

Working group 3: Spotlight on audiovisual platforms

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OBSERVATOIRE EUROPÉEN DE L'AUDIOVISUEL
EUROPEAN AUDIOVISUAL OBSERVATORY
EUROPÄISCHE AUDIOVISUELLE INFORMATIONSSTELLE

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

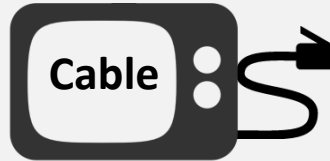
1. The ongoing developments in the audiovisual market



Analogue
terrestrial TV



Digital
terrestrial TV



Cable TV



Satellite TV



IPTV

Digitisation

Development of new audiovisual offers



Video-sharing platforms

YouTube

dailymotion

vimeo

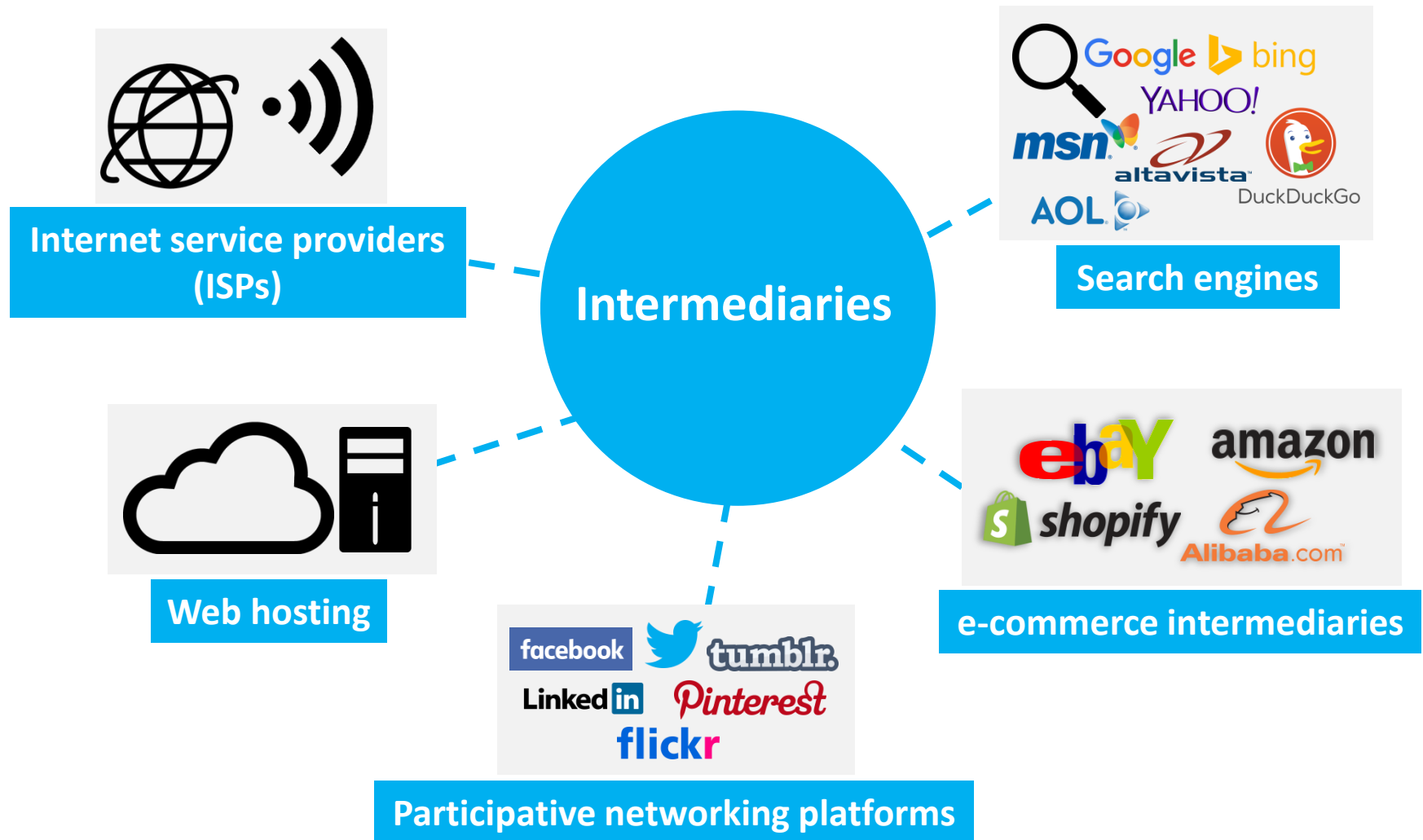
Vine

twitch

LiveLeak

Not covered by the current AVMS Directive

1. The ongoing developments in the audiovisual market



2. The regulatory responses to the market developments

Intermediaries

- e-Commerce Directive

→ An information society service

“consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network”

