European Parliament: Resolution on a fully converged audiovisual world

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On 12 March 2014, the European Parliament (EP) adopted its Resolution on "Preparing for a Fully Converged Audiovisual World". Reference is made to the European Commission (EC) Green Paper on "Preparing for a Fully Converged Audiovisual World: Growth, Creation and Values" of 24 April 2013 (IRIS 2013-6/5). The Resolution contains a number of observations, comments and recommendations concerning the values, definition, relevance, aims, role, and legal recognition of audiovisual convergence and its intricacies.

After setting out all the relevant European and international regulatory and standard-setting texts in its Preamble, the Resolution offers a variety of definitions and explanatory comments on inter alia audiovisual, horizontal, vertical, functional and technical convergence. Subsequently, specific remarks are made on convergent markets, access and findability, safeguarding diversity and funding models, infrastructure and frequencies, values, and the regulatory framework.

Regarding convergent markets, the EP notes several opportunities and pitfalls. The EP stresses the need to align the rights and obligations of broadcasters with those of other market players by means of a horizontal, cross-media legal framework.

In relation to access and findability, the EP stresses the importance of inter alia, net neutrality, non-discriminatory, transparent and open access to the internet for all users and providers of audiovisual services, and diverse and findable cultural and audiovisual works.

With regard to diversity and funding models, the EP calls on the Commission to determine how refinancing, funding and production of quality European audiovisual content can be secured and to examine respectively the unequal treatment of linear and non-linear services as regards quantitative and qualitative bans on advertising. The Commission is called upon to remove regulation in quantitative advertising provisions for linear audiovisual content. The EP emphasizes that new advertising strategies that use new technologies to increase their effectiveness raise the issue of consumer protection in relation to their private and their personal data. With this in mind, the EP highlights the need to come up with a set of consistent rules to apply to these strategies. Furthermore,

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the EP emphasizes that the public sector must continue to be shielded from the constraints of advertising-based financing.

On infrastructure and frequencies, the EP focuses on open and interoperable standards and urges industry actors to work together on a common framework for media standards. The EP notes that emerging self-regulation initiatives have a crucial role to play in establishing uniform standards for user technologies and for developers and producers. The development of a technology mix that makes efficient use of both broadcast and broadband technologies and intelligently combines broadcasting and mobile communications ('smart broadcasting') is advocated. The EP also stresses that broadband internet networks need to be developed further, particularly in rural areas, and calls on the member states to rectify this problem by means of short-term investment campaigns.

When it comes to values, the EP notes and regrets the Green Paper's lack of a specific reference to the dual nature of audiovisual media as a cultural and economic asset. The EP reiterates values such as media pluralism, cultural diversity and the protection of minors. The Commission is called upon to continue its efforts to safeguard press freedom and to step up its efforts to enforce youth and consumer protection provisions. These types of protection, along with data protection, are highlighted as absolute objectives of regulation and must apply uniformly to media and communications providers throughout the EU. The Commission and member states alike are called upon to promote the production of European audiovisual works and to enhance and expand the existing range of activities aimed at imparting digital media skills.

The EP considers, with regard to the regulatory framework, the balance between removing barriers to media innovation while not losing sight of the normative aspects of a democratic and culturally diverse media policy. Keywords used by the EP are flexibility, user-friendliness and accessibility, technology-neutrality, transparency and enforceability. The Commission is called upon to conduct an impact assessment so as to look into whether the scope of the AVMS Directive is still relevant and to examine to what extent the linearity criterion is preventing the regulatory objectives of Directive 2010/13/EU from being attained in many areas of the converged world. Deregulation is recommended for the areas of Directive 2010/13/EU in which the aims of the legislation are not being achieved. It recommends instead that European-level minimum requirements for all audiovisual media services should be put in place. Also, the Commission is called upon to examine whether copyright law needs to be adapted in the light of cross-border accessibility and technology neutrality.

This Resolution has been forwarded to the Council and the Commission.

Resolution: European Parliament, on Preparing for a Fully Converged Audiovisual World

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