

News release

## **European Audiovisual Media Services Directive: Online protection of young people and independence of media supervision**

**On Tuesday November 6, 2018 the Council of Ministers of the European Union has adopted the new Audiovisual Media Services Directive (AVMSD). The new directive contains various provisions which were proposed by ERGA, the European Regulators Group for Audiovisual Media Services. Protection of young people in the online domain and independence of media supervisory authorities have been given a more prominent place in the directive.**

The approval by the Council of Ministers of the European Union is the final piece of a long legislative process that started 2,5 years ago with a proposal from the European Commission. During the process, the original proposal was adjusted on various points. Madeleine de Cock Buning, chair of the Commissariaat voor de Media (Dutch Media Authority), is pleased that the recommendations of ERGA have been taken into account in the new directive. De Cock Buning has, in recent years as president of ERGA, committed herself to rules that guarantee adequate protection for minors and support the independence of media regulators.

### **Better online protection of minors**

De Cock Buning: "It is important that this protection also works within the online domain, because young people are increasingly consuming audiovisual content via the internet. And that does not stop at national borders." Reports from ERGA show that - despite all the good intentions of the online media and platforms - the protection is far from watertight. "This electronic colander increases the risk that children will be confronted with harmful images. Through better international alignment and more involvement of new players in the converged media world where audiovisual content is increasingly being distributed and viewed online, that risk should be reduced. Because the system is as strong as the weakest link," says De Cock Buning. "Minors must be protected against harmful content in an adequate and future-proof manner. It should not matter whether they view something on television, tablet or telephone or where they are situated in Europe. It is great to note that the new directive, in line with our observations and recommendations, is taking further steps towards better online protection. Also it is acknowledged there should be an important role for co-regulation and media literacy."

### **Independence of supervisors**

At least as important for pluriform and independent media across Europe is the fact that for the first time safeguards for the independence of media supervisory authorities have been introduced and the role of ERGA is acknowledged: "We have had to act several times within ERGA in recent years because a fellow regulator was put under great political pressure. The alarming signals that we, as president of ERGA, gave about the situations in Poland and Croatia have been taken seriously and ERGA has made itself indispensable. We are pleased that both the EU Member States and the European Parliament acknowledge the importance of independent media supervision and the important role that ERGA can play in this. Thanks to international cooperation, individual media regulators are now much less vulnerable if their independence is under pressure. We now see that confirmed in the Directive. "

### **Other important changes**

Other important changes relate to advertising, product placement, stimulating European works. The current advertising maximum per hour of 20 percent, which now applies for the whole day, will only apply for certain primetime periods under the regime of a new directive. The current ban on product placement is removed. As a consequence product placement is generally allowed, with the exception of children's programs, consumer programs, news and current affairs programs.

For broadcasters there was already for many years the obligation to offer a minimum percentage of 50 percent of European content. This quota obligation is now extended to providers of on-demand services. In the future, they must offer at least 30 percent of European films, series or other works in their catalogues.

**Entry into AVMD guideline**

The Audiovisual Media Services Directive enters into force twenty days after publication in the official Official Journal of the European Union. From then on, Member States have 21 months to transpose this directive into their national legislation.

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