2. The regulatory responses to the market developments

Online platform

- **Public consultation on Online platforms**
 - A perceived partial overlap between the role of platform and that of online intermediary
- **Communication on the Digital Single Market**
 - Identifies a set of characteristics

2. The regulatory responses to the market developments

Over the Top (OTT)

- **BEREC (Body of European Regulators of Electronic Communications)**
 - OTT: “content, a service or an application that is provided to the end user over the open internet”
- **European Commission**
 - An OTT player: “service providers offering a wide variety of applications and services, including communications services, over the internet.”

3. Towards a legal definition of video-sharing platforms

The definition of video-sharing platform under the proposal for a new AVMS Directive

The service consists of the storage of a large amount of programmes or **user-generated videos**, for which the **video-sharing platform provider** does not have **editorial responsibility**;

The organisation of the stored content is determined by the provider of the service including by **automatic means** or **algorithms**, in particular by **hosting, displaying, tagging** and **sequencing**;

3. Towards a legal definition of video-sharing platforms

Establishment of a video-sharing platform

Art. 28b (1) of the Proposal

A platform is deemed under the jurisdiction of a Member State, if:

- The provider is established in the Member States
- The provider is not established in the Member State BUT:
 - ✓ has a parent company; or
 - ✓ has a subsidiary; or
 - ✓ is part of a group and another entity of that group, that is established in the Member State



4. The obligations of video-sharing platforms foreseen by the AVMSD revision proposal

More involved video-sharing platforms

- Encouraging co-regulation initiatives (Art. 28a (3) of the Proposal)
- Operating **age verification** systems for users (Art. 28a (2) of the Proposal)

Empowering users

(Art. 28a (2) of the Proposal)

- By **reporting / flagging** mechanisms and providing feedback to their requests
- Providing for **parental control** systems
- Allowing users to **rate** the content
- Providing **feedback** to the users over their reporting and flagging of content

5. Assessing compliance with the new obligations of the AVMSD revision proposal

The role of audiovisual regulators and ERGA

- **Assess the appropriateness of the measures taken by video-sharing platform with regard to the protection of minors and incitement to violence or hatred** (Art. 28a (4) of the Proposal)
- **ERGA will assess Union codes of conduct and advise the European Commission and encourage exchange of “best practices”** (Art. 28a (7) and (8) of the Proposal)

The role of Member States

- **Ensure that complaint and redress mechanisms are available for dispute resolution between users and platforms** (Art. 28a (6) of the Proposal)

6. Self-regulatory initiative concerning online platforms



A self-regulation initiative → a code of conduct to fight against hate speech and incitement to violence online.

Signed on 31 May 2016

Commitments of IT companies under this initiative:

- ✓ Establishing Rules or Community Guidelines
- ✓ Committing to the **Notice and action** approach by promptly removing or disabling access to unlawful content (within 24 hours)
- ✓ Providing information about the flagging/reporting process
- ✓ Educating and raising awareness among users
- ✓ Promoting counter-hate speech
- ✓ Intensifying cooperation with online platforms
- ✓ Delivering best practices training to their staff



7. Example of managing a video-sharing account



YouTube FR maroon 5

Maroon 5 - Sunday Morning

Verified

Maroon5VEVO

Subscribe 11,173,233

1,501,566,909 views

5,514,891 216,388

Up next

Wiz Khalifa - See You Again ft. Charlie Puth [Official Video]

Mix - Maroon 5 - Sugar

Maroon 5 - Sunday Morning

Taylor Swift - Shake It Off

Ed Sheeran - Thinking Out Loud [Official Video]

OneRepublic - Counting Stars

Pharrell Williams - Happy (Official Music Video)

Major Lazer & DJ Snake - Lean On (feat. MØ) (Official Music Video)

7. Example of managing a video-sharing account



Comments

☒ Allow comments

Show All

Sort by Top comments

☒ Users can view ratings for this video

Licence and rights ownership ?

