



EU-Manifesto 2024 - 2029

VAUNET

Our Vision for
the Future of
Audio- & Audiovisual
Media in Europe

We envision a competitive and diverse media landscape that leverages cutting-edge technologies and diverse distribution channels to ensure reliable information, cultural diversity, and continued economic prosperity in Europe.

A new media ecosystem

The rise of big-tech platforms, recommendation systems, user-generated content, AI innovations and the multitude of connected devices is rapidly transforming the media landscape and user behavior. The way content is produced, accessed and distributed is radically changing. Meanwhile, disinformation on big-tech platforms is increasing distrust, dividing society and destabilizing our democracies.

Audio and audiovisual media are a fundamental pillar of social cohesion and democratic stability in Europe

VAUNET members invest heavily in high-quality content and trusted news as well as in diverse distribution channels. Especially in times of political uncertainty and wide-spread disinformation, they provide reliable information and thus help to protect democracy. The commercial media industry has an impact by communicating narratives about values and cultural diversity, driving innovation, growth and societal development.

Audio and audiovisual media are a fundamental pillar of Europe's competitive edge

Commercial audio and audiovisual media are one of the main drivers of the European Cultural and Creative Industries (CCIs), the third-largest source of jobs and growth in Europe, representing 17 million jobs and 6.9 per cent of EU GDP. CCI's economic contribution surpasses that of telecommunications, high technology, pharmaceuticals and automotive industries.

A diverse, competitive media landscape in Europe needs a holistic and coherent approach to regulation

The audio and audiovisual sectors are both economic and cultural assets: Securing the financial sustainability of editorial media is crucial for e. g. ensuring journalistic reporting. Sustainable financing of content must not be made more difficult by restrictive regulation.

In all policies that directly or indirectly affect the financial sustainability of the media, policymakers must pay particular attention to the media (media impact assessment) – to ensure continued success and competitiveness of Europe's cultural powerhouse. In a new European Commission, it should therefore be ensured that media legislative procedures and issues continue to be dealt with by a Directorate General with a media-convergent, industry policy approach.

Fair competition in digital markets

- ☆ Consistently enforce and update the DMA and European antitrust law, taking into account the development of media markets in the digital environment, in particular with regard to AI technologies and virtual assistants
- ☆ Continuously develop the existing legal framework by adapting market definitions to competition realities
- ☆ Implement additional measures in the ad tech area and for interoperability

Proportionate consumer protection policy

- ☆ Avoid excessive targeting restrictions or advertising bans
- ☆ Better balance consumer protection measures and business models of audio & audiovisual media services, especially streaming providers

Innovation-friendly data protection policy

- ☆ When processing personal data for advertising purposes, the legitimate business interests of private media companies, including their function of ensuring diversity of opinion, should be given greater consideration in the authorisation provisions of the General Data Protection Regulation

AVMSD

- ☆ Refrain from amending the AVMSD and focus on enforcing existing legislation such as DSA, DMA, EMFA and AI Act
- ☆ In case the AVMSD is updated, minimize and avoid new unnecessary burdens on audiovisual media service providers, utilise potential for flexibility while maintaining key principles and well-established definitions

Online piracy

- ☆ Enforce the key provisions of the DSA and speed-up the takedown procedure of illegal content
- ☆ Conclude the WIPO Broadcasting Treaty as an international instrument against piracy
- ☆ Focus on providing appropriate tools to combat piracy of live events as part of the revision of the Live Piracy Recommendation

Strong copyright & contractual freedom

- ☆ Protect copyright against unauthorized access and use
- ☆ Ensure that generative AI models comply with the existing copyright framework
- ☆ Maintain the geo-blocking exemption for AV works
- ☆ Safeguard contractual freedom in view of the high risks that media take when investing in content

Connectivity

- ☆ Refrain from implementing any network fees regime

Promoting fair competition in digital markets by enforcing the DMA & antitrust rules

Global big-tech platforms are expanding their market power in the media and advertising sectors, significantly influencing online content accessibility, public opinion formation and the refinancing of media content.

