

# CSA

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DE L'AUDIOVISUEL



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# Supervising on-demand audiovisual media services

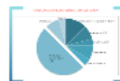
Concrete challenges

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# Identification & notification of services



First step: Confirmation of services  
The user is notified of the services  
that are available



Second step: Identification of services  
The user is notified of the services  
that are available

Positive actions



A continuous evolution in the notification process



First step : Guidance document :  
The belgian CSA recommandation  
(March 2012)

## "Economic service"

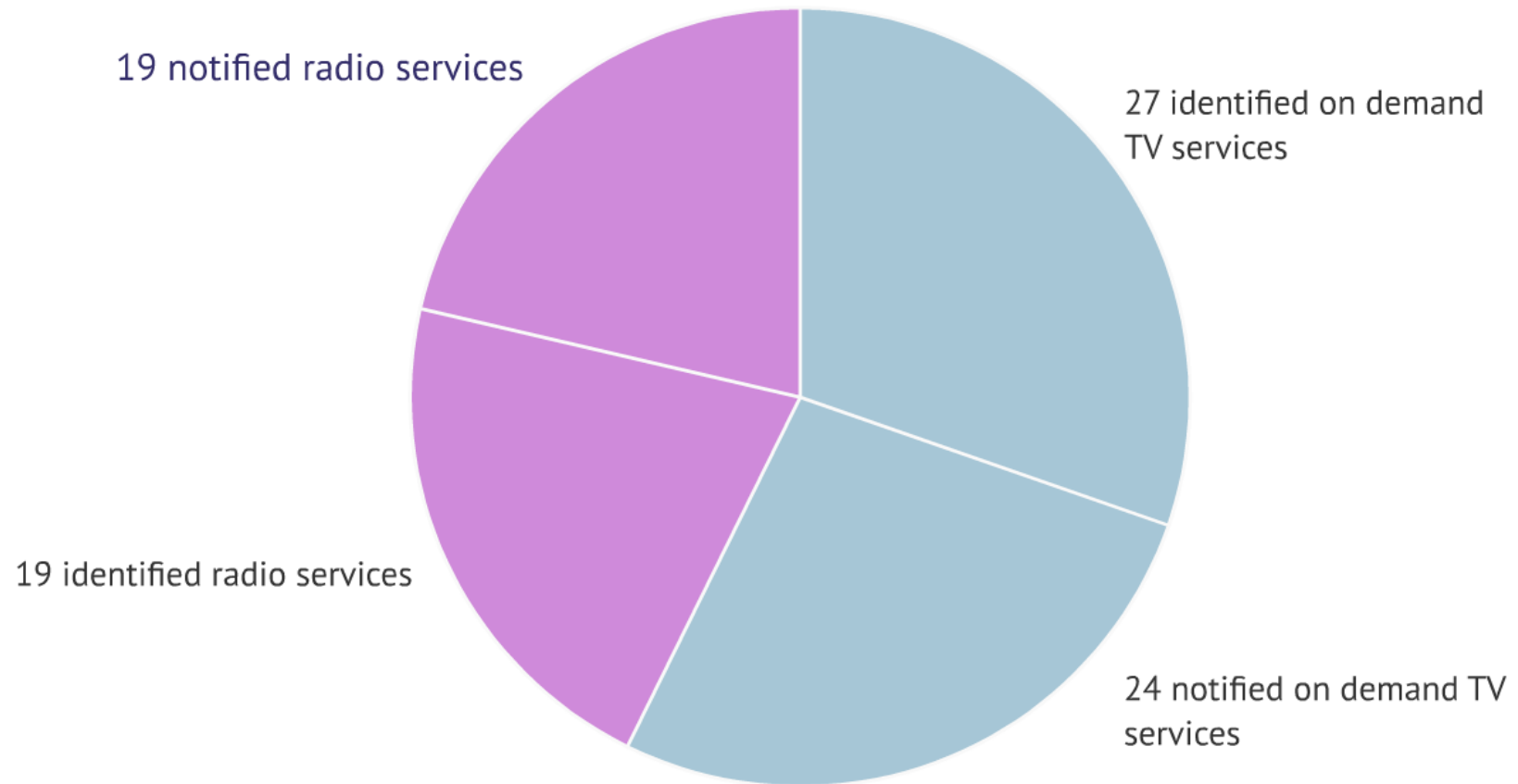
As defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union. => Implies 2 elements:

