



BROADCASTERS WELCOME PARLIAMENT MAAP REPORT OUTLINING KEY ORIENTATIONS FOR UPCOMING & FUTURE EC INITIATIVES ON AV ISSUES

BRUSSELS, 20 OCTOBER 2021. Broadcasters welcome today's adoption by the European Parliament of its report on *'Europe's Media in the Digital Decade: An Action Plan to Support Recovery and Transformation'*¹. In so doing, we express our congratulations to MEP and rapporteur Dace Melbārde.

The Report recognises the important role that the media and audiovisual sectors play by providing news and entertainment to millions of Europeans. Supporting recovery for our sectors will require a holistic industrial strategy that the sector has long asked for². We therefore warmly welcome the European Parliament's call for a holistic strategy exploring *"all options available, including tax incentives, trade policy and enhanced accountability and rules for online platforms to establish a regulatory level playing field allowing media to continue to invest in news and cultural content while protecting European consumers equally online and offline"*. We urge the European Commission to take note of this call and develop such a strategy.

We take note of the clear call for the fundamentals of the audiovisual model to be upheld. In line with the Commission's finding in the first review of the Regulation on unjustified geo-blocking³ and several studies⁴; territoriality and exclusivity are indeed a cornerstone of the audiovisual sector and are essential to its efficient functioning. With clear directions emanating from both the European Parliament and the Council of the EU⁵; we draw attention to the implications of this for forthcoming dialogues as regards Action 7 of Commission's Action Plan. In line with the Report, we look forward to proposals by the Commission to support co-production, translation, subtitling and dubbing which could contribute to the ever increasing availability of diverse European audiovisual content.

The Report also notes the vast disruptive impact on the media sector of global online platforms and underlines the need for a level playing field establishing a fair environment through rules on access to and transparency of data, platform and algorithmic accountability and advertising rules. It also recognises the need for ambitious, clear and legally binding measures to fight online piracy

¹ <https://www.europarl.europa.eu/news/en/press-room/20211014IPR14934/european-media-needs-support-to-recover-from-pandemic-and-face-future-challenges>

² https://www.acte.be/wp-content/uploads/2020/07/2020_06_30_FINAL_JointStatement_MAAP.pdf ; <https://www.acte.be/wp-content/uploads/2020/08/ACT-Blueprint-for-EU-media-policy-2019-%E2%80%93-2024.pdf>;

³ <https://www.acte.be/publication/film-audiovisual-sector-welcomes-ec-review-of-unjustified-geo-blocking-in-line-with-latest-studies-supporting-territoriality/>

⁴ <https://www.oxera.com/about-us/media-centre/contractual-freedom-and-territorial-exclusivity-remain-key-to-new-content-production-and-distribution-in-the-av-sector/>

⁵ <https://www.consilium.europa.eu/en/press/press-releases/2021/05/18/council-conclusions-recovery-and-transformation-of-europe-s-media/>

(particularly live events piracy⁶), and to efficiently tackle all forms of circumvention, through new practical tools such as the use of dynamic injunctions, prompt take-downs upon notification, and clarifications of the legal regime applicable to services posting hyperlinks to websites on which copyright-protected works have been made available without the consent of the right holders. This confirms the Parliament's clear message to the European Commission to act decisively and swiftly on the topic of piracy so as to demonstrate it is committed to delivering tangible instruments to address this ever growing *cancer of creation* which undermines investment in content in Europe, whether it be from public or private sources. These elements, as well as calls related to taxation, sustainability, competition and media convergence, are all very welcome.

We would, however, caution against calls for interventionist measures that would undermine contractual freedom, legal certainty and investments in the sector by banning buy-out contracts. This is a matter that was addressed in the copyright in the DSM directive and should not be re-opened so as to ensure legal certainty for long term (re)investments.

Finally, we thank MEPs for rejecting far-reaching proposals that would be a terrible impediment to the sector, namely by changing the definition of European Works⁷ and/or applying extended collective licensing to our sector.

ACT - ASSOCIATION OF COMMERCIAL TELEVISION & VIDEO ON DEMAND SERVICES IN EUROPE

ABBRO - ASSOCIATION OF BULGARIAN BROADCASTERS

AKTV - ASOCIACE KOMERČNÍCH TELEVIZÍ

ARCA - ROMANIAN ASSOCIATION FOR AUDIOVISUAL COMMUNICATIONS

CONECTA - CONSEJO ESPECIALISTA EN CANALES TEMÁTICOS ASOCIADOS

EGTA - EUROPEAN ASSOCIATION OF TELEVISION AND RADIO SALES HOUSES

LRA - LATVIJAS RAIDORGANIZĀCIJU ASOCIĀCIJA

UTECA - UNIÓN TELEVISIONES COMERCIALES EN ABIERTO

VAUNET - GERMAN MEDIA ASSOCIATION

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⁷ <https://www.acte.be/publication/act-statement-regarding-alleged-changes-in-the-definition-of-european-works/>

ABOUT THE SIGNATORIES:

ASSOCIATION OF COMMERCIAL TELEVISION & VIDEO ON DEMAND SERVICES IN EUROPE (ACT)

ACT's 29 member companies finance, produce, promote and distribute content and services benefiting millions of Europeans across all platforms. At ACT we believe that the healthy and sustainable commercial broadcasting sector has an important role to play in Europe's economy, society and cultures. Commercial broadcasters are at the heart of Europe's media landscape as producers and distributors of European original content and news. We embrace the digital environment providing new services, formats and content to meet the growing European demand for quality content on various distribution models.

