

Policy dialogue in Convergence and Social Media: requirements



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Introduction and Motivation

In an increasingly complex context of convergence and social media, where continuous innovation changes are taking place due to the entry of new players into the market and the need for traditional stakeholders to transform themselves, the policies and regulations governing this sector need to be discussed and reviewed on the basis of changing needs. In this perspective, the cooperation of all the stakeholders involved to exchange ideas, current and new needs deriving from these changes becomes fundamental to build in a balanced way an appropriate policy framework that can support the future economic and technological development of the convergence and social media sector.

Currently, the technological world and the one dealing with the definition of policies and regulations are often very separate, risking not being aligned in supporting economic development of the European Union. The dialogue between those worlds becomes very relevant in order to identify the best approach to address policies and regulations following technology developments. This white paper aims at reporting on:

- why we need this dialogue considering the current situation in the Media and Social Media sector and their policies and regulations;
- what are the main expectations for the “Policy dialogue” by part of the NEM community - according the results of Policy Requirements Survey - and consequently
- what are the main requirements in order to foster an open and broader dialogue on convergence and social media policy issues and consolidate it during the Vital Media lifetime with the main scope of delivering policy recommendations, as result of the policy dialogue conducted over the project lifetime with a broad range of stakeholders.

Media and Social Media sector in a convergence era

In recent years, the media sector, in particular the audio-visual one, has undergone a profound transformation process, as a result of the strong growth in video content and online entertainment, posing increasingly complex challenges to policy makers, competition and industry authorities. The Media sector plays a key economic, social and cultural role in Europe. Europe boasts a strong media industry, which creates growth and jobs and represents European life, languages, history, culture and values around the world.

Those deeply changes in the media sector are due to the impact of the Information and communication technologies (ICTs) which are revolutionizing the creation, development and distribution of content today. The introduction of new technologies has produced a “disruptive” effect on the traditional media industries. Innovation has become the most important growth driver and has led to the emergence of new operators and business models.

The media landscape is undergoing a transformation, characterized by a steady increase of convergence of media services, with a visible move towards intertwining traditional broadcast and the internet. Audio-visual media content has arrived on non-TV screens and internet content is arriving on the traditional TV screen.

In addition, the growing variety and availability of devices has led to a radical change also in consumer habits, expanding the options and methods of use no longer linked only to traditional devices (i.e. radio, tv).

This phenomenon empowers European citizens (including young people) to be able to access seamless and interactive experiences, letting them access any content while being agnostic as to the device or geographic locations from which they interact, but not to the language of communication. Consequently, the proliferation of connected devices and the wide availability of faster broadband connections are affecting existing business models, consumer habits, creating new challenges, and opportunities for the creative industries. The growth of the language industry close to the media industry is a reality in Europe.

In this landscape, TV remains the foremost source of information and entertainment in the EU, but the audio-visual sector directly engages millions of people with other types of media, specifically available through internet, that are spreading more and more in the market. In Europe, there has been an increase in competition in the distribution of video content - an area controlled by traditional television operators - as a result of the following factors: the entry of new global players, starting with Netflix; consolidation, through mergers and acquisitions, by the major telecommunications operators, which allowed the development of the “quadruple play” offer, integrating voice, data with fixed and mobile Internet access and video; direct access by new players to exclusive “sports premium content”, starting with football (national league and Champions League) capable of increasing demand for data and traffic on networks.

Therefore, the impact of the Internet and new technologies on the media and content world is enormous: new business models, new players and new challenges await antitrust and regulatory authorities. The process must find ideas and knowledge from both the "new" and the "old" economy. At the same time, whilst maintaining the focus on the consumer rather than on protecting certain competitors, it allows the benefits of the Internet and new technologies to extend across the economy.

The media and communication sector is therefore increasingly becoming a digital ecosystem, characterised by the group of subjects that produce, consume and exchange information within the area bounded by digital technologies.

Sectors previously distinct, such as content and media, telecommunications, information technologies, are now converging, creating a new industrial ecosystem that requires different types of companies with different corporate cultures to compete and collaborate.

Media and Social Media policies and regulations

The increase of convergence between traditional information and/or cultural sources and the internet has rapidly changed people's habits. This new model allows citizens to interact not only with other individuals but also with all kind of content providers. The possibilities are huge so are the challenges. The Media sector, which plays a key economic, social and cultural role in Europe, is itself facing great and important transformations.

