



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on the Internal Market and Consumer Protection*

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**2012/2132(INI)**

29.1.2013

## **OPINION**

of the Committee on the Internal Market and Consumer Protection

for the Committee on Culture and Education

on the implementation of the Audiovisual Media Services Directive  
(2012/2132(INI))

Rapporteur: Vicente Miguel Garcés Ramón

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## SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the fact that most Member States have successfully implemented the Audiovisual Media Services Directive and calls on the remaining Member States to quickly follow suit; is concerned about the delayed transposition of the Directive, which aims at ensuring legal certainty in the Single Market while preserving cultural diversity, protecting consumers and safeguarding media pluralism in national legislations; urges the Member States which have still not adapted their legislation to do so as soon as possible;
2. Welcomes the application by the Member States of internal market rules, particularly those concerning the free movement of audiovisual media services and the country of origin principle referred to in Article 2 of Directive 2010/13/EU;
3. Considers that a proper balance should be struck between the objectives of this Directive and the freedom of distribution and access to content in order to avoid the risks of concentration and loss of diversity;
4. Considers that the Member States should ensure that audiovisual media services are accessible; acknowledges the different business models in place to finance content and emphasises the importance of affordability of access for different consumers;
5. Considers that the key objective of media regulation is to preserve the diversity of supply and suppliers;
6. Stresses the importance of satisfactory implementation of Article 17 of the Directive related to the average broadcasting time for European works by independent producers and emphasises the autonomy of Member States in this respect; encourages the Member States and broadcasters to go beyond the minimum level of 10% suggested in Directive 2010/13/EU;
7. Reiterates that the proportion of televised advertising and teleshopping spots should not exceed 12 minutes per hour; is concerned, however, that the 12-minute limitation is regularly breached in some Member States; highlights the need to monitor commercial formats devised to circumvent this restriction, especially surreptitious advertising, which can confuse consumers; calls for a ban on prejudicial advertising, as described in Article 9 of Directive 2010/13/EU, during programmes for children and young people; recommends an analysis of best practice in this field in certain countries as the basis for future reform of the legislative framework;
8. Calls on the Commission to update in 2013 its interpretative Communication on television advertising to take account of experience gained under the EU Platform for Action on Diet, Physical Activity and Health, and the EU Alcohol and Health Forum;
9. Notes that access to channels and the choice of audiovisual services has increased

significantly; stresses that, in order to achieve a true digital single market in Europe, further efforts are needed in the field of improving media literacy among citizens;

10. Draws attention to the approach adopted in recital 24 of Directive 2010/13/EU, which interprets the concept of ‘programme’ in a dynamic way, taking into account developments in television broadcasting in order to prevent disparities as regards free movement and competition and in order to respond to the target audience’s expectations vis-à-vis regulatory protection;
11. Supports the emphasis in Directive 2010/13/EU on encouraging the introduction of co-regulation and/or self-regulatory regimes, as referred to in Article 4(7):
12. Asks that audiovisual media services and their related devices give consideration to ease of use and consumption; stresses the need to define the concepts of ‘television service’ and ‘programme’ in order to ensure that these services are fully and equally accessible and that a level playing field applies for all programme providers in the internal market;
13. Notes, in relation to the ‘over-the-top’ delivery of audiovisual content, that it is necessary to specify what is meant by ‘stakeholders’, these being at the very least public and private television, internet providers, consumers and creators;
14. Strongly supports a technologically-neutral approach in view of evolving viewing and delivery patterns to facilitate increased consumer choice; in this regard, calls for a full impact assessment of the current state of play on the market and regulatory framework;
15. Notes that new technological developments such as the different contents (services) coming together on connected TV platforms is increasingly blurring the distinction between linear and non-linear services, a trend which can distort competition between contents (services) with very different regulatory requirements; calls therefore on the Commission to consider whether in this context Directives 2010/13/EU and 2000/31/EC should be subject to revision;

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	23.1.2013
<b>Result of final vote</b>	+: 28 -: 2 0: 3
<b>Members present for the final vote</b>	Preslav Borissov, Cristian Silviu Buşoi, Jorgo Chatzimarkakis, Sergio Gaetano Cofferati, Birgit Collin-Langen, Lara Comi, Anna Maria Corazza Bildt, Cornelis de Jong, Christian Engström, Dolores García-Hierro Caraballo, Evelyne Gebhardt, Małgorzata Handzlik, Malcolm Harbour, Philippe Juvin, Hans-Peter Mayer, Sirpa Pietikäinen, Phil Prendergast, Mitro Repo, Heide Rühle, Christel Schaldemose, Andreas Schwab, Catherine Stihler, Emilie Turunen, Bernadette Vergnaud, Barbara Weiler
<b>Substitute(s) present for the final vote</b>	Raffaele Baldassarre, Jürgen Creutzmann, Anna Hedh, Constance Le Grip, Morten Løkkegaard, Emma McClarkin, Konstantinos Poupakis, Patricia van der Kammen