



3/6/2020

The appropriate prominence of audiovisual media services of general interest and the prominence of European works in the catalogues of on-demand audiovisual media services

ERGA Subgroup 3 online Workshop 2020

Organized by ALIA (Luxembourg) & CEM (Bulgaria)
SUBGROUP 3 OF EUROPEAN REGULATORS FOR AUDIOVISUAL
MEDIA SERVICES 2020



In line with the two main focuses of Subgroup 3 of ERGA in 2020, our online workshop held on the 3rd of June 2020 deals with the issues linked to the transposition of Article 7a and the prominence rule of Article 13(1) of the revised AVMSD.

Accordingly, two panel discussions are foreseen: the morning session is dedicated to questions related to Article 7a, whereas the afternoon session deals with the prominence rule of Article 13(1).

The panellists include experts from different sectors: representatives of both public and commercial broadcasters, on-demand audiovisual media service providers, producers of connected TV-sets, video-sharing platform providers, national media regulators and professionals from the audiovisual industry will discuss the issues at hand, facilitated by a moderator.

The audience of the workshop, comprised of ERGA Members, is encouraged to participate in the debates that will follow the panel discussions.

PANEL I: The appropriate prominence of audiovisual media services of general interest

Though Article 7a is of optional character, the appropriate prominence of general interest content is supposed to foster cultural diversity as well as to contribute to the well-functioning of democratic societies by ensuring, among other things, citizens' right to receive accurate and unbiased information, thus defying disinformation. Recognizing the importance of this issue, the workshop wishes to foster the discussion around the possible transposition of this Article, considering the views of all of the involved stakeholders.

PANEL II: The prominence of European works in the catalogues of on-demand audiovisual media services

Ensuring prominence of content is one of the obligations to be imposed by Member States on providers of on-demand audiovisual media services in the context of promotion of European works. Under Article 13(1), securing the prominence of European works now complements the providers' obligation to secure a minimum share of European works in their catalogue. The novelty of this obligatory prominence provision warrants a deeper discussion with the relevant stakeholders around the transposition of the second part of this Article.

Draft Agenda

Moderator: **Prof. Dr Mark Cole** (Professor for Media and Telecommunication Law, University of Luxembourg)

Panel I – The appropriate prominence of audiovisual media services of general interest (Art. 7a of the revised AVMSD)

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| 1. Introductory remarks | 10:00 |
| Anna Herold (Head of Unit, Audiovisual and Media Services Policy, DG CONNECT) | |
| Dr Petra Gerlach (Head of Media Policy and Media Economy, Media Authority of North-Rhine Westphalia) | |
| 2. Presentations | 10:25 |
| Jenny Weinand (Legal Counsel, Legal & Policy, European Broadcasting Union) | |
| Martin Faehnrich (Manager Standardisation, Panasonic Business Support Europe GmbH) | |
| Grégoire Polad (Director General, Association of Commercial Television in Europe) | |
| 3. Q&A | 11:00 |
| Break | 12:00 |

Panel II – The prominence of European works in the catalogues of on-demand audiovisual media services (Art. 13(1) of the revised AVMSD)

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| 1. Introductory remarks | 14:00 |
| Dr Maja Cappello (Head of Department for Legal Information, European Audiovisual Observatory) | |
| 2. Presentations | 14:15 |
| Prof. Dr Madeleine de Cock Buning (Vice President, Public Policy EMEA, Netflix) | |
| Andreas Wildfang (Executive director of EYZ Media GmbH and ContentScope GmbH, Member of the Board of Directors of EuroVOD) | |
| Julie-Jeanne Régnault (Secretary General, EFAD, European Association of Film Agencies) | |
| Sarah Calderón (Founder and Director, The Film Agency) | |
| 3. Q&A | 14:55 |
| End of meeting | 16:00 |

Speakers

Moderator: Prof. Dr Mark Cole (Professor for Media and Telecommunication Law, University of Luxembourg)



Since January 2015, Mark D. Cole is Professor for Media and Telecommunication Law at the University of Luxembourg, where he previously was Associate Professor for the Law of the New Information Technologies, Media and Communications Law since 2007. He is also Course Director for the Master in Space, Communication and Media Law (LL.M.) and Faculty Member of the Interdisciplinary Centre for Security, Reliability and Trust (SnT). Since July 2014, he holds an additional position as Director for Academic Affairs at the Institute of European Media Law (EMR), Saarbrücken. Mark D. Cole specialises in European and Comparative Media Law, covering the whole range of the regulatory framework for both traditional mass media as well as the law of the new information technologies which includes data protection and intellectual property law, and has a research focus on the EU AVMSD / DSM regulatory framework. Prof. Cole has published and guest lectured in many European countries and the U.S. and is a regular speaker at international conferences, on subjects of Media, ICT and Data Protection Law as well as Public International Law and European Law and regularly contributes as expert to the work of public institutions on EU and national level.