For that reason, one of the most relevant points on the political agenda of the European Commission (EC) is the Digital Single Market (DSM) strategy. It aims to open digital opportunities for people and business, and enhance Europe's position as a world leader in the digital economy. Within the DSM framework some regulations of the Media sector are translated into policies and regulations. Specifically, in response to these transformation and challenges, the EC is:

- supporting **media policies** in today's digital landscape through:
 - common approaches for the audio-visual sector and new media sector
 - the creation of a true Digital Single Market of Content
 - the promotion of media freedom and pluralism
- digitising Europe's **cultural heritage**, making the collections held by Europe's libraries; archives, museums and audio-visual archives available to everyone;
- promoting **open data** and, in particular, re-use of public sector information (open government data);
- ensuring that the right regulatory framework in terms of **copyright** is in place for all to fully benefit from the great opportunities offered by a truly connected digital single market.
- Promoting language diversity and multilingualism through ICT EU language industry
- Mainstreaming media accessibility to work towards an inclusive Europe

In that context, it is important to mention: the regulation on **Audio-visual Media Services** (2010/13/EU (AVMS directive) and its proposed modification with the “COM(2016) 287; the regulations on **Copyrights** (1996/9/CE; 2001/29/CE; 2006/115/CE; 2009/24/CE; 2012/28/EU and 2014/26/EU) and new directive proposal COM (2016) 593 **on copyright in the Digital Single Market**; The directives 2006/123/CE and 2000/31/CE on **cross-border portability of online content services** and the new proposal COM (2015) 627; the directive 2000/31/CE on **E-commerce & geoblocking** and the new proposal COM (2016) 320, and the new **European Accessibility Act**.

In addition, in terms of regulatory methodology, the traditional command and control paradigm is gradually being replaced by forms of co-regulation and self-regulation from below, more flexible, dynamic, complete and articulated, which redistributes regulatory responsibilities and promote consumer welfare more effectively.

Policy Dialogue

In this context, fostering dialogue among all the relevant stakeholder becomes of paramount importance in order to address the impact of future technology developments and necessary policies and regulations in media domain. For this reason, the Vital Media project is committed: to support and encourage this dialogue in order to identify the best way to do it; to specifically identify the most relevant topics, the stakeholders to be involved and the most appropriate tools and communication channels to support this dialogue. To this end a survey was launched in the NEM communities.

Policy requirements survey: Topics, stakeholders , tools and channels

In order to collect the opinions from media and creative communities about Media Convergence and Media Policy, a focused survey was launched inside the NEM community and in other relevant communities.

The main objectives of that survey were to identify:

- a) the relevant topics and related priorities to be addressed in a dialogue;
- b) the main stakeholders to be involved in the dialogue;
- c) preferred tools and channels to be used to foster the dialogue among the stakeholders involved.

After a first media and policy context analysis a set of topics were identified as the most relevant to be proposed in the survey for a further analysis by the involved communities. The survey questionnaire suggested ten main policy topics:

1. Customer Protection Policy: new decisions and impact on Media domain;
2. Digital Single Market (DSM) strategy for Europe vs Media domain: policy impact and future expectations;
3. Data protection and privacy issues for Media sector: policy impact and future expectations;
4. Copyright rules vs impact on media sector: current status and next developments;
5. Revision of the Audio-Visual Media Services Directive (AVMSD) in order to address digital single market needs, new way of consumption and technological changes;
6. Relevance of self-regulation and co-regulation for media domain regulation;
7. Relevance of independent and trusted audience measurement for media domain;
8. Standardisation and interoperability policies: current status and next developments;
9. Relevance of policy framework for support of research and innovation in the media sector;
10. Current activities of "Media Policy directorate I"

Participants were asked to express the relevance of the topic on a scale from 0 to 5, where 5 was considered "very important" and 0 not relevant. In addition, participants could list any issues, challenges, guidelines, requirements, barriers that they considered important to be taken into account on the discussed topic.

According to the survey results, the topics in order of importance were the following:

1. Data protection and privacy issues for Media sector: policy impact and future expectations (with 67% of answers on "5" and 17% on "4");
2. Digital Single Market (DSM) strategy for Europe vs Media domain: policy impact and future expectations (with 67% of answers on "5" and 6% on "4");
3. Customer Protection Policy: new decisions and impact on Media domain (with 59% of answers on "5" and 18% on "4");
4. Relevance of policy framework for support of research and innovation in the media sector (with 53% of answers on "5" and 35% on "4");
5. Copyright rules vs impact on media sector: current status and next developments (with 47% of answers on "5" and 24% on "4");
6. Standardisation and interoperability policies: current status and next developments (with 35% of answers on "5" and 47% on "4");
7. Revision of the Audio-visual Media Services Directive (AVMSD) in order to address digital single market needs, new way of consumption and technological changes (with 35% of answers on "5" and 12% on "4");
8. Relevance of independent and trusted audience measurement for media domain (with 33% of answers on "5" and 17% on "4");
9. Current activities of "Media Policy directorate I" (with 19% of answers on "5" and 19% on "4");
10. Relevance of self-regulation and co-regulation for media domain regulation (with 18% of answers on "5" and 29% on "4");

It is important to highlight that the differences in terms of preference among the proposed topics are minimal. The customer protection seems to be one of the most relevant topics strictly related to the policy on data protection and privacy issues. In addition, the participants, apart from the suggested topics, recommended the following others to be taken in account:

- Media and information literacy
- Accessibility of audio-visual content
- Media (news and information) plurality and diversity
- Media trust and verification.

