

**Workshop on policy and regulatory challenges of connected TV
(Brussels, 3 May 2012)**

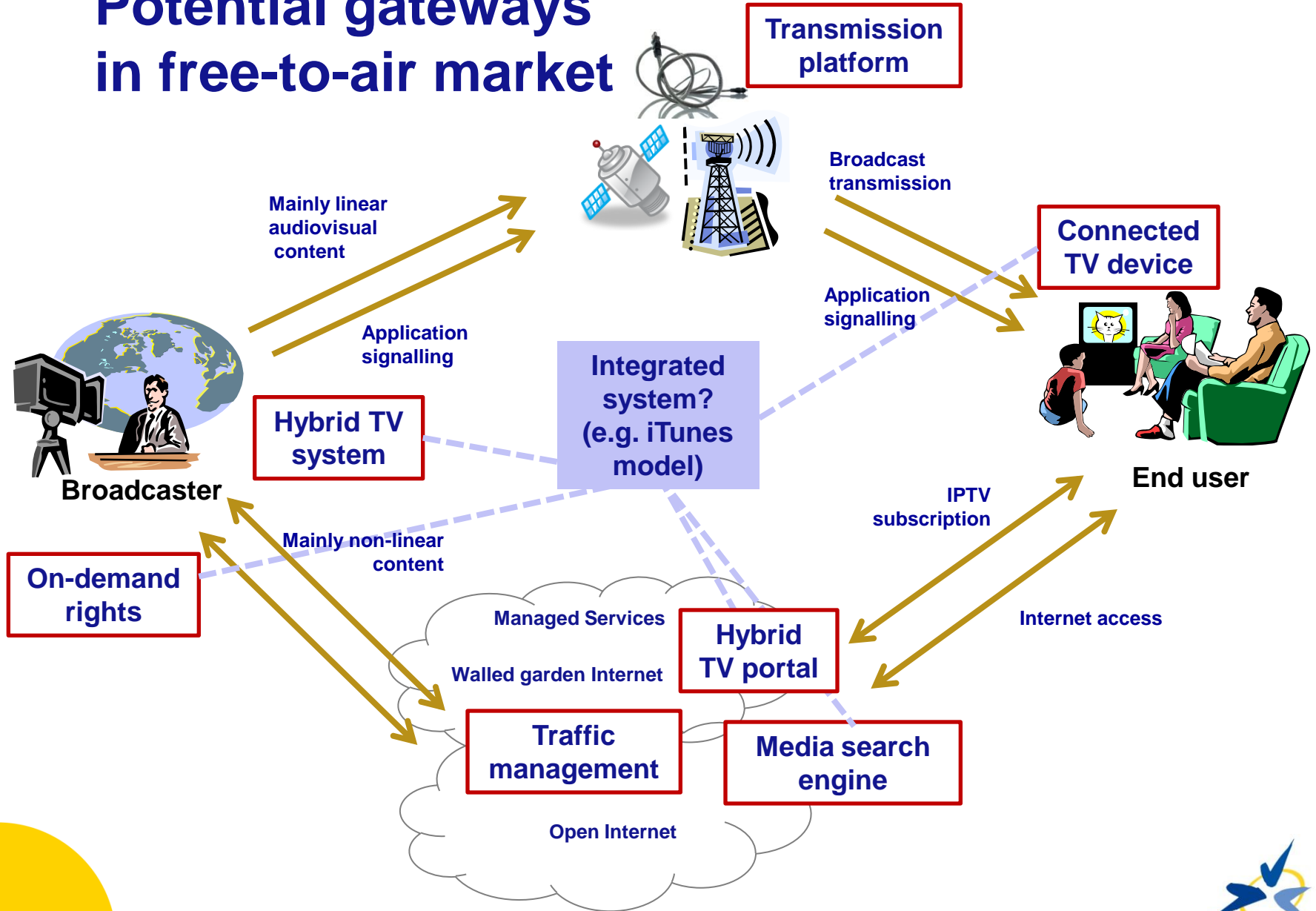
Access, competition and transmission issues

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First challenge: access issues

- Broadcasters' content must remain **easily findable and accessible for viewers**
- Viewers must be enabled to **access any application or portal provided by broadcasters while watching their channels**
- Intermediaries must not impair the **quality of experience** for viewers
- Providers of hybrid TV portals and other intermediaries must guarantee **non-discriminatory access**
- Audiovisual programmes must be **properly referenced** by media search engines
- On-demand **rights clearance** by broadcasters must not be unduly hindered