Standard YouTube Licence

Syndication

☒ Everywhere
Make this video available on all platforms

☐ Monetised platforms
Make this video available only on monetised platforms ?

Caption certification ?

Select one

Distribution options

☒ Allow embedding ?

☒ Notify subscribers ?

Age restrictions

☐ Enable age restriction ?

Category

Film & Animation

Video location

Searchable on public videos. [Find out more](#)

Search

Video language

Select language

Community contributions

☐ Allow viewers to contribute translated titles, descriptions and subtitles/CC ?

Recording date

Today

Video statistics

☒ Make video statistics on the watch page publicly visible ?

3D video

☐ This video is 3D Side by side: Left video on the left side

Content declaration

☐ This video contains paid promotion such as paid product placement, sponsorships or endorsement ?

Prevents under-age users from watching this video. This also removes the ability to monetise or promote your video through different ad formats. [Learn more](#)

☒ Allow embedding ?

☒ Notify subscribers ?

Age restrictions

☐ Enable age restriction ?

Prevents under-age users from watching this video. This also removes the ability to monetise or promote your video through different ad formats. [Learn more](#)

7. Example of reporting/flagging



YouTube FR babyshambles delivery

Babyshambles - Delivery

Babyshambles ✓
Subscribe 9,160

+ Add to Share More

12 Mar 2009
...it/SequelToThePrequel... Pre-Order "Sequel to the Prequel" out 2nd September with Dar...
ions available here http://smarturl.it/SequelToThePrequel...

Report Statistics

Report this video

What is the issue?*

☒ Sexual content ?
Graphic sexual activity

☐ Violent or repulsive content ?

☐ Hateful or abusive content ?

☐ Harmful dangerous acts ?

☐ Child abuse ?

☐ Spam or misleading ?

☐ Infringes my rights ?

☐ Captions issue

Timestamp selected:
0 : 19

Please provide additional details about:
Sexual content > Graphic sexual activity

500 characters remaining

Flagged videos and users are reviewed by YouTube staff 24 hours a day, seven days a week to determine whether they violate Community Guidelines. Accounts are penalised for Community Guidelines violations, and serious or repeated violations can lead to account termination. [Report a channel.](#)

* Required Submit

7. Example of reporting/flagging

dailymotion

The screenshot displays the Dailymotion website interface. At the top, there is a blue navigation bar with the Dailymotion logo on the left, a search bar in the center, and an 'UPLOAD' button on the right. Below the navigation bar, a video player is visible on the left, showing a video titled 'Babyshambles - Delivery' by Aurélien-Alexandre Debord. The video player has a progress bar at the bottom indicating 00:02 / 02:40. To the right of the video player, a 'Report this video' form is open. The form contains the following fields: 'Select a reason*' (a dropdown menu with 'Choose...' selected), 'Lastname:*', 'Firstname:*', 'Postal address:*', 'City:*' (with 'Strasbourg' entered), 'Postal code:*', 'Country:*' (with 'France' selected), 'Phone number:*', and 'Email:*. Below these fields is a text area labeled 'Leave your report' and a 'Send report' button. A blue arrow points from the 'Send report' button to a flag icon in the bottom right corner of the video player. The bottom right corner of the video player also shows the video title 'Babyshambles - Delivery', the number of views '111 073 views', and a 'Share' button. Below the video player, there is a section for 'Le clip caliente de Jese Rodriguez - Jey M - Yo sabía' by Foot Videos, which has 2,655 views. At the bottom of the page, there is a footer with the text 'Clip du premier single du nouvel album des Babyshambles "Shotters Nation".' and 'Publication date : 09/21/2007'.

Report this video

Please use the form below to report an inappropriate video. To file a copyright infringement notification, please [click here](#). Please remember that any reports of inappropriate content (i) shall be duly motivated and (ii) that any abuse of this feature engages your liability. We will check if the content actually violates our TOS. Incomplete reports will not be processed.

Select a reason*

Choose...

Lastname:*

Firstname:*

Postal address:*

City:*

Strasbourg

Postal code:*

Country:*

France

Phone number:*

Email:*

Leave your report

Send report

Babyshambles - Delivery

by Aurélien-Alexandre Debord

Follow 25

About Share Add to Playlists

Clip du premier single du nouvel album des Babyshambles "Shotters Nation".

