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INFORMATION NOTE

From: General Secretariat of the Council
To: Council
Subject: Audiovisual Media Services Directive (AVMSD) REFIT - State of play
- *Information from the Commission*

Delegations will find attached an information note from the Commission on the above subject, which has been included on the agenda under "Other Business" for the next Education, Youth, Culture and Sport Council meeting on 23-24 November 2015.

Audiovisual Media Services Directive (AVMSD) REFIT - State of play

The overarching objective of the AVMSD is to create a single market for audiovisual media services whilst ensuring at the same time a high level of protection of objectives of general interest.

Since the last revision of the Directive in 2007, changes have occurred in the audiovisual market. While TV viewing remains the prevalent mode of consumption, consumers, in particular younger ones, increasingly watch content on-demand and online. Audiovisual content is increasingly offered in innovative formats, sometimes as part of new types of services. Online advertising is rapidly increasing.

In light of these changes, the **Digital Single Market (DSM) strategy** announces a modernisation of the AVMSD via a **review** in **2016**.

The Commission is currently evaluating the AVMSD under the **REFIT** programme (Regulatory Fitness and Performance Programme (REFIT) of the Commission's Better Regulation Framework). The REFIT evaluation will assess the AVMSD against the following criteria: relevance; European added value; effectiveness; efficiency; coherence; complementarity and protracted implementation. In parallel, the Commission is identifying and assessing possible **policy options** for the modernisation of the Directive.

A REFIT Staff Working Document and a possible legislative proposal are foreseen for the second quarter of 2016.¹ A **Public consultation** ran from 6 July to 30 September 2015. It asked for feedback on the costs and benefits of the existing rules and on the most appropriate policy option for the future in the following domains:

1. Ensuring a level playing field for audiovisual media services;
2. Providing for an optimal level of consumer protection;
3. User protection and prohibition of hate speech and discrimination;
4. Promoting European audiovisual content;
5. Strengthening the single market;
6. Strengthening media freedom and pluralism, access to information and accessibility to content for people with disabilities.

54 public authorities (including ministries, national regulators and regional authorities) from 24 Member States and 2 EFTA countries replied.

Although the Commission is still carefully analysing the 437 replies received, the following main trends have been observed:

- Convergence of views regarding the need for possible *changes of* the rules on the scope of application of the Directive as well as on the independence of national regulators.
- Support for *maintaining the status quo* as regards the rules on country of origin principle; must-carry/findability of public interest content; accessibility for persons with disabilities; listed events, short news reports and right of reply.
- *No clear consensus* on the rules on commercial communications, protection of minors and promotion of European works.

The Commission is also receiving input from ERGA², the Contact Committee, several independent studies and dialogues with stakeholders. It will continue regularly updating the Council and will pursue an engaging debate with the Member States in the upcoming months ahead of the AVMSD review.

¹ http://ec.europa.eu/smart-regulation/roadmaps/docs/2015_cnect_006_cwp_review_avmsd_ia_en.pdf

² European Regulators Group for Audiovisual Media Services