Potential gateways in free-to-air market



Access rights

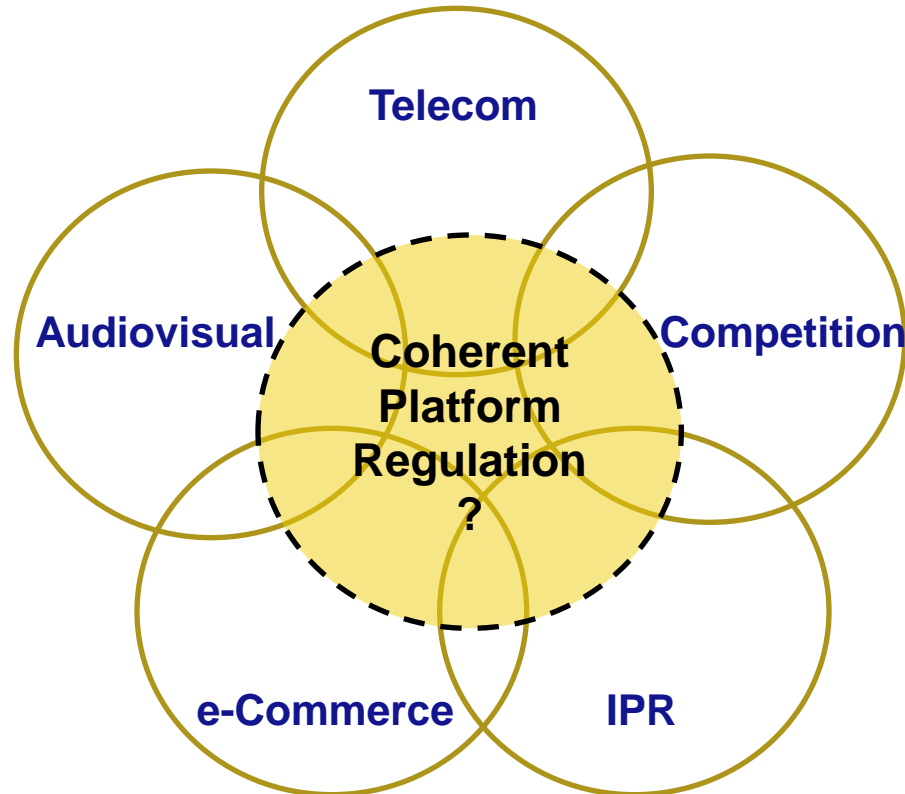
Limited legal safeguards exist

- **Telecom law:** access to technical networks and certain facilities (APIs) - not to content portals/platforms; net neutrality principles
- **Media law:** depending on national rules
 - **obligation for network operators to transmit (linear) services ("must carry"), e.g. including application signalling**
 - **obligation for platform operators and content aggregators to include (linear or non-linear) content in their offers, e.g. on HBB portals**
 - **presentational aspects of electronic programme guides**
- **Competition law:** in cases of anti-competitive foreclosure, depending on market power ("essential facilities"); national rules against unfair competition