Publication date : 09/21/2007

111 073 views

Share 1.2k Tweet

Le clip caliente de Jese Rodriguez - Jey M - Yo sabía

by Foot Videos

2,655 views

IDIR-Nouvel album -- Sans ma

7. Example of reporting/flagging

dailymotion

The screenshot shows the Dailymotion website interface. At the top, there is a blue header with the Dailymotion logo, a search bar, and an 'UPLOAD' button. The main content area features a large video player on the left, currently showing a video titled 'Babyshambles - Delivery' by Aurélien-Alexandre Debord. To the right of the video player, there is a sidebar with recommended videos, including 'Enrique Iglesias - Heart Attack by VEVO' and 'Zindagi Aarha Hoon Main, Atif Aslam's New Single'.

Overlaid on the video player is a 'Report this video' modal. The modal contains the following text: 'Please use the form below to report an inappropriate video. To file a copyright infringement notification, please [click here](#). Please remember that any reports of inappropriate content (i) shall be duly motivated and (ii) that any abuse of this feature engages your liability. We will check if the content actually violates our TOS. Incomplete reports will not be processed.'

Below the text, there is a section titled 'Select a reason*' with a dropdown menu labeled 'Choose...'. A blue arrow points from this dropdown to a list of reasons: 'Sexual content', 'Violent content', 'Defamation or Hateful content', and 'Invasion of privacy'. The 'Sexual content' option is highlighted in blue.

Below the list of reasons, there is a text input field labeled 'Leave your report' and a 'Send report' button. A blue arrow points from the 'Send report' button to a flag icon in the bottom right corner of the video player.

At the bottom of the video player, there is a caption: 'Clip du premier single du nouvel album des Babyshambles "Shotters Nation".' and a publication date: 'Publication date : 09/21/2007'.

7. Example of reporting/flagging



The screenshot shows a Vimeo video player for the video "Trip the Light - Full length" by C-Skins Wetsuits. The video is a landscape shot of a coastline at sunset. A "Report this video" dialog box is open in the foreground, with a blue arrow pointing to the report icon in the bottom right corner of the video player. The dialog box contains the following information:

Report this video

Why are you reporting this video?

- ☐ XXX-rated
This video contains pornography, advertises a product or service of an erotic nature, or seems primarily focused on sexual stimulation.
- ☐ Not playing nice
This video contains harassment, incites hatred, or depicts extreme or real-life violence.
- ☐ Uploader did not make this
The person who uploaded this video obviously didn't make it (it's a TV show, movie trailer, or ripped from elsewhere the web.)
- ☐ Incorrect rating
This video should be marked as "Mature" due to nudity, profanity, violence, or drug/alcohol use.
- ☐ Spam
This video is primarily designed to drive traffic to third party sites, use Search Engine Optimization (SEO) to manipulate search rankings, or otherwise deceive or mislead the audience.

[Learn about other violations](#) [Report this video](#) [Cancel](#)

7. Example of reporting/flagging



The screenshot shows the Twitch channel page for 'PlayHearthstone'. The channel has 317 videos, 325,900 followers, and is following 4 channels. The main video is a Hearthstone game titled '#HCT Americas Last Call Invitational'. The game is in progress, showing the 'muzzy' and 'noblord' decks. A speech bubble from the 'noblord' deck says 'I wonder...'. The video player has a 'Report' button highlighted with a red circle and a blue arrow pointing to it. Below the video, there are 'Recent videos from PlayHearthstone' and a 'Log In' / 'Sign Up' button.

Search

Games
Channels
Videos
Creative

FREE WITH PRIME

Newest Hero, Tyrande Whisperwind
Hearthstone

Streamline with 24 exclusive items
Streamline

RECOMMENDED CHANNELS

xflixx_TeamPokerStars
streaming Poker

ShroomzTV
streaming Arma 3

Tinkerleo
streaming Arma 3

MORE AT TWITCH

About
Blog
Cookie Policy
Help
Language
Partners
Store

Advertisers
Creative
Developers
Jobs
Music
Press
Terms

PlayHearthstone Videos 317 Followers 325,900 Following 4

Follow

muzzy

noblord

I wonder...