The Digital Markets Act (DMA) addresses media companies' key concerns vis-à-vis platforms: access to data, neutral usage measurement and non-discriminatory measures (e.g. against self-preferential treatment of platform-owned offerings) are essential prerequisites for improving competitive conditions. But gatekeeper power also affects competition in emerging areas such as generative AI. Thus, the DMA and antitrust rules must continuously evolve to stay relevant amid rapid technological changes. Their effective enforcement is crucial to boost fair competition and the necessary level playing field.

Policy Recommendations:

- Efficiently **enforce the DMA as well as European antitrust law**
- Implement **additional measures in the field of ad tech and interoperability**
- Continuously develop the existing legal framework to **ensure non-discriminatory access and discoverability**, e.g. in the area of virtual assistants
- Encourage the **development and promotion of hybrid broadcast & IP standards** (e.g. HbbTV, DVB-I, RDK, etc.) that enable seamless evolution of distribution technologies.

Enable advertised-based business models that refinance content

Policy Recommendations:

- **Avoid excessive targeting or advertising restrictions** e.g. in the field of HFSS food, alcohol or energy which unfairly burden private media undermining sustainable financing of AV content and media pluralism.
- Better balance consumer protection measures and audiovisual media services' business interests with **proportionate and flexible consumer protection policies**.

Commercial audio and audiovisual media are funded almost entirely by advertising. Advertising and targeting limitations or bans, and the favoring of proprietary online advertising technology services by big-tech platforms weaken the competitive position of commercial media, cutting off revenue. It is vital to foster a level playing field, especially on online advertising markets and address the exclusionary gatekeeper practices such as phasing out 3rd party cookies.

We advocate a risk-based approach to consumer protection policies that acknowledges the controlled nature of traditional media environments, in contrast to less regulated players like big-tech platforms. Self-regulation should be considered as a viable complement to swiftly address market changes and consumer concerns.

Promoting an innovation-friendly data protection regime

Media companies handle personal data ethically and lawfully. Restrictive data protection requirements, such as excessive consent requirements or advertising bans, hinder their ability to innovate digital offerings and compete with gatekeeper platforms.

An innovation-friendly approach to data protection and legal certainty is indispensable for commercial media. However, the General Data Protection Regulation (GDPR) must not be interpreted in an increasingly restrictive manner and established business models such as "pay-or-consent", which improve data protection, must not be jeopardised. Alternative advertising technologies, such as contextual advertising, must also be harmonised with economic realities as supposedly better solutions.

Policy Recommendations:

- Data processing for advertising purposes should not rely excessively on user consent as a basis for permission. Instead, **the legitimate business interests of private media companies, including their role in safeguarding diversity of opinion**, should be given **greater emphasis** in the authorisation provisions of the **GDPR**.
- **The requirements of the GDPR should not be interpreted in an increasingly restrictive manner**, making them impossible to fulfil.

No need to revise the AVMSD but focus on consistent enforcement of existing legislation

Policy Recommendations:

- **No need to amend the AVMSD** as its purpose is still to protect journalistic-editorial audiovisual media service providers, **but focus on enforcing existing legislation** such as the DMA, DSA, EMFA and AI Act
- If the AVMSD is updated, **minimize and avoid (new) unnecessary burdens on audiovisual media service providers**, such as outdated advertising restrictions, disproportionate quotas or investment obligations, **utilise potential for flexibility**, while **maintaining key principles** such as the country-of-origin principle and well-established definitions e.g. for European works.

European media regulation has expanded with new laws like the European Media Freedom Act (EMFA), Digital Services Act (DSA), DMA and the Artificial Intelligence Act (AI Act). The EU Commission should first focus on enforcing existing legislation, particularly in relation to gatekeeper platforms, to ensure a level playing field on digital markets. Given that the purpose of the Audiovisual Media Services Directive (AVMSD) to protect journalistic-editorial audiovisual media providers is still valid, there is no need to amend the Directive, after weighing up the opportunities and risks of an amendment.

The cornerstone of the AVMSD is the country-of-origin principle. It is of fundamental importance for TV broadcasters and streaming providers as it supports a harmonized, cross-border audiovisual internal market in which Member States must retain sufficient flexibility to ensure diversity of opinion and media pluralism.

