



2016/0151(COD)

2.12.2016

AMENDMENTS

20 - 198

Draft opinion

Herbert Dorfmann

Coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities

Proposal for a directive

(COM(2016)0287 – C8-0193/2016 – 2016/0151(COD))

Amendment 20

Piernicola Pedicini, Eleonora Evi, Marco Affronte, Isabella Adinolfi

Proposal for a directive

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 53(1) **and 62** thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 53(1), **62 and 168 (1) and (5)** thereof,

Or. en

Amendment 21

Mihai Țurcanu, Cristian-Silviu Bușoi

Proposal for a directive

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 53(1) **and 62** thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 53(1), **62 and 168** thereof,

Or. ro

Amendment 22

Daciana Octavia Sârbu, Karin Kadenbach, Glenis Willmott, Emilian Pavel, Nessa Childers, Jytte Guteland, Christel Schaldemose

Proposal for a directive

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 53(1) **and 62** thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 53(1), **62, and 168** thereof,

Amendment 23
Lynn Boylan

Proposal for a directive
Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 53(1) **and 62** thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 53(1), **62 and 168** thereof,

Or. en

Amendment 24
Notis Marias

Proposal for a directive
Citation 1 a (new)

Text proposed by the Commission

Amendment

- having regard to the Protocol (No. 1) of the Treaty on the Functioning of the European Union on the role of national Parliaments in the European Union,

Or. el

Amendment 25
Notis Marias

Proposal for a directive
Citation 1 b (new)

Text proposed by the Commission

Amendment

having regard to the Protocol (No 2) of the Treaty on the Functioning of the European Union on the application of the

Amendment 26
Notis Marias

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) The last substantive amendment to Directive 89/552/EEC of the Council²⁷, later codified by Directive 2010/13/EU of the European Parliament and of the Council²⁸, was made in 2007 with the adoption of Directive 2007/65/EC of the European Parliament and of the Council²⁹. Since then, the market of audiovisual media services has evolved significantly and rapidly. Technical developments allow for new types of services and user experiences. The viewing habits, particularly of younger generations, have changed significantly. While the main TV screen remains an important device to share audiovisual experiences, many viewers have moved to other, portable devices to watch audiovisual content. Traditional TV content accounts still for a major share of the average daily viewing time. However, new types of content, such as short videos or user-generated content, gain increasing importance and new players, including providers of video-on-demand services and video-sharing platforms, are now well-established.

²⁷Directive 89/552/EEC of the European Parliament and of the Council of 3 October 1989 on the coordination of certain

Amendment

(1) The last substantive amendment to Directive 89/552/EEC of the Council²⁷, later codified by Directive 2010/13/EU of the European Parliament and of the Council²⁸, was made in 2007 with the adoption of Directive 2007/65/EC of the European Parliament and of the Council²⁹. The audiovisual media landscape is changing at a rapid pace ***owing to the increased convergence between television and services distributed via the internet.*** Technical developments allow for new types of services and user experiences. The viewing habits, particularly of younger generations, have changed significantly. While the main TV screen remains an important device to share audiovisual experiences, many viewers have moved to other, portable devices to watch audiovisual content. Traditional TV content accounts still for a major share of the average daily viewing time. However, new types of content, such as short videos or user-generated content, gain increasing importance and new players, including providers of video-on-demand services and video-sharing platforms, are now well-established.

²⁷Directive 89/552/EEC of the European Parliament and of the Council of 3 October 1989 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) (OJ L 298, 17.10.1989, p. 23).

²⁸Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 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) (OJ L 95, 15.4.2010, p. 1).

²⁹ 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 (OJ L 332, 18.12.2007, p. 27).

provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 298, 17.10.1989, p. 23).

²⁸Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 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) (OJ L 95, 15.4.2010, p. 1).

²⁹ 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 (OJ L 332, 18.12.2007, p. 27).

Or. el

Amendment 27

Marc Joulaud

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) The last substantive amendment to Directive 89/552/EEC of the Council²⁷, later codified by Directive 2010/13/EU of the European Parliament and of the Council²⁸, was made in 2007 with the adoption of Directive 2007/65/EC of the European Parliament and of the Council²⁹. Since then, the market of audiovisual media services has evolved significantly and rapidly. Technical developments allow

Amendment

(1) The last substantive amendment to Directive 89/552/EEC of the Council²⁷, later codified by Directive 2010/13/EU of the European Parliament and of the Council²⁸, was made in 2007 with the adoption of Directive 2007/65/EC of the European Parliament and of the Council²⁹. Since then, the market of audiovisual media services has evolved significantly and rapidly. Technical developments allow

for new types of services and user experiences. The viewing habits, particularly of younger generations, have changed significantly. While the main TV screen remains an important device to share audiovisual experiences, many viewers have moved to other, portable devices to watch audiovisual content. Traditional TV content accounts still for a major share of the average daily viewing time. However, new types of content, such as short videos or user-generated content, gain increasing importance and new players, including providers of video-on-demand services and video-sharing platforms, are now well-established.

²⁷ Directive 89/552/EEC of the European Parliament and of the Council of 3 October 1989 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) (OJ L 298, 17.10.1989, p. 23).

²⁸ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 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) (OJ L 95, 15.4.2010, p. 1).

²⁹ 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 (OJ L 332, 18.12.2007, p. 27).

for new types of services and user experiences. The viewing habits, particularly of younger generations, have changed significantly. While the main TV screen remains an important device to share audiovisual experiences, many viewers have moved to other, portable devices to watch audiovisual content. Traditional TV content accounts still for a major share of the average daily viewing time. However, new types of content, such as short videos or user-generated content, gain increasing importance and new players, including providers of video-on-demand services, *social networks* and video-sharing platforms, are now well-established.

²⁷ Directive 89/552/EEC of the European Parliament and of the Council of 3 October 1989 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) (OJ L 298, 17.10.1989, p. 23).

²⁸ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 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) (OJ L 95, 15.4.2010, p. 1).

²⁹ 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 (OJ L 332, 18.12.2007, p. 27).

Amendment 28
Marc Joulaud

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Directive 2010/13/EU should remain applicable only to those services the principal purpose of which is the provision of programmes in order to inform, entertain or educate. The principal purpose requirement should be also considered to be met if the service has audiovisual content and form which is dissociable from the main activity of the service provider, such as stand-alone parts of online newspapers featuring audiovisual programmes or user-generated videos where those parts can be considered dissociable from their main activity. ***Social media services are not included, except if they provide a service that falls under the definition of a video-sharing platform.*** A service should be considered to be merely an indissociable complement to the main activity as a result of the links between the audiovisual offer and the main activity. As such, channels or any other audiovisual services under the editorial responsibility of a provider may constitute audiovisual media services in themselves, even if they are offered in the framework of a video-sharing platform which is characterised by the absence of editorial responsibility. In such cases, it will be up to the providers with editorial responsibility to abide by the provisions of this Directive.

Amendment

(3) Directive 2010/13/EU should remain applicable only to those services the principal purpose of which is the provision of programmes in order to inform, entertain or educate. The principal purpose requirement should be also considered to be met if the service has audiovisual content and form which is dissociable from the main activity of the service provider, such as stand-alone parts of online newspapers featuring audiovisual programmes or user-generated videos where those parts can be considered dissociable from their main activity. ***In so far as social networks constitute a major source of information for consumers and depend increasingly on audiovisual content generated or made available by their users, such networks should be included in the scope of this directive when they fall within the definition of a video-sharing platform.*** A service should be considered to be merely an indissociable complement to the main activity as a result of the links between the audiovisual offer and the main activity. As such, channels or any other audiovisual services under the editorial responsibility of a provider may constitute audiovisual media services in themselves, even if they are offered in the framework of a video-sharing platform which is characterised by the absence of editorial responsibility. In such cases, it will be up to the providers with editorial responsibility to abide by the provisions of this Directive.

Amendment 29
Lynn Boylan

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) In its Communication to the European Parliament and to the Council on Better Regulation for Better Results – an EU Agenda³¹, the Commission stressed that when considering policy solutions, it will consider both regulatory and well-designed non-regulatory means, ***modelled on the Community of practice and the Principles for Better Self- and Co-regulation***³². ***A number of codes set up in the areas coordinated by the Directive have proved to be well designed, in line with the Principles for Better Self- and Co-regulation. The existence of a legislative backstop has been considered an important success factor in promoting compliance with a self- or co-regulatory code. It is equally important that the codes establish specific targets and objectives allowing for the regular, transparent and independent monitoring and evaluation of the objectives aimed by the codes. Graduated sanctions which maintain an element of proportionality are usually considered to be an effective approach in enforcing a scheme.*** These principles should be followed by the ***self- and*** co-regulatory codes adopted in the areas coordinated by this Directive.

³¹ COM(2015) 215 final

³² <https://ec.europa.eu/digital-single-market/communities/better-self-and-co-regulation>

Amendment

(7) In its Communication to the European Parliament and to the Council on Better Regulation for Better Results – an EU Agenda³¹, the Commission stressed that when considering policy solutions, it will consider both regulatory and well-designed non-regulatory means. These principles should be followed by the co-regulatory codes adopted in the areas coordinated by this Directive.

³¹ COM(2015) 215 final

Amendment 30.
Notis Marias

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) In its Communication to the European Parliament and to the Council on Better Regulation for Better Results – an EU Agenda³¹, the Commission stressed that when considering policy solutions, it will consider both regulatory and well-designed non-regulatory means, modelled on the Community of practice and the Principles for Better Self- and Co-regulation³². A number of codes set up in the areas coordinated by the Directive have proved to be well designed, in line with the Principles for Better Self- and Co-regulation. The existence of a legislative backstop has been considered an important success factor in promoting compliance with a self- or co-regulatory code. It is equally important that the codes establish specific targets and objectives allowing for the regular, transparent and independent monitoring and evaluation of the objectives aimed by the codes. Graduated sanctions which maintain an element of proportionality are usually considered to be an effective approach in enforcing a scheme. These principles should be followed by the self- and co-regulatory codes adopted in the areas coordinated by this Directive.

³¹ COM(2015) 215 final.

