



# Round table I-Com on DSM Strategy for the audiovisual sector

Roma, 19/04/2017

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# Digital Single Market

Better access  
for consumers  
and businesses  
to digital goods  
and services  
across Europe

Creating the right  
conditions for  
digital networks  
and services to  
flourish

Maximising the  
growth potential  
of the Digital  
Economy



# Copyright modernisation package adopted on 14 September 2016

- 4 legislative proposals and an accompanying Communication:
  - ✓ Regulation on online transmissions and retransmissions of TV and radio programmes
  - ✓ Directive on copyright in the Digital Single Market
  - ✓ Implementation of the Marrakesh Treaty for people with print disabilities through a Directive and a Regulation

## Three main objectives

1. Facilitating cross-border access to copyright protected content online
2. Modernising the EU rules on key exceptions and limitations in the areas of research, education, and preservation of cultural heritage
3. Introducing fairer rules of the game for a better functioning copyright marketplace

# 1 - Facilitating cross-border access to content online

- Measures to facilitate the **clearance of rights for broadcasters online services** (live TV, catch-up) and **retransmission service providers** (IPTV, satellite, mobile)  
→ will help broadcasters to make their programmes available online across the EU and retransmission services to offer more foreign channels in their packages
- Legal framework to help cultural heritage institutions to digitise and make available across borders **out-of-commerce works**
- Negotiation mechanism to facilitate the **licensing of European films on VoD platforms**
- Additional measures in the context of the **Creative Europe programme**

## 2 - Modernising the EU rules on key exceptions and limitations

- New copyright exceptions – mandatory for Member States:
  - For digital uses of protected content to **illustrate teaching**, including across borders → to provide full legal certainty to educational establishments and teachers
  - For **text and data mining** → to allow research organisations to use new automated technologies to analyse large sets of data for scientific purposes in all legal certainty
  - For **preservation** → to allow cultural heritage institutions to make copies (including digital) of protected works for preservation purposes
  - For the benefit of **blind or otherwise visually impaired persons** → to overcome barriers to accessing books and other print material

### 3. Introducing fairer rules of the game for a better functioning copyright market place

- Introduction of a **new related right for press publishers** to strengthen the bargaining power of the press industry in the online environment
- New rules requiring that **online services providing access to large amounts of content uploaded by users** put in place appropriate measures and cooperate with right holders →to allow right holders to negotiate on a fairer basis with players which have become important content distributors.
- New rules to ensure **increased transparency to authors and performers** on the exploitation and remuneration of their works and help them to obtain appropriate remuneration

# Revision of the AVMSD

- Main objectives:
  - Preserving the integrity of the market (country of origin principle)
  - Commercial communications: introducing flexibility to TV advertising when justified
  - Extension of the Directive to video-sharing platforms
  - Ensuring promotion of European works
  - Reinforced role of independent audiovisual regulators and ERGA
  - Protection of minors



## Country of origin principle (COO)

Maintain and facilitate the operation of the COO principle, by:

- simplifying the rules which determine the country having jurisdiction over a provider,
- establishing an obligation on Member States to inform about what providers are under their jurisdiction and maintaining an up-to-date database to ensure transparency,
- clarifying cooperation procedures between Member States regarding permissible limitations to COO.

# Commercial communications

Reduce the burden of TV broadcasters while protecting the most vulnerable, by:

- maintaining the strict 20% limit on advertising time, but gives broadcasters more flexibility as to when ads can be shown,
- allowing more flexibility in putting product placement and sponsorship,
- encouraging the adoption of self- and co-regulation for the existing rules seeking to protect the most vulnerable (alcohol advertising, fatty food, minors, etc.).

# Promotion of European works

Enhance the promotion of European works, by:

- allowing MS to impose financial contributions to providers of on-demand services established in other MS (but only on the turnover generated in the imposing country)
- putting on-demand players under the obligation to promote European content to a limited level by imposing a minimum quota obligations (20% share of the audiovisual offer of their catalogues) and an obligation to give prominence to European works in their catalogues
- exempting low turnover companies, thematic services and small and micro enterprises from these requirements

# Video-sharing platforms

## Definition:

- Principal commercial purpose is to provide videos to the public,
- Organises the content; i.e. by tagging, sequencing
- Has no editorial responsibility over the content

## Requirements:

- protect minors from harmful content
- protect all citizens from incitement to hatred

## Implementation:

- via co-regulation
- complementary to e-commerce Directive

# Audiovisual regulators and ERGA

## Independence of audiovisual regulators:

- legally distinct and functionally independent from industry and government
- operate in a transparent and accountable manner which is set out in a law
- have sufficient powers

## The European Regulators Group for Audiovisual Media Services (ERGA):

- Will have a bigger role in shaping and preserving the internal market, for example in assessing EU co-regulatory codes
- Will take part in the procedures derogating from the country of origin

# Protection of minors

Simplify the obligation to protect minors against harmful content:

- everything that 'may be harmful' should be restricted on all services
- the most harmful content shall be subject to the strictest measures, such as PIN codes and encryption – applicable also to on-demand services
- Audiovisual media service providers to give sufficient information to viewers about harmful content to minors