



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2024/0393/IE (Ireland)

Media Service Code and Media Service Rules - Audiovisual On-demand Media Service Providers

Date received : 10/07/2024

End of Standstill : 11/10/2024 (closed)

Message

Message 001

Communication from the Commission - TRIS/(2024) 1866

Directive (EU) 2015/1535

Notification: 2024/0393/IE

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéset - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20241866.EN

1. MSG 001 IND 2024 0393 IE EN 10-07-2024 IE NOTIF

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4. 2024/0393/IE - SERV60 - Internet services

5. Media Service Code and Media Service Rules – Audiovisual On-demand Media Service Providers

6. Audiovisual on-demand media services covered by Directive 2010/13/EU as amended by Directive (EU) 2018/1808

7.

8. Coimisiún na Meán proposes to adopt the Media Service Code and Media Service Rules for Audiovisual On-Demand Media Services (the “Media Service Code & Rules”). This will give effect to the relevant Articles relating to audiovisual on-demand media services under the AVMSD Directive.

Sections 1 to 9 of the Draft Media Service Code & Rules contain introductory provisions. These provisions confirm that the Code & Rules apply only to audiovisual on-demand media service providers under the jurisdiction of the State, detail the relevant regulatory principles applying to the Code & Rules, as well as providing other relevant context to the regulations. Information on the compliance and enforcement framework for the Code & Rules is also included.

Section 10 of the Draft Media Service Codes and Rules is titled “Harmful Content” and gives effect to Article 6 and Article 6a(1) – (3) of the AVMS Directive. This section outlines the responsibilities of audiovisual on-demand media service providers to prevent the distribution of harmful content on the services they provide to the public.

Section 11 of the Draft Media Service Codes and Rules is titled “Right to Cinematographic Works” and gives effect to Article 8 of the AVMS Directive. This section provides that audiovisual on-demand media service providers shall not transmit cinematographic works outside periods agreed with the rights holders.

Section 12 of the Draft Media Service Codes and Rules is titled “Audiovisual Commercial Communications” and gives effect to Article 9 of the AVMS Directive. This section provides for the requirements of audiovisual on-demand media service providers to ensure that the interests of audiences are protected from harmful commercial communications.

Section 13 of the Draft Media Service Codes and Rules is titled “Sponsorship” and gives effect to Article 10 of the AVMS Directive. This section provides for the restriction and transparency requirements of audiovisual on-demand media service providers in respect of sponsored content on their catalogue.

Section 14 of the Draft Media Service Codes and Rules is titled “Product Placement” and gives effect to Article 11 of the AVMS Directive. This section details the regulation for product placement for audiovisual on-demand media service providers, including the prohibition of product placement for tobacco products and prescription-only medicines.

Section 15 of the Draft Media Service Codes and Rules addresses the obligations of audiovisual on-demand media service providers relating to the accessibility of their services, giving effect to Article 7 of the AVMS Directive. These include that audiovisual on-demand media service providers must take proportionate measures to ensure that their programmes are made accessible to persons with disabilities. The Code & Rules includes a final section titled “Guidance” which lists the relevant factors to be considered in determining the appropriate proportionate measures to be taken with respect to Section 15. This is non-binding guidance.

9. A key duty of Coimisiún na Meán under the Broadcasting Act 2009 is to develop media service codes and media



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service rules for audiovisual on-demand media services and providers of those services. Coimisiún na Meán has prepared the draft Code & Rules in accordance with its statutory obligations under domestic law to give effect to the State's obligations under the revised AVMS Directive.

The draft Code & Rules intends to ensure that audiovisual on-demand media service providers take appropriate measures to protect audiences from harmful content, ensure that commercial communications are used responsibly, and that proportionate measures are taken to ensure that such services are accessible to people with disabilities.

10. References of the Basic Texts: 2020/0782/IRL

The basic texts were forwarded with an earlier notification:
2020/0782/IRL

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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