Amendment

(7) In its Communication to the European Parliament and to the Council on Better Regulation for Better Results – an EU Agenda³¹, the Commission stressed that when considering policy solutions, it will consider both regulatory and well-designed non-regulatory means, modelled on the Community of practice and the Principles for Better Self- and Co-regulation³². A number of codes set up in the areas coordinated by the Directive have proved to be well designed, in line with the Principles for Better Self- and Co-regulation, ***which may constitute a useful ancillary or complementary means for legislative action***. The existence of a legislative backstop has been considered an important success factor in promoting compliance with a self- or co-regulatory code. It is equally important that the codes establish specific targets and objectives allowing for the regular, transparent and independent monitoring and evaluation of the objectives aimed by the codes. Graduated sanctions which maintain an element of proportionality are usually considered to be an effective approach in enforcing a scheme. These principles should be followed by the self- and co-regulatory codes adopted in the areas coordinated by this Directive.

³¹ COM(2015) 215 final.

³² <https://ec.europa.eu/digital-single-market/communities/better-self-and-co-regulation>

³² <https://ec.europa.eu/digital-single-market/communities/better-self-and-co-regulation>

Or. el

Amendment 31 **Notis Marias**

Proposal for a directive **Recital 8**

Text proposed by the Commission

(8) In order to ensure coherence and give certainty to businesses and Member States' authorities, the notion of "incitement to hatred" should, to the appropriate extent, be aligned to the definition in the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law which defines hate speech as "publicly inciting to violence or hatred". This should include aligning the grounds on which incitement to violence or hatred is based.

Amendment

(8) In order to ensure coherence and give certainty to businesses and Member States' authorities, the notion of "incitement to hatred" should, to the appropriate extent, be aligned to the definition in the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law which defines hate speech as "publicly inciting to violence or hatred" ***thereby incurring penalties***. This should include aligning the grounds on which incitement to violence or hatred is based.

Or. el

Amendment 32 **Lynn Boylan**

Proposal for a directive **Recital 9**

Text proposed by the Commission

(9) In order to empower viewers, including parents and minors, in making informed decisions about the content to be watched, it is necessary that audiovisual

Amendment

(9) In order to empower viewers, including parents and ***vulnerable groups such as*** minors, in making informed decisions about the content to be watched,

media service providers provide sufficient information about content that may impair **minors**' physical, mental or moral development. This could be done, for instance, through a system of content descriptors indicating the nature of the content. Content descriptors could be delivered through written, graphical or acoustic means.

it is necessary that audiovisual media service providers provide sufficient information about content that may impair physical, mental or moral development **of vulnerable groups such as minors**. This could be done, for instance, through a system of content descriptors indicating the nature of the content. Content descriptors could be delivered through written, graphical or acoustic means.

Or. en

Amendment 33
Frédérique Ries, Jasenko Selimovic

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) In order to empower viewers, including parents and minors, in making informed decisions about the content to be watched, it is necessary that audiovisual media service providers provide sufficient information about content that may impair minors' physical, **mental or moral** development. This could be done, for instance, through a system of content descriptors indicating the nature of the content. Content descriptors could be delivered through written, graphical or acoustic means.

Amendment

(9) In order to empower viewers, including parents and minors, in making informed decisions about the content to be watched, it is necessary that audiovisual media service providers provide sufficient information about content that may impair minors' physical **or mental** development. This could be done, for instance, through a system of content descriptors indicating the nature of the content. Content descriptors could be delivered through written, graphical or acoustic means.

Or. en

Amendment 34
Frédérique Ries, Jasenko Selimovic

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The right of persons with an impairment and of the elderly to participate and be integrated in the social and cultural life is linked to the provision of accessible audiovisual media services. Therefore, Member States should take appropriate and proportionate measures to ensure that media service providers under their jurisdiction actively seek to make content accessible to those with visual or hearing impairment as soon as possible.

Or. en

Amendment 35

Piernicola Pedicini, Eleonora Evi, Marco Affronte, Isabella Adinolfi

Proposal for a directive

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) It is important that regulatory actions limit the possibility that a person affected by any kind of vulnerability (social, economic, psychological, health-related, etc.) is exposed to ideas or values that reinforce his or her perception of vulnerability. It is equally important to avoid persuasive actions that present the consumption of a product or service as a clear, straightforward remedy for that vulnerability.

Or. en

Amendment 36

Jadwiga Wiśniewska

Proposal for a directive

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Existing provisions on improving access to media services for people with a visual or hearing disability should be strengthened to ensure progress and continuity in efforts of Member States and media providers.

Or. en

Amendment 37
Renate Sommer

Proposal for a directive
Recital 10

Text proposed by the Commission

Amendment

(10) Certain widely recognised nutritional guidelines exist at national and international level, such as the WHO Regional Office for Europe's nutrient profile model, in order to differentiate foods on the basis of their nutritional composition in the context of foods television advertising to children. Member States should be encouraged to ensure that self-and co-regulatory codes of conduct are used to effectively reduce the exposure of children and minors to audiovisual commercial communications regarding foods and beverages that are high in salt, sugars or fat or that otherwise do not fit these national or international nutritional guidelines.

deleted

Or. en

Amendment 38
Lynn Boylan

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Certain widely recognised nutritional guidelines exist at national and international level, such as the WHO Regional Office for Europe's nutrient profile model, in order to differentiate foods on the basis of their nutritional composition in the context of foods television advertising to children. Member States should be encouraged to ensure that **self-and** co-regulatory codes of conduct are used to effectively **reduce** the exposure of children and minors to audiovisual commercial communications regarding foods and beverages that are high in salt, sugars or fat or that otherwise do not fit these national or international nutritional guidelines.

Amendment

(10) Certain widely recognised nutritional guidelines exist at national and international level, such as the WHO Regional Office for Europe's nutrient profile model, in order to differentiate foods on the basis of their nutritional composition in the context of foods television advertising to **vulnerable groups such as** children. Member States should be encouraged to ensure that **regulation and** co-regulatory codes of conduct are used to effectively **prevent** the exposure of **vulnerable groups such as** children and minors to audiovisual commercial communications regarding foods and beverages that are high in salt, sugars or fat or that otherwise do not fit these national or international nutritional guidelines.

Or. en

Amendment 39

Elisabetta Gardini, Julie Girling, Françoise Grossetête

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Certain widely recognised nutritional guidelines exist at national and international level, **such as the WHO Regional Office for Europe's nutrient profile model**, in order to differentiate foods on the basis of their nutritional composition in the context of foods television advertising to children. Member States should be encouraged to ensure that self-and co-regulatory codes of conduct are used to effectively reduce the exposure of children **and minors** to audiovisual commercial communications regarding

Amendment

(10) Certain widely recognised nutritional guidelines exist at national and international level in order to differentiate foods on the basis of their nutritional composition in the context of foods television advertising to children. Member States should be encouraged to ensure that self-and co-regulatory codes of conduct, **such as the EU Pledge initiative and others developed in the framework of the Commission's Platform for Action on Diet, Physical Activity and Health**, are used to effectively reduce the exposure of

foods and beverages that are high in salt, sugars or fat or that otherwise do not fit these national or international nutritional guidelines.

children to audiovisual commercial communications regarding foods and beverages that are high in salt, sugars or fat or that otherwise do not fit these national or international nutritional guidelines.

Or. en

Amendment 40

Daciana Octavia Sârbu, Karin Kadenbach, Glenis Willmott, Emilian Pavel, Nessa Childers, Jytte Guteland, Christel Schaldemose

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Certain widely recognised nutritional guidelines exist at national and international level, such as the WHO Regional Office for Europe's nutrient profile model, in order to differentiate foods on the basis of their nutritional composition in the context of foods television advertising to children. Member States should *be encouraged to ensure that self-and co-regulatory codes of conduct are used to effectively reduce* the exposure of children and minors to audiovisual commercial communications regarding foods and beverages that are high in salt, sugars or fat *or that otherwise do not fit these national or international nutritional guidelines.*

Amendment

(10) Certain widely recognised nutritional guidelines exist at national and international level, such as the WHO Regional Office for Europe's nutrient profile model, in order to differentiate foods on the basis of their nutritional composition in the context of foods television advertising to children. Member States should *minimise* the exposure of children and minors to audiovisual commercial communications regarding foods and beverages that are high in salt, sugars or fat *according to the WHO Regional Office for Europe's nutrient profile model.*

Or. en

Amendment 41

Mihai Țurcanu, Cristian-Silviu Bușoi

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Certain widely recognised nutritional guidelines exist at national and international level, such as the WHO Regional Office for Europe's nutrient profile model, in order to differentiate foods on the basis of their nutritional composition in the context of foods television advertising to children. Member States should be encouraged to ensure that ***self-and co-regulatory*** codes of conduct ***are used to effectively reduce*** the exposure of children and minors to audiovisual commercial communications regarding foods and beverages that are high in salt, sugars or fat or that otherwise do not fit these national or international nutritional guidelines.

Amendment

(10) Certain widely recognised nutritional guidelines exist at national and international level, such as the WHO Regional Office for Europe's nutrient profile model, in order to differentiate foods on the basis of their nutritional composition in the context of foods television advertising to children. Member States should be encouraged to ensure that codes of conduct ***reduce to a minimum*** the exposure of children and minors to audiovisual commercial communications regarding foods and beverages that are high in salt, sugars or fat or that otherwise do not fit these national or international nutritional guidelines.

Or. ro

Amendment 42

Nicola Caputo, Doru-Claudian Frunzuliță

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Certain widely recognised nutritional guidelines exist at national and international level, such as the WHO Regional Office for Europe's nutrient profile model, in order to differentiate foods on the basis of their nutritional composition in the context of foods television advertising to children. Member States should ***be encouraged to*** ensure that self-and co-regulatory codes of conduct are used to effectively reduce the exposure of children and minors to audiovisual commercial communications regarding foods and beverages that are high in salt, sugars or fat or that otherwise do not fit

Amendment

(10) Certain widely recognised nutritional guidelines exist at national and international level, such as the WHO Regional Office for Europe's nutrient profile model, in order to differentiate foods on the basis of their nutritional composition in the context of foods television advertising to children. Member States should ensure that self-and co-regulatory codes of conduct are used to effectively reduce the exposure of children and minors to audiovisual commercial communications regarding foods and beverages that are high in salt, sugars or fat or that otherwise do not fit these national or international nutritional guidelines.

these national or international nutritional guidelines.

