

The Audiovisual Media Services Directive

The Audiovisual Media Services Directive is the cornerstone of media regulation in the EU. It ensures a minimum harmonisation of certain aspects of national legislation facilitating the circulation of such services in the EU. The European Commission proposed an update of the directive to improve the balance between competitiveness and consumer protection, while reflecting a new approach to online platforms. The European Parliament is due to vote during its October I plenary session on the text agreed in trilogue negotiations.

Background

Over the past ten years, the audiovisual market has evolved rapidly, leading to the gradual convergence of audiovisual media. While conventional TV screens remain widely used, many viewers increasingly access on-demand content via smart phones or tablets. Nevertheless, TV broadcasting, video on-demand (VOD) and user-generated content are currently subject to different rules, and varying levels of consumer protection.

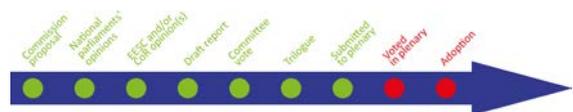
European Commission proposal

In May 2016, the Commission adopted a [proposal](#) to address these discrepancies through introducing more flexible, future-proof rules, where restrictions only applicable to TV are no longer justified. In practical terms, the hourly 20 % limit on advertising time would become a daily limit (between 7 am and 11 pm). The two-tier approach (i.e. lighter regulation for VOD compared with TV broadcasting) in terms of protection of minors would be replaced by common rules valid for all audiovisual media services (AVMS) providers without distinction concerning content that 'may impair'. The grounds for prohibiting hate speech are set to be aligned with those of the [framework decision](#) on combating certain forms and expressions of racism and xenophobia. With respect to the promotion of European works, the Commission suggests that at least 20 % of the catalogues of VOD providers offer prominence to such works. Finally, the scope of the directive would be extended to include online videosharing platforms (VSPs) for the first time.

European Parliament position

After nine trilogue meetings, the [text agreed](#) between Parliament and Council negotiators was endorsed by Parliament's Committee on Culture and Education (CULT) on 11 July 2018. Parliament imposed a 20 % daily quota on advertising between 6 am and 6 pm, with a prime-time window between 6 pm and midnight, during which advertising can take up a maximum of 20 % of broadcasting time. Stricter rules require broadcasters to effectively reduce children's exposure to advertising of unhealthy food and beverages. Product placement and teleshopping will be prohibited in children's programmes, while EU countries can decide whether they also wish to exclude sponsorship. Parliament secured a personal data protection mechanism for children. New rules were set up to proscribe content inciting violence, hatred and terrorism, while gratuitous violence and pornography will be subject to the strictest criteria. Co-regulation and self-regulation are still the rule. However, VSPs will now be responsible for reacting quickly when content is reported as harmful by users. At the request of the Parliament, platforms will need to create a transparent, easy-to-use and effective mechanism to allow users to report harmful content. To support EU cultural diversity, Parliament advocated that 30 % of content, including in VOD service-providers' catalogues, should be European. In addition, VOD platforms are required to contribute to the development of European productions. Parliament is due to vote on the final text during the October I plenary session.

First-reading report: [2016/0151\(COD\)](#); Committee responsible: CULT; Rapporteurs: Petra Kammerevert (S&D, Germany) and Sabine Verheyen (EPP, Germany). For further information see our 'EU Legislation in progress' [briefing](#).



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