

ACT

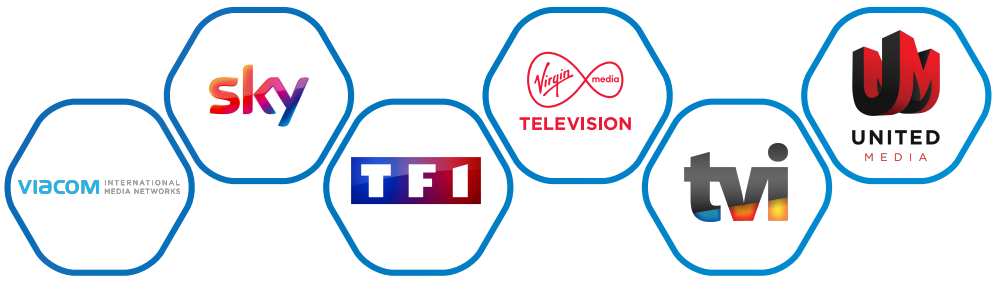
Association of Commercial
Television in Europe



A blueprint for EU media policy 2019 - 2024



ROBUST · RESPONSIBLE · RELIABLE



The European commercial broadcasting sector is a major success story. We entertain and inform hundreds of millions of EU citizens each day via thousands of channels available across Europe. The Association of Commercial Television in Europe (ACT) represents the interests of leading commercial broadcasters that finance, produce, promote and distribute content and services benefiting millions of Europeans across all platforms.





Europe has a wonderfully diverse and creative media ecosystem that drives its cultural diversity, media pluralism and leadership in international markets. This starts with a robust, responsible and reliable Blueprint for our sector. ACT looks to engage actively with European policy-makers to ensure the principles in this Blueprint are prioritised and help accelerate the creation of forward looking and impactful public policies.





TV in Europe



Diverse

+8,000 channels in Europe, 50% of VoD services.

Commercial broadcasting is the driving force in that growth story. A European success story in delivering plurality of news and programming through free-to-air, paid and hybrid offers.



Invested

+20 billion in production, distribution and technology.

The motor of Europe's AV creation, production and cross-platform distribution and innovation. We invest in stories, people and networks. We invest in Europe in all its creative facets.



Europe on TV



Trusted

Most trusted medium with radio.

That's several notches above social media. We follow strict rules and believe all audiences should be equally protected no matter how they choose to access content.



Everywhere

Hundreds of millions of Europeans watch daily.

Television is in the living room and in the living space. Ample choice, offers, access. The series that we are passionate about, the news we follow, the sports we crave. Multiplatform, multipurpose, multicultural.



Robust



Responsible



Reliable

▣ Robust media policy ◦

European broadcasters make a huge contribution to life in Europe - democratic, cultural and economic. We underpin societal debate and democracy, bring diverse communities together, reflect the cultural diversity of Europe and make a major contribution to employment, growth and tax revenue. We look to Europe to foster an industrial vision which protects and strengthens the unique characteristics of our sector.

◎ Responsible platforms ◦

If the challenges set by online platforms as gatekeepers of the online economy can be addressed, Europe's media sector stands to benefit. Balanced competition and a healthy, pluralistic online media ecosystem, depend on a sector specific, ex ante legislative regime and a set of ex post measures to be applied to online platforms.

▶ Reliable rights & freedoms ◦

Copyright and contractual freedom make up the DNA of our business and allow broadcasters to operate and reinvest in European content. Impactful European legislative initiatives have been approved in the past five years. Institutions need to take stock and continue to uphold the fundamental drivers of creative media.

Robust *media policy*

Making sure that Media keeps on delivering for EU Citizens, Consumers and the EU economy

AN INDUSTRIAL VISION

Unlike other major strategic economic sectors such as Energy, or Aviation, there is no coherent long-term industrial vision for our industry. This has resulted in a disconnected policy and legislative approach with strict and (over)specific sector regulation, often unintentionally impacted by legislation aimed primarily at related sectors.

A new coordinated vision needs to build on existing EU programmes, and strengthen access to financing for the promotion and development of AV content.

While broadcasters in Europe continue to innovate and adapt radically to a dramatically changing market, the policy framework and approach to media is changing far more slowly.

There needs to be a commitment to a liberalisation agenda that phases out outdated prohibitions and limitations on commercial communications and balances online and broadcast regulatory regimes.

The Commission must develop an industrial strategy for the creative media sector. This should include a structured dialogue with commercial broadcasters, as a leading voice of the creative media sector, to avoid over-prescriptive rules that hinder effective competition, growth and jobs.

Robust *media policy*

Making sure that Media keeps on delivering for EU Citizens, Consumers and the EU economy

■ A NEW COMPETITION FRAMEWORK

European broadcasters must be able to build scale and create pan-EU offers to ensure effective competition against global online platforms which have grown and consolidated unchecked. However, the continued application of historic market definitions makes such consolidation challenging and risky.