Or. it

Amendment 43

Nicola Caputo, Doru-Claudian Frunzulică

Proposal for a directive

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) In addition, Member States should ensure that self- and co-regulatory codes of conduct aim to effectively reduce the exposure of children and minors to audiovisual commercial communications relating to the promotion of gambling. Certain co-regulatory or self-regulatory systems exist at Union and national level in order to promote gambling responsibly, including in audiovisual commercial communications. Those systems should be further encouraged, in particular those aiming at ensuring that responsible gambling messages accompany audiovisual promotional communications for gambling.

Or. it

Amendment 44

Daciana Octavia Sârbu, Karin Kadenbach, Glenis Willmott, Emilian Pavel, Nessa Childers, Jytte Guteland, Christel Schaldemose

Proposal for a directive

Recital 11

Text proposed by the Commission

Amendment

(11) Similarly, Member States should *be encouraged to* ensure that *self-and co-regulatory* codes of conduct are used to

(11) Member States should ensure that codes of conduct are used to *ensure responsible* audiovisual commercial

effectively limit the exposure of children and minors to audiovisual commercial communications for alcoholic beverages. Certain co-regulatory or self-regulatory systems exist at Union and national level in order to market responsibly alcoholic beverages, including in audiovisual commercial communications. Those systems should be further encouraged, in particular those aiming at ensuring that responsible drinking messages accompany audiovisual commercial communications for alcoholic beverages.

communications for alcoholic beverages. *Exposure of children and minors to audiovisual commercial communications for alcoholic beverages should be minimised.*

Or. en

Amendment 45
Lynn Boylan

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) *Similarly*, Member States should be encouraged to ensure that *self-and* co-regulatory codes of conduct are used to effectively limit the exposure of *children and minors to audiovisual commercial communications for alcoholic beverages. Certain co-regulatory or self-regulatory systems exist at Union and national level in order to market responsibly alcoholic beverages, including in audiovisual commercial communications. Those systems should be further encouraged, in particular those aiming at ensuring that responsible drinking messages accompany* audiovisual commercial communications for alcoholic beverages.

Amendment

(11) Member States should be encouraged to ensure that *regulation and* co-regulatory codes of conduct are used to effectively *prevent and* limit the exposure of *vulnerable groups such as children and minors to* audiovisual commercial communications for alcoholic beverages.

Or. en

Amendment 46

Notis Marias

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Similarly, Member States should be encouraged to ensure that self-and co-regulatory codes of conduct are used to effectively limit the exposure of children and minors to audiovisual commercial communications for alcoholic beverages. Certain co-regulatory or self-regulatory systems exist at Union and national level in order to market responsibly alcoholic beverages, including in audiovisual commercial communications. Those systems should be further encouraged, in particular those aiming at ensuring that responsible drinking messages accompany audiovisual commercial communications for alcoholic beverages.

Amendment

(11) Similarly, Member States should be encouraged to ensure that self-and co-regulatory codes of conduct are used to effectively limit the exposure of children and minors to **unsuitable** audiovisual commercial communications for alcoholic beverages. Certain co-regulatory or self-regulatory systems exist at Union and national level in order to market responsibly alcoholic beverages, including in audiovisual commercial communications. Those systems should be further encouraged, in particular those aiming at ensuring that responsible drinking messages accompany audiovisual commercial communications for alcoholic beverages.

Or. el

Amendment 47

Mihai Țurcanu, Cristian-Silviu Bușoi

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Similarly, **Member States should be encouraged to ensure that self-and co-regulatory codes of conduct are used to effectively limit** the exposure of children and minors to audiovisual commercial communications for alcoholic beverages. Certain co-regulatory or self-regulatory systems exist at Union and national level in order to market responsibly alcoholic beverages, including in audiovisual commercial communications. Those

Amendment

(11) Similarly, **where a Member State opts for co-regulation, this should be used effectively to reduce** the exposure of children and minors to audiovisual commercial communications for alcoholic beverages. Certain co-regulatory or self-regulatory systems exist at Union and national level in order to market responsibly alcoholic beverages, including in audiovisual commercial communications. Those systems should be

systems should be further encouraged, in particular those aiming at ensuring that responsible drinking messages accompany audiovisual commercial communications for alcoholic beverages.

further encouraged, in particular those aiming at ensuring that responsible drinking messages accompany audiovisual commercial communications for alcoholic beverages.

Or. ro

Amendment 48

Nicola Caputo, Doru-Claudian Frunzuliță

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Similarly, Member States should *be encouraged to* ensure that self-and co-regulatory codes of conduct are used to effectively limit the exposure of children and minors to audiovisual commercial communications for alcoholic beverages. Certain co-regulatory or self-regulatory systems exist at Union and national level in order to market responsibly alcoholic beverages, including in audiovisual commercial communications. Those systems should be further encouraged, in particular those aiming at ensuring that responsible drinking messages accompany audiovisual commercial communications for alcoholic beverages.

Amendment

(11) Similarly, Member States should ensure that self-and co-regulatory codes of conduct are used to effectively limit the exposure of children and minors to audiovisual commercial communications for alcoholic beverages. Certain co-regulatory or self-regulatory systems exist at Union and national level in order to market responsibly alcoholic beverages, including in audiovisual commercial communications. Those systems should be further encouraged, in particular those aiming at ensuring that responsible drinking messages accompany audiovisual commercial communications for alcoholic beverages.

Or. it

Amendment 49

Lynn Boylan

Proposal for a directive

Recital 12

Text proposed by the Commission

Amendment

(12) In order to remove barriers to the free circulation of cross-border services within the Union, it is necessary to ensure the effectiveness of *self- and* co-regulatory measures aiming, in particular, at protecting consumers or public health. When well enforced and monitored, codes of conduct at Union level might be a good means of ensuring a more coherent and effective approach.

(12) In order to remove barriers to the free circulation of cross-border services within the Union, it is necessary to ensure the effectiveness of co-regulatory measures aiming, in particular, at protecting consumers or public health. When well enforced and monitored, codes of conduct at Union level might be a good means of ensuring a more coherent and effective approach.

Or. en

Amendment 50

Daciana Octavia Sârbu, Karin Kadenbach, Glenis Willmott, Emilian Pavel, Nessa Childers, Jytte Guteland, Christel Schaldemose

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) In order to remove barriers to the free circulation of cross-border services within the Union, it is necessary to ensure the effectiveness of *self- and* co-regulatory measures aiming, in particular, at protecting consumers or public health. When well enforced and monitored, codes of conduct at Union level might be a good means of ensuring a more coherent and effective approach.

Amendment

(12) In order to remove barriers to the free circulation of cross-border services within the Union, it is necessary to ensure the effectiveness of co-regulatory measures aiming, in particular, at protecting consumers or public health. When well enforced and monitored, codes of conduct at Union level might be a good means of ensuring a more coherent and effective approach.

Or. en

Amendment 51

Christel Schaldemose

Proposal for a directive

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Member States are called on to develop a framework for the periods constituting ‘prime time’, for use when applying the rules of this Directive, which relates to the protection of minors.

Or. da

Amendment 52

Marc Joulaud

Proposal for a directive

Recital 13

Text proposed by the Commission

Amendment

(13) The market for TV broadcasting has evolved and that there is a need for more flexibility with regard to audiovisual commercial communications, in particular for quantitative rules for linear audiovisual media services, product placement and sponsorship. The emergence of new services, including without advertising, has led to a greater choice for viewers, who can easily switch to alternative offers.

deleted

Or. fr

Amendment 53

Lynn Boylan

Proposal for a directive

Recital 13

Text proposed by the Commission

Amendment

(13) The market for TV broadcasting has evolved and that there is a need for more flexibility with regard to audiovisual commercial communications, in particular for quantitative rules for linear audiovisual media services, product

deleted

placement and sponsorship. The emergence of new services, including without advertising, has led to a greater choice for viewers, who can easily switch to alternative offers.

Or. en

Amendment 54
Christel Schaldemose

Proposal for a directive
Recital 13

Text proposed by the Commission

Amendment

(13) The market for TV broadcasting has evolved and that there is a need for more flexibility with regard to audiovisual commercial communications, in particular for quantitative rules for linear audiovisual media services, product placement and sponsorship. The emergence of new services, including without advertising, has led to a greater choice for viewers, who can easily switch to alternative offers.

deleted

Or. da

Amendment 55
Lynn Boylan

Proposal for a directive
Recital 14

Text proposed by the Commission

Amendment

(14) Sponsorship represents an important means of financing audiovisual media services or programmes while promoting a legal or physical person's name, trade mark, image, activities or products. As such, for sponsorship to

(14) The content of sponsored programmes should not be influenced in such a way as to affect the audiovisual media service provider's editorial independence.

constitute a valuable form of advertising technique for advertisers and audiovisual media service providers, sponsorship announcements can contain promotional references to the goods or services of the sponsor, while not directly encouraging the purchase of the goods and services. Sponsorship announcements should continue to clearly inform the viewers of the existence of a sponsorship agreement.

The content of sponsored programmes should not be influenced in such a way as to affect the audiovisual media service provider's editorial independence.

Or. en

Amendment 56
Lynn Boylan

Proposal for a directive
Recital 15

Text proposed by the Commission

Amendment

(15) The liberalisation of product placement has not brought about the expected take-up of this form of audiovisual commercial communication. In particular, the general prohibition of product placement with some exceptions has not created legal certainty for audiovisual media service providers. Product placement should thus be allowed in all audiovisual media services, subject to exceptions.

deleted

Or. en

Amendment 57
Christel Schaldemose

Proposal for a directive
Recital 15

Text proposed by the Commission

Amendment

(15) *The liberalisation of product placement has not brought about the expected take-up of this form of audiovisual commercial communication. In particular, the general prohibition of product placement with some exceptions has not created legal certainty for audiovisual media service providers. Product placement should thus be allowed in all audiovisual media services, subject to exceptions.*

(15) *Product placement should, in principle, be prohibited. Derogations are appropriate for some kinds of programme, however, on the basis of a positive list. A Member State should be able to opt out of these derogations, totally or partially, for example by permitting product placement only in programmes which have not been produced exclusively in that Member State.*

Or. da

Amendment 58

Notis Marias

Proposal for a directive

Recital 15

Text proposed by the Commission

Amendment

(15) The liberalisation of product placement has not brought about the expected take-up of this form of audiovisual commercial communication. In particular, the general prohibition of product placement with some exceptions has not created legal certainty for audiovisual media service providers. Product placement should thus be allowed in all audiovisual media services, subject to exceptions.

