

ITUWorkshop

The future of television for Europe

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ITU Workshop on “Future of television for Europe”

**Navigating the Future of broadcasting in Bosnia and Herzegovina:
Legal, Regulatory and Accesibility Challenges in en evolving
European Framework**

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EU Legal Framework – The EU's Audiovisual Media Services Directive (AVMSD)

Main principle: technological neutrality

What is AVMSD

EU Directive for audiovisual media services (TV broadcasts and on-demand)

- single EU market for audiovisual content
- cultural diversity, consumer protection, and fair competition

Key objectives

- Protection of minors from harmful content
- Protection of consumers from hate speech and harmful advertising
- Promotion of European content and cultural diversity
- Fair competition across EU markets

Application of the Country of Origin Principle:

- Media providers regulated by the rules of the country where they are based
- Simplifies compliance across borders within the EU

EU Legal Framework–AVMSD Revision 2018

- **Broadened Scope**

- Now includes video-sharing platforms (e.g., YouTube) alongside traditional broadcasters.

- **Technological Neutrality**

- Ensures equal treatment for similar services, regardless of delivery method (broadcast or online).

- **Enhanced Protection Standards**

- New rules to protect minors and regulate harmful or illegal content.

- **Support for European Content**

- Quotas for European productions in online catalogs to promote cultural diversity.

Impact

- Adapts regulation to the digital age, supporting safer, fairer, and culturally rich content across all media platforms.

Current Regulatory Framework – EU AVMSD revision 2018

Extended scope of AVMSD:

1. Linear (TV broadcasts) and non-linear (on-demand) services
2. Expanded to video-sharing platforms (VSPs) like YouTube and social media

•Art. 1 (1) (aa), which introduced two crucial alternative criteria based on which the legal recognition of VSPs' depends: the provision of audio-visual content is either the principal purpose of the service or its essential functionality.

•‘video-sharing platform service’ means a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service or a dissociable section thereof or an essential functionality of the service is devoted to providing programs, user-generated videos, or both, to the general public, for which the video-sharing platform provider does not have editorial responsibility, to inform, entertain or educate, by means of electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/ EC and the organization of which is determined by the video-sharing platform provider, including by automatic means or algorithms in particular by displaying, tagging and sequencing’



Current Regulatory Framework B&H

- **Communications Law (2003)**
- **Draft Law on Electronic Communications and Electronic Media (*underway*)**
- **Set of by-laws aligned with the EU's *Audiovisual Media Services Directive (AVMSD)* 2023**
 - **Rule on provision of audiovisual media services**
 - **Rule on video-sharing platform services**
 - **Code on programme content**
 - **Code on commercial communications**



Bosnia&Herzegovina Regulatory Framework– transposition of AVMSD 2018

Rule on Video-sharing Platform Services 2023

Scope of the Rule.

"Video-Sharing Platform Service is a service whose main purpose, or core functionality, is dedicated to providing the general public with programs and user-generated videos via an electronic communication network, for which the video-sharing platform does not hold editorial responsibility."

"The rule applies to service providers that are established within the territory of Bosnia and Herzegovina.,,

The regulation covers responsibilities for protecting users, especially minors, from harmful content and imposes requirements on handling illegal or harmful material, hate speech, and ensuring advertising compliance.

Accessibility to ICT Services for Persons with Disabilities

License for Public Service Broadcasters (2020)

Mandatory quotas

As of September 2020: **Minimum 10% of overall content is accessible**

2025 goal: **25%**

Rule on provision of audiovisual media services (95/2023)

Mandatory quotas

As of 2023: **Minimum 10% of the total broadcast content**

2028 goal: **20%**

Accessibility to ICT Services for Persons with Disabilities

- **Guidelines for Accessible Programme content for Persons with Disabilities**
- **Dedicated online contact point pristupacnost@rak.ba**

Outcome:

AVMSD provisions that strengthens accessibility requirements for audiovisual content transposed to national legislation.

Further implementation to meet global requirements coming from CRPD; European Accessibility Act, SGDs and 2030 Agenda ongoing.

Future challenges: Digital Services Act (DSA)

Creating a safer online environment and a better protection of users and their fundamental rights by establishing:

- ❖ the regulatory framework for handling of illegal and potentially harmful content, products or services offered online,
- ❖ transparency and accountability framework for online platforms,
- ❖ system for oversight and enforcement

Main focus is on **transparency**, **accountability**, and **user protection**.

Future challenges

Digital Services Act (DSA)

It applies to three types of intermediary services:

- **“Mere conduit”** services that provide access to, or the transmission of, information over a communication network (e.g. internet access providers, internet exchange points, virtual private networks, domain name registries and voice over IP);
- **“Caching”** services that provide for the automatic, intermediate and temporary storage of information as it is transmitted over such networks in order to improve the efficiency of that data exchange (e.g., content delivery networks or reverse proxies);
- **“Hosting”** services that provide for the permanent storage of information provided by, and at the request of a user. This category includes online platforms which disseminate information to the public, such as online marketplaces, app stores, collaborative economy platforms, and social media platforms.
- VLOPs and VLOSEs fall under the exclusive regulatory responsibility of the European Commission.

Future challenges

Digital Services Act (DSA) – enforcement

Digital Service Coordinator (DSC) – national regulatory authorities responsible for overseeing compliance with the DSA and ensuring its proper enforcement.

EU – member states allowed to designate one or more institutions as DSC – assigned to a single regulatory authority or split between multiple institutions.

(examples: national regulators for electronic communications, broadcasting regulators, competition authorities, consumer protection authorities or newly established hybrid authorities)

Future challenges – Bosnia and Herzegovina

Internet penetration 96%*

According to the research of media habits of adults in Bosnia and Herzegovina:

- **9/10 adults use Internet**
- **8/10 adults use social networks**
- **78% adults use traditional television as main source of information**
- **52% adults use social networks**
- **45% adults use online information portals**
- **42% adults use video exchange platforms like YouTube**

*** *CRA Annual Report***

Future challenges – Bosnia and Herzegovina

CRA has been promoting the need for the country to implement a systematic approach to tackling harmful online content, based on cooperation between various stakeholders that have a role in the online media ecosystem.

Coalition on Freedom of Expression and Content Moderation in BiH, established in June 2023 as part of the EU- funded, UNESCO-led project “Social Media 4 Peace”

- Voluntary based platform (CSOs, academics, journalists’ associations, self regulatory bodies etc.)
- To establish direct communication and liaison with the social media platforms

Future challenges – Bosnia and Herzegovina

“Mapping of European co-regulatory practices for combating harmful online content – the context in Bosnia and Herzegovina and the search for efficient models of media coregulation

(The Study by JUFREX Project, implemented by Council of Europe)

Co-regulation and cooperation

- The revised Audiovisual Media Services Directive (AVMSD) requires member states to encourage the use of co-regulation and the fostering of self-regulation through codes of conduct in certain fields covered by the Directive.
- Digital environment requires wider cooperation not just of cross-border but also of cross-sectoral nature. For addressing the challenges of digital ecosystem, it is necessary to establish cooperation and collaboration between various authorities with the background in media and audiovisual sector, data protection, competition, consumer protection, academia

Future challenges – Bosnia and Herzegovina

CRA advocates for the implementation of the Digital Service Act (DSA) entirely through a mechanism based on cooperation with the mentioned stakeholders.

It is of crucial importance that the Western Balkan countries implement DSA's key principles and mechanisms in order to ensure that its benefits in terms of a safer online environment and a better protection of users are felt in the Region as well as adopted to a local context.

Implementation of DSA would promote integration of Western Balkan countries into the EU single market.

Thank you!

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