Report

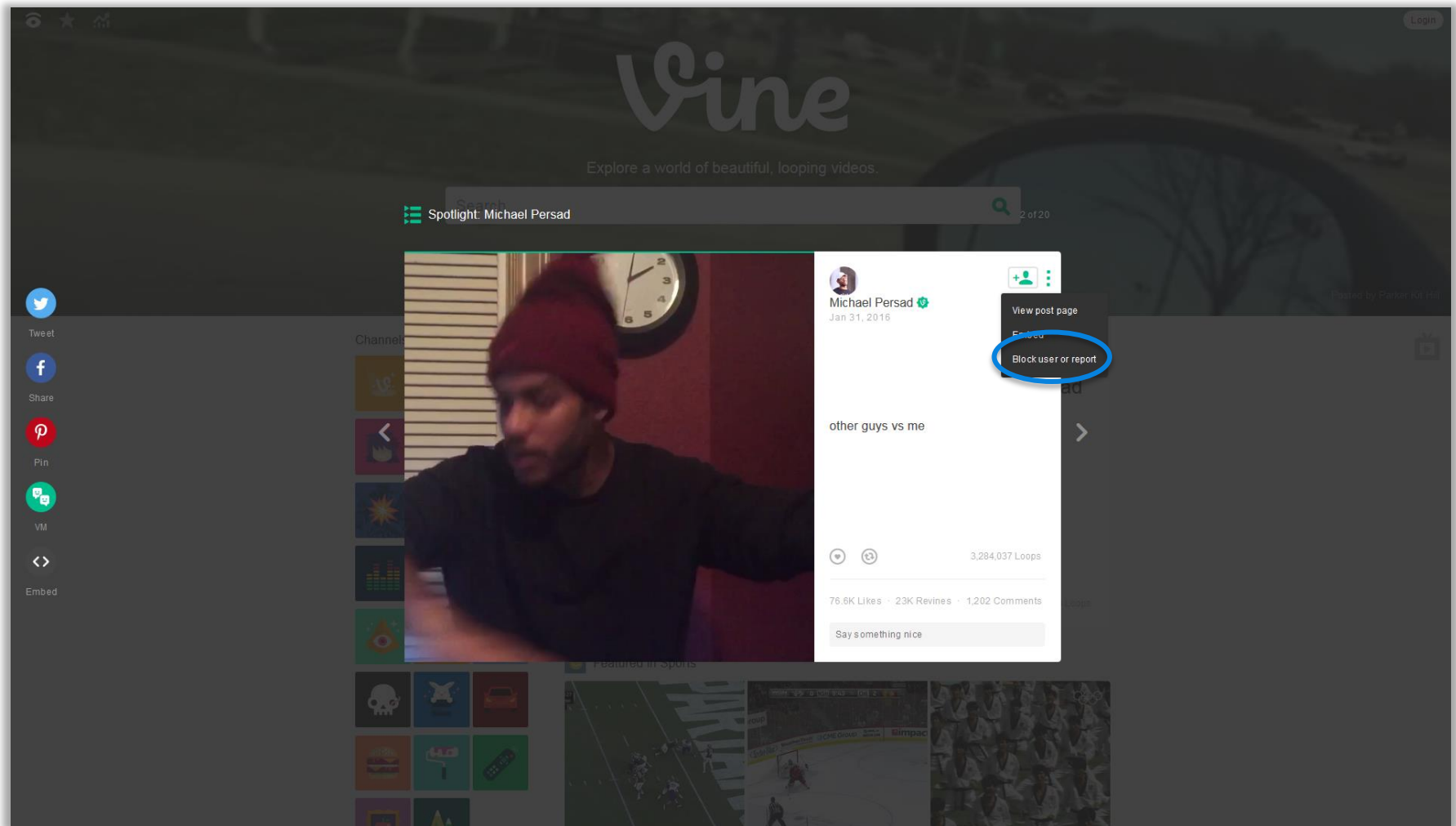
#HCT Americas Last Call Invitational • 3 days ago
Hearthstone: Heroes of Warcraft

21,161 share

Recent videos from PlayHearthstone

Log In Sign Up

7. Example of reporting/flagging



7. Example of reporting/flagging



LiveLeak interface showing a video player and a contact form overlay.

