

**MINUTES OF THE 30TH MEETING OF THE CONTACT COMMITTEE ESTABLISHED BY THE
“TELEVISION WITHOUT FRONTIERS” DIRECTIVE
TUESDAY, 31 MARCH 2009**

1. Adoption of the agenda

The Chairman welcomed the members of the Contact Committee (CC). The agenda was adopted.

2. Transposition AVMSD

Delegations reiterated that the transposition will be finalized by the end the year– see table in the Annex. In a roundtable discussion on Art 3g AVMSD delegations exchanged views on the implementation of the rules concerning product placement. It showed that most delegations will use the possibilities provided for by the Directive and allow product placement under the conditions stipulated in the Directive. Some delegations indicated their intention to impose stricter rules with regard to public service broadcasters and children programmes. The Commission indicated that the notion of "significant value" should preferably be defined in relation to the production costs of the programme.

The President also recalled that the Commission is preparing a proposal for codification of the AVMS Directive which will inter alia renumber the Articles of the Directive¹.

3. Reporting obligations in the AVMSD

The working document presented by the Commission [CC TVSF (2009) 2] intends to provide delegations with an idea how future reporting obligations will be implemented. The MS have to give themselves the means to fulfil these reporting obligations. In the future there will be two reports: the General Application report (every 3 years, Art 26 AVMSD) and the reporting on European works (every two years on Art 4&5 and every four years on Art 3i).

AT suggested adding a question on the major obstacles for the provision of audiovisual media services for hearing or visually impaired persons.

With regard to the DE question, how the media literacy levels should be measured, the Commission referred to the last Contact Committee's discussion on this topic. A study has been commissioned which should in time develop the necessary criteria.

4. Food advertising addressed to children [Art 3e (2) AVMSD]

The Commission presented the working document [CC TVSF (2009) 3] and recent actions in this field. Four important issues were highlighted: self regulation, effectiveness, independence and coverage. Attention is drawn to the National Focal Points: delegations are invited to get in touch with them to see whether economies of scale can be achieved with regard to reporting obligations and the development of codes of conduct.

With regard to the definition of "fatty food" the Commission referred to Regulation (EC) No 1924/2006 on nutrition and health claims. It was noted that this discussion is also directly linked to the issue of media literacy.

5. Protection of minors [Art 22 AVMSD]

¹ Adopted by the Commission on 21 April 2009, COM(2009)185. This will be the subject of an expedited co-decision procedure.

The Commission regularly receives complaints by citizens about inappropriate content broadcast during daytime in the clear. The issue already was discussed at the last meeting of the regulators group on 4 July 2008; however, it seems that this requires further coordinated action by national authorities and regulators.

The Commission recalled that Art 22(1) AVMSD prohibits programmes that can seriously impair the development of minors at any time in any broadcast. This absolute ban covers certain categories of pornography. Other forms of adult content fall under Art 22 (2) AVMSD, with regard to which broadcasters have to ensure by technical means (ex. encryption) or by selection of the broadcasting time that minors will not normally hear or see such broadcasts. Regulatory authorities have to cooperate between themselves and with the Commission, notably through the exchange of information necessary for the application of the Directive as set out in Art 23b AVMSD. They have the obligation to actively follow up complaints with other regulators and to facilitate a satisfactory handling of complaints which also includes the determination of the responsible regulator in another Member State.

The IT delegation proposed to establish a network of contact persons from the national regulatory bodies, possibly with a rotating facilitator with a role to act as a central contact and information point and possibly maintaining a list of channels and problematic cases. AGCOM, the Italian regulator, elaborated, in cooperation with the Commission, a questionnaire to gather basic information on the application of Art 22 AVMSD to cases of broadcasting pornographic/erotic content.

The Commission thanked the IT delegation for this initiative. Delegations will fill out the questionnaire by mid-April and the Italian delegation will make the results, together with their summary, available to other delegations.

6. Creative content on line

The Commission reported on the five meetings of the Content Online Platform that took place between April 2008 and January 2009 on New business models, Legal offerings and piracy (two meetings), Management of copyright, and Protection of minors and cultural diversity. A progress report on the discussions within the Content Online Platform will shortly be published. Furthermore, the Commission is planning to adopt a second Communication on Creative Content Online in September/October of 2009.

7. Any other business

- **Publication of monitoring reports on the application of the advertising rules of the Directive**

The Commission is responsible for monitoring the application of EU law and, in this context, it commissions monitoring reports on the application of advertising rules in Member States. Pursuant to Regulation No 1049/2001 concerning public access to European Parliament, Council and Commission documents, the Commission is held, under certain conditions (notably the absence of infringement procedures), to grant access to such reports. In order to improve transparency, it is now intended to publish these reports. Publication will start with the most recent reports for Hungary, Finland, Czech Republic and Sweden will be published soon. At a later stage, the reports covering 2002 (Luxembourg, Belgium, UK), 2003 (France, The Netherlands, Austria, Denmark) and 2004 (Ireland) will also be published.

- **Workshop on Media Pluralism – 8th of June** (date to be confirmed)

The independent study on indicators for media pluralism undertaken by KU Leuven and partners will give an overview on the legal situation in the MS. The contractor will shortly circulate to each MS the Annex containing the relevant country report listing measures supporting pluralism, so that they can check for accuracy. The indicators included in the study

will make possible for all interested parties to assess the level of pluralism in the various MS. The next Commission will decide whether a further follow-up is necessary at EU level.

- **Reversal of order of subsidiary jurisdiction criteria**

Following a question of the UK delegation the Commission reminded Member States of the exercise to identify media services which need special attention due to the upcoming change of jurisdiction as a consequence of the amended Art 2(4) AVMSD. Deadline for the first phase as set out in Doc CC TVSF (2008) 8 is 31 May 2009.

8. Next meeting

The next meeting is likely to be scheduled in the second half of September, followed by another one in December.