



To Mrs Viviane Reding
European Commissioner Information Society & Media
European Commission
B-1049 Brussels

Dear Mrs Reding,

We would like to thank you for the opportunity that was given to the Teleshopping industry to be represented and to actively participate in the exchanges that took place in the Liverpool Conference, which are now nurturing the final preparation of the **new Television without frontiers directive**.

The 2004 position papers and responses to the Liverpool Conference issue papers that ERA EUROPE has presented to the Directorate General for Information Society and Media have been drafted after a rigorous and open discussion with all members of the association and unanimously approved by the association Board and Government Affairs Committee. Different types and sizes of European Teleshopping companies are represented in the association and on the Board (QVC UK and Germany, HSS/M6 France, many of the 42 smaller shopping channels now active in the UK, Teleshopping companies from central and eastern member states, Greece, Spain, The Netherlands and other European countries. These companies give to the European audiovisual sector a yearly contribution that is now very visible commercially and from an economic point of view.

The industry representatives within ERA EUROPE had the mandate of expressing in the name of the 78 European Teleshopping companies, all members of our trade association, a comprehensive and balanced set of recommendations aimed at modernizing the regulatory framework applicable to companies belonging to this specific segment of the audiovisual industry chain - Teleshopping.

This industry objective has been achieved and you now have in your hands a responsible and balanced position for a consumer as well as business friendly modernized Teleshopping regulatory framework that respects the interests of consumers and will foster the industry development. We are undisputedly committed to help the European Commission concretising its growth and development goals as outlined in i2010. We believe that with regard to Teleshopping the regulatory framework described in our paper is indispensable.

We were encouraged by your final comments in Liverpool confirming the statements and orientations that go along the lines of the work completed by DG Information Society and Media over the last months. We are confident that our main recommendations, listed below, and shared by other relevant stakeholders, will prevail in the future Directive.

- a) ERA EUROPE is supportive of the assimilation of Teleshopping into other forms of Commercial Communication;
- b) However, it is essential to ERA EUROPE member's businesses that the Directive continues to explicitly allow for channels exclusively devoted to Teleshopping;
- c) ERA EUROPE has extensively explained in previous position papers the benefits of releasing daily limits on Teleshopping windows, especially to open extended possibilities of diversified revenues to small or thematic channels, hence maximising the revenue generation potential for different players in the audiovisual sector;
- d) Consequently, current provisions in articles 18a should be substantially amended in the new directive, to extend the daily limits of Commercial Communication/ Teleshopping windows. We suggest that our first proposal of moving the limit from 3 hours to 6, be adopted for an initial 3 year period after the revision, and that this limit be re-evaluated after this period, to be confirmed or expanded on the basis of suitable and objective criteria;
- e) ERA EUROPE supports the position that there should be no daily limits on non-linear Commercial audiovisual content services, these services been activated on-demand by the user / viewer;
- f) ERA EUROPE believes the future directive should have a clearly established "single market" orientation, with provisions that would satisfy the core regulatory objectives and expectations of member states, while giving the economy a solid "public and business friendly" framework:

Consequently:

- g) ERA EUROPE calls for a statement encouraging member states to eliminate unnecessary variations, when the national cultural or public behavioural context does not justify it, in the application of rules related to the definition of products or services accessible in Teleshopping programmes.
- h) ERA EUROPE recommends the preamble and core text of the Directive, to include a clear statement to protect from discriminatory measures of all sorts (legal, financial or regulatory) channels fully devoted to "audiovisual commercial communication" , (Teleshopping Channels being one type of such channels), and within Audiovisual Content, Audiovisual Commercial Communication.
- i) On human dignity and protection of minors, and on Public Health Considerations (Tobacco, Alcohol, medicines) ERA EUROPE supports the proposal of subjecting "Audiovisual Commercial Communication" as a single concept, inclusive of all sub-categories (I.e Teleshopping or T-Commerce) to the same set of "qualitative rules", whether in linear or non-linear modes of delivery.
- a) ERA EUROPE strongly encourages the emergence of a **cooperative regulation model**, composed of two core elements:
 - i. "Self administered Codes of Conduct" developed by the industry representative organizations, with the objective of being recognized as such by public authorities.
 - ii. Intervention capability left in national regulating body hands with due appeal and redress processes in place.

Finally, we wish to reiterate our commitment as an industry to the growth, development and realisation of the potential of the European audiovisual economy. ERA EUROPE hopes that our input is valuable to the Commission and remains at your disposal for any further information you may require.

Yours sincerely

A handwritten signature in black ink, appearing to be 'MA', with a long horizontal stroke extending to the right.

Marcel Avargues
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