Accordingly, there is a compelling need for a more forward looking and dynamic approach to assessing the competitive environment in merger cases, which also takes into account the importance of the public interest benefits delivered from European commercial broadcasters.



The Commission should indicate clearly, via guidance relevant to our sector, that the conditions of competition are changing rapidly as markets converge, and that broadcasting needs to be strengthened and preserved for wider, societal reasons. The aim should be to create more space for consolidation and collaboration between EU media players.

Equal and urgent attention needs to be brought to the competition, data and IP challenges created by extremely dominant platforms. Europe should address potential abuses of dominant position in online advertising and other markets.

In competition terms, this ultimately means weighing the competitive outcomes of significant changes to search, social networking and advertising services.

Responsible *platforms*

*A framework for Platform regulation
that delivers quality, transparency and
competitiveness*

AN ENVIRONMENT THAT REWARDS RIGHTS AND ALLOWS FOR INNOVATION

Any Digital Services Act should rectify the regulatory gaps that have developed in the digital space and fix the fact that online platforms are not playing by the same rules as their competitors. This means accountability and responsibility to keep their services safe and legal.



Copyright infringement is an online harm to consumers and society. Without copyright, Europe’s creativity and culture is devalued and unsustainable. Any Digital Services Act proposal should, as a priority, reinforce active platforms’ liability regime. This must be to a far higher standard than the “duty of care” accorded to players who carry out mere technical and passive activities.

Privacy and the respect of personal data is paramount to retaining viewer trust. Europe’s actions to address abuses by online platforms must avoid unintentionally impacting European players. Broadcasters are diligent with viewer data, and caution against further rules that may deny them access to online markets or optimise their services.

Europe needs to take stock of GDPR implementation before committing to ePrivacy proposals that limit access to online growth for European media.

Responsible *platforms*

*A framework for Platform regulation
that delivers quality, transparency and
competitiveness*

ONLINE PLATFORMS THAT DELIVER ON ACCESS, TRANSPARENCY & QUALITY

Broadcasters need access to data to understand their customer base and manage relationships with viewers. This is however often denied by online intermediation services and online search engines. Broadcasters should have access to the data generated from the use of their services or content they finance. Algorithmic transparency and access to data should be a core by design feature for online platforms.



Advertising policy is a big part of the solution. Online platforms are clearly the publishers of the advertisements they display and should take responsibility for the content and placement of these advertisements on their networks. The lack of equivalent rules is creating economic and social harm; fuelling a wider public trust crisis with online disinformation threatening to drown out quality news and democratic debate.

Europe can act at several levels including extending AVMSD measures and regulating online political disinformation or issue ads that are not already subject to editorial control rules. Commercial communications obligations applied to online platforms will help drive incentives for compliance, protecting advertisers and viewers in the process.

A regulation to tackle the ongoing spread of online disinformation is the natural next step to deliver on the principles of the Code of Practice on Disinformation.

Reliable

rights & freedoms

An IP framework and enforcement tools that work effectively.

▶ TERRITORIALITY & CONTRACTUAL FREEDOM AS DRIVERS OF CONTENT CREATION

Territoriality of licenses and contractual freedom are the motor of AV financing. European content travels successfully across borders where market incentives and viewer interests meet.

This is where the focus of measures needs to be rather than artificial access policies that erode the fundamentals of the sector.



ACT

ACT will continue to support these principles on legislation to be transposed and/or reviewed in the course of this new EU political cycle.

We will pay particular attention to the transposition of the Satellite & Cable Directive; respecting the scope and maintaining the Broadcasters veto. We will continue to support legitimate geoblocking as a pillar of AV financing and creation; driving a diverse offering at prices Europeans can afford.

Finally, we take stock of consumer demand whilst continuing to support the opt-in nature of portability for FTA services in the upcoming review of portability services.



ACT

Reliable

rights & freedoms

An IP framework and enforcement tools that work effectively.

▶ HIGHER STANDARDS & MORE FOCUS ON ENFORCEMENT ENABLERS

This new Commission will steer the transposition of the Copyright Directive. The industry expects strong and clear liability standards, notably on notions of best efforts and diligence.

Special attention needs to be devoted to effective enforcement measures and technical measures across all platforms. Europe's AV community will benefit from a system that is un-burdensome and effective at managing content uploaded by third parties.



Tough and meaningful anti-piracy measures are critical to protect broadcasters' investments in content. Europe needs to demonstrate it can effectively tackle the issue of pirated content and live pirated content. This includes in particular effective procedures on automatic take down and stay down obligations.

Impactful enforcement policies will allow billions in losses to return to the creative cycle. International approval of a strong Broadcasters treaty (WIPO) with an exclusive neighbouring right is part of this approach to protect the integrity and value of European content.

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