(15) The liberalisation of product placement has not brought about the expected take-up of this form of audiovisual commercial communication. In particular, the general prohibition of product placement with some exceptions has not created legal certainty for audiovisual media service providers. Product placement should thus be allowed in all audiovisual media services, subject to exceptions, *since it can generate resources for audiovisual media service providers.*

Or. el

Amendment 59

Lynn Boylan

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) Product placement should ***not be admissible in news and current affairs programmes, consumer affairs programmes, religious programmes and programmes with a significant children's audience. In particular,*** evidence shows that product placement and embedded advertisements can affect children's behaviour as children are often not able to recognise the commercial content. There is thus a need to continue to prohibit product placement in programmes ***with a significant children's audience. Consumer affairs programmes are programmes offering advice to viewers, or including reviews on the purchase of products and services.*** Allowing product placement in ***such*** programmes would blur the distinction between advertising and editorial content for viewers who may expect a genuine and honest review of products or services in such programmes.

Amendment

(16) Product placement should ***in general not be admissible.*** Evidence shows that product placement and embedded advertisements can affect children's behaviour as children are often not able to recognise the commercial content. There is thus a need to continue to prohibit product placement in programmes. Allowing product placement in programmes would blur the distinction between advertising and editorial content for viewers who may expect a genuine and honest review of products or services in such programmes.

Or. en

Amendment 60

Annie Schreijer-Pierik

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) Product placement should not be admissible in news and current affairs programmes, consumer affairs programmes, religious programmes ***and*** programmes with a significant children's audience. In particular, evidence shows that product placement and embedded advertisements can affect children's behaviour as children are often not able to

Amendment

(16) Product placement should not be admissible in news and current affairs programmes, consumer affairs programmes, religious programmes, ***educational programmes, sport programmes or other types of*** programmes with a significant children's audience. In particular, evidence shows that product placement and embedded advertisements

recognise the commercial content. There is thus a need to continue to prohibit product placement in programmes with a significant children's audience. Consumer affairs programmes are programmes offering advice to viewers, or including reviews on the purchase of products and services. Allowing product placement in such programmes would blur the distinction between advertising and editorial content for viewers who may expect a genuine and honest review of products or services in such programmes.

can affect children's behaviour as children are often not able to recognise the commercial content. There is thus a need to continue to prohibit product placement in programmes with a significant children's audience. Consumer affairs programmes are programmes offering advice to viewers, or including reviews on the purchase of products and services. Allowing product placement in such programmes would blur the distinction between advertising and editorial content for viewers who may expect a genuine and honest review of products or services in such programmes.

Or. nl

Amendment 61
Frédérique Ries, Jasenko Selimovic

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) Product placement should not be admissible in news and current affairs programmes, consumer affairs programmes, religious programmes and ***programmes with a significant children's audience***. In particular, evidence shows that product placement and embedded advertisements can affect children's behaviour as children are often not able to recognise the commercial content. There is thus a need to continue to prohibit product placement in programmes ***with a significant children's audience***. Consumer affairs programmes are programmes offering advice to viewers, or including reviews on the purchase of products and services. Allowing product placement in such programmes would blur the distinction between advertising and editorial content for viewers who may

Amendment

(16) Product placement should not be admissible in news and current affairs programmes, consumer affairs programmes, religious programmes and children's ***programmes***. In particular, evidence shows that product placement and embedded advertisements can affect children's behaviour as children are often not able to recognise the commercial content. There is thus a need to continue to prohibit product placement in ***children's programmes and family programmes, such as musical shows or sport events***. Consumer affairs programmes are programmes offering advice to viewers, or including reviews on the purchase of products and services. Allowing product placement in such programmes would blur the distinction between advertising and editorial content for viewers who may

expect a genuine and honest review of products or services in such programmes.

expect a genuine and honest review of products or services in such programmes.

Or. en

Justification

With regard to broadcast programs affected by advertising restrictions, it is essential to cover also family programs, viewed by both adults and children, which correspond to frequent television habits.

Amendment 62

Nicola Caputo, Doru-Claudian Frunzulică

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) Product placement should **not** be **admissible** in news and current affairs programmes, consumer affairs programmes, religious programmes and programmes with a significant children's audience. In particular, evidence shows that product placement and embedded advertisements can affect children's behaviour as children are often not able to recognise the commercial content. There is thus a need to continue to prohibit product placement in programmes with a significant children's audience. Consumer affairs programmes are programmes offering advice to viewers, or including reviews on the purchase of products and services. Allowing product placement in such programmes would blur the distinction between advertising and editorial content for viewers who may expect a genuine and honest review of products or services in such programmes.

Amendment

(16) Product placement should be **prohibited** in news and current affairs programmes, consumer affairs programmes, religious programmes and programmes with a significant children's audience. In particular, evidence shows that product placement and embedded advertisements can affect children's behaviour as children are often not able to recognise the commercial content. There is thus a need to continue to prohibit product placement in programmes with a significant children's audience. Consumer affairs programmes are programmes offering advice to viewers, or including reviews on the purchase of products and services. Allowing product placement in such programmes would blur the distinction between advertising and editorial content for viewers who may expect a genuine and honest review of products or services in such programmes.

Or. it

Amendment 63
Christel Schaldemose

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) ***The rule that a product should not be given undue prominence has proved difficult to apply in practice. It also restricts the take-up of product placement which, by definition, involves some level of prominent exposure to be able to generate value.*** The requirements for programmes containing product placement should ***thus*** focus on clearly informing the viewers of the existence of product placement and on ensuring that the audiovisual media service provider's editorial independence is not affected.

Amendment

(17) The requirements for programmes containing product placement should focus on clearly informing the viewers of the existence of product placement and on ensuring that the audiovisual media service provider's editorial independence is not affected.

Or. da

Amendment 64
Notis Marias

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) The rule that a product should not be given undue prominence has proved difficult to apply in practice. ***It also restricts the take-up of product placement which, by definition, involves some level of prominent exposure to be able to generate value.*** The requirements for programmes containing product placement should thus focus on clearly informing the viewers of the existence of product placement and on ensuring that the audiovisual media service provider's editorial independence is not affected.

Amendment

(17) The rule that a product should not be given undue prominence has proved difficult to apply in practice. The requirements for programmes containing product placement should thus focus on clearly informing the viewers of the existence of product placement and on ensuring that the audiovisual media service provider's editorial independence is not affected.

Amendment 65
Lynn Boylan

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) *The rule that a product should not be given undue prominence has proved difficult to apply in practice. It also restricts the take-up of product placement which, by definition, involves some level of prominent exposure to be able to generate value.* The requirements for programmes containing product placement should *thus* focus on clearly informing the viewers of the existence of product placement and on ensuring that the audiovisual media service provider's editorial independence is not affected.

Amendment

(17) *Product placement should continue to be banned in general. Where any derogation is provided for in law, the requirements for programmes containing product placement should focus on clearly informing the viewers of the existence of product placement and on ensuring that the audiovisual media service provider's editorial independence is not affected.*

Or. en

Amendment 66
Christel Schaldemose

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) *As the increase in the number of new services has led to a greater choice for viewers, broadcasters are given greater flexibility with regard to the insertion of advertising and teleshopping spots where this does not unduly impair the integrity of programme.* Yet, in order to safeguard the specific character of the European television landscape, interruptions for cinematographic works and films made for television as well as for

Amendment

(18) Yet, in order to safeguard the specific character of the European television landscape, interruptions for cinematographic works and films made for television as well as for some categories of programmes that still need specific protection should remain limited.

some categories of programmes that still need specific protection should remain limited.

Or. da

Amendment 67
Marc Joulaud

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) *As the increase in the number of new services has led to a greater choice for viewers, **broadcasters are given greater flexibility with regard to the insertion of advertising and teleshopping spots where this does not unduly impair the integrity of programme.** Yet, in order to safeguard the specific character of the European television landscape, interruptions for cinematographic works and films made for television as well as for some categories of programmes that still need specific protection should remain limited.*

Amendment

(18) ***Even though** the increase in the number of new services has led to a greater choice for viewers, **it remains necessary to keep protecting the integrity of programmes and consumers from disproportionately frequent advertising and teleshopping spots.** Therefore, in order to safeguard the specific character of the European television landscape, interruptions for cinematographic works and films made for television as well as for some categories of programmes that still need specific protection should remain limited.*

Or. fr

Amendment 68
Marc Joulaud

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) *While this Directive does not increase the overall amount of admissible advertising time during the period from 7:00 to 23:00, it is important for broadcasters to have more flexibility and*

Amendment

deleted

to be able to decide when to place advertising in order to maximise advertisers' demand and viewers' flow. The hourly limit should thus be abolished while a daily limit of 20% of advertising within the period from 7:00 to 23:00 should be introduced.

Or. fr

Amendment 69
Lynn Boylan

Proposal for a directive
Recital 19

Text proposed by the Commission

Amendment

(19) While this Directive does not increase the overall amount of admissible advertising time during the period from 7:00 to 23:00, it is important for broadcasters to have more flexibility and to be able to decide when to place advertising in order to maximise advertisers' demand and viewers' flow. The hourly limit should thus be abolished while a daily limit of 20% of advertising within the period from 7:00 to 23:00 should be introduced.

deleted

Or. en

Amendment 70
Christel Schaldemose

Proposal for a directive
Recital 19

Text proposed by the Commission

Amendment

*(19) While this Directive does not increase the overall amount of admissible advertising time **during the period from***

(19) This Directive does not increase the overall amount of admissible advertising time. The hourly limit should be

7:00 to 23:00, it is important for broadcasters to have more flexibility and to be able to decide when to place advertising in order to maximise advertisers' demand and viewers' flow. The hourly limit should thus be abolished while a daily limit of 20% of advertising within the period from 7:00 to 23:00 should be introduced.

maintained at 20% of advertising per clock hour.