Video Player:

- Title: Silly video of the Week the most awkward fight ever
- Description: No info about injured or survivors at the time of the fight... but it's China, so by now, most of them should already been killed by an escalator or a lift.
- Views: 116992 (Embed: 36849)
- Item Info: Added: 1 day ago Occurred On: Oct-16-2016 By: LiveLeakHRITP In: WTF Tags: Life in China, before been killed by a lift Location: China (load item map) Marked as: featured Views: 144663 | Comments: 462 | Votes: 207 | Favorites: 55 | Shared: 779 | Updates: Times used in channels: 3

Contact US Form:

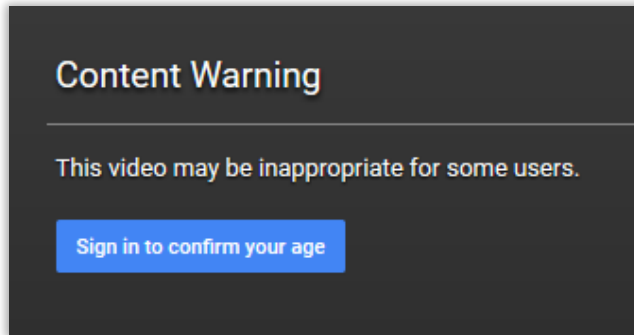
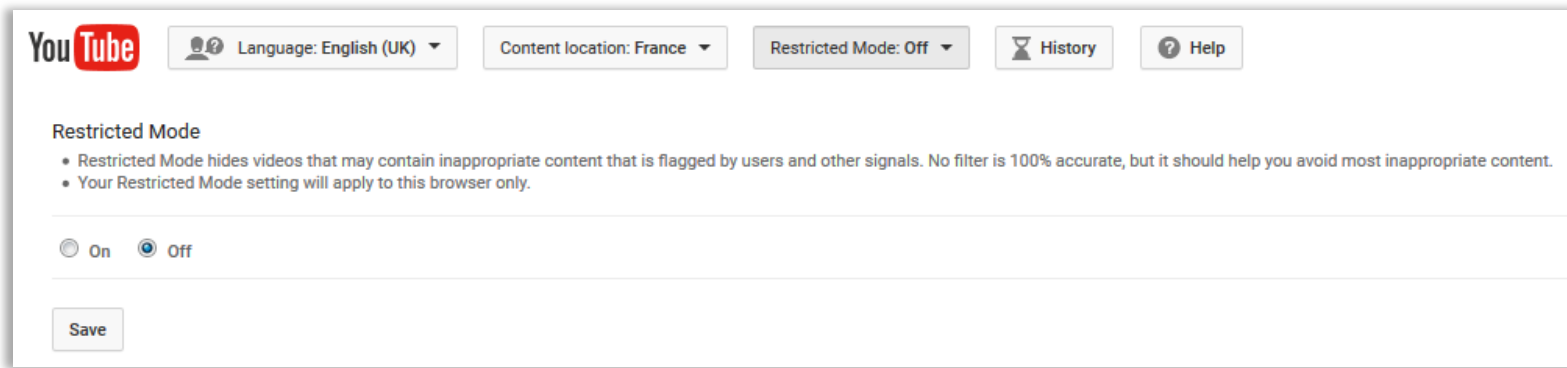
Input fields

- Your email:
- Your name:
- Subject: (Dropdown menu options: Support, Feedback, Advertising, Business development, Press, Anonymous Media Tips)
- Text:
- Phone Number:
- Are you human? (Captcha image showing "Europa")

Process Form



Footer: Switch to Mobile site | F.A.Q. | Site Support | **Contact Us** | Privacy Policy | Terms & Conditions | Copyright

8. Example of age verification for an unregistered user



- **Restricted mode** is for videos that **may contain inappropriate content**. By default **OFF**
- **Content Warning** message when access is restricted to **manifestly inappropriate content**. Requires Signing-in.
- **Restriction seems ineffective.**

8. Example of age verification for an unregistered user

 Safe search activated. There may be additional results which are not suitable for children. To see all results, you can deactivate your Family Filter. 

Help

Age Gate [ON](#)

Help Center

Contact

Age gate settings

Age Gate is **ON**.

Dailymotion understands that some content may not be appropriate for all users. We provide a Age Gate so that you can choose the content best suited to your personal interest. Turning OFF the Age Gate may display content that is only suitable for viewers over 18 years of age.

Click the button below if you are over 18 and would like to turn OFF the Age Gate.

[Set Age Gate OFF](#)

Close

dailymotion

Restricted mode
by default **ON**

Signing in is required to
turn Age Gate ON

Mature content filter: **None**

Mature content filter

Choose what types of videos you do and do not want to see on Vimeo. Learn more about what constitutes mature content in our [FAQ](#).

