



***"Can Digital Platforms All Coexist? The European Perspective"***  
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Meeting of High-Level Experts by EBU and ITU in Geneva on 21-22 June 2007  
"Competitive Platforms for the Delivery of Digital Content"

**1. EU-Lisbon Strategy and Information and Communication Technology**

The EU-Lisbon-Strategy on "growth and jobs" is boosting the European knowledge-based information Society. The Information and Communication Technology (ICT) field has proved one of the most dynamics sectors within the EU in the last years.

**2. Digital platforms are in advance in the EU and they can all coexists, if we choose an intelligent way of regulating them. The solution is a regulatory system depending on the nature of the content, not on the way of transmission.**

- A quarter of EU GDP growth and 40% of productivity growth are due to ICT.
- Digital television is available in Europe through all main platforms: terrestrial, satellite, cable and via the Internet (IPTV). Digital TV penetration across the EU is around 25% of households. The UK is the leader with around 64%.
- A number of public service broadcasters have launched digital free-to air (FTA) services for reception by satellite and cable, for instance ARD, ZDF, YLE, Denmark's Radio, RAI.
- The existence of competing DTV platforms has been an important driver in the development of digital TV in most developed markets (UK, France, Spain).
- The EU promotes actions to build up a high speed internet trough broadband net in the EU and especially in rural areas.
- Given these developments, as migration from analogue to digital television takes place, a scenario is possible whereby multiple platforms collectively provide full digital television coverage. In Member States where no single transmission platform dominates, a multi-platform approach may be adopted, with various platforms collectively providing full digital television coverage.

**3. A special EU-perspective is to link the technical development and economic advancement with the cultural diversity of its Member States.**

- The European cultural sector is one of the key sectors delivering content to the ICT sector and the EU has recognised **cultural diversity as a key competence** within the globalised world, both as concerns the economic advantage and the safeguarding of democracy.
- Within the **WTO/GATS** negotiations the EU supports until today the exclusion of audiovisual services from liberalisation and therefore did not offer any liberalisation action.

- The EU strongly supports the **Unesco "Convention on the Protection and Promotion of the Diversity of Cultural Expressions"** ratified in 2007, which
  - states that freedom of thought, expression and information as well as diversity of the media enable cultural expressions to flourish within societies,
  - supports measures aimed at enhancing diversity of the media including through public service.

#### 4. Content delivering independent of the way of transmission - Coexistent platforms for example by the "**Audiovisual Media Services Directive<sup>1</sup>**" of the EU

- The current EU-directive "**TV without Frontiers**" covers traditional TV services on the basis of a fixed programme schedule in analogue or digital technology (**linear services**).
- With the new digital platforms new business models providing on-demand TV-like services (**non-linear services**) are entering the market.
- **Necessary for the coexistence of the new platforms is a deregulated and future-proofed regulatory approach.**
- The new EU "**Directive for Audiovisual Media Services**" (AVMS) provides the solution for the coexistence of all digital platforms: it is a **single regulation for all media services regardless their way of transmission.**
- Some **new basic instruments** in the AVMS directive are:

The **definition of audiovisual media services (AVMS)** is independent of the way of transmission. AVMS are:

Moving images with and without sound

Under the editorial responsibility of an media service provider

In order to inform, entertain or educate the general public

That are delivered via electronic communication networks.

A **two-step approach for the regulation** of linear and non-linear AVMS depending on the level of control the user can exercise over the service. That means basic rules for all audiovisual media services and additional rules for linear services (advertising, European content).

##### **Co- and Selfregulation**

For a more adequate deregulatory approach of internet based media services, for the first time in an EU directive Member States shall encourage **co- and self-regulatory** regimes at national level.

**Self regulation** constitutes a type of voluntary initiative, which enables the economic operators, social partners, non-governmental organisations or associations to adopt common guidelines amongst themselves and for themselves

**Co-regulation** gives, in its minimal form, a "legal link" between self-regulation and the national legislator in accordance with the legal traditions of the Member States.

#### 5. Coexisting platforms and spectrum policy

- The switch-over from analogue to digital technology will be finalised by 2010 in the EU and will bring a digital dividend for frequencies.
- The EU-Commission proposed a market approach for the management of frequencies including the trade of frequencies to provide more flexibility for new ICT services.<sup>2</sup>

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<sup>1</sup> A negotiated text between the EU-Council and the EU-parliament already exists for the audiovisual media services directive. It has been adopted by the Council in May 2007 and should be adopted by the EU-Parliament in November 2007.

<sup>2</sup> Communication of the EU-Commission on "Rapid Access to Spectrum for Wireless Electronic Communications Services through More Flexibility" of 8.02.2007

- The EU-Parliament recognises spectrum efficiency as a common duty of Member States, national regulators and industry; insists on the necessity of securing the stability and continuity of the media services provided by broadcasters, but emphasises the importance of a level playing field for new entrants and for new technologies; believes that room for innovation must be guaranteed, in the interest of consumers, enterprises and employment generally and calls on the Commission to ensure, when reviewing the legal framework for electronic communications networks and services, that sufficient account is taken of the significance of broadcasting, with regard to the freedom of opinion of individuals, and of diversity of opinion, when transmission capacities are allocated at European level.<sup>3</sup>

## 6. Coexisting platforms and access to content online

- For **Film Online** the "European Online Film Charter" (May 2005), drawn up by content producers and content providers, is a first step for an overall digitalisation and online accessibility of European content. It was initiated by the EU-Commission and will be a basis for a further EU content online model.  
The four pillars of this Charter are:
  - An extensive online supply of attractive films
  - Consumer-friendly online services
  - Adequate protection of copyrighted works
  - Close cooperation to fight piracy.
- For **content online** the EU Commission will publish a communication for a European approach in September 2007.
- With support of the EU-Commission the digitalisation of written cultural and scientific heritage by the "**Digital Libraries**" initiative aims at making collections of digital content available to the public via internet.<sup>4</sup>
- The EU Commission proposal for a revision of the **regulatory framework for the electronic communication sector** is expected for October 2007. The EU Commission has to clarify the necessity and function of for 'must-carry' rules for linear and non-linear audiovisual media services on the different platforms.

### To summarise:

**Digital platforms can coexist if the regulation depends on the nature of the content and not on its way of transmission.**

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<sup>3</sup> European Parliament's resolution "Towards a European policy on the radio spectrum" of 14. 02.2007

<sup>4</sup> EU Commission's recommendation "on the digitisation and online accessibility of cultural material and digital preservation" of 24.06.2006