Or. da

Amendment 71
Marc Joulaud

Proposal for a directive
Recital 20

Text proposed by the Commission

Amendment

(20) Many broadcasters are part of larger media groups and make announcements not only in connection with their own programmes and ancillary products directly derived from those programmes but also in relation with programmes from other entities belonging to the same media group. Transmission time allotted to announcements made by the broadcaster in connection with programmes from other entities belonging to the same media group should not be included in the maximum amount of daily transmission time that may be allotted to advertising and teleshopping.

deleted

Or. fr

Amendment 72
Christel Schaldemose

Proposal for a directive
Recital 20

Text proposed by the Commission

Amendment

(20) Many broadcasters are part of larger media groups and make announcements not only in connection with their own programmes and ancillary products directly derived from those programmes but also in relation with programmes from other entities belonging to the same media group. Transmission time allotted to announcements made by the broadcaster in connection with programmes from other entities belonging to the same media group should not be included in the maximum amount of daily transmission time that may be allotted to advertising and teleshopping.

deleted

Or. da

Amendment 73

Jadwiga Wiśniewska

Proposal for a directive

Recital 26

Text proposed by the Commission

Amendment

(26) There are new challenges, in particular in connection with video-sharing platforms, on which users - particularly minors - increasingly consume audiovisual content. In this context, harmful content and hate speech stored on video-sharing platforms have increasingly given rise to concern. It is necessary, in order to protect minors from harmful content and all citizens from content containing incitement to violence or hatred, to set out proportionate rules on those matters.

(26) There are new challenges, in particular in connection with video-sharing platforms, on which users - particularly minors - increasingly consume audiovisual content. In this context, harmful content and hate speech stored on video-sharing platforms have increasingly given rise to concern. It is necessary, in order to protect minors from harmful content and all citizens from content containing incitement to violence or hatred, to set out proportionate rules on those matters, ***in particular with regard to pornography and gratuitous violence.***

Or. en

Amendment 74
Lynn Boylan

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) There are new challenges, in particular in connection with video-sharing platforms, on which users - particularly minors - increasingly consume audiovisual content. In this context, harmful content and hate speech stored on video-sharing platforms have increasingly given rise to concern. It is necessary, in order to protect minors from harmful content and all citizens from content containing incitement to violence or hatred, to set out proportionate rules on those matters.

Amendment

(26) There are new challenges, in particular in connection with **audiovisual media services such as** video-sharing platforms, on which users - particularly **vulnerable groups such as** minors - increasingly consume audiovisual content. In this context, harmful content and hate speech stored on video-sharing platforms have increasingly given rise to concern. It is necessary, in order to protect minors from harmful content and all citizens from content containing incitement to violence or hatred, to set out proportionate rules on those matters.

Or. en

Amendment 75
Marc Joulaud

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) There are new challenges, in particular in connection with video-sharing platforms, on which users - particularly minors - increasingly consume audiovisual content. In this context, harmful content and hate speech stored on video-sharing platforms have increasingly given rise to concern. It is necessary, in order to protect minors from harmful content and all citizens from content containing incitement to violence or **hatred**, to set out proportionate rules on those matters.

Amendment

(26) There are new challenges, in particular in connection with video-sharing platforms **and social networks**, on which users - particularly minors - increasingly consume audiovisual content. In this context, harmful content and hate speech stored on video-sharing platforms have increasingly given rise to concern. It is necessary, in order to protect minors from harmful content and all citizens from content containing incitement to violence,

hatred or terrorism, to set out proportionate rules on those matters.

Or. fr

Amendment 76
Frédérique Ries, Jasenko Selimovic

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) There are new challenges, in particular in connection with video-sharing platforms, on which users - particularly minors - increasingly consume audiovisual content. In this context, harmful content and hate speech *stored* on video-sharing platforms have increasingly given rise to concern. It is necessary, in order to protect minors from harmful content and all citizens from content containing incitement to violence *or hatred*, to set out proportionate rules on those matters.

Amendment

(26) There are new challenges, in particular in connection with video-sharing platforms *and social media*, on which users - particularly minors - increasingly consume audiovisual content. In this context, harmful content and hate speech *available* on video-sharing platforms have increasingly given rise to concern. It is necessary, in order to protect minors from harmful content and all citizens from content containing incitement to violence, *hatred or terrorism*, to set out proportionate rules on those matters.

Or. en

Justification

It is necessary to include incitement to terrorism, as it is distinct from the definition provided by the Commission on what constitute 'incitement to violence or hatred'. Furthermore, the intensive use of audiovisual content, video sharing platforms and social media as vectors for propaganda purposes by terrorists groups makes necessary the requirements to fight these contents.

Amendment 77.
Notis Marias

Proposal for a directive
Recital 27

Text proposed by the Commission

Amendment

(27) As regards commercial communications on video-sharing platforms, they are already regulated by Directive 2005/29/EC of the European Parliament and of the Council, which prohibits unfair business-to-consumer commercial practices, including misleading and aggressive practices occurring in information society services. As regards commercial communications concerning tobacco and related products in video-sharing platforms, the existing prohibitions provided for in Directive 2003/33/EC of the European Parliament and of the Council, as well as the prohibitions applicable to communications concerning e-cigarettes and refill containers pursuant to Directive 2014/40/EU of the European Parliament and of the Council, ensure that consumers are sufficiently protected. The measures set out in this Directive therefore complement those set out in Directives 2005/29/EC, 2003/33/EC and 2014/40/EU.

(27) As regards commercial communications on video-sharing platforms, they are already regulated by Directive 2005/29/EC of the European Parliament and of the Council, which prohibits unfair business-to-consumer commercial practices, including misleading and aggressive practices occurring in information society services. As regards commercial communications concerning tobacco and related products in video-sharing platforms, the existing prohibitions provided for in Directive 2003/33/EC of the European Parliament and of the Council, as well as the prohibitions applicable to communications concerning e-cigarettes and refill containers pursuant to Directive 2014/40/EU of the European Parliament and of the Council, ensure that consumers are sufficiently protected **and must be applied to all audiovisual media**. The measures set out in this Directive therefore complement those set out in Directives 2005/29/EC, 2003/33/EC and 2014/40/EU.

Or. el

Amendment 78
Lynn Boylan

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) As regards commercial communications on video-sharing platforms, they are already regulated by Directive 2005/29/EC of the European Parliament and of the Council, which prohibits unfair business-to-consumer commercial practices, including misleading and aggressive practices occurring in information society services. As regards commercial communications concerning

Amendment

(27) As regards commercial communications on **audiovisual media services providers such as** video-sharing platforms, they are already regulated by Directive 2005/29/EC of the European Parliament and of the Council, which prohibits unfair business-to-consumer commercial practices, including misleading and aggressive practices occurring in information society services. As regards

tobacco and related products in video-sharing platforms, the existing prohibitions provided for in Directive 2003/33/EC of the European Parliament and of the Council, as well as the prohibitions applicable to communications concerning e-cigarettes and refill containers pursuant to Directive 2014/40/EU of the European Parliament and of the Council, ensure that consumers are sufficiently protected. The measures set out in this Directive therefore complement those set out in Directives 2005/29/EC, 2003/33/EC and 2014/40/EU.

commercial communications concerning tobacco and related products in video-sharing platforms, the existing prohibitions provided for in Directive 2003/33/EC of the European Parliament and of the Council, as well as the prohibitions applicable to communications concerning e-cigarettes and refill containers pursuant to Directive 2014/40/EU of the European Parliament and of the Council, ensure that consumers are sufficiently protected. The measures set out in this Directive therefore complement those set out in Directives 2005/29/EC, 2003/33/EC and 2014/40/EU.

Or. en

Amendment 79
Marc Joulaud

Proposal for a directive
Recital 28

Text proposed by the Commission

(28) An important share of the content stored on video-sharing platforms is not under the editorial responsibility of the video-sharing platform provider. However, those providers typically determine the organisation of the content, namely programmes or user-generated videos, including by automatic means or algorithms. Therefore, those providers should be required to take appropriate measures to protect minors from content that may impair their physical, mental or moral development and protect all citizens from incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

Amendment

(28) An important share of the content stored on video-sharing platforms **or social networks** is not under the editorial responsibility of the video-sharing platform provider. However, those providers typically determine the organisation of the content, namely programmes or user-generated videos, including by automatic means or algorithms. Therefore, those providers should be required to take appropriate measures to protect minors from content that may impair their physical, mental or moral development and protect all citizens from **incitement to terrorism or** incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

Or. fr

Amendment 80
Lynn Boylan

Proposal for a directive
Recital 28

Text proposed by the Commission

(28) An important share of the content stored on video-sharing platforms is not under the editorial responsibility of the video-sharing platform provider. However, those providers typically determine the organisation of the content, namely programmes or user-generated videos, including by automatic means or algorithms. Therefore, those providers should be required to take appropriate measures to protect minors from content that may impair their physical, mental or moral development and protect all citizens from incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

Amendment

(28) An important share of the content stored on video-sharing platforms is not under the editorial responsibility of the video-sharing platform provider. However, those providers typically determine the organisation of the content, namely programmes or user-generated videos, including by automatic means or algorithms. Therefore, those providers should be required to take appropriate measures to protect **vulnerable groups such as** minors from content that may impair their physical, mental or moral development and protect all citizens from incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

Or. en

Amendment 81
Nicola Caputo, Doru-Claudian Frunzuliță

Proposal for a directive
Recital 28

Text proposed by the Commission

(28) An important share of the content stored on video-sharing platforms is not under the editorial responsibility of the video-sharing platform provider. However, those providers typically determine the organisation of the content, namely

Amendment

(28) An important share of the content stored on video-sharing platforms is not under the editorial responsibility of the video-sharing platform provider. However, those providers typically determine the organisation of the content, namely

programmes or user-generated videos, including by automatic means or algorithms. Therefore, those providers *should be* required to take *appropriate* measures to protect minors from content that may impair their physical, mental or moral development and protect all citizens from incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

programmes or user-generated videos, including by automatic means or algorithms. Therefore, those providers *are* required to take *effective* measures to protect minors from content that may impair their physical, mental or moral development and protect all citizens from incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

Or. it

Amendment 82
Lynn Boylan

Proposal for a directive
Recital 29

Text proposed by the Commission

(29) In light of the nature of the providers' involvement with the content stored on video-sharing platforms, those appropriate measures should relate to the organisation of the content and not to the content as such. The requirements in this regard as set out in this Directive should therefore apply without prejudice to Article 14 of Directive 2000/31/EC of the European Parliament and of the Council³⁴, which provides for an exemption from liability for illegal information stored by certain providers of information society services. When providing services covered by Article 14 of Directive 2000/31/EC, those requirements should also apply without prejudice to Article 15 of that Directive, which precludes general obligations to monitor such information and to actively seek facts or circumstances indicating illegal activity from being imposed on those providers, without however concerning

Amendment

deleted

monitoring obligations in specific cases and, in particular, without affecting orders by national authorities in accordance with national legislation.

