



Update on the revision of the AVMSD

CNAPA meeting – 21 March 2018

AVMSD revision - State of play

- *7 trilogues under the Estonian and the Bulgarian Presidencies already.*
- *Next trilogue: 26 March 2018.*
- *The revision of the AVMSD has been flagged as a priority file by the 3 institutions.*
- *Hope to conclude the negotiations successfully under the Bulgarian Presidency.*

Codes of conduct for alcohol advertising

- ***Commission proposal:*** self- and co-regulatory codes should be encouraged. Their aim should be to effectively limit the exposure of minors to audiovisual commercial communications for alcohol.

Extension of TV alcohol advertising rules (Art. 22) to on-demand services

- **Current AVMSD text:** Article 22 includes more detailed requirements for alcohol advertising on TV
 - advertising spots for alcohol on TV shall not create the impression that alcohol contributes towards social/sexual success, shall not link it with driving or enhanced physical performance, shall not claim that it has therapeutic qualities etc.
- **Council General Approach:** proposed extension of the TV alcohol advertising rules of Article 22 to advertising in on-demand services.

Extension of advertising rules to video-sharing platforms (VSPs)

- **EP** and **Council** both propose to apply certain audiovisual commercial communication rules to VSPs
- This is being discussed in the inter-institutional negotiations.

Public health in the derogation procedure (Article 3)

- **Commission proposal:** public health has been introduced as a ground that Member States can use to exceptionally derogate from the free reception and retransmission of TV broadcasts from other Member States.
- Situations where, on a case by case basis, there could be a serious danger for public health.

Decision under Article 4(2) on the Swedish alcohol advertising case

- Case about Sweden's intention to impose its ban on alcohol advertising on two broadcasters based in the UK and broadcasting to Sweden
- 1st application of the "anti-circumvention" procedure (Article 4 AVMSD)
- In order to impose such a ban on the UK broadcasters, Sweden should have demonstrated, under the specific procedure, that the broadcasters in question established themselves in the UK in order to circumvent such rules.
- The burden of proof lies with the Member State and the Commission found in this case that Sweden failed to prove circumvention on the part of the two broadcasters.

Study on minors' exposure to alcohol advertising – approach to online environment

- Two perspectives: advertisers / viewers
- Perspective of advertisers:
 - desk research
 - survey of selected online services, industry members and trade organisations
 - online data capture (mirroring the online behaviour of minors on selected YouTube channels and websites)
- Perspective of viewers: survey amongst minors (4-17) in each of the 9 selected MS (n= 900 per MS)