PANEL I: The appropriate prominence of audiovisual media services of general interest (Art. 7a of the revised AVMSD)

Introductory remarks:

Anna Herold (Head of Unit, Audiovisual and Media Services Policy, DG CONNECT)



Anna Herold is Head of the Audiovisual and Media Policy Unit at the European Commission. She was previously Member of Cabinet of Günther H. Oettinger, European Commissioner responsible for Digital Economy and Society, and subsequently, Budget and HR. Prior to that, she was Assistant to Deputy Director-General of DG Communications Networks, Content and Technology of the European Commission, Roberto Viola. Anna Herold has worked for the European Commission since 2003, dealing with media, audiovisual and telecoms policy as well as competition law. She holds a PhD in Law from the European University Institute in Florence and has written on media law and policy, international trade and competition law.

Dr Petra Gerlach (Head of Media Policy and Media Economy, Media Authority of North-Rhine Westphalia)



Dr Gerlach graduated in business administration and gained her PhD while working as a researcher in personnel economics at the University of Cologne. From 2008 until 2017 she first worked as an advisor at the media policy department of Media Group RTL Germany, later she became deputy head of the department. Since 2018 Dr Gerlach is head of the media policy and media economics group at the media authority of North Rhine-Westphalia.

Panellists

Jenny Weinand (Legal Counsel, Legal & Policy, European Broadcasting Union)



Jenny Weinand is Legal Counsel at the European Broadcasting Union in Geneva, where she works in the field of media and communications law. She obtained a PhD in Law from the University of Luxembourg in 2016, supervised by Prof. Dr Mark D. Cole. Her PhD thesis examines the measures taken by the French, German and UK media regulators implementing certain rules set out in the Audiovisual Media Services Directive and was published as part of the Luxembourg Legal Studies by Nomos. She was previously involved in a research project led by Prof. Cole at the University of Luxembourg comparing the national laws transposing the 2007 AVMSD. Jenny holds an LL.M. from the University of Luxembourg and a B.A. in European Studies from the University of Maastricht.

Martin Faehnrich (Manager Standardisation, Panasonic Business Support Europe GmbH)



After his degree in telecommunication electronics ('Nachrichtentechnik') at the technical university of applied science Giessen-Friedberg in 1995, Martin Faehnrich started as development engineer in CCTV business. He developed video hardware, embedded software, video compression, and network protocols for professional large-scale CCTV systems. In 1999 he joined Panasonic European Laboratories and had quickly been promoted for senior engineer. Later he became team-leader of the video signal processing team. In 2002 he was promoted to assistant-manager and appointed to set-up a section for standardisation at the laboratory in Langen / Germany. Since

2008 he is manager of the standardisation section at Panasonic Langen Development Centre. Today he is with his team in charge of Panasonic's AV related standardisation activities in Europe at Panasonic Business Support Europe GmbH. Martin Faehnrich is well-known in the TV business, he is member of the Steering Board at DVB, at HbbTV, and at SATIP-Alliance, he is furthermore active at DIGITALEUROPE, FAME, Deutsche TV-Plattform, ZVEI and other organizations. He is Chairman of ZVEI-KTM (CE-manufacturer working group at ZVEI).

Grégoire Polad (Director General, Association of Commercial Television in Europe)



Grégoire Polad, a French national living in Belgium for more than 20 years, is the head of the ACT as of November 2015. Greg has been involved in European affairs for more than a decade working in several global and niche consultancies. Prior to working for ACT, he was Managing Partner of True Political Communications where he coordinated the Wider Spectrum Group, a group bringing together eleven pan-European associations including trade unions, employers and viewer organisations. Greg has also been active on the tech front, representing application developers as Head of European policy for The App Association. He is a former Associate of McKinsey & Co and holds an MBA from NYU Stern School of Business as well as an MSc and BSc from the London School of Economics.