³⁴ *Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.07.2000, p. 1).*

Or. en

Amendment 83
Lynn Boylan

Proposal for a directive
Recital 30

Text proposed by the Commission

(30) It is appropriate to involve the video-sharing platform providers as much as possible when implementing the appropriate measures to be taken pursuant to this Directive. Co-regulation should therefore be encouraged. With a view to ensuring a clear and consistent approach in this regard across the Union, Member States should not be entitled to require video-sharing platform providers to take stricter measures to protect minors from harmful content and all citizens from content containing incitement to violence or hatred than the ones provided for in this Directive. However, it should remain possible for Member States to take such stricter measures where that content is illegal, provided that they comply with Articles 14 and 15 of Directive 2000/31/EC, and to take measures with respect to content on websites containing or disseminating child pornography, as required by and allowed under Article 25

Amendment

(30) It is appropriate to involve the ***audiovisual media services providers such as*** video-sharing platform providers as much as possible when implementing the appropriate measures to be taken pursuant to this Directive. Co-regulation should therefore be encouraged. With a view to ensuring a clear and consistent approach in this regard across the Union, Member States should not be entitled to require ***audiovisual media services providers such as*** video-sharing platform providers to take stricter measures to protect ***vulnerable groups such as*** minors from harmful content and all citizens from content containing incitement to violence or hatred than the ones provided for in this Directive. However, it should remain possible for Member States to take such stricter measures where that content is illegal, provided that they comply with Articles 14 and 15 of Directive 2000/31/EC, and to take measures with respect to content on

of Directive 2011/93/EU of the European Parliament and the Council³⁵. It should also remain possible for video-sharing platform providers to take stricter measures on a voluntary basis.

³⁵ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

websites containing or disseminating child pornography, as required by and allowed under Article 25 of Directive 2011/93/EU of the European Parliament and the Council³⁵. It should also remain possible for *audiovisual media services providers such as* video-sharing platform providers to take stricter measures on a voluntary basis.

³⁵ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

Or. en

Amendment 84

Notis Marias

Proposal for a directive

Recital 30

Text proposed by the Commission

(30) It is appropriate to involve the video-sharing platform providers *as much as possible* when implementing the appropriate measures to be taken pursuant to this Directive. Co-regulation should therefore be encouraged. With a view to ensuring a clear and consistent approach in this regard across the Union, Member States should not be entitled to require video-sharing platform providers to take stricter measures to protect minors from harmful content and all citizens from content containing incitement to violence or hatred than the ones provided for in this Directive. However, it should remain possible for Member States to take such stricter measures where that content is

Amendment

(30) It is appropriate to involve the video-sharing platform providers *actively* when implementing the appropriate measures to be taken pursuant to this Directive. Co-regulation should therefore be encouraged. With a view to ensuring a clear and consistent approach in this regard across the Union, Member States should not be entitled to require video-sharing platform providers to take stricter measures to protect minors from harmful content and all citizens from content containing incitement to violence or hatred than the ones provided for in this Directive. However, it should remain possible for Member States to take such stricter measures where that content is illegal,

illegal, provided that they comply with Articles 14 and 15 of Directive 2000/31/EC, and to take measures with respect to content on websites containing or disseminating child pornography, as required by and allowed under Article 25 of Directive 2011/93/EU of the European Parliament and the Council³⁵. It should also remain possible for video-sharing platform providers to take stricter measures on a voluntary basis.

³⁵Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

provided that they comply with Articles 14 and 15 of Directive 2000/31/EC, and to take measures with respect to content on websites containing or disseminating child pornography, as required by and allowed under Article 25 of Directive 2011/93/EU of the European Parliament and the Council³⁵. It should also remain possible for video-sharing platform providers to take stricter measures on a voluntary basis.

³⁵Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

Or. el

Amendment 85

Lynn Boylan

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) When taking the appropriate measures to protect minors from harmful content and to protect all citizens from content containing incitement to violence or hatred in accordance with this Directive, the applicable fundamental rights, as laid down in the Charter on Fundamental Rights of the European Union, should be carefully balanced. That concerns in particular, as the case may be, the right to respect for private and family life and the protection of personal data, the freedom of expression and information, the freedom to conduct a business, the prohibition of discrimination and the right of the child.

Amendment

(31) When taking the appropriate measures to protect **vulnerable groups such as** minors from harmful content and to protect all citizens from content containing incitement to violence or hatred in accordance with this Directive, the applicable fundamental rights, as laid down in the Charter on Fundamental Rights of the European Union, should be carefully balanced. That concerns in particular, as the case may be, the right to respect for private and family life and the protection of personal data, the freedom of expression and information, the freedom to conduct a business, the prohibition of discrimination

and the right of the *person belonging to a vulnerable group such as a child*.

Or. en

Amendment 86

Notis Marias

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) When taking the appropriate measures to protect minors from harmful content and to protect all citizens from content containing incitement to violence or hatred in accordance with this Directive, the applicable fundamental rights, as laid down in the Charter on Fundamental Rights of the European Union, should be carefully balanced. That concerns in particular, as the case may be, the right to respect for private and family life and the protection of personal data, the freedom of expression and information, the freedom to conduct a business, the prohibition of discrimination and the right of the child.

Amendment

(31) When taking the appropriate measures to protect minors from harmful content and to protect all citizens from content containing incitement to violence or hatred in accordance with this Directive, the applicable fundamental rights, as laid down in the Charter on Fundamental Rights of the European Union, should be carefully balanced ***and be taken into account by every audiovisual media service***. That concerns in particular, as the case may be, the right to respect for private and family life and the protection of personal data, the freedom of expression and information, the freedom to conduct a business, the prohibition of discrimination and the right of the child.

Or. el

Amendment 87

Annie Schreijer-Pierik

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) When taking the appropriate measures to protect minors from harmful content and to protect all citizens from

Amendment

(31) When taking the appropriate measures to protect minors from harmful content and to protect all citizens from

content containing incitement to violence or hatred in accordance with this Directive, the applicable fundamental rights, as laid down in the Charter on Fundamental Rights of the European Union, should be carefully balanced. That concerns in particular, as the case may be, the right to respect for private and family life and the protection of personal data, the freedom of expression and information, the freedom to conduct a business, the prohibition of discrimination and the right of the child.

content containing incitement to violence or hatred in accordance with this Directive, the applicable fundamental rights, as laid down in the Charter on Fundamental Rights of the European Union, should be carefully balanced. That concerns in particular, as the case may be, the right to respect for private and family life and the protection of personal data, ***the right to private property***, the freedom of expression and information, the freedom to conduct a business, the prohibition of discrimination and the right of the child.

Or. nl

Amendment 88
Marc Joulaud

Proposal for a directive
Recital 31

Text proposed by the Commission

(31) When taking the appropriate measures to protect minors from harmful content and to protect all citizens from content containing incitement to violence or hatred in accordance with this Directive, the applicable fundamental rights, as laid down in the Charter on Fundamental Rights of the European Union, should be carefully balanced. That concerns in particular, as the case may be, the right to respect for private and family life and the protection of personal data, the freedom of expression and information, the freedom to conduct a business, the prohibition of discrimination and the right of the child.

Amendment

(31) When taking the appropriate measures to protect minors from harmful content and to protect all citizens from content containing incitement to ***terrorism***, violence or hatred in accordance with this Directive, the applicable fundamental rights, as laid down in the Charter on Fundamental Rights of the European Union, should be carefully balanced. That concerns in particular, as the case may be, the right to respect for private and family life and the protection of personal data, the freedom of expression and information, the freedom to conduct a business, the prohibition of discrimination and the right of the child.

Or. fr

Amendment 89
Lynn Boylan

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) The video-sharing platform providers covered by this Directive provide information society services within the meaning of point (a) of Article 2 of Directive 2000/31/EC. Those providers are consequently subject to the rules on the internal market set out in Article 3 of that Directive, if they are established in a Member State. It is appropriate to ensure that the same rules apply to video-sharing platform providers which are not established in a Member State with a view to safeguarding the effectiveness of the measures to protect minors and citizens set out in this Directive and ensuring a level playing field in as much as possible, in as far as those providers have either a parent company or a subsidiary which is established in a Member State or where those providers are part of a group and another entity of that group is established in a Member State. To that effect, arrangements should be made to determine in which Member State those providers should be deemed to have been established. The Commission should be informed of the providers under each Member State's jurisdiction in application of the rules on establishment set out in this Directive and in Directive 2000/31/EC.

Amendment

(32) The ***audiovisual media service providers such as*** video-sharing platform providers covered by this Directive provide information society services within the meaning of point (a) of Article 2 of Directive 2000/31/EC. Those providers are consequently subject to the rules on the internal market set out in Article 3 of that Directive, if they are established in a Member State. It is appropriate to ensure that the same rules apply to ***audiovisual media services providers such as*** video-sharing platform providers which are not established in a Member State with a view to safeguarding the effectiveness of the measures to protect ***vulnerable groups such as*** minors and citizens set out in this Directive and ensuring a level playing field in as much as possible, in as far as those providers have either a parent company or a subsidiary which is established in a Member State or where those providers are part of a group and another entity of that group is established in a Member State. To that effect, arrangements should be made to determine in which Member State those providers should be deemed to have been established. The Commission should be informed of the providers under each Member State's jurisdiction in application of the rules on establishment set out in this Directive and in Directive 2000/31/EC.

Or. en

Amendment 90
Notis Marias

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) Regulatory authorities of the Member States can achieve the requisite degree of structural independence only if established as separate legal entities. Member States should therefore guarantee the independence of the national regulatory authorities from both the government, public bodies and the industry with a view to ensuring the impartiality of their decisions. This requirement of independence should be without prejudice to the possibility for Member States to establish regulators having oversight over different sectors, such as audiovisual and telecom. National regulatory authorities should be in possession of the enforcement powers and resources necessary for the fulfilment of their tasks, in terms of staffing, expertise and financial means. The activities of national regulatory authorities established under this Directive should ensure respect for the objectives of media pluralism, cultural diversity, consumer protection, the internal market and the promotion of fair competition.

