



## **EAVI's Contribution on the Public Consultation about the Audiovisual Media Services Directive 2010/13/EU (AVMSD)**

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### **Some preliminary remarks about the omission of explicitly mentioning media literacy in the public consultation**

The EC has been at the forefront in promoting media literacy (ML) in the last decade. Therefore, while we appreciate the efforts, *inter alia*, through this consultation to invite contributions about the AVMSD, we have been struck by the decision not to deal clearly with media literacy issues, shown for instance by the lack of dedicated space and questions within the framed closed format of the consultation.

With a widely shared and thorough understanding of the growing importance of media literacy principles in contemporary society, especially in a constantly evolving media situation, we report below some concise reflections which demonstrate the unexpected and highly undesirable absence of ML references in this public consultation. No explicit text references appear, in fact, neither among the issues listed to be considered in the review of the AVMSD nor in any subsequent question (with the marginal exception of a mention, in brackets, within the section protection of minors).

Nevertheless, the importance of media literacy has been highlighted for years in innumerable previous policy documents as a crucial issue when dealing with audiovisual policy in the future. European-wide studies including by UNESCO, OECD, the Council of Europe, and mainly the European Commission itself, have highlighted the significance of a critical consumption of media content.

Media literacy competences in fact influence aspects such as content access (both linear and non-linear), consumer protection, access to information, awareness of copyright, degree and recognition of media pluralism and many more issues the AVMSD deals with. To be unambiguous ML is not just a matter of education and the role as well as the responsibility of stakeholders and EU institutions has been recalled frequently (even by EC Commissioners' statements). Therefore, the failure to address ML fully and explicitly in this consultation is quite inexplicable to us.

Because of the above, within this context, EAVI's contribution for the consultation is limited firstly, to remind why media literacy policy references were part of the AVMSD and secondly, to invite reflections on why there is a risk that this will cease to be the case in the future. The existing norms should rather be clarified and consolidated and be made more easily applicable by Member States.

### Media literacy current provisions in the AVMSD

Media literacy provisions, in fact, are well present in the AVMSD in Whereas 12 and Whereas 47 and in Article 33.

The AVMSD explicitly required the development of media literacy in all sections of society, including measuring progress every three years. Its first Report<sup>1</sup> on its application clearly reiterated the need to assess media literacy levels. The following paragraphs in the Directive are very clear:

*Whereas 12 – “On 15 December 2003 the Commission adopted a Communication on the future of European regulatory audiovisual policy, in which it stressed that regulatory policy in that sector has to safeguard certain public interests, such as cultural diversity,*

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<sup>1</sup>COM(2012) 203 final First Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the application of Directive 2010/13/EU 'Audiovisual Media Service Directive

*the right to information, media pluralism, the protection of minors and consumer protection, and to enhance public awareness and media literacy, now and in the future.”*

Whereas 47 – *“Media literacy’ refers to skills, knowledge and understanding that allow consumers to use media effectively and safely. **Media-literate people are able to exercise informed choices, understand the nature of content and services and take advantage of the full range of opportunities offered by new communications technologies. They are better able to protect themselves and their families from harmful or offensive material.** Therefore the development of media literacy in all sections of society should be promoted and its progress followed closely. The Recommendation of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the series of possible measures for promoting media literacy such as, for example, continuing education of teachers and trainers, specific Internet training aimed at children from a very early age, including sessions open to parents, or organisation of national campaigns aimed at citizens, involving all communications media, to provide information on using the Internet responsibly.”*

Article 33 sets an obligation for the EC to report about media literacy levels in Member States. It reads: *‘Not later than 19 December 2011, and every 3 years thereafter, the Commission shall submit to the European Parliament, to the Council and to the European Economic and Social Committee a report on the application of this Directive and, if necessary, **make further proposals to adapt it to developments in the field of audiovisual media services, in particular in the light of recent technological developments, the competitiveness of the sector and levels of media literacy in all Member States’.***

### [The \(misleading\) issue of measuring media literacy levels](#)

We should not disregard the discrepancy between the above-mentioned legal requirements and the difficulty (and the consequent pretexts not) to carry out those obligations. Measuring media literacy has always been a complicated and

controversial exercise<sup>2</sup>. Over the years, in fact, the wish for a simplified model and a perfect modality of measurement proved illusory and unsuitable. This is because, as with all complex problems, solutions are equally composite.

While the wording of article 33 permits an interpretation to get away with this obligation, to ignore its content completely, clearly disregards the spirit of the legislator. In fact, the intention was to add a specific legal obligation to the EC and Member states as to underline the importance of investing in media literacy competences (and their underlying concepts). Although the issue of how to track the progress of acquiring ML skills need to be clarified, the scope and focus within the AVMSD should remain on promoting ML competences amongst EU citizens and on monitoring their progress on a regular basis. Whichever technical tools are more apt to do so. For while it is indeed difficult to evaluate the progress of any given student at school, this does not mean that student evaluations by teachers should not take place.

### Current EU media policy focuses on markets and technological aspect

From a policy point of view, we find that the most recent trend in policy papers, documents and debates focuses essentially or even solely on economical and technical aspects, even though at European level media literacy was (or still is) a priority for EU policy makers. For example it is included in the AVMSD, when the European Commission listed eight key competences the European Parliament suggested that media literacy should be a ninth one, ML was taken into account by the Digital Agenda initiative and so forth extensively.