- A counterpart:
  - Direct retribution of the service
  - Doesn't need to be pecuniary
  - Doesn't need to give profit to the provider
  - Can come from anybody (audience, advertisers, public authorities,...)
- An economic aim/competition with other services
  - Can evolve in time
  - Decisive element if doubt about the counterpart

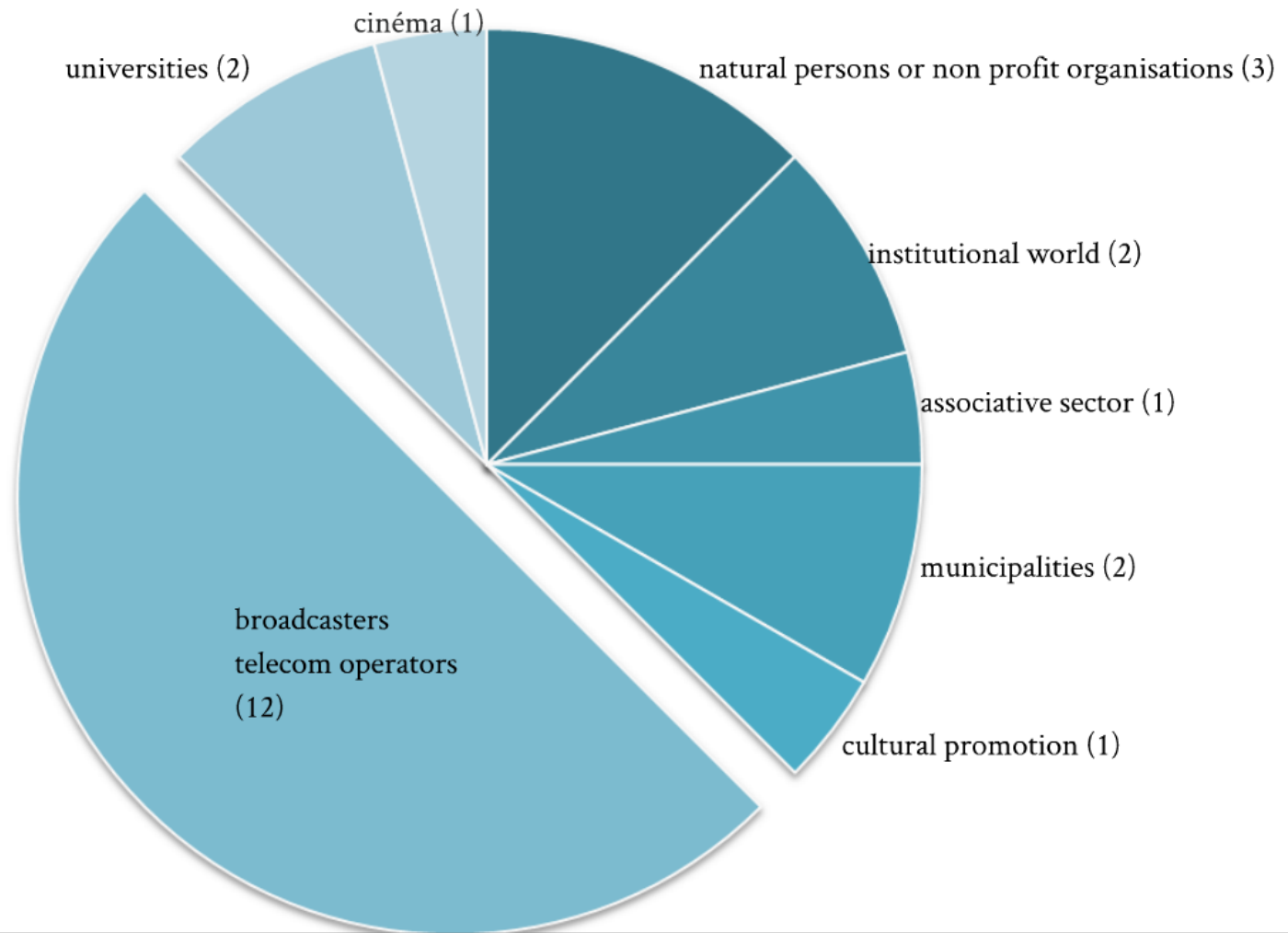


Challenge concerning identification of services :  
A service according to art. 56-57 TFEU  
what about really small-scale services?