Amendment

(33) Regulatory authorities of the Member States can achieve the requisite degree of structural independence only if established as separate legal entities. Member States should therefore guarantee the independence of the national regulatory authorities from both the government, public bodies and the industry with a view to ensuring ***their independence and thus*** the impartiality of their decisions. This requirement of independence should be without prejudice to the possibility for Member States to establish regulators having oversight over different sectors, such as audiovisual and telecom. National regulatory authorities should be in possession of the enforcement powers and resources necessary for the fulfilment of their tasks, in terms of staffing, expertise and financial means. The activities of national regulatory authorities established under this Directive should ensure respect for the objectives of media pluralism, cultural diversity, consumer protection, the internal market and the promotion of fair competition.

Or. el

Amendment 91
Lynn Boylan

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) The Commission should be free to consult ERGA on any matter relating to audiovisual media services and video-sharing platforms. ERGA should assist the Commission by providing its expertise and advice and by facilitating exchange of best practices. In particular, the Commission should consult ERGA in the application of Directive 2010/13/EU with a view to

Amendment

(37) The Commission should be free to consult ERGA on any matter relating to audiovisual media services and video-sharing platforms. ERGA should assist the Commission by providing its expertise and advice and by facilitating exchange of best practices. In particular, the Commission should consult ERGA in the application of Directive 2010/13/EU with a view to

facilitating its convergent implementation across the Digital Single Market. Upon the Commission's request, ERGA should provide opinions, including on jurisdiction and Union codes of conduct in the area of protection of minors and hate speech as well as audiovisual commercial communications for foods high in fat, salt/sodium and sugars.

facilitating its convergent implementation across the Digital Single Market. Upon the Commission's request, ERGA should provide opinions, including on jurisdiction and Union codes of conduct in the area of protection of *vulnerable groups such as* minors and hate speech as well as audiovisual commercial communications for foods high in fat, salt/sodium and sugars.

Or. en

Amendment 92
Marc Joulaud

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point b
Directive 2010/13/EU
Article 1 – paragraph 1 – point aa – point i

Text proposed by the Commission

(i) the service consists of the storage of a large amount of programmes or user-generated videos, for which the video-sharing platform provider does not have editorial responsibility;

Amendment

(i) the service consists of the storage of *or provision of access to* a large amount of programmes or user-generated videos, for which the video-sharing platform provider does not have editorial responsibility;

Or. fr

Amendment 93
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point b a (new)
Directive 2010/13/EU
Article 1 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ba) *The following point is inserted:*

“(ab) ‘vulnerable groups’ means people who may not be able to critically assess media content and protect themselves from harmful content by reason of functional limitations such as disability, age or illness.”

Or. en

Amendment 94
Frédérique Ries, Jasenko Selimovic

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point c
Directive 2010/13/UE
Article 1– paragraph 1– point b

Text proposed by the Commission

b) **‘programme’** means a set of moving images with or without sound constituting an individual item within a schedule or a catalogue established by a media service provider, including feature-length films, videos of short duration, sports events, situation comedies, documentaries, children’s programmes and original drama;”;

Amendment

b) **‘programme’** means a set of moving images with or without sound constituting an individual item within a schedule or a catalogue established by a media service provider, including feature-length films, videos of short duration, sports events, situation comedies, documentaries, children’s programmes, **entertainment and reality programmes**, and original drama;

Or. fr

Justification

Since we are concerned here with programmes affected by advertising restrictions or adaptations, the definition of ‘programme’ must be extended to include family programmes such as entertainment and reality programmes, which are watched by adults and children alike.

Amendment 95
Margrete Auken

Proposal for a directive
Article 1 – paragraph 1 – point 5 – point d

Directive 2010/13/EU
Article 4 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Member States shall ***encourage co-regulation and self-regulation*** through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those codes shall be such that they are broadly accepted by the main stakeholders in the Member States concerned. The codes of conduct shall clearly and unambiguously set out their objectives. They shall provide for regular, transparent and independent monitoring and evaluation of the achievement of the objectives aimed at. They shall provide for effective enforcement, including when appropriate effective and proportionate sanctions.

Amendment

Member States shall ***introduce legislation and may encourage co-regulation*** through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those codes shall be such that they are broadly accepted by the main stakeholders in the Member States concerned. The codes of conduct shall clearly and unambiguously set out their objectives. They shall provide for regular, transparent and independent monitoring and evaluation of the achievement of the objectives aimed at. They shall provide for effective enforcement, including when appropriate effective and proportionate sanctions.

Or. en

Amendment 96
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 5 – point d
Directive 2010/13/EU
Article 4 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Member States shall ***encourage co-regulation and self-regulation*** through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those codes shall be such that they are broadly accepted by the main stakeholders in the Member States concerned. The codes of conduct shall clearly and unambiguously set out their objectives. They shall provide for regular,

Amendment

Member States shall ***introduce regulation and encourage co-regulation*** through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those codes shall be such that they are broadly accepted by the main stakeholders in the Member States concerned. The codes of conduct shall clearly and unambiguously set out their objectives. They shall provide for regular,

transparent and independent monitoring and evaluation of the achievement of the objectives aimed at. They shall provide for effective enforcement, including when appropriate effective and proportionate sanctions.

transparent and independent monitoring and evaluation of the achievement of the objectives aimed at. They shall provide for effective enforcement, including when appropriate effective and proportionate sanctions.

Or. en

Amendment 97
Christel Schaldemose

Proposal for a directive
Article 1 – paragraph 1 – point 5 – point d
Directive 2010/13/EU
Article 4 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Member States shall encourage co-regulation *and self-regulation* through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those codes shall be such that they are broadly accepted by the main stakeholders in the Member States concerned. The codes of conduct shall clearly and unambiguously set out their objectives. They shall provide for regular, transparent and independent monitoring and evaluation of the achievement of the objectives aimed at. They shall provide for effective enforcement, including when appropriate effective and proportionate sanctions.

Amendment

Member States shall encourage co-regulation through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those codes shall be such that they are broadly accepted by the main stakeholders in the Member States concerned. The codes of conduct shall clearly and unambiguously set out their objectives. They shall provide for regular, transparent and independent monitoring and evaluation of the achievement of the objectives aimed at. They shall provide for effective enforcement, including when appropriate effective and proportionate sanctions.

Or. da

Amendment 98
Christel Schaldemose

Proposal for a directive
Article 1 – paragraph 1 – point 5 – point d

Directive 2010/13/EU
Article 4 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Draft Union codes of conduct referred to in **Articles 6a (3), 9(2) and 9(4)** and amendments or extensions to existing Union codes of conduct shall be submitted to the Commission by the signatories of these codes.

Amendment

Draft Union codes of conduct referred to in **Article 6a (3)** and amendments or extensions to existing Union codes of conduct shall be submitted to the Commission by the signatories of these codes.

Or. da

Amendment 99
Marc Joulaud

Proposal for a directive
Article 1 – paragraph 1 – point 8
Directive 2010/13/EU
Article 6

Text proposed by the Commission

"Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.";

Amendment

"Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to **terrorism**, violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.";

Or. fr

Amendment 100
Frédérique Ries, Jasenko Selimovic

Proposal for a directive
Article 1 – paragraph 1 – point 8
Directive 2010/13/EU
Article 6

Text proposed by the Commission

Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to violence *or hatred* directed against a group of persons or a member of such a group defined by reference to sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.;

Amendment

Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to violence, *hatred or terrorism*, directed against a group of persons or a member of such a group defined by reference to sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Or. en

Justification

same justification as amendment tabled on recital 26.

Amendment 101

Lynn Boylan

Proposal for a directive

Article 1 – paragraph 1 – point 8 a (new)

Directive 2010/13/EU

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(8a) In Article 6, the following paragraph is added:

‘Member States shall require broadcasters under their jurisdiction to broadcast events of major importance for society in an accessible way for people with functional limitations, including persons with disabilities.’

Or. en

Amendment 102

Piernicola Pedicini, Eleonora Evi, Marco Affronte, Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2010/13/EU

Article 6a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that audiovisual media service providers provide **sufficient** information to viewers about content which may impair **the** physical, mental or moral development of **minors**. For this purpose, Member States may use a system of descriptors indicating the nature of the content of an audiovisual media service.

Amendment

1. Member States shall ensure that audiovisual media service providers **and video-sharing platform providers effectively** provide **clear** information to viewers, **prior and during the programme as well as before and after any interruption**, about content which may **damage or disturb minors and in particular** impair **their** physical, mental or moral development. For this purpose, Member States may use a system of descriptors indicating the nature of the content of an audiovisual media service.

Or. en

Amendment 103

Lynn Boylan

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2010/13/EU

Article 6a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that audiovisual media service providers provide sufficient information to viewers about content which may impair the physical, mental or moral development of minors. For this purpose, Member States may use a system of descriptors indicating the nature of the content of an audiovisual media service.

Amendment

1. Member States shall ensure that audiovisual media service providers provide sufficient information to viewers about content which may impair the physical, mental or moral development of **vulnerable groups such as** minors. For this purpose, Member States may use a system of descriptors indicating the nature of the content of an audiovisual media service.

Or. en

Amendment 104
Jadwiga Wiśniewska

Proposal for a directive
Article 1 – paragraph 1 – point 9
Directive 2010/13/EU
Article 6a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that audiovisual media service providers provide sufficient information to viewers about content which may impair the physical, mental or moral development of minors. For this purpose, Member States **may** use a system of descriptors indicating the nature of the content of an audiovisual media service.

Amendment

1. Member States shall ensure that audiovisual media service providers provide sufficient information to viewers about content which may impair the physical, mental or moral development of minors. For this purpose, Member States **shall** use a system of descriptors indicating the nature of the content of an audiovisual media service.

Or. en

Justification

For the sake of consistency with Article 12

Amendment 105
Elisabetta Gardini, Julie Girling, Françoise Grossetête

Proposal for a directive
Article 1 – paragraph 1 – point 9
Directive 2010/13/EU
Article 6a – paragraph 3

Text proposed by the Commission

3. The Commission and ERGA shall encourage media service providers to exchange best practices on co-regulatory systems across the Union. Where appropriate, the Commission shall **facilitate the development** of Union codes of conduct.;

Amendment

3. The Commission and ERGA shall encourage media service providers to exchange best practices on co-regulatory systems across the Union. Where appropriate, the Commission shall **promote the adoption** of Union codes of conduct.