- ☒ Show me everything
- ☐ Don't show mature content
- ☐ Let me choose
 - ☐ Don't show unrated
 - ☐ Don't show profanity / sexually suggestive content
 - ☐ Don't show drugs / alcohol
 - ☐ Don't show violence
 - ☐ Don't show nudity

[Apply changes](#)

vimeo

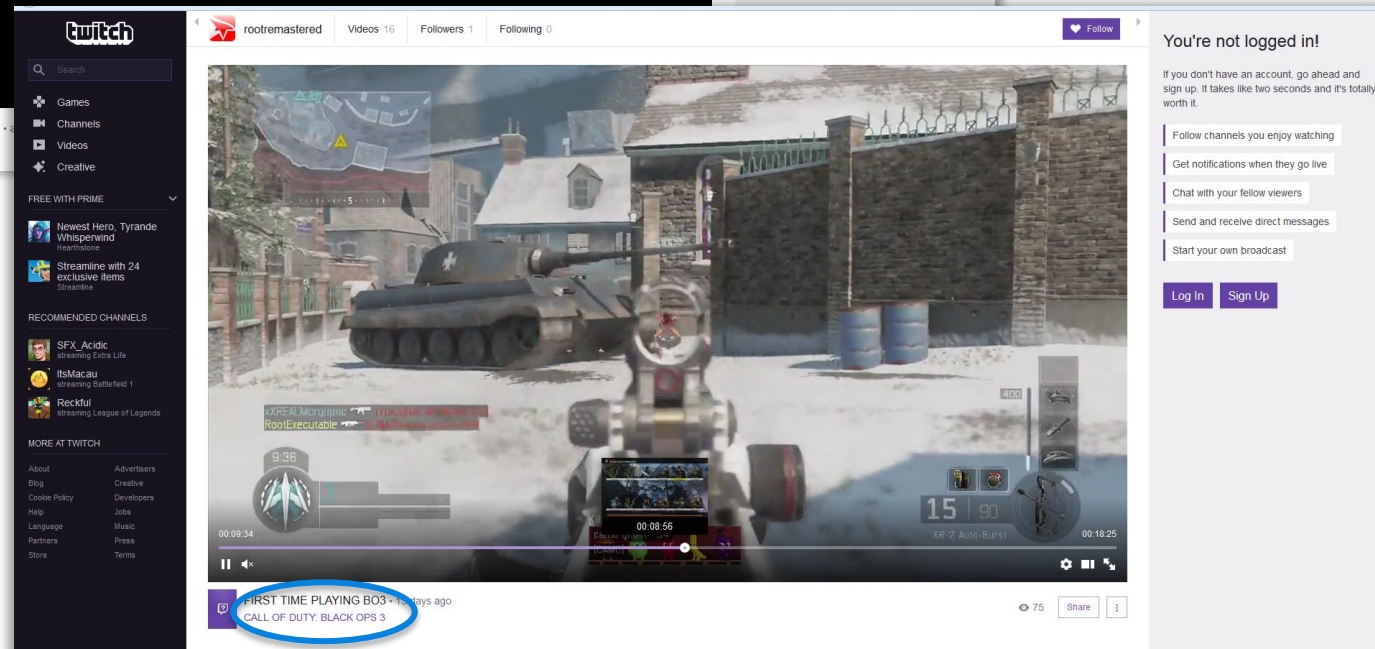
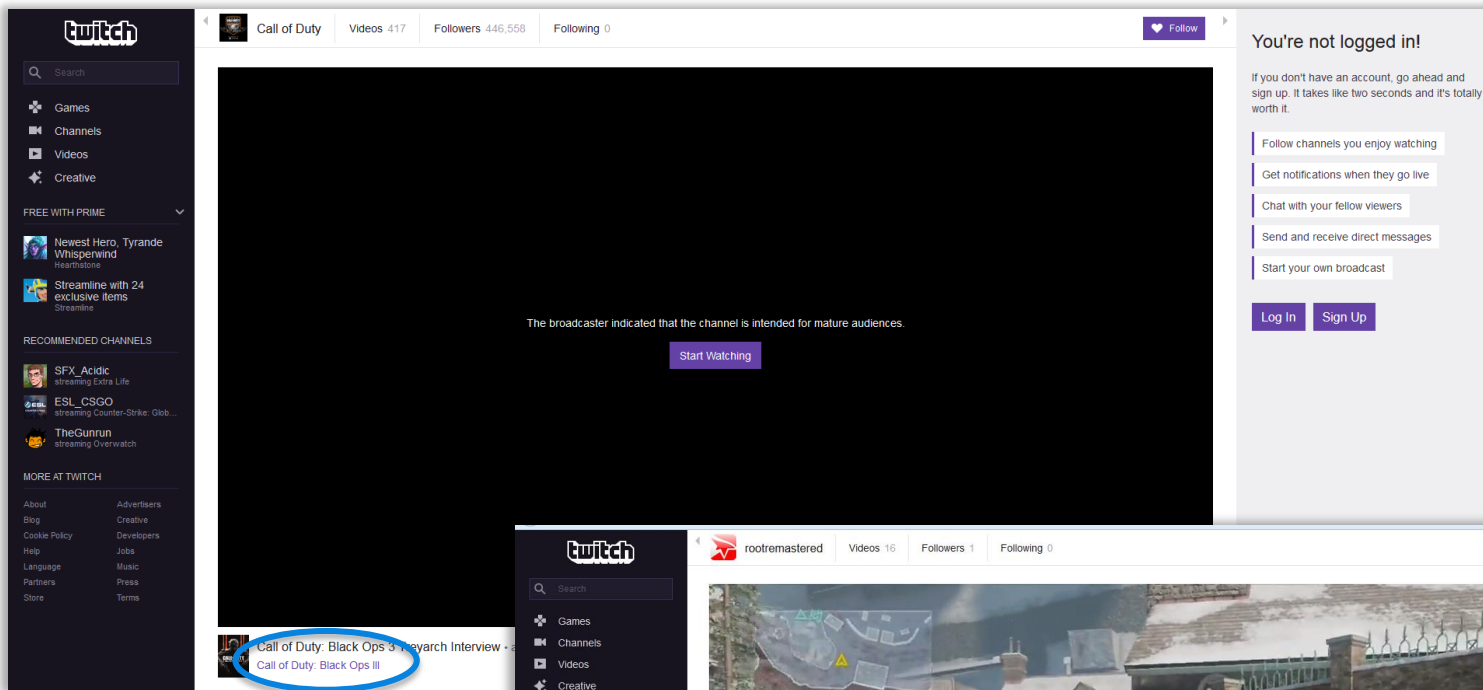
Restricted mode
by default **OFF**

