

Media Content Distribution (MCD); MCD framework; Part 3: Regulatory issues, social needs and policy matters

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Foreword

This Technical Report (TR) has been produced by ETSI Technical Committee Media Content Distribution (MCD).

This is a multi-part deliverable identifiable by the same main number and a common part of the title. This set of partial deliverables (parts and sub-parts handled and published independently but treated in a coordinated form) builds a whole deliverable handling the subject identified by the common part of the title.

The common part of the title is Media Content Distribution framework.

Each part and sub-part of the present set of deliverables covers a specific subject specified in the corresponding scope and referred to in the specific part of the title. To each part and sub-part of the whole deliverable, a specific number attached to the common main number of the deliverable will also be assigned.

The present document, the only one providing an overview of regulatory issues, social needs and policy matters, is part 3 of the multi-part deliverable covering the Media Content Distribution framework, as identified in part 1 [i.28] of this multi-part deliverable.

For a rational maintenance and easy usage of the complete set of the documents, only part 1 of the set of the documents, will maintain an updated list of the documents in the series, all the other documents should refer to part 1 [i.28], working therefore as the central point of the series.

Introduction

In the context of MCD work, as explained in part 1 [i.28] of this series of documents, the collection of regulatory issues were early identified as a major step to proceed to the necessary analysis in this sector.

Regulatory issues, social needs and policy matters build a nucleus of central information for the majority of the market players to be aware of their environment and prevent to deploy services or to build equipment, which might be not appropriate to be offered on the market. It is therefore important to collect and list most relevant applicable regulatory ruling and sectoral policies and associate them whenever possible with the social needs associated to them.

This material is expected to be a central tool for the identification of MCD requirements and the specification of a roadmap for the standardization work to be developed.

1 Scope

The present document belongs to a multi-part deliverable proceeding to the widest possible coordinated study on the Media Content Distribution (MCD) matters with the primarily goal of identifying standardization needs not covered or not correctly covered at the present stage of development. This set of documents will cover at least the activities and areas better specified in part 1 of this set of documents.

The present document is part 3 of the multi-part deliverable and studies regulatory issues, social needs and policy matters falling within the wide scope of this set of documents.

The study to be undertaken will focus on Europe as much as possible but it will mention most relevant national applications or other important national measures, trying to understand the reasoning for them. Very important exceptions should be identified. At least in the first edition of the document an exhaustive listing of national specific and sometimes contradictory (among different countries) requirements is excluded.

The issues identified are not handled at the very last detail and the purpose of the document is rather to raise the awareness from the industry for the existing regulation and policy and from the regulating authorities for the industry views and difficulties to apply relevant policy and regulatory documents.

2 References

References are either specific (identified by date of publication and/or edition number or version number) or non-specific.

- For a specific reference, subsequent revisions do not apply.
- Non-specific reference may be made only to a complete document or a part thereof and only in the following cases:
 - if it is accepted that it will be possible to use all future changes of the referenced document for the purposes of the referring document;
 - for informative references.

Referenced documents which are not found to be publicly available in the expected location might be found at <http://docbox.etsi.org/Reference>.

NOTE: While any hyperlinks included in this clause were valid at the time of publication ETSI cannot guarantee their long term validity.

2.1 Normative references

The following referenced documents are indispensable for the application of the present document. For dated references, only the edition cited applies. For non-specific references, the latest edition of the referenced document (including any amendments) applies.

Not applicable.

2.2 Informative references

The following referenced documents are not essential to the use of the present document but they assist the user with regard to a particular subject area. For non-specific references, the latest version of the referenced document (including any amendments) applies.

- [i.1] Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (R&TTE Directive).
- [i.2] Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive).
- [i.3] Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive).
- [i.4] Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive, (FwD)).
- [i.5] Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive, (USD)).
- [i.6] Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications).
- [i.7] Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services.
- [i.8] Directive 2004/108/EC of the European Parliament and of the Council of 15 December 2004 on the approximation of the laws of the Member States relating to electromagnetic compatibility and repealing Directive 89/336/EEC (EMC Directive).
- [i.9] Council Directive 89/336/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to electromagnetic compatibility (EMC Directive).

NOTE: Updated by [i.8].

- [i.10] Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision).
- [i.11] Regulation (EC) No 2887/2000 of the European Parliament and of the Council of 18 December 2000 on unbundled access to the local loop (ULL Regulation).
- [i.12] Directive 2006/95/EC of the European Parliament and of the Council of 12 December 2006 on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits (Low Voltage Directive (LVD)).
- [i.13] Council Directive 73/23/EEC of 19 February 1973 on the harmonization of the laws of Member States relating to electrical equipment designed for use within certain voltage limits (Low Voltage Directive (LVD)).

NOTE: Updated by [i.12].

- [i.14] European Convention on Transfrontier Television, Strasbourg, 5.V.1989; Text amended according to the provisions of the Protocol (ETS No. 171) which entered into force, on 1 March 2002.