Should the EU institutions nevertheless decide to amend the AVMSD in the coming legislative period, this should be done on the premise that the main motivation is to deregulate and increase flexibility, e.g. by abolishing outdated advertising rules or disproportionate quota and investment obligations, while ensuring the findability of commercial media providers as services of general interest.

Protecting content creation and combating online piracy

Piracy of copyright-protected content and broadcast signals continue to be a mass phenomenon and remains a serious problem in Europe. Global piracy significantly undermines the commercial value and exploitation of live and premium content. But regulation has not kept pace to counter copyright infringements worldwide and ensure proper market functioning. Rights holders must be able to take effective action against online piracy. In this sense, strengthening access, findability, and financial sustainability of professional media is crucial to not only offset illegal content but also disinformation online.

Policy Recommendations:

- The EU should **enforce the key provisions of the Digital Services Act (DSA)** and introduce a regulation to combat online piracy of live events with measures to **speed up the take-down process**.
- The review of the Live Piracy Recommendation needs to concentrate on making available appropriate tools to **address piracy of live events**.
- **Conclude the WIPO Broadcasting Treaty** as an international anti-piracy instrument to protect broadcasters' rights on a global scale.

Preserving exclusive territorial licensing and contractual freedom

Policy Recommendations:

- Preserve exclusive territorial licensing in the audiovisual sector by **maintaining the geo-blocking exemption for AV works**, as the reasons for excluding the AV sector from the 2018 Geoblocking Regulation remain valid.
- Reject a one-size-fits-all approach and advocate legal certainty by **preserving contractual freedom** in view of the high risks that media take when investing in content.

Intellectual property and contractual freedom are key to a competitive and diverse cultural and creative industry. They need to be preserved and enforced effectively.

Contractual autonomy and licenses are the pillars of trade and value creation for the audio and audiovisual media sector. The principle of territoriality is anchored in European copyright law and exclusive territorial licensing is crucial to attract investment in AV content.

Policy measures should safeguard contractual freedom and ensure that the production partners have the flexibility to choose between different financing models. The aim is a fair balance of interests among rights holders, creative industries, platforms and users.

Advocating for strong IP rights, in particular in the context of generative AI models

Innovation and copyright are the cornerstones of the audio and audiovisual sector. Strong IP rights encourage creativity, while a pro-competitive and coherent approach to IP ensures legal certainty.

Generative Artificial Intelligence is ushering in a new era in digital content creation, revolutionizing the way we interact with digital media. The use of content and data to train AI models without due consideration of copyrights represents a significant exploitation of these rights. It is therefore essential that the training of generative AI systems with such content is subject to the consent of the rights holders. In order to preserve the IP value chain, transparency is needed about what data is used to train generative AI, as well as appropriate measures to prove the exploitation of copyrighted content.

Policy Recommendations:

- **Protect copyright from unauthorized access and use and** ensure that Generative AI models comply with the existing copyright frameworks and provide meaningful transparency about their training data.
- **Establish coherence** between different elements of the copyright framework, notably the Directive on copyright and related rights in the Digital Single Market (CDSMD), DSA, SatCab Directive and AI Act to ensure right holders can effectively protect and enforce their rights.

No to network fees

Policy Recommendations:

- The EU should reinforce the key principle of net neutrality and **refrain from implementing any network fees regime**, timelines for commercial negotiations or dispute resolution mechanisms which could have a similar effect. Before any regulatory intervention, a thorough impact assessment must be undertaken.

Imposing data transport fees or financial contributions on content providers would impact not only big-tech platforms but also media and broadcasting companies and threaten media pluralism in Europe.

A fee to fund large telecom operators would raise distribution costs for media providers, reduce investment in AV content and increase costs for consumers, and cause market exits. The investment of media outlets in audio and audiovisual content drives demand for broadband internet connections and revenue for telecoms services.

Network fees have been rejected by many in business, politics and society, as there is no convincing evidence of market failure. It is crucial to prevent this idea from resurfacing, for example, in the Digital Networks Act (DNA).