PANEL II – The prominence of European works in the catalogues of on-demand audiovisual media services (Art. 13(1) of the revised AVMSD)

Introductory remarks: **Dr Maja Cappello** (Head of Department for Legal Information, European Audiovisual Observatory)



Maja Cappello joined the European Audiovisual Observatory as Head of the Department for Legal Information in 2014. Before joining the Observatory, she worked for the Italian media regulator AGCOM from 1998 and was Head of the Digital Rights Unit. She was also Vice President of EPRA from 2011 to 2014. She holds an LLM in EU law and a PhD in European social law, after graduating in Law in 1994.

Panellists

Prof. Dr Madeleine de Cock Buning (Vice President, Public Policy EMEA, Netflix)



As Vice President in Public Policy EMEA, Madeleine is working with the EMEA team to ensure Netflix continues to play an active role in supporting EU institutions and national governments in Europe, Middle-East and Africa in their efforts to promote and champion the creative industries as a catalyst for innovation and creativity. De Cock Buning is furthermore chaired professor of Copyright and Media Law at the Faculty of Law (UU) and of Digital Politics, Economy and Societies at the School of Transnational Governance of the European University Institute (EUI) in Florence. Prof. Dr de Cock Buning was Chair of the European Commission's High-Level Expert Group (HLEG) on fake news and disinformation (2018), chair of the European Regulators Group for Audiovisual Media Services (ERGA) (2016 & 2017) and was President of the Board of Commissioners at the Dutch Media Authority (2009-2019). She was Honorary Judge of the Court of Appeal in The Hague (2010-2020) and was a panellist of the World Intellectual Property Organisation (WIPO) (2001-2018).

Andreas Wildfang (Executive director of EYZ Media GmbH and ContentScope GmbH, Member of the Board of Directors of EuroVOD)



Andreas Wildfang is the executive director of the Berlin-based companies EYZ Media GmbH and ContentScope GmbH. EYZ develops products and services in the field of digital media. Through its development team EYZ offers B2B VOD solutions from app-development to content localization and algorithms to third parties. EYZ is the service provider for French La Cinémathèque des Réalistes supporting classic film platform lacinetek.de. With French Metropolitan Filmexport EYZ is operating the SVoD/TVoD/EST platform sooner.de in G-A-S through their joint venture ContentScope GmbH. Before guiding EYZ's move to the digital arena Andreas Wildfang operated Berlin art house cinemas. His own short films

were shown at international festivals and he worked as a cameraman for numerous film productions. He is a board member of EuroVoD.

Julie-Jeanne Régnauld (Secretary General, EFAD, European Association of Film Agencies)



Julie-Jeanne Régnauld is Secretary General of EFAD, the Association of national film and audiovisual agencies representing 35 public bodies across Europe. Previously she was leading on European Affairs at the Centre National du cinéma et de l'image animée (French Film Center), participating in particular in the negotiations of the revised Audiovisual Media Services Directive (AVMSD), the copyright reform and the implementation of MEDIA programme. Specialised in EU affairs and the audiovisual sector, Julie-Jeanne has started her career as a consultant and then as a policy officer at the European Commission. She holds Master's Degrees in EU law and in EU public policies and also graduated in International Relations. She is an EAVE graduate (Producers' Workshop 2017).

Sarah Calderón (Founder and Director, EAVE Marketing expert, The Film Agency)



Sarah is co-founder and CEO of The Film Agency, a marketing consultancy and service specialized in the film industry handling more than 50 clients in Spain and abroad, including A Contracorriente, Autlook Film Sales, Avalon, Backup Films, Beta Cinema, Biennale di Venezia, Cannes Film Festival, EONE, Filmax, Film Constellation, Film Factory, Karma, K&S, Fox, Gaumont, Mediapro, Mod, Morena Films, Netflix, NewEurope, Playtime, Telecinco, Wim Wenders' Neueroad Movies, The Match Factory, Wanda and Wild Bunch France. The agency also leads European innovation projects such as European Film Challenge and Le Ballon Rouge. Sarah holds a major in advertising at the PUJ of Bogotá and a Master degree in Multicultural Communication at the CELSA Sorbonne IV in Paris. She has more than fifteen years of work

experience in the audiovisual sector in different positions including: Head of International Sales at Coproduction Office – Paris, and distributor coordinator at Karma Films – Madrid. In parallel to The Film Agency, she currently works as EAVE Marketing Workshop co-head of studies and marketing tutor for EAVE Producers Workshop and EAVE IMPACT Think Tank.