

Flash report: meeting with ARD 21/10/2013 - TTIP/ AV/ electronic communications/ policy space/ ISDS

Participants: R. Schlegelmilch, M. Dueerkop, F. Gehl, J. Schmitz, A. Garcia Bermudez

- RS received a representation of the DE public broadcaster ARD, led by the [**ART. 4.1b**], Mr [**ART. 4.1b**];
- Objective of the visit was to contrast ARD's views that the exclusion of the AV sector in TTIP may not guarantee the EU's future policy space, in view of (i) convergence between the telecom and AV industries; (ii) convergence between content and transmission aspects (example: Smart TV);
- ARD wondered about the definition of AV to be included in the agreement, in the light of potential evolution of EU legislation (CNECT's Green Paper on convergence). Will it be a dynamic definition? Shall e.g. content aggregators (youtube) be carved-out if they are captured by the future Directive?;
- ARD also asked about implications of EU commitments on electronic communications → FG explained that the EU limits its commitment to the transmission aspect; content of all kinds (not only AV) is not covered. CPC classification is irrelevant in this regard.
- Other questions raised:
 - Shall the EU keep open its ability to develop the concept of must-carry?
 - What are the ISDS implications of a non-defined AV sector?
 - Should the EU and US agree on regulatory principles and objectives in those sectors? [**NOT RELEASABLE**].

Andres