The second part of the survey aimed to identify the more relevant stakeholders needed to be involved, in order to discuss the main topics emerged from the previews part. A list of potential relevant stakeholders was provided in order to obtain the opinion of the survey participants. Specifically, the proposed most relevant stakeholders were: European Institution (eg.:DG and Directorates,...), Lawyers (expert in media regulation), Media Policy Experts, European Authorities (eg.: EPRA, ERGA,...), Media Companies, Media Associations and interest groups (e.g.: EBU), National Authorities, Universities and Research Centres expert on media technologies, Universities and Research Centres expert on media policy and regulation, Consumer Associations. In addition, participants could provide further comments and suggestions and indicate relevant events where policy makers should be involved. The follow options were suggested: NEM Summit, NEM General Assembly, Dedicated NEM workshop with EC directorates and Vital Media Event.

From the survey results it emerged that the involvement of almost all of the suggested stakeholders is relevant, but Media companies, Media Associations and interest groups, Media Policy Experts, Consumer Associations and European Institution are judged to be very relevant while the others are a little less important. Moreover, It was suggested to take in account also, "Standards bodies (e.g.:HbbTV Forum, MPEG): which shape the future technologies and the scope that they will have in the implementation of features (privacy, accessibility) that are desirable from a policy perspective as well as Technology providers. The importance of assuring the involvement of the whole spectrum of media companies - not just large established commercial ones – including arts and culture organisations, hyperlocal publishers, content and tech start-ups and SMEs was highlighted. With regards to suggestion as to which is the most suitable event to involve policy makers, the most popular answer was the NEM events with a dedicated workshop with EC directorates.

The last part of the survey aimed to identify the more appropriate and preferred tools and communication channels to improve the policy dialogue. In this case the following options were suggested: Face to face meeting (eg.:workshops, focus groups,ect) at the European Level, Face to face meeting at national levels, Social media groups (eg.: LinkedIn, ect), Webinar, Dedicated on-line platform, with relevant policy information and news and focused discussions. According to the received answers, the dedicated on-line platform and webinar are considered appropriate but the participants find face to face meeting in particular at the European but also at a national level to be more appropriate and profitable.

Policy Dialogue Workshop

In terms of dedicated events so far arranged at the European level, a specific workshop on Policy was organised and held during the 23rd NEM General Assembly. The main scope of this workshop was to bring together at the same table media stakeholders and policy makers in order to improve

and foster the dialogue among them and to identify and share views on challenges, guidelines, requirements, and barriers in the European Media domain.

During this workshop the results of the Policy Requirements survey were presented, than the approach from I3 project on the policy activities in order to support Media sector jointly fostering Policy Dialogue at European level, the point of view of Media Representatives (VRT and EBU) and current EC initiatives on policy on the Media sector (Vita Jukne -EC unit I-2, copyright; Emmanuel Joly - EC unit I-3, Media Programme; Paolo Cesarini - Head of EC Unit Convergence and Social Media.

Conclusion

In the media and social media sector, the dialogue on policy and regulation issues is becoming more and more relevant due to the deep, fast and continues changes which are characterizing the sector and which require continuous adaptation to meet new and emerging trends, and the rapid changes in EU population who consume media.

Consequently, becomes of great importance to have the right opportunities to promote and nurture this dialogue in order to support the proper development of the sector. The NEM community, supported by the Vital Media project, is committed to foster that policy dialogue, among the relevant stakeholders through periodically focused meetings and events as well as day by day discussions on its online platform "OPENNESS" (available on NEM web-site <https://nem-initiative.org/collaboration-platform>). OPENNESS offers a dedicated area which was created in order to provide an open space for policy dialogue and collaboration, where stakeholders can discuss current and forthcoming rules, regulations, and challenges. That space is currently managed by the Vital Media and I3 project, having an agreement to carry on the policy discussion on the OPENNESS on-line platform. Finally, the Vital Media project invites companies, entrepreneurs, policymakers, academics, interest groups, and all interested stakeholders to take part in the discussions inside the OPENNESS platform as well as to participate in the dedicated events, aiming at generating data, input and opinions to be gathered and presented to the European Commission at the end of the project lifetime.

In this perspective, one of the main achievements will be to deliver policy recommendations, as result of the policy dialogue conducted over the project lifetime with a broad range of stakeholders.