



Department for
Digital, Culture,
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Lord Boswell of Aynho
Chairman of the European Union Committee
House of Lords
London
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TO2018/14262/DC
24 October 2018

Dear Tim

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities (9479/16)

I am grateful to the Committee for clearing from scrutiny the proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2010/13/EU, at your meeting on 5 July.

I am writing to inform the Committee that the negotiations on the revision of the Audiovisual Media Services Directive (AVMSD) have been completed. Following the last interinstitutional trilogue meeting between the European Parliament, Council and Commission in early summer, the Directive was approved by the European Parliament plenary vote on 2 October 2018. The Council vote will take place at the Economic and Financial Affairs Council on 6 November 2018.

The revision, initiated by the European Commission as part of its Digital Single Market Strategy, has aimed to bring the Directive in line with the new media landscapes and shifting market realities. The newly introduced and amended regulatory provisions have been designed to level the playing field for all audiovisual media services: traditional linear services, video-on-demand and, for the first time, also video-sharing platforms.

The revised AVMSD focuses on reinforcing the protection of minors and combating hate speech and public provocation to commit terrorist offences in all audiovisual content. The new rules also place an emphasis on promoting production and distribution of European works; strengthening the Country of Origin principle; allowing more flexibility in television advertising; permitting levies for video-on-demand and linear services in the country of operation; and guaranteeing the independence of audiovisual regulators.

The revised Directive is not expected to have a negative impact on broadcasting in the UK. Our largest concern was on the potential impact of levies on industry. Although this is a purely optional measure and it is clear only some and not all of the Member States intend to introduce such a levy, we consider it to diminish the Country of Origin principle and have a potential negative impact on the industry. However, whilst we were initially

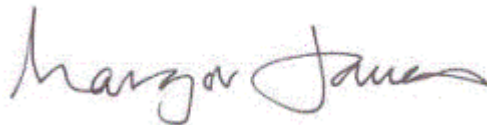


concerned about extending the scope of video-sharing platforms beyond the Commission's initial proposal, we recognise that the new provisions reflect HMG's current work on the Digital Charter and the 2017 Manifesto commitments on making the UK the safest place to be online. Priorities of the Digital Charter include work on reducing online harms by protecting people from harmful content and behaviour, and looking at the legal liability that online platforms have for the content shared on their sites. As such, the aims of HMG's emerging work in this space are closely aligned with the provisions on regulating video-sharing platforms in the updated AVMSD. We are broadly supportive of the measures within the Directive, except for the levies on industry, which we consider will have a negative impact.

Following the Council vote in early November and the official signature of the Directive in Strasbourg on 14 November 2019, the AVMSD will be published in the Official Journal of the EU. After the publication, the AVMSD will have to be transposed into national law within 21 months. This is because under the Withdrawal Agreement, the transposition deadline will fall within the Brexit implementation period. DCMS policy teams are working on the implementation plan to ensure that the Directive is implemented to the highest possible standard.

I am copying this letter to Sir William Cash, Chairman of the European Scrutiny Committee, Les Saunders at DExEU and Rachel Marnick, DCMS scrutiny coordinator.

Yours ever

A handwritten signature in black ink, appearing to read 'Margot James', written in a cursive style.

MARGOT JAMES MP
Minister for Digital and the Creative Industries