

**NEWS MEDIA EUROPE - THE AUDIOVISUAL MEDIA SERVICE DIRECTIVE (AVMSD)**

News Media Europe (NME) is the organisation representing and promoting the interests of the modern European news media industry.

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*NME strongly believes that the news media industry should never be included in the scope of the AVMS directive.*

*As an association representing news media on all platforms, including broadcasting, NME supports the liberalisation of the advertising spots restrictions.*

*Online newspapers' audiovisual content should remain a matter of editorial decision, subject only to national law and journalistic codes of conduct.*

*News Media Europe consider any financial obligation aimed at funding European audiovisual productions unfair and unnecessary.*

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**On the extension of the scope***Crucial role of Media Freedom*

Media freedom is of crucial importance to democratic societies. It enables the unrestricted dissemination of news and the necessary scrutiny of power, be it public or private. Therefore, executive power should never undermine independent journalism. This is acknowledged in the current AVMSD, which does not apply to electronic versions of newspapers (Recital 28). However, the newly draft text foresees a partial extension of the scope of the AVMSD to audiovisual stand-alone parts of online newspapers dissociable from the main activity. Today, digital journalism mostly relies on self-regulation, e.g. via press councils and advertising SROs. News Media Europe believes this regime should be maintained and strongly opposes any unnecessary and undesirable widening of the scope. Any changes would represent a potential threat to freedom of press and media freedom in Europe - key pillars of our democratic society.

*Effect on minors*

According to the proposed text, the main argument for extending the scope is the protection of minors, a cause wholeheartedly supported by NME. The proposal does not show a link between the audiovisual content hosted by online newspapers and any potential harm towards underage viewers. Truthful news reporting is a crucial value in our democratic societies. Therefore, online newspapers' audiovisual content should remain a matter of editorial decision, subject only to national law and journalistic codes of conduct. Furthermore, it is widely understood that Journalism, integrated in media literacy curricula, is beneficial for the development of minors.

*Abandonment of 'television-like' characteristic*

Current AVMSD rules apply to on-demand audiovisual media services because of their 'television-like' nature - they compete for the same audience as television broadcasts. However, news coverage and on-demand video services fulfill very different needs - the need to be informed versus the need to be entertained - and should therefore be regulated differently.

Dropping the ‘television-like’ criteria is dangerous for the news media industry. The proposal defines ‘programme’ even as ‘videos of short duration’ (Article 1). News Media Europe believes that news publishers offering short clips on their online platforms are not in competition with TV broadcasters in terms of audience. It should be clear that video content in support of news content does not constitute a ‘programme’. Therefore, the news media industry should be exempted from any AVMSD application in this sense.

#### *Tiroler Tageszeitung case*

The exclusion of electronic version of newspapers, as explicitly stated in Recital 28, still leads to some uncertainty in some Member States regarding stand-alone video catalogues on newspaper websites. On 21 October 2015 the European Court of Justice (CJEU) decided in the *Tiroler Tageszeitung* ruling that stand-alone video sections on newspaper websites in some cases must be considered as on-demand audiovisual media services. The difficulties of this matter were underlined by the conclusion of the Advocate-General, who had argued exactly the opposite. Also Media Regulators in some Member States had not seen reason in the AVMSD to apply the rules on video sections of newspaper websites.

News Media Europe does support a change to obtain more clarity on this matter. To avoid new threats to freedom of the press and to acknowledge the role of self-regulation in independent journalism, News Media Europe calls on the EU institutions to put forward a clear exemption for both news and current affairs media from any possible application of the AVMS directive. This would be a strong signal acknowledging the value of journalism and the news media industry as the bedrock of our democratic society.

#### **On the possibility of financial obligations to fund European audiovisual productions**

News publishers proudly invest in producing large amounts of local, regional and national media content on a daily basis. News Media Europe considers any financial obligation aimed at funding European audiovisual productions unfair and unnecessary. A tax on locally (European) generated news media content to fund European audiovisual productions is not sensible. Funding should be a governmental matter, and never a tax on an industry which is the bedrock of European democracies and media ecosystem.

#### **On more possibilities for cross-promotion**

The exclusion of announcements of entities belonging to the same media group from the maximum amount of daily transmission time that may be allotted to advertising and teleshopping, is also favouring public service broadcasters. In many Member States, the public service media have become the first port of call in the online world. That popularity is due to the quality of its content, but is also due to the ability of public service media to cross-promote their online news via its wide range of cross-media outlets, providing it an enormous level of exposure. The change of the AVMSD on this point will give PSBs a permit for this anti-competitive cross-promotion. In order to safeguard media pluralism and to remain sufficient oxygen for market players, News Media Europe advocates for limitations instead of more leeway to unlimited cross-promotion by PSBs.

## On hate speech

News Media Europe strongly condemns any form of hate speech - a phenomenon that is the product of intolerance and ignorance and should be prevented. We believe education, awareness campaigns and industry codes of conduct remain the most effective tools to tackle this issue, as regulation might hinder freedom of press and expression. To uphold freedom of the press and freedom of expression, it is crucial that any actions against hate speech, graphic and violent content, and nudity will not translate into the use of filtering and/or censoring tools.

## On the proportion of television advertising spots

Advertising revenues are necessary to enable investments in quality news content. As an association representing news media on all platforms, including broadcasting, News Media Europe supports the liberalisation of the advertising spots restrictions. NME trusts the ability of the market to cope with a level of advertising that is accepted by the consumers. We believe that the real advertising issue takes place on digital platforms: global players such as Google and Facebook receive by far the most online advertising expenses – which are still growing, without producing original media content, let alone European content. This distorts the media value chain and harms European media pluralism.

## **About News Media Europe:**

News Media Europe is the newly established trade association representing European publishers worth over 12 billion euros and more than 2,100 titles both on printing and digital platforms. NME's national members include Belgium (Flanders), Cyprus, Denmark, Estonia, Finland, Hungary, Netherlands, Norway, Republic of Ireland, Spain, Sweden, and United Kingdom. **It is the first association of publishers to fully embrace today's digital revolution – which ultimately represents the future of the press sector.**

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