

**2nd Meeting of Focus Group 1 on the Review of the
"Television Without Frontiers" Directive**

REGULATION OF AUDIOVISUAL CONTENT

23 November 2004, 9h30 – 13h00

Albert Borschette Conference Centre – Salle 4C
CCAB, Rue Froissart 36, 1040 Bruxelles

Draft Agenda

9.30 a.m. to 1 p.m.

1. Introduction

The first meeting of FG 1 appeared to show a large consensus on the need for a new graduated regulatory framework for the delivery of audiovisual content to the general public in a technologically neutral way. Graduation could be linked to both:

- the *impact* of the medium - high or low depending on the amount of users and the importance for the formation of public opinion;
- *choice* and control of users – linear and non-linear programming.

This would result in four categories of services: Among those, high-impact linear media –covering for instance traditional television channels with a significant reach - would be subject to the highest level of obligations. Low-impact non-linear media – e.g. websites with audiovisual content - would on the other end of the scale only be subject to some minimum standards. Different forms of graduated regulation would apply to the different categories of services (regulatory, co-regulatory and self-regulatory measures).

2. **Audiovisual content**

- How should the distinction between mass and individual communication be addressed?
- How should audiovisual be defined? Still pictures, moving picture, sound – any combination thereof?
- Can the establishment criterion be applied in a new framework for all content providers/publishers? Which adaptations seem necessary?
- Which subsidiary criteria - similar to Art 2(4) of the TVWF Directive - seem necessary?

3. **Low and high impact media**

- What are the relevant criteria to define the impact of audiovisual media?
Number of user – audience share – turnover of media enterprise – impact on the formation of public opinion?
- How to define the “relevant market” especially in respect to trans-national media?

4. **Linear and non-linear media**

- How should linear/non-linear media be defined? The ability of users to influence the stream of the programme?
- How should policy objectives be transposed for non-linear media:
 - in respect to Chapter III – investment obligations/obligation to offer?
 - in respect to Chapter IV – quantitative/qualitative restrictions?

5. **Minimum obligations**

- Which obligations should the basic tier (low impact, non-linear) comprise?
 - Protection of minors and human dignity
 - Separation and identification of commercial content
 - Right of reply
 - Basic identification / masterhead requirements

6. **Any other business**