NOTE: The above convention is in an advanced phase of revision for alignment with AVMSD [i.15].

- [i.15] Directive 89/552/EEC of 3 October 1989 of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive).
- NOTE: The above AVMSD [i.15] is the result of the Directive 89/552 [i.15] amended by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 [i.17] and Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 [i.16].
- [i.16] Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities.
- NOTE: Amending Directive resulting in the AVMSD [i.15].
- [i.17] Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities.
- NOTE: Updated by [i.16].
- [i.18] Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws.
- [i.19] COMMISSION REGULATION (EC) No 107/2009 of 4 February 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for simple set-top boxes.
- [i.20] ETSI SR 002 211 (V1.1.1): "List of standards and/or specifications for electronic communications networks, services and associated facilities and services; in accordance with Article 17 of Directive 2002/21/EC".
- [i.21] ETSI SR 002 211 (V2.1.2): "Electronic communications networks and services; Candidate list of standards and/or specifications in accordance with Article 17 of Directive 2002/21/EC".
- [i.22] ETSI SR 002 586: "Electronic communications networks and services; Consequence on the NGN standardization activity from the EU ECN&S regulatory view point".
- [i.23] ETSI TR 102 299: "Emergency Communications; Collection of European Regulatory Texts and orientations".
- [i.24] ETSI EG 201 399: "Electromagnetic compatibility and Radio spectrum Matters (ERM); A guide to the production of candidate Harmonized Standards for application under the R&TTE Directive".
- [i.25] ETSI EG 201 450: "Guidance on the identification of Harmonized Standards and/or other technical specifications for Radio equipment and Telecommunications Terminal Equipment (R&TTE) covering requirements under article 3.1 of Directive 1999/5/EC".
- [i.26] ETSI EG 201 730-1 (V2.1.3): "Terminals' access to Public Telecommunications Networks; Application of the Directive 1999/5/EC (R&TTE), article 4.2; Guidelines for the publication of interface specifications; Part 1: General and common aspects".
- [i.27] ETSI TS 105 174: "Access and Terminals (AT); Relationship between installations, cabling and communications systems; Standardization work published and in development".
- [i.28] ETSI TR 102 688-1: "Media Content Distribution (MCD); MCD framework; Part 1: Overview of interest areas".
- [i.29] Council Decision 2006/515/EC of 18 May 2006 on the conclusion of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.
- [i.30] ETSI EN 300 468: "Digital Video Broadcasting (DVB); Specification for Service Information (SI) in DVB systems".

- [i.31] ETSI EN 300 743: "Digital Video Broadcasting (DVB); Subtitling systems".
- [i.32] ETSI EN 300 472: "Digital Video Broadcasting (DVB); Specification for conveying ITU-R System B Teletext in DVB bitstreams".
- [i.33] ETSI EN 300 706: "Enhanced Teletext specification".
- [i.34] ETSI TR 102 282: "Standardization Work Programme in support of digital interactive television and the effective implementation of article 18 of Directive 2002/21/EC".
- [i.35] ETSI TS 102 182: "Emergency Communications (EMTEL); Requirements for communications from authorities/organizations to individuals, groups or the general public during emergencies".
- [i.36] ETSI TR 102 444: " Emergency Communications (EMTEL); Analysis of the Short Message Service (SMS) and Cell Broadcast Service (CBS) for Emergency Messaging applications; Emergency Messaging; SMS and CBS".
- [i.37] ITU-T Recommendation Y.1901: "Requirements for the support of IPTV services".
- [i.38] ETSI EN 300 707: "Electronic Programme Guide (EPG); Protocol for a TV Guide using electronic data transmission".
- [i.39] ETSI TR 101 288: "Television systems; Code of practice for an Electronic Programme Guide (EPG)".
- [i.40] ISO/IEC Guide 71: "Guidelines for standards developers to address the needs of older persons and persons with disabilities".
- [i.41] ETSI EN 300 708: "Television systems; Data transmission within Teletext".
- [i.42] ETSI TR 100 287: "Television systems; Code of practice for enhanced Teletext".
- [i.43] EBU TECH.3264-E: "Specification of the EBU Subtitling data exchange format".
- [i.44] ETSI TS 102 825 (all parts): "Digital Video Broadcasting (DVB); Content Protection and Copy Management (DVB-CPCM)".
- [i.45] United Nations Convention on the Rights of Persons with Disabilities .
- [i.46] ITU-T Recommendation E.106: "International Emergency Preference Scheme for disaster relief operations (IEPS)".
- [i.47] ITU-T Recommendation H.460.21: "Message Broadcast for H.323 Systems".
- [i.48] ITU-T Recommendation J.260: "Requirements for Emergency/Disaster Communications over IPCablecom Networks".
- [i.49] ITU-T Recommendation J.261: "Framework for implementing preferential telecommunications in IPCablecom and IPCablecom2 networks".
- [i.50] ITU-T Recommendation J.262: "Specifications for authentication in preferential telecommunications over IPCablecom2 networks".
- [i.51] ITU-T Recommendation J.263: "Specification for priority in preferential telecommunications over IPCablecom2 networks".
- [i.52] Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services.