Yet already in 2009 the EC ML Recommendation was highlighting primarily commercial and online aspects. More recently, the Europe 2020 strategy, setting the strategy in this field, again suggested pursuing those aspects that relate mainly to the economic sphere. Essentially the strategy claims that citizens would need to acquire these new (technical media literacy) competences to be better off in the labor market. Therefore, when the analysis considers media literacy under its preeminent social and political value, rather than (or in addition to) its technical or economic implications, it

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<sup>2</sup> EAVI provided assistance to the EC and to the Member States, including carrying out EU-wide studies on this subject: a) Study on Assessment Criteria for Media Literacy Levels, 2010, b) Study on Testing and Refining Criteria to Assess Media Literacy Levels in All Member States, 2011 and c) subsequent Recommendations and Pilot Initiatives  
<http://www.eavi.eu/joomla/what-we-do/researchpublications3>

can be observed that an adequate policy implementation at European level has lagged well behind expectations.

While one can only speculate about the interests and motives underlying this impasse, with the concrete suspicion that the media industry is driving funding and interests, the way it has come to happen can be clearly comprehended.

It is clear that trends in media literacy policy and research at European level have recently shifted focus towards mere technical skills (often called digital skills) with easy to identify commercial benefits for some media industry. In other words, as highlighted repeatedly by the research community, it can be observed that media literacy policy shows a growing focus on markets and on simple online access skills at the expense of more critical aptitudes such as the ability to evaluate media messages.

This shift in focus is mainly due to the power of better-organised economic interests, but the academic research community is not immune from criticism for this state of affairs. Self-centered (legitimate, but limited in scope) interests created a gap, which others have stepped in to fill. Media literacy therefore still appears to be about too many things and, as a result, those policy-makers who preferred not to engage have used this lack of a clear message arguing that researchers have not yet reached an agreement on the issue. They are clearly mistaken, as researchers have since long agreed upon what media literacy is about and what the key constitutive concepts and properties are. The focus of media literacy, together with technical skills, is the development of individual critical understanding and citizens' participation (i.e. the empowerment and interaction of people in public life through the media). Technology surely enriches the lives of citizens, but technical skills should not be given exclusive emphasis.

### Protection of Minors, responsibility shifted to parents?

Concerning the protection of minors, the acquisition of media literacy competences is widely auspicated. Media literacy, defined in the Directive as a set of competences for consumers (and not just minors) enabling them to use the media as a real resource and to protect themselves (and minors in particular) against harmful content. Yet the responsibility to acquire those competences is placed on the individual as a consumer,

while the system advocates for less regulation, claiming that markets would work better if unregulated. To shift responsibility from policy makers to parents and children, asking them to acquire, on their own, the necessary competences to protect themselves and their children does not seem an adequate measure on its own. It should be obvious that parents should not be left alone in this role. They may not want that responsibility, they may even not be capable in handling it. The key point is that the tools of auto- and self-regulation can only complement other more stringent necessary initiatives. And when acquiring these competences, they should always entail social, ethical and cultural aspects as well as the technical ones. And the interests and rights of those minors should be the main driving concepts when dealing with the respective policy.

#### ..... to Member States?

In order to fully understand the benefits for the EU to invest further in media literacy, it is a necessity to define which are the competences that flow from the definition, the properties and the dimensions of media literacy. These aspects have been dealt with extensively by research, but seem to be ignored under the pretext of placing the responsibility mainly to Member States, arguing that media literacy is essentially an educational matter.

Therefore, the EC policy nowadays seems to be limiting itself to a definition of media literacy that is more linked to operational skills and the simple use of technology. It is an evidence remarking that, abdicating its responsibility over the last years, the EU has largely failed to address the issue of the protection of minors more effectively, especially when it comes to non-linear services.

#### Reconquer EU citizens

In conclusion, within the AVMSD, it does not seem appropriate to ignore media literacy skills and its underlying properties. Neither under the pretext that it is difficult to evaluate its progress nor because Member states or parents should mainly deal with it. Furthermore, it does not seem correct to relegate media literacy competences to a self-regulatory tool within the section of protection of minors only. Neither to move it from audiovisual policy to other initiatives of the EC.

It is very unfortunate to notice that, when it comes to what really matters to advance

citizens' interests (i.e. Policy and Budget lines) the decisions of the EU institutions are sometimes not in line with previous announcements about the much claimed importance protecting minors, children or viewers and consumers' rights.

EAVI believes that investing properly in media literacy competences would offer the EC an opportunity to reconquer some citizens' trust in the future. Media (and audiovisual) policy development plays a fundamental role to facilitate that investment.

When observing how we ourselves as well as our kids are using the media at home, it should be obvious to comprehend the need and see the opportunities for such an investment in policy development and active measures. We feel it should also be relatively easy to evaluate costs and benefits of this investment within the AVMS Directive.

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### General information on respondents

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Please indicate your organisation's registration number in the Transparency Register.  
91746316877-25

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EAVI – European Association for Viewers Interests

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