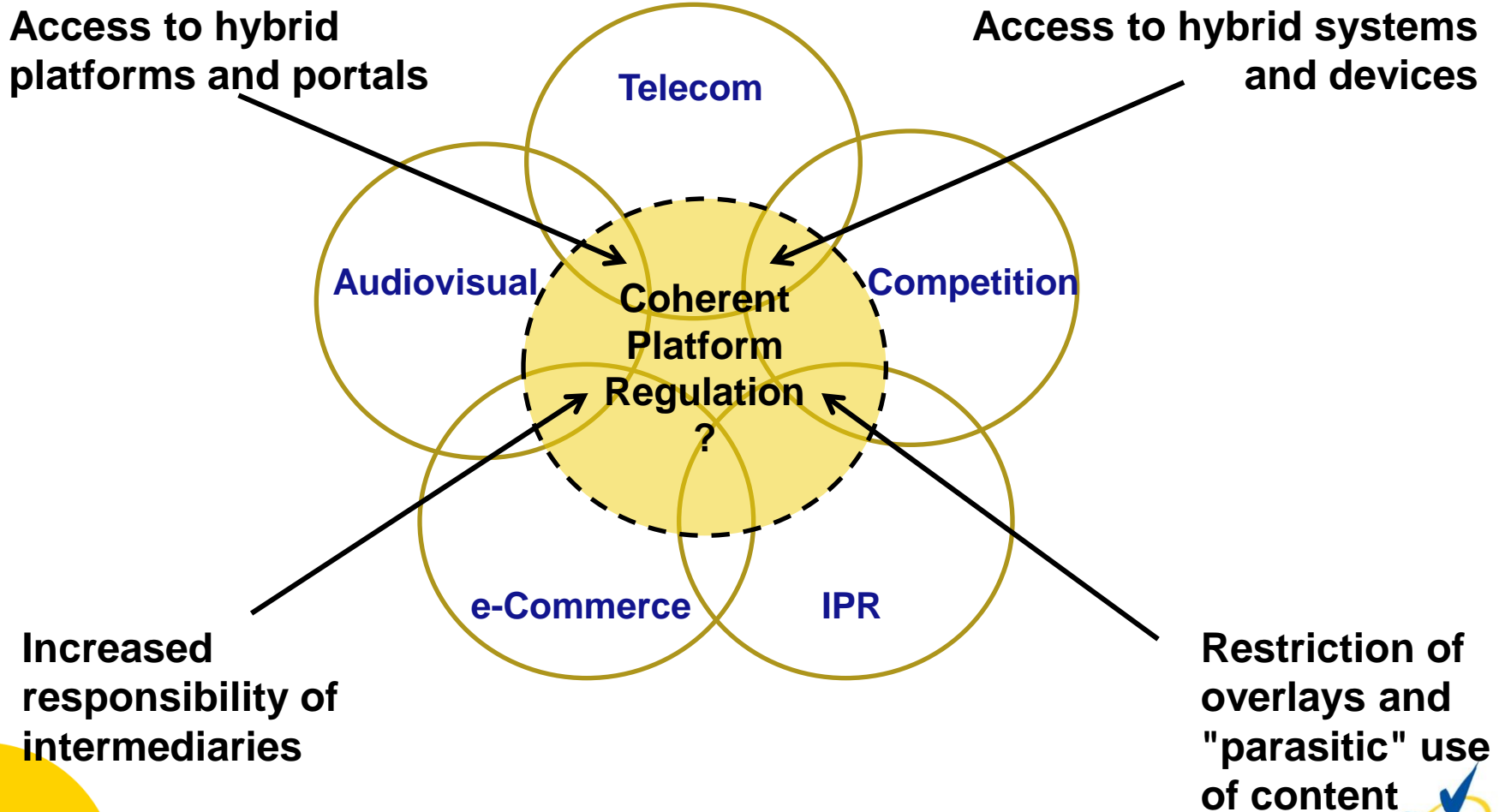
Second challenge: content integrity

- The quality of the user's viewing experience depends on the **integral transmission** and **authentic display** of audiovisual content and services
- The integrity of broadcasters' content and the economic value of their services must be **protected against overlays and other "parasitic" behaviour by third parties**
- Overlays on the television picture should occur only following an **active decision by the viewer ("opt-in")**
- While viewers may wish to aggregate content from different sources, there must always be a **clear identification of the content sources**

The legal framework to address access, competition and transmission issues



The legal framework to address access, competition and transmission issues



The EBU Principles for Internet Connected and Hybrid TV

- **...are based on discussions with broadcasters worldwide**
 - World Broadcasting Unions discussion paper (January 2011)
- **...are in the form of an EBU policy paper**
 - adopted by the EBU Executive Board in April 2011
- **...are intended as a contribution for discussion with other stakeholders (industry, regulators)**
 - not an industry Code of Conduct
- **EBU Members call for all systems to be designed in ways which respect the proposed basic Principles**
 - without prejudice to more detailed or stricter rules at the national level

Purpose of the EBU Principles

- they should allow all stakeholders to seize the **opportunities** offered by hybrid systems
 - A common understanding among stakeholders should ease the introduction of hybrid systems
- they should provide safeguards against **potential risks**
 - Measures embedded in the design of hybrid systems - **protection by design** - are often more effective than *ex post* intervention
 - **Voluntary alignment** would reduce the risk of litigation and the need for regulatory intervention.

Thank you

The EBU principles are available at:

<http://www.ebu.ch/en/legal/position/index.php>

