

# ESMA Budget Amendment n.1 for 2017

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## Audiovisual media services: breakthrough in EU negotiations for modern and fairer rules

The negotiations will officially conclude in June when the European Parliament, Council and Commission will meet to finalise and discuss the last remaining technical details of the proposal. After formal confirmation by the Council and the European Parliament's plenary vote, the new rules will have to be transposed into national law.

This agreement paves the way for a fairer regulatory environment for the entire audiovisual sector, including on-demand services and video sharing platforms. The new rules strengthen the protection of minors and reinforce the battle against hate speech in all audiovisual content. They promote European audiovisual productions and guarantee the independence of audiovisual regulators.

Vice-President for the Digital Single Market Andrus **Ansip** said: *"These new rules reflect digital progress and recognise that people now watch videos in different ways than before. They encourage innovative services and promote European films – but also protect children and tackle hate speech in a better way."*

Commissioner for Digital Economy and Society Mariya **Gabriel** said: *"A fairer environment for all players in audiovisual sector is much needed. Moreover, our cultural sector will have a more prominent place in on-demand catalogues – a significant and positive change for European creators and authors."*

What will be new in the revised Audiovisual Media Services Directive (AVMSD)?

- **Strengthened Country of Origin Principle** with more clarity on which Member State's rules apply in each case, and the same procedures for both TV broadcasters and on-demand service providers as well as possibilities for derogations in the event of public security concerns and serious risks to public health.
- **Better protection of minors against harmful content** whether on TV or video-on-demand services. The new rules envisage that video-sharing platforms put appropriate measures in place to protect minors.
- **European audiovisual rules extended to video-sharing platforms.** The revised Directive will also apply to user-generated videos shared on platforms, e.g. Facebook, when providing audiovisual content is an

essential functionality of the service.

- **Stronger rules against hate speech and public provocation to commit terrorist offences** that prohibit incitement to violence or hatred and provocation to commit terrorist offences in audiovisual media services. The rules will also apply to video-sharing platforms to protect people from incitement to violence or hatred and content constituting criminal offences.
- **Promoting European works** in on-demand catalogues with at least 30% share of European content.
- **More flexibility in television advertising.** The revised rules give broadcasters more flexibility as to when ads can be shown – the overall limit of 20% of broadcasting time is maintained between 6:00 to 18:00. Instead of the current 12 minutes per hour, broadcasters can choose more freely when to show ads throughout the day.
- **Independence of audiovisual regulators** will be reinforced in EU law by ensuring that they are legally distinct and functionally independent from the government and any other public or private body.

## Background

The media landscape has shifted dramatically in less than a decade. Instead of sitting in front of the family TV, millions of Europeans, especially young people, watch content online, on demand and on different mobile devices. Global internet video share in consumer internet traffic is expected to increase from 64% in 2014 to 80% by 2019.

As part of its [Digital Single Market strategy](#), the Commission proposed a revised Audiovisual Media Services Directive in [May 2016](#) that included a new approach to online platforms disseminating audiovisual content.

For More Information

[Proposal for revised Audiovisual Media Services Directive](#)

[Current Audiovisual Media Services Directive](#)

[General principles of regulating Audiovisual Media Services at European level](#)

[Questions and Answers – targeted approach to online platforms](#)

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## [Multiple fraud case unraveled in France](#)

□ Action day launched simultaneously in 16 European States by a French investigative judge with the support of Eurojust

26 April 2018

On 11 April, the large-scale 'Carton Rouge' operation was initiated by a French Investigative Judge from the Interregional Specialised Jurisdiction of Nancy (JIRS) in cooperation with the French Desk at Eurojust, leading to the arrest of 9 suspects in Paris and Marseille, the freezing of numerous bank accounts, as well as the blocking of internet sites throughout Europe. The organised crime group (OCG) behind this far-reaching swindling case is suspected of having committed the crimes of fraud, bank fraud, embezzlement, money laundering and participation in a criminal organisation.

Upon the French investigative judge's request, a case was opened at Eurojust in February 2018, initially involving two Member States. As the case evolved, the number of affected States rose to 16 (15 Member States and 1 third State). Eurojust assisted in the timely and efficient implementation of all necessary legal instruments, such as the execution of European Investigation Orders, and effectively responded to urgent requests for mutual legal assistance. On the action day, under Eurojust's coordination, national judicial and law enforcement authorities were mobilised across France and bank accounts of the OCG were frozen in several States. Eurojust's increased operational flexibility allowed once more for a highly successful outcome.

In the period between August and November 2017, the members of the OCG impersonated football agents who contacted 15 different French football clubs, claiming that certain football players' bank accounts had changed and, therefore, the footballers' salaries needed to be transferred to their allegedly new bank accounts. This fraudulently acquired capital was then further wired from those temporary accounts to accounts in Bulgaria and Malta for money laundering purposes.

In the course of the investigation, the French national authorities discovered a parallel swindle performed by the same perpetrators, involving a fake diamonds scheme. The victims were deceived into investing in non-existent diamonds to be supposedly resold at an 8 per cent profit, but never derived any benefit from the fictitious deal. The victims were tricked into investing their capital in bank accounts outside French territory.

A similar fraud case, performed by the same OCG, using bitcoins instead of diamonds, was also revealed to the investigating authorities. The proceeds of the OCG yielded by all three illegal activities amount to an estimated total of EUR 2 million, to the detriment of approximately 50 victims.

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# Remarks by President Donald Tusk after his meeting with President Hashim Thaçi in Pristina

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Good afternoon. I am pleased to be in Pristina today and let me start by thanking President Thaçi for his hospitality and for the good meeting we just had.

My visit today is a part of a round trip in the region to prepare for our EU-Western Balkans Summit in Sofia on 17th May. During the summit, the EU should first and foremost reaffirm its unequivocal support for the European perspective of the region. Just like I expect, the EU will welcome the Western Balkan partners' strategic choice and shared commitment to European principles, values and unity. The European Union is and will continue to be the most reliable partner for the entire region.

This is also why our summit, in concrete terms, should improve connections with and within the region – in the area of transport, energy or digital. As well as human exchanges such as Erasmus+.

Likewise, we will also use the summit to discuss how to tackle some of our common security challenges, such as migrant smuggling, terrorism and organised crime.

Now let me turn to Kosovo more specifically. I want to congratulate you on the recent ratification of the border demarcation agreement with Montenegro. It put Kosovo one step closer to visa free travel to European Union. It was also proof that cross-party cooperation is possible on issues of vital interest to all Kosovars. I know for a fact that you will not give up but continue the reform process, fully respecting your international commitments. In the best interest of your country. Fighting organised crime and corruption to be effective, also needs political consensus in Kosovo.

We also discussed the state of the dialogue between Pristina and Belgrade. Without a comprehensive normalisation of relations with Serbia and full implementation of the agreements. I do not see how a breakthrough in relations with the EU could be achieved. I know it's going to be hard but I

am still a cautious optimist.

Let me use this opportunity to thank President Thaçi, just as I thanked President Vučić yesterday, for the personal capital he has invested in the dialogue. I know this is a difficult and emotionally charged issue for both sides. But there is no viable alternative to normalisation. In fact, it comes down to a strategic choice that I am 100% convinced will pay off in the long run. Thank you.

*(Check against delivery)*

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