



Notification Number: 2011/458/F

Draft decision concerning the protection of young audiences, the code of professional conduct and the accessibility of programmes on on-demand audiovisual media services

Date received : 05/09/2011

End of Standstill : 06/12/2011

Message

Message 002

Communication from the Commission - SG(2011) D/52095

Directive 98/34/EC

Translation of the message 001

Notification: 2011/0458/F

No abre el plazo - Ne zahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201102095.EN)

1. Structured Information Line

MSG 002 IND 2011 0458 F EN 05-09-2011 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department

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4. Notification Number

2011/0458/F - SERV30

5. Title

Draft decision concerning the protection of young audiences, the code of professional conduct and the accessibility of programmes on on-demand audiovisual media services

6. Products Concerned

This draft concerns on-demand audiovisual media services within the meaning of Directive 2010/13/EU of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive).

7. Notification Under Another Act

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8. Main Content

The Law of 30 September 1986 on the freedom of communication awards the High Audiovisual Council the role of monitoring the protection of children and young people in relation to audiovisual communication services which include, since the law of 2 March 2009, on-demand audiovisual media services (OAMS). The draft sets down three series of regulations. Audiovisual content having been classified because of its harmfulness for a young audience must contain a pictogram and the relevant indications. Programmes not recommended for children under 16 (because of their erotic or violent nature) that are accessible free of charge are subject to access restrictions based on fixed schedules. Programmes not recommended for children under 18 (because of their pornographic or extremely violent nature) are specifically blocked and can only be accessed after entering a code consisting of at least 4 digits configured from the first use. The security of this code is guaranteed by prior configuration by the user within a secure area, specifically comprising an electronic declaration of majority and a procedure for confirming the configuration of the code using suitable means.

9. Brief Statement of Grounds

In order to ensure the transposition of Directive 2007/65/EC of 11 December 2007, Article 15 of the Law of 30 September 1986 on the freedom of communication awards the High Audiovisual Council the role of adopting the regulations applicable to on-demand audiovisual media services in relation to the protection of young audiences. The consultation of several operators regarding Decision 2010-57 of the High Audiovisual Council adopted on 14 December 2010 led the Council to amend the conditions for the provision of category V programmes on on-demand audiovisual media services.

10. Reference Documents - Basic Texts

Reference texts: Article 227-22 of the Penal Code amended by Law No. 2007-297 of 5 March 2007 and notification 2010/0537/F



11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

Yes - The draft text has not been published.

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

TBT relevance

No - The draft is neither a technical regulation nor a conformity assessment

SPS aspect

No - The draft is not a sanitary or phytosanitary measure.

Catherine Day
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