

# AVMS and the audiovisual media service regulatory authority

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**The new media landscape: Audiovisual Media  
Services Without Frontiers  
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# Role of the Audiovisual media service (AVMS) regulatory authority

- **Recognition of national AVMS regulators by the Directive:**
  - Reference to regulatory authorities
  - Reference to independence
- **Impact of AVMS - compared with TVWF – on the work of national regulators:**
  - Scope of application extended
  - Jurisdiction
  - Modernisation of the rules
- **Challenge for AVMS regulators: need for cooperation at EU level**
  - Importance of cooperation between Member States;
  - Necessary cooperation with the Commission.
- **Modalities** of cooperation



## Independent National AVMS regulators recognised by AVMS Directive

- Regulatory authorities are mentioned in recitals 65 and 66 and in articles 3a and 23b of AVMS (they are not referred to in TVWF)
- Strong incentive for existence of independent AVMS regulatory authorities
- Each MS enjoys a margin of discretion on how to ensure independence



# Impact of AVMS Directive on the work of national AVMS regulators

- Enlarged **scope of material competence**: Non linear AV services (VOD) normally fall under the competence of the same AVMS regulators;
- Rules on **jurisdiction**
  - Non EU channels: change in the order of criteria;
  - Rules on circumvention and role of regulators;
  - Identification of AVMS provider
- **New substantive rules to be enforced**
  - All rules on non linear AVM services;
  - Modernised rules on TV advertising;
  - Rules on product placement



# National AVMS regulators need to cooperate at EU level

- **“Importance” of cooperation between Member States:** especially in cases of AVMS provider established targeting a market other than the MS of establishment
- **“Necessary” cooperation with the Commission:**
  - Commission’s role as guardian of the Treaty and in the implementation of the Directive;
  - EU wide interpretation of provisions in AVMS Directive
    - Case law of the European Court of Justice;
    - Interpretation communication on advertising rules of April 2004;
- **Modalities of cooperation:**
  - Meetings in Brussels (multilateral or bilateral);
  - Informal exchanges: use the CIRCA intranet forum



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**Thanks for your attention!**  
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