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Committee on Legal Affairs

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DRAFT OPINION

of the Committee on Legal Affairs

for the Committee on Culture and Education

Preparing for a fully converged audiovisual world
(2013/2180(INI))

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SHORT JUSTIFICATION

The Commission Green Paper entitled 'Preparing for a fully converged audiovisual world: growth, creation and values' looks into the implications of the transformation of the traditional audiovisual media landscape into a converged media environment. Convergence is defined as the progressive merging of traditional broadcast services and the internet. This results in a host of viewing options ranging from television sets with added internet connectivity to over-the-top (OTT) audiovisual services in addition to traditional television ('linear' services).

In Europe, the large-scale development of audiovisual media services available on terminals connected to the internet is making the boundaries between traditional broadcasting and new media less and less relevant.

With regard to the many on-line services being developed, and not currently covered by the Audiovisual Media Services (AMS) Directive, the trend is towards more editorialisation and professional audiovisual content. Their impact on the general public is obvious, however, which now makes them akin to mass media.

Accordingly, the boundary between the two traditional consumption methods is becoming blurred, whereas the regulatory distinction in the AMS Directive between linear and non-linear media services remains a reality.

Account must be taken of the impact of such convergence on different items of legislation, such as the AMS Directive or the Electronic Commerce Directive.

In addition, in the light of, in particular, the ongoing negotiations on the Transatlantic Trade and Investment Partnership between the EU and the US, one of the challenges involved in this change to the audiovisual media landscape will be to safeguard cultural diversity and European firms in what is a major European market.

SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Calls on the Commission to conduct an impact assessment so as to look into whether, in the light of developments in all audiovisual media services accessible to European citizens, the scope of the AMS Directive is still relevant;
2. Calls on the Commission to assess whether the lighter-touch regulation applicable to non-linear services in the AMS Directive is still necessary and relevant in the light of the directive's objectives; wonders, in particular, why regulation of commercial communications relating to linear services should be weak when those services now have a major impact on European citizens;
3. Calls on the Commission and Member States to step up application of Article 13 of the AMS Directive on promoting production of European works and access to those works through on-demand audiovisual media services;
4. Points out in this context that all linear and non-linear media benefiting from the broadcasting of audiovisual works should contribute towards the financing of European production;
5. Calls on the Commission and Member States to give thought to extending 'must carry' obligations beyond network operators, i.e. to manufacturers of connected devices;
6. Calls on the Commission to harmonise the VAT rates applicable to all cultural products, however they are accessed, in order to prevent market distortions from holding back the expansion of new European on-line services.