

Mark D. Cole | Christina Etteldorf

FUTURE REGULATION OF CROSS-BORDER AUDIOVISUAL CONTENT DISSEMINATION

A Critical Analysis of the Current Regulatory
Framework for Law Enforcement under the
EU Audiovisual Media Services Directive and the
Proposal for a European Media Freedom Act



LANDESANSTALT FÜR MEDIEN NRW
Der Meinungsfreiheit verpflichtet.



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Preface

The European Union is based on core values. Yet, the protection of a free European media environment by independent regulatory authorities is getting more complex and is facing new challenges, especially with regards to the cross-border dissemination of audiovisual content.

With the Digital Services Act and the Digital Markets Act, before that the eCommerce and above all the AVMS Directive, and most recently with the proposal for a European Media Freedom Act (EMFA) the European Commission is complementing the legal framework aiming to protect democratic standards in the media and to strengthen law enforcement in the online world. These laws are necessary and while their importance is undisputed problems arise in their application. Therefore, solutions are urgently needed in view of the increasing importance of the cross-border distribution of audiovisual content.

In addition to questions of the distribution of competences between the various regulatory institutions, the independence of these institutions and the creation of coherence between the various legal acts, considerable difficulties continue to arise in practice in cross-border law enforcement. It is now up to the legislators to address these difficulties – also with a view to the currently discussed EMFA proposal.

The study conducted by the Institute of European Media Law (EMR) on behalf of the State Media Authority NRW addresses these challenges by providing an extensive analysis of the EU legal framework and pointing towards the need of amending the AVMS Directive.

I thank Prof. Dr. Mark D. Cole and his team for their excellent work and wish you, dear readers, an inspiring lecture.

Dr. Tobias Schmid

Director of the State Media Authority of North Rhine-Westphalia and European Affairs Commissioner of the Conference of Directors of the German Media Authorities (DLM)

Overview of contents

Table of contents	9
Executive Summary	13
Zusammenfassung	43
List of Abbreviations	75
A. Introduction	79
B. Challenges of a Cross-Border Media Environment in the EU	85
I. Current Risks and Rising Phenomena	85
II. Fundamental Values of the European Union and Allocation of Powers	87
III. Regulatory Approaches – Existing and Planned	91
IV. Scenarios for Illustration	111
C. The Audiovisual Media Services Directive (AVMSD): The Status Quo	115
I. The Latest 2018 Revision in a Nutshell	115
II. Illegal Content under the AVMSD	117
III. The Country-of-Origin Principle and Derogation Procedures – Art. 3 AVMSD	127
IV. The Possibility of Member States to Enact Stricter Rules – Art. 4 AVMSD	155
V. Demanding Effective Compliance and Enforcement – The Relevance of Art. 4(6) AVMSD	162
D. The Institutional Dimension: AVMSD and Beyond	167
I. Institutional System in the AVMSD	167

II. A Look at Media-oriented Institutional Approaches beyond the AVMSD	170
III. Other Oversight Systems and Their Institutional Structure	182
E. Applying the Findings to the Illustrative Scenarios and Gaps Identified	205
F. Approaches and National Solutions Concerning Current Challenges	217
I. The Degree of (Non-)Harmonisation on EU Level	217
II. Content Standards: the UK Example	224
III. The Idea of ‘Staatsferne’ on a European Level	229
IV. Co-regulatory Approaches with Different Types of Codes of Conduct	239
V. Comparability of Regulatory Bodies and Cooperation Mechanisms	243
G. Conclusion: On the Way to Enhanced Efficiency and a Modernised Regulatory Framework	259
Bibliography	263