Content with nudity was accessible

8. Example of age verification for an unregistered user



No similar restricted mode, but access can be restricted to some content.



9. Parental control

Two examples of parental control tools



- Parents can log-in, activate the Safety mode then log-out. Safety mode will be locked on the browser.
- To deactivate Safety mode back, the viewer needs to sign-in with the same account used to activate safety mode.

dailymotion

- Dailymotion is for +13
- Parents can ask for the removal of their child's account (if the child is – 13). To do so, parents are required to provide personal information.



- Vine App is for +17 but has a -17 version "Vinekids"
- Viewing mature content requires logging into personal account which is related to the type of the App

10. Content rating - YouRateIt

What's YouRateIt?



A rating tool for user-generated content

Can be embedded into any video-sharing platform

How it works



Rating is based on the same principals used for the rating of professional content

Can be done by the uploader, the viewers or both

National sensitivities taken into account

A nationally transposable tool

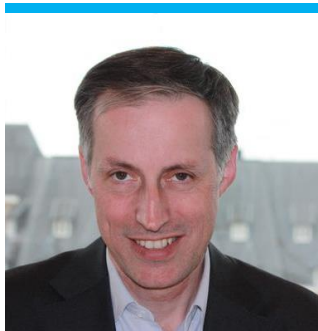


National rating displayed on the video-sharing platform based on the geolocation of the viewer

Language customised to national rating system

AND NOW:

Our three panellists will provide us with an insight into their national experiences during this group session



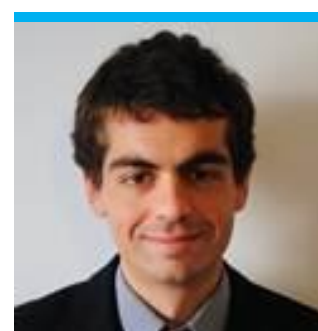
Bernardo Herman

Director general,
CSA (Belgium)



Thomas Fuchs

Director, MA HSH;
coordinator of DLM
Expert Committee on
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European and
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