[i.53] Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws.

NOTE 1: References [i.1], [i.8], [i.9], [i.10], [i.11], [i.12], [i.13], [i.22] and [i.23] might be considered out of scope of MCD as content distribution is increasingly independent from the underlying infrastructures. Nevertheless, to support the explanations of the document and facilitate the overall regulatory frame conditions of the converging telecom and broadcasting markets the references are kept.

NOTE 2: All EU legislation is available at: <http://eur-lex.europa.eu/en/index.htm>.

3 Definitions and abbreviations

3.1 Definitions

For the purposes of the present document, the following terms and definitions apply:

audiovisual commercial communication: images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity

NOTE 1: Such images accompany or are included in a programme in return for payment or for similar consideration or for self-promotional purposes. Forms of audiovisual commercial communication include, inter alia, television advertising, sponsorship, teleshopping and product placement.

NOTE 2: This is based on AVMSD [i.15], Article 1 §2 (h).

AudioVisual Media Service (AVMS):

- a service as defined by Articles 49 and 50 of the Treaty which is under the editorial responsibility of a media service provider and the principal purpose of which is the provision of programmes in order to inform, entertain or educate, to the general public by electronic communications networks; and/or

NOTE 1: Within the meaning of Article 2(a) of Directive 2002/21/EC [i.4]. Such an audiovisual media service is either a television broadcast as defined in point (e) of this Article or an on-demand audiovisual media service as defined in point (g) of this Article.

- audiovisual commercial communication

NOTE 2: This is based on AVMSD [i.15], Article 1 §2 (a).

captions: provide a real-time on-screen transcript of the dialogue as well as any sound effects

NOTE 1: This service can be provided by means of either textual or graphical supplementary content. The captions and the dialogue are usually in the same language. The service is primarily to assist users having difficulty hearing the sound. Ideally, users may have some control over the position and size of the presentation. Different speakers are distinguished, usually by different colours.

NOTE 2: This is based on ITU-T Recommendation Y.1901 [i.37], section 3.2.4.

Content Provider (CP): generic designation for all those making available any kind of content where they have editorial responsibility or represent those with editorial responsibility

NOTE: In the context of AVMSD [i.15] the designation Content Provider (CP) is equivalent to Media Service Provider (MSP).

electronic communications network (ECN): transmission systems and where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including Internet) and mobile terrestrial networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed

NOTE: This is based on the FwD [i.4], Article 2, Definitions, (a) after amendment by the new Directive [i.52].

electronic communications service (ECS): service normally provided for remuneration which consists wholly or mainly in the conveyance of signals on electronic communications networks, **including telecommunications services and transmission services in networks used for broadcasting**, but exclude services providing, or exercising editorial control over, content transmitted using electronic communications networks and services; it does not include information society services, as defined in Article 1 of Directive 98/34/EC, which do not consist wholly or mainly in the conveyance of signals on electronic communications networks

NOTE: This is based on the FwD [i.4], Article 2, Definitions, (c).

Electronic Communications Service Provider (ECSP): those offering ECS; in the context of Media Content Distribution (MCD) means those that offer the contents available from Content Providers but do not have editorial interference on it

Media Service Provider (MSP): natural or legal person who has editorial responsibility for the choice of the audiovisual content of the audiovisual media service and determines the manner in which it is organised

NOTE: This is based on AVMSD [i.15], Article 1 §2 (d).

Network Termination Point (NTP): physical point at which a subscriber is provided with access to a public communications network; in the case of networks involving switching or routing, the NTP is identified by means of a specific network address, which may be linked to a subscriber number or name

NOTE 1: This is based on the new version of the FwD article 2 (da), after amendment by the new Directive [i.52].

NOTE 2: In the R&TTE Directive [i.1] a NTP is a physical connection point at which a user is provided with access to public telecommunications network.

television broadcasting or television broadcast: (i.e. a linear audiovisual media service) audiovisual media service provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule

NOTE: This is based on AVMSD [i.15], Article 1 §2 (e).

broadcaster: media service provider of television broadcasts

NOTE: This is based on AVMSD [i.15], Article 1 §2(f).

on-demand audiovisual media service: (i.e. a nonlinear audiovisual media service) audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider

NOTE: This is based on AVMSD [i.15], Article 1 §2 (g).

IPTV: multimedia services such as television/video/ audio/text/graphics/data delivered over IP-based networks managed to support the required level of QoS/QoE, security, interactivity and reliability

NOTE: This is based on ITU-T Recommendation Y.1901 [i.37].

retransmission: signifies the fact of receiving and simultaneously transmitting, irrespective of the technical means employed, complete and unchanged television programme services, or important parts of such services, transmitted by broadcasters for reception by the general public

NOTE: This is based on the European Convention on Transfrontier Television [i.14], Article 2 (b).