Table of contents

Executive Summary	13
Zusammenfassung	43
List of Abbreviations	75
A. Introduction	79
B. Challenges of a Cross-Border Media Environment in the EU	85
I. Current Risks and Rising Phenomena	85
II. Fundamental Values of the European Union and Allocation of Powers	87
III. Regulatory Approaches – Existing and Planned	91
1. Existing Regulatory Approaches	92
2. Planned Regulatory Approaches	99
3. Consistency and Coherence?	106
IV. Scenarios for Illustration	111
C. The Audiovisual Media Services Directive (AVMSD): The Status Quo	115
I. The Latest 2018 Revision in a Nutshell	115
II. Illegal Content under the AVMSD	117
1. Incitement to Violence or Hatred based on Discrimination	117
2. Content Endangering Minors	120
3. Certain Types of Commercial Communication	123
4. Application of the Rules to VSPs	124
III. The Country-of-Origin Principle and Derogation Procedures – Art. 3 AVMSD	127
1. Background to the Country-of-Origin Principle	127
a. Introduction of an explicit rule to devise responsibility of Member States	127

b. The consequence of the country-of-origin principle in the AVMSD	129
c. Other codifications of the country-of-origin principle	131
2. Current Scope of the Country-of-Origin Principle	133
a. The determination of jurisdiction concerning a provider	133
b. The necessary distinction between EU-based providers and third country providers	135
c. Specific challenges	138
(1) The actual jurisdiction criteria and their application	138
(2) The situation of third country providers or licences	139
3. Possibilities and Procedures to Derogate from the Country-of-Origin Principle	142
a. Explaining the system	142
b. Application cases	145
4. Institutional Cross-Border Cooperation: The Role of ERGA	149
a. The definition of ERGA's role in the AVMSD	149
b. The Memorandum of Understanding between ERGA Members	152
5. Interim Conclusion on the Derogation Mechanism	154
IV. The Possibility of Member States to Enact Stricter Rules – Art. 4 AVMSD	155
1. The Question of Scope: Fields “Coordinated” by the AVMSD	155
2. Procedure for Tackling Circumvention Situations	157
a. Explaining the system	157
b. Application case	159
3. Institutional Dimension	160
4. Interim Conclusion on the Circumvention Mechanism	161
V. Demanding Effective Compliance and Enforcement – The Relevance of Art. 4(6) AVMSD	162
D. The Institutional Dimension: AVMSD and Beyond	167
I. Institutional System in the AVMSD	167

II. A Look at Media-oriented Institutional Approaches beyond the AVMSD	170
1. The Approach of the Digital Services Act (DSA)	170
a. Designation and powers of supervisory authorities	170
b. Competences in cross-border matters and with regard to very large providers	171
c. European Board for Digital Services	173
d. Cooperation structures	174
2. The Proposed Future Cross-border Cooperation Mechanism of the EMFA	176
a. National regulatory authorities or bodies	177
b. Role of the Commission	177
c. European Board for Media Services	178
d. Cooperation structures	180
III. Other Oversight Systems and Their Institutional Structure	182
1. Overview of Comparable Approaches	182
2. The Approach in the European Electronic Communications Code	184
a. Independent supervisory authorities	185
b. Competences and tasks	185
c. The Body of European Regulators for Electronic Communications	186
d. Cooperation and consistency	187
3. The Approach in the General Data Protection Regulation	190
a. Fundamental rights basis	190
b. Institutional system of the GDPR	191
(1) Independent supervisory authorities on the national level	191
(2) Competences and tasks	193
(3) The European Data Protection Board	195
(4) Cooperation and consistency	195
c. First experiences with the cooperation mechanism	197

E. Applying the Findings to the Illustrative Scenarios and Gaps Identified	205
F. Approaches and National Solutions Concerning Current Challenges	217
I. The Degree of (Non-)Harmonisation on EU Level	217
1. Dealing with Non-EU Providers	217
2. Degree of Substantive Harmonisation	221
II. Content Standards: the UK Example	224
III. The Idea of ‘Staatsferne’ on a European Level	229
1. The Principle of ‘Staatsferne’ in the German Framework	229
2. Suitability on Union Level	233
3. Possible Implementation at EU Level: the EMFA Proposal	236
4. Specifically: Independence of Oversight Bodies	238
IV. Co-regulatory Approaches with Different Types of Codes of Conduct	239
1. General Observations	239
2. The Example of Data Protection Law	240
V. Comparability of Regulatory Bodies and Cooperation Mechanisms	243
1. The System in the Digital Services Act	243
2. The Approach of the European Electronic Communications Code	245
3. Cooperation under the General Data Protection Regulation	248
4. Institutional Dimension of the EMFA Proposal	252
G. Conclusion: On the Way to Enhanced Efficiency and a Modernised Regulatory Framework	259
Bibliography	263