

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)

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