



Towards the same rules for all in the audiovisual policy?



Step by step, the European Commission is putting flesh on its strategy for a European digital single market published in 2015. Now on the operating table is a [new Audiovisual Media Services Directive](#) (AVMSD). Since its adoption in 1989 (and even since its revision in 2007 and codification in 2010), the media landscape has dramatically changed: the traditional way of watching programmes on a TV set remains important but connected viewing habits through online platforms and portable devices are increasing. Not to mention the ever-growing importance of user-generated content!

According to last year [public consultation](#), stakeholders' expectations from the revision are diverse. **Commercial broadcasters** want flexible advertising rules and a "level playing field" with new services providers regarding the promotion of European contents. **The content industry** favours such promotion while **the telecom industry** asks to "preserve innovation" and is reluctant to new rules. **Consumer organisations** want to strengthen the protection of vulnerable viewers whereas some **governments** require stronger control against incitement to hatred. The AVMSD revision presented on the 25th of May tries to meet all of these demands. It has generally been well received even though some consider it as only a first step in the right direction.

First of all, in addition to **traditional TV players** and video **on-demand media services (VOD)**, the proposal also covers **video-sharing platforms** such as YouTube, Dailymotion, etc. They are defined as services whose principal purpose "is devoted to providing programmes and **user-generated videos** to the general public, in order to inform, entertain or educate" **without having editorial responsibility**. Yet their inclusion in the scope of the directive only obliges them to protect citizens from hate speech and minors from harmful content. To this end, Member States shall ensure that these platforms take a number of measures, preferably through **co-regulations**, but they cannot impose stricter measures.



Another major change is the VOD services providers' obligation to support European content. Netflix, AppleTV and the like not only have to secure at least 20 % of their catalogues for European content but Member States may also impose **financial contributions** and rights acquisition obligations to such providers under their jurisdiction (or established in a different Member State but targeting their national audience). A provision which should please traditional TV broadcasters whose obligations in this regard have not changed a bit. They still have to reserve for EU works a majority proportion of their transmission time as well as to secure 10 % of their transmission time or 10 % of their programming budget to independent creation.

Traditional TV will benefit from more flexibility on advertising time constraints. Product placement and sponsorship will be made easier for all media services providers.

Among light-touch evolutions, the protection of minors from harmful, illegal or inappropriate content (such as unhealthy foods and beverages) is further encouraged through the development of **self and co-regulatory codes of conduct**. A "soft-law" framework in which the **European group of audiovisual regulators (ERGA)** created in April 2014 is to contribute by facilitating the exchange of best practices.

And after months of discussion, the Commission eventually maintained the "country of origin principle", by which Member States are competent over services established in their territory.

Therefore a "modernisation" and not a "revolution" according the very words of Vice-President Ansip. A smart move taking into account the very sensitive character of such a piece of legislation which is at the crossroad of culture, business and technology. But the legislative process towards its adoption is just starting and some heated discussions could still arise along the way.

The Commission dips its toe in the drinking water directive

In 2013, “[Right2Water](#)” was the first ever European petition to gather more than the required one million signatories. This [European citizens’ initiative](#) about universal access to a public good urged the EU to **ensure water and public sanitation**, as well as to recognize them as **public services**.

As an answer, the Commission focused on the **technical aspects of drinking water policy**. A public consultation was launched in 2014 on the [drinking water directive](#) which defines quality standards for drinking water and it ordered an external [evaluation](#). According to stakeholders, the directive resulted in a much better water management from source to tap.

However, the evaluation stressed a weakness of the directive in the **quality assurance of treatment, equipment and materials in contact with water** during its cleaning and distribution stages (article 10).

Member states, who have been free to decide on the scope and the methodology for testing the compliance of substances in contact with drinking water, have adopted very



diverse systems. This resulted in unequal levels of consumer health protection and **multiple cumbersome certification procedures** before a material can be used in several Member States.

The establishment of common relevant practices has been a long-winded task which started in 2005 with a Commission’s evaluation called “[European acceptance scheme](#)”.

One year later, a [four Member States initiative](#) to collaborate on this issue was put in place. Germany, France, the Netherlands and the United Kingdom experienced a common scheme to guarantee comparable hygienic security requirements. Their cooperation was formalised in a [2011 declaration of intent](#). This group’s effort is hailed as a success both by the authorities and the industry.

The Commission is currently assessing the relevance of the directive ([REFIT](#)). DG Environment’s future approach is due shortly. It could propose a **total or a partial revision of the directive**, or issue guidelines on the application of article 10. In any case, there is plenty of room for improvement.

EU public consultations*

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contact us :

Bruxelles (EU)
Square de Meeûs, 35
Paris (FR)
260, Bd Saint-Germain
More information
www.lysios.eu
info@lysios.eu
Tel : +32 2 893 97 27

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