



EUROPEAN COMMISSION

PRESS RELEASE

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Digital Agenda - Commission seeks information from four Member States on their implementation of Audiovisual Media Services Directive

The European Commission has written to Portugal, Slovenia, Finland (concerning the autonomous region of Åland) and the United Kingdom (concerning the British overseas territory Gibraltar) seeking information about their implementation of the Audiovisual Media Services (AVMS) Directive. The Commission has asked the responsible authorities to reply within 10 weeks. The fact-finding letters are part of the Commission's efforts to ensure that the national media laws of all Member States correctly implement all aspects of the AVMS rules. The requests for information do not imply that the Directive has been incorrectly implemented but simply that, at this stage, the Commission has some outstanding questions concerning their implementation of the Directive.

The Commission sent a first round of letters to 16 Member States in March 2011 (Belgium, Bulgaria, Czech Republic, Denmark, Finland, France, Greece, Ireland, Italy, Malta, The Netherlands, Romania, Spain, Sweden, Slovakia and the United Kingdom [IP/11/373](#)) and a second round of letters to further 8 Member States (Austria, Cyprus, Estonia, Germany, Hungary, Latvia, Lithuania and Luxemburg [IP/11/1002](#)) in September 2011. Poland has only partially notified some measures to implement the AVMS Directive into its national law and is currently subject to an infringement procedure ([IP/12/631](#)).

The following wide range of issues related to the implementation of the Directive has been raised in the requests for clarification:

- the country of origin principle and jurisdiction issues concerning audiovisual media services;
- audiovisual commercial communications (including rules on product placement, sponsorship, teleshopping and codes of conduct for food high in fat, salt and sugar);
- the protection of minors;
- the promotion of European and independent works;
- the right of reply;
- basic obligations under the Directive (such as rules on accessibility, co- and self-regulation, registration of on-demand services);
- events of major importance to be broadcast on free to air television and short news extracts;
- cooperation between regulatory bodies.

Background

The AVMS Directive ([2010/13/EU](#)) ensures a Single Market and legal certainty for Europe's TV and audiovisual industry by creating a level playing field for both broadcast and on-demand audiovisual media services across frontiers while preserving cultural diversity, protecting children and consumers, safeguarding media pluralism and combating racial and religious hatred. The Directive is based on the "country of origin" principle, whereby audiovisual media service providers are subject to the regulations in their country of origin only and cannot be subject to regulation in the destination country except in very limited circumstances laid down by Article 3 of the AVMS Directive - e.g. incitement to hatred). EU Member States agreed to implement the AVMS Directive into their national law by 19 December 2009 (see [IP/09/1983](#)).

The original "Television without Frontiers" Directive was adopted in 1989 ([IP/91/898](#)) and amended for the first time in 1997 ([IP/97/552](#)). In December 2007, an amending Directive was adopted (see [IP/07/1809](#), [MEMO/08/803](#)). On 10 March 2010, the provisions of the original "Television without frontiers" Directive were merged with the provisions contained in the amending directives to form the codified version of the now called "Audiovisual Media Services" Directive.

Useful Links

[Details of the AVMS Directive](#)

[Digital Agenda website](#)

Neelie Kroes' [website](#)

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