive", 7 May 2012

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