



EU Television Directive casts a wide net

TV is being revolutionised as wider bandwidths enable producers to bypass traditional broadcasting laws, but perhaps not for long.

Since 1989, the legislative cornerstone of the European Union's audiovisual policy has been the Television Without Frontiers directive. The directive enshrined the principle of free movement of European TV programmes within the internal market and set minimum standards in areas such as the protection of minors and advertising.

Alexander Ross, partner in the broadcast and technology group, considers the impact of the directive. He says "the initial drafting of the AVMS directive made the scope of its effect very unclear. Suffice to say, it went too far for the UK government, which much preferred a light touch and self-regulation where possible."

Ross notes the final draft of AVMS is, like all directives, a compromise. It is not directed solely at linear broadcast services as advocated by the government but extends to catch on demand non-linear services that offer "television-like" programming, to include video on demand. At the same time, however, user generated content sites such as YouTube, betting and gambling services and online games are expressly excluded from the directive's effect.

The impact AVMS will have is difficult to determine. Member States, including the UK, have two years to transpose the new provisions into national law. Press and industry alike will be watching the process closely.

See "EU Television directive casts a wide net" The Guardian, 10 December 2007 for further details.