## 89 new media services on 3rd October 2013



## Origin of the new media (television) service providers



## Concrete challenges concerning notification of services :

- permanent online research
- less spontaneous notifications (only for services provided by traditional broadcasters) than notifications after (informal) requests
- good relationships with service providers? It depends

# POSITIVE ACTIONS

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Explain positive side effects  
of notifying



- Ease burdens
- Guide service providers through legislation and obligations they have to comply with



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If possible, foster the emergence of small new media services  
and thereby PLURALITY





Develop cooperation with platforms / UGC websites / connected devices  
(meetings, contacts, conferences, publications)

# Monitoring & application of legal provisions

Monitoring

Monitoring and application of legal provisions

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## Monitoring

- ad hoc checks : annual report and control
- examining complaints

## SANCTIONS?

In case of non compliance : smooth methods

ex. monitoring period after an infringement can be useful

In case of non compliance with the notification requirement : smooth methods

no sanctions yet...

...but not being registered does not exempt a provider to respect AVMS legislation

## Monitoring & application of legal provisions



## prominence tools of European works : useful indicators

- **Global indicators** measure production in total European market
- **Grouped indicators**
  - **1** - **Internal** (intra-industry) trade e.g. in common service providers
  - **2** - **External** (inter-industry) trade e.g. in manufacturing
  - **3** - **Internal** (intra-industry) trade and **external** trade for common products in services and agriculture, forestry and fishing

- All animals are born albino (pinkish white) and gradually develop their coloration
- *Microgaster* does also develop a distinctive headband in its development (Barnard 1994)
- Not known if *M. eximius* change sex once in its reproductive cycle as reported in another *Microgaster* species (Barnard 1994)

[illegible]

- does not send anything to providers.
- has no influence on their programming

## ARTICLE 13

AVMSD : "attractive presentation of European works in EPG's"

Transposition : "... putting forward, by an attractive presentation, the list of EUR works available"

Transposition - recitals :

- Banners on the home page of EPG and website of the VOD service provider
- Special category for EUR works on the catalogue
- Prominence in the barker channel
- References to EUR works/actors/filmmakers/events in folders and subscribers magazines.

Recommendation of the CSA :

- Prominence in specific menus or sub-menus
- Presence of EUR works in promotional campaigns for the VOD service
- Moment the work enters the catalogue + length of its presence
- Diversity in the supply of EUR works in terms of genre/nationality/actors/filmmakers, ...

Useful indicators to control prominence tools of European works :

Comparison between:

- 1) share of European films in the top 50 consumer service providers
- 2) share of European films in catalogues
- 3) share of European films in promotional occurrences made by service providers about movies available on their platforms

## Why is it useful?

- this comparison shows whether European films were "positively discriminated" in the promotion
- this comparison shows also if this positive discrimination is reflected in the consumption by the viewers (top 50)
- it allows the CSA to control implementation of specific measures to promote European works and the effectiveness of these measures



In addition, the CSA collects useful information as:

- recent nature of works
- their entry and exist of the catalogues
- where the works have been promoted
- the country of production for films in promotion
- any marketing data from the providers
- results of cinema admissions for the movies of the catalogues

Enforcement? Collaborative regulation

Advantages?

- does not cost anything to providers
- has no influence on their programming



## challenges linked to the converged audiovisual world

Some players are currently out scope ...  
... but play a role in the provision and/or distribution of AVMS

Regulatory imbalance between linear and non linear services but...  
the degree of control that user can have in his use of linear or on  
demand services becomes comparable.

(CRA's response to the Commission's Green paper)

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