For further information please contact: Erard Gilles | Senior Policy Officer | eg@acte.be

ASSOCIATION OF BULGARIAN BROADCASTERS (ABBRO)

ABBRO is the non-governmental organisation of commercial TV and Radio broadcasters in Bulgaria. The association is the most representative industry body for Bulgaria for the television, radio and on demand services. Its members operate various national free-to-air, cable and satellite TV channels with the highest rating of viewers' trust, on-demand services and radio networks. ABBRO contributes to the law-making process to ensure fair and transparent market rules, as well as favourable legal framework for the development of media services in Bulgaria.

For more information see www.abbro-bg.org Contact: Anna Tanova | Executive Director | a.tanova@abbro-bg.org

ASOCIACE KOMERČNÍCH TELEVIZÍ (AKTV)

The Association of Commercial Television (Asociace komerčních televizí - AKTV) was formed in 2017 as an association of terrestrial television broadcasting operators with the goal of defending, supporting and promoting the common interests of commercial broadcasters in the Czech Republic.

The founding members of the Association are the Nova, Prima and Óčko television networks.

For further information please contact: Marie Fianová | Secretary | marie.fianova@aktv.cz

ROMANIAN ASSOCIATION FOR AUDIOVISUAL COMMUNICATIONS (ARCA)

The Romanian Association for Audiovisual Communications (Asociația Română de Comunicații Audiovizuale – ARCA) joins the main radio (Europa Fm, Kiss Fm, Radio Zu, National FM, Radio Romania, etc.) and television (ProTv, Antena 1, KanalD, Prima TV, Antena 3, RomaniaTv, B1Tv, National Tv, etc) companies operating in Romania. ARCA works for developing an auspicious climate for audiovisual media business in Romania by representing the interests of the Romanian broadcasters in the relationship with the authorities, the political environment and the civil society.

For more information please consult www.audiovizual.ro. Contact: George Chirita, executive director: george@audiovizual.ro

CONSEJO ESPECIALISTA EN CANALES TEMÁTICOS ASOCIADOS (CONECTA)

The Council of Associated Thematic Channels (Consejo Especialista en Canales Temáticos Asociados) is a non-profit association formed by the main payTV companies operating in Spain, with the objective of promoting and developing the thematic payTV channels in the country. For more information, visit our website at <https://www.conecta.es/>

EUROPEAN ASSOCIATION OF TELEVISION AND RADIO SALES HOUSES (EGTA)

egta is the media trade body for television and radio advertising, representing 150 companies in Europe and beyond. egta members come from both public and private sectors and cover respectively 75% and 50% of the total TV and radio ad spend in Europe, thus playing a fundamental role in the sustainable funding of the European audiovisual and radio industries.

For further information, please contact Conor Murray | Director Regulatory and Public Affairs | conor.murray@egta.com

LATVIJAS RAIDORGANIZĀCIJU ASOCIĀCIJA (LRA)

The Latvian Broadcasters' Association (Latvijas Raidorganizāciju asociācija - LRA) was founded in 2001 with the aim to create a responsible media environment in Latvia, to represent and defend the interests of its members. LRA unites the most influential Latvian commercial electronic media. The LRA's existence is based on its members' responsibility towards the Latvian society and media environment, as well as the values that unite them: freedom of expression, diversity of opinion, the rule of law, fair competition and other fundamental values of a democratic society.

The LRA participates in all processes related to the shaping of the Latvian media environment and policy, and to increasing the competitiveness of the media, taking part in discussions with public authorities and non-governmental organisations. The LRA's agenda includes vital issues such as the development of a new regulatory framework, the exit of public service media from the advertising market, possible changes in the arrangements for the provision of terrestrial television and radio broadcasting, and the search for solutions to support the production of national content.

For further information, please contact Andris Ķēniņš | Executive Director | andris@tvradio.lv

UNIÓN TELEVISIONES COMERCIALES EN ABIERTO (UTECA)

The Spanish Union of Commercial Free-To-Air Television (Unión Televisiones Comerciales en Abierto – UTECA), which was established in 1998, represents and defends the common interests of free-to-air commercial television channels at the national, community and international level. UTECA's members are Atresmedia, DKISS, Net TV, Real Madrid TV, TEN, TRECE and VEO TV. The associates manage 14 Digital Terrestrial Television channels.

For more information see www.uteca.tv or contact Emilio Lliteras | Director General | direccion@uteca.tv

GERMAN MEDIA ASSOCIATION (VAUNET)

VAUNET is the leading organisation for audiovisual media in Germany. The fields of business in which its 150 member companies operate are highly varied, ranging from TV and radio to internet and streaming offerings. VAUNET represents the interests of the commercial audio-visual industry, which is one of the largest business sectors in Germany. The Association's activities focus on development in the markets for audiovisual media and play an active role in shaping the relevant parameters at both a national and European level. The aim of the trade association is to create acceptance for the economic concerns of audiovisual media and raise awareness of the major socio-political and cultural significance of this industry in the digital age.

For more information see www.vau.net and follow @VAUNET_Presse Contact: Daniela Beaujean | Managing Director | beaujean@vau.net