

Monitoring and Regulation of New Media Services

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- Set-top boxes delivering video content
 - Over-the-top players provide audiovisual content online without themselves being electronic communications services and network providers.
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- European concerns:
 - (i) ensuring the best possible conditions for EU business in an international marketplace;
 - (ii) identifying and addressing specific additional needs to protect European values, such as the protection of minors, promotion of accessibility and European programming;
 - (iii) identifying key technologies and possible areas for European standardisation efforts;
 - (iv) determining scope and jurisdiction;
 - (v) addressing competition issues.
 - This concerns all forms of interconnected devices, including internet television but not only
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- *Attention is no longer focused on one screen only. In parallel to watching TV, viewers use tablets or smartphones which can provide more information about the content watched, allow interaction with friends or with the TV programme itself through social networks. "Second screen" applications on these devices offer the prospect of "social TV" which delivers a more interactive experience for the consumer and also new revenue streams for the content provider. Many of today's devices not only facilitate consumption but give consumers an easy option to create their own content.*
 - The Green Paper does not presuppose any action, but the Commission may examine what action – regulation, including self-regulation – may be suitable
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- AVMSD: Member States shall encourage co-regulation and/or self-regulatory regimes at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. These regimes shall be such that they are broadly accepted by the main stakeholders in the Member States concerned and provide for effective enforcement.
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Self-regulation: The Principle



Why Does Self-Regulation Work?



- Trade-off: If you regulate yourself well enough, there is less need for official regulation
- Content: Allows the rules to be those seen as needed and suitable by the sector participants
- Respect: Those making the rules are peers and can be respected for their knowledge; One does not want to lose the respect of one's peers by violating the rules



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- EU Directive 2000/31/EC :Harmonisation of certain aspects of their laws on buying and selling online (jurisdictional issues)
 - Reduce regulatory burdens for businesses (country of origin principle, prohibition of prior authorisations).
 - Measures to encourage consumer confidence
 - Linked to e-signatures, Directive 1999/93/EC
 - *AVMSD: Directive 2000/31/EC shall apply unless otherwise provided for in this Directive. In the event of a conflict between a provision of Directive 2000/31/EC and a provision of this Directive, the provisions of this Directive shall prevail, unless otherwise provided for in this Directive.*
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- There must be a definition on what kind of services are covered by an e-commerce law as very many services may use internet but not all are such services as should be covered by the e-commerce law
 - The question of service providers (intermediaries) is important and needs regulation including related issues such as caching and hosting
 - The key issue is the role of the service provider in relation to the content (any control or potential control over content)
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- New social media presents a number of different issues related to various aspects of cyber security:
 - Privacy (data) protection
 - Use of media for incitement to hatred and violence
 - Risk of increased control over media content, as part of the “war on terrorism”
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