



9th MEETING
BUCHAREST, 4-5th OCTOBER 2018

MONITORING INTERNET MEDIA IN THE DIGITAL AGE



RADU HERJEU
MEMBER OF THE COUNCIL

- ❑ The sector of communication has been influenced by the transition from the *atom* to *bit* and from the *standardisation* to *networks*, starting by the informational *boom* from the second half of the nineties
- ❑ Different from other transitions, this one has been possible thanks to the technological tools that provides advanced systems such as the **World Wide Web (WWW)**, considered a metaphor and metonymy of the Internet



□ As tool and channel, *Internet* proposes the reformulation of the communication concept. The linear and bidirectional configuration of interpersonal and mass communication becomes another omnidirectional type, based on a new conception of information as network information



❑ Online journalism has three defining characteristics – ***hypertextuality***, ***interactivity*** and **multimediality**. These make it quite different not only from print, but also from radio and television



□ To establish the regulatory framework in the digital area means to evaluate the main themes – *the protection of minors, the protection of human dignity, the right to own image, the cultural responsibilities and the commercial communications – through the effect of hipertextuality, multimedialty and interactivity over the public's behaviour*



- ❑ First *Internet Protocol Television* - IPTV (meaning that data is streamed through an IP Address) retransmission license was granted by the National Audiovisual Council in 2009

- ❑ According to the Audiovisual Law n° 504/2002, the Council has the power to issue *decisions, instructions and recommendations* in order to fulfill its function

- ❑ In 2012 the NAC issued Decision n° 320 which regards the regulatory framework of the video-on-demand services, based on the structure of the secondary legislation in the audiovisual area

- ❑ The Decision n° 320/2012 was issued to establish the conditions for providing on demand audiovisual media services through electronic communications networks and applies to providers under Romanian jurisdiction, as stipulated in the Audiovisual Law

- ❑ The on demand audiovisual media services, as defined in Art. 1 par (1) p. 3 of the Audiovisual Law, may be composed of “video on demand” services and/or “video reviewing” services

❑ The Decision n° 320/2012 does not apply to:

- web services that do not compete with the on demand audiovisual media services, the audiovisual content on the site being only incidental and accessory for the service main object, as web sites that contain only auxiliary animated graphic elements, video clips, fragments of audiovisual programs, when these are present only incidental and exclusively for illustration, short advertising spots or information on a product or service that is not audiovisual
- web sites that provide audiovisual content generated by private users, with the aim to place content for common use and exchange within a community of interests, such as You Tube, Google, Vimeo

- any form of private correspondence
- gambling online, including lotteries, bets and other form of services in the field of gambling, excepting games and competitions broadcast, according to the law, within an audiovisual media service
- electronic versions of newspapers and magazines search engines on Internet

- ❑ The NAC Decision 320/2012 sets out the obligation for on-demand service providers on regard of European works as well (Article 26):
 - *On-demand service providers will ensure within the catalogue of programmes a percentage of minimum 20% reserved for European audiovisual works, except for the time allotted to news, sports events, games, advertising, as well as teletext and teleshopping services*

- ❑ The calculation formula is $(\Sigma UE / \Sigma) \times 100$, where the symbols have the following signification:
 - ΣUE - Sum of duration of presence within the catalogue of the European audiovisual works (expressed in hours), recorded in the reporting year;
 - Σ - Sum of duration of presence within the catalogue of the audiovisual works, European and non European (expressed in hours), recorded in the reporting year

- ❑ Specific promotion tools imposed by the NAC to the on-demand service providers include: *indicating the country of origin in the catalogue* and the *inclusion of European works on the homepage* (Decision 320/2012, Art. 26(2) and 26(3))

- ❑ Under the Romanian Audiovisual Law, Art. 1¹, European works means the following:
 - works produced in the Member States of the European Union
 - works produced in European third States party to the European Convention on Transfrontier Television of the Council of Europe and fulfilling the conditions of point (3)
 - works co-produced within the framework of agreements related to the audiovisual sector, concluded between the European Community and third countries that fulfil the conditions defined in each of those agreements

□ Until now NAC granted:

- 15 Video-on-demand Services provision notes
- 11 notices of retransmission as following: 5 on IPTV, 1 OTT and 5 DTH





Thank you!