Or. en

Amendment 106
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 10
Directive 2010/13/EU
Article 7

Text proposed by the Commission

(10) Article 7 is *deleted*;

Amendment

(10) Article 7 is *replaced by the following*:

“Article 7

1. Member States shall ensure that audiovisual media service providers shall gradually make their services accessible to persons with disabilities. After the entry into force of this Directive, Member States shall ensure that audiovisual media service providers provide access to subtitles for the deaf and hard of hearing (SDH), audio description, spoken subtitles or audio subtitles, sign language interpretation.

2. The accessible services shall be provided for different types of programmes, including those for children, and at different times during the day, without concentrating accessible content in the least common time slots for the general audience. Member States shall encourage audiovisual media service providers to consult users organisations, including organisations representing persons with disabilities, to regards prioritising the programmes to be made accessible.

3. Member States shall ensure that the audiovisual media service providers make their websites, online applications and mobile-based services, including mobile apps, used for the provision of the service accessible in a consistent and adequate way in order to enable users’ perception,

operation and understanding, and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level.

4. Member States shall ensure that audiovisual media service providers shall provide accessible information about their services and, in particular, shall list and explain how to use the accessibility features of the services, including the complementarities with assistive technologies and other access services provided by a third party.

5. Emergency information, including public communications and announcements in natural disaster situations, which is made available to the public through audiovisual media services shall be provided in an accessible manner for persons with disabilities, including with SDH, sign language interpretation and audio message and audio description for any visual information.”

Or. en

Amendment 107
Jadwiga Wiśniewska

Proposal for a directive
Article 1 – paragraph 1 – point 10
Directive 2010/13/EU
Article 7

Text proposed by the Commission

(10) Article 7 is *deleted*;

Amendment

(10) Article 7 is *replaced by the following*:

“Article 7

1. Member States shall ensure that media service providers under their jurisdiction make their services continuously and

progressively more accessible to people with a visual or hearing disability.

2. With regard to the implementation of this Article, Member States shall encourage the development of self- and co-regulatory codes of conduct. The Commission and ERGA shall encourage media service providers to exchange best practices on self-regulatory systems across the Union.

3. By ... [three years after the entry into force of this Directive] and every five years thereafter, the Commission shall submit to the European Parliament, to the Council and to the European Economic and Social Committee a report on the application of this Article.”

Or. en

Justification

This provision should not only be kept, but even reinforced.

Amendment 108
Christel Schaldemose

Proposal for a directive
Article 1 – paragraph 1 – point 10
Directive 2010/13/EU
Article 7

Text proposed by the Commission

(10) Article 7 is *deleted*;

Amendment

(10) Article 7 is *replaced by the following*:

Member States shall take measures to ensure that services provided by media service providers under their jurisdiction are made gradually accessible to people with a visual or hearing disability in line with their obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) .

Amendment 109

Daciana Octavia Sârbu, Karin Kadenbach, Glenis Willmott, Emilian Pavel, Nessa Childers, Jytte Guteland, Christel Schaldemose

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point -a a (new)

Directive 2010/13/EU

Article 9 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(-a a) in paragraph 1, the following point is inserted:

“(ea) audiovisual commercial communications for foods and beverages that are high in salt, sugars or fat shall not accompany a programme aimed at a children’s audience, in the form of an advertising break broadcast during, immediately preceding or immediately following such a programme, or be included in such a programme, and shall be prohibited during hours of peak viewing by children’s audiences;”

Or. en

Amendment 110

Margrete Auken

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a – introductory part

Directive 2010/13/EU

Article 9 – paragraph 2

Text proposed by the Commission

Amendment

(a) paragraph 2 is replaced by the following:

(a) paragraph 2 is replaced by the following:

“2. Member States shall introduce legislation to effectively minimise the exposure of children and minors to

audiovisual commercial communications for foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, saturated fat, trans-fatty acids, salt or sodium and sugars. This legislation shall cover television broadcasts, on-demand audiovisual media services, video-sharing platforms and social media platforms, and shall aim at, inter alia, prohibiting such communications during children and minors' usual viewing times

The WHO Regional Office for Europe's nutrient profile model shall be used in order to differentiate foods and beverages on the basis of their nutritional composition."

Or. en

Amendment 111

Daciana Octavia Sârbu, Karin Kadenbach, Glenis Willmott, Emilian Pavel, Nessa Childers, Jytte Guteland, Christel Schaldemose

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a – introductory part

Directive 2010/13/EU

Article 9 – paragraph 2

Text proposed by the Commission

Amendment

(a) paragraph 2 is *replaced by the following:*

(a) paragraph 2 is *deleted.*

Or. en

Amendment 112

Daciana Octavia Sârbu, Karin Kadenbach, Glenis Willmott, Emilian Pavel, Nessa Childers, Jytte Guteland, Christel Schaldemose

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Text proposed by the Commission

Amendment

2. Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in programmes with a significant children's audience, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

deleted

Those codes should be used to effectively reduce the exposure of minors to audiovisual commercial communications of foods and beverages that are high in salt, sugars or fat or that otherwise do not fit national or international nutritional guidelines. Those codes should provide that the audiovisual commercial communications are not to emphasise the positive quality of the nutritional aspects of such foods and beverages.

The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.;

Or. en

Amendment 113
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 11 – point a
Directive 2010/13/EU
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in programmes with a significant children's audience, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

deleted

Or. en

Amendment 114
Renate Sommer

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, ***accompanying or included in programmes with a significant children's audience, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.***

Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications.

Or. en

Amendment 115

Piernicola Pedicini, Eleonora Evi, Marco Affronte, Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States *and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in programmes with a significant children's audience*, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Amendment

Member States *shall adopt measures to minimise the exposure of adolescents to commercial communications of foods and non-alcoholic beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended in particular fat, trans-fatty acids, salt or sodium and sugars. The Commission and the Member States shall take into consideration the WHO Regional Office for Europe's nutrient profile model, in order to achieve the objective laid down in the first subparagraph..*

Or. en

Amendment 116

Elisabetta Gardini, Julie Girling, Françoise Grossetête

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – point 2 – subparagraph 1

Text proposed by the Commission

Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in programmes *with a significant children's audience*, of foods and beverages containing nutrients and

Amendment

Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in *children's programmes and content aimed at a children's audience*, of foods and beverages containing nutrients

substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Or. en

Amendment 117
Frédérique Ries

Proposal for a directive
Article 1 – paragraph 1 – point 11 – point a
Directive 2010/13/EU
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States and the Commission shall **encourage** the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in programmes **with a significant children’s audience**, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Amendment

Member States and the Commission shall **ensure** the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in **children’s programmes and family programmes**, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular **fat, saturated fat**, trans-fatty acids, salt or sodium and sugars.

Or. en

Justification

With regard to broadcast programs affected by advertising restrictions, it is essential to cover also family programs, viewed by both adults and children, which correspond to frequent television habits.

Amendment 118
Jadwiga Wiśniewska

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in **programmes with a significant** children's **audience**, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Amendment

Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in children's **programmes**, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Or. en

Justification

The amendment aims at making the provision clearer.

Amendment 119

Nicola Caputo, Doru-Claudian Frunzulică

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States and the Commission shall **encourage** the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in programmes with a significant children's audience, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of

Amendment

Member States and the Commission shall **ensure** the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in programmes with a significant children's audience, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of

which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Or. it

Amendment 120
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 11 – point a
Directive 2010/13/EU
Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. Commercial communication for foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, saturated fat, trans-fatty acids, salt or sodium and sugars shall be prohibited during peak viewing times for children to be defined at national level but at least until 2100.

To identify such foods, the WHO Regional Office for Europe's nutrient profile model applies.

Or. en

Amendment 121
Renate Sommer

Proposal for a directive
Article 1 – paragraph 1 – point 11 – point a
2010/13/EU
Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Those codes should be used to effectively reduce the exposure of minors to

deleted

audiovisual commercial communications of foods and beverages that are high in salt, sugars or fat or that otherwise do not fit national or international nutritional guidelines. Those codes should provide that the audiovisual commercial communications are not to emphasise the positive quality of the nutritional aspects of such foods and beverages.

Or. en

Amendment 122
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 11 – point a
Directive 2010/13/EU
Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Those codes should be used to effectively reduce the exposure of minors to audiovisual commercial communications of foods and beverages that are high in salt, sugars or fat or that otherwise do not fit national or international nutritional guidelines. Those codes should provide that the audiovisual commercial communications are not to emphasise the positive quality of the nutritional aspects of such foods and beverages. *deleted*

Or. en

Amendment 123
Jadwiga Wiśniewska

Proposal for a directive
Article 1 – paragraph 1 – point 11 – point a
Directive 2010/13/EU
Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Those codes *should* be used to effectively reduce the exposure of minors to audiovisual commercial communications of foods and beverages that are high in salt, sugars or fat or that otherwise do not fit national or international nutritional guidelines. Those codes *should* provide that the audiovisual commercial communications are not to emphasise the positive quality of the nutritional aspects of such foods and beverages.

Amendment

Those codes *shall* be used to effectively reduce the exposure of minors to audiovisual commercial communications of foods and beverages that are high in salt, sugars or fat or that otherwise do not fit national or international nutritional guidelines. Those codes *shall* provide that the audiovisual commercial communications are not to emphasise the positive quality of the nutritional aspects of such foods and beverages.

Or. en

Justification

The Directive does not make it obligatory to have these kind of codes but if they are in place it should be clear that they should be followed.

Amendment 124

Nicola Caputo, Doru-Claudian Frunzuliță

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The Commission and ERGA shall *encourage* the exchange of best practices on self- and co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.";

Amendment

The Commission and ERGA shall *ensure* the exchange of best practices on self- and co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.";

Or. it

Amendment 125

Elisabetta Gardini, Julie Girling, Françoise Grossetête

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a
Directive 2010/13/EU
Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. Where appropriate, the Commission shall *facilitate the development* of Union codes of conduct.;

Amendment

The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. Where appropriate, the Commission shall *promote the adoption* of Union codes of conduct.

Or. en

Amendment 126
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 11 – point a
Directive 2010/13/EU
Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The Commission and ERGA shall encourage the exchange of best practices on *self- and* co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.

Amendment

The Commission and ERGA shall encourage the exchange of best practices on co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.

Or. en

Amendment 127
Mihai Țurcanu, Cristian-Silviu Bușoi

Proposal for a directive
Article 1 – paragraph 1 – point 11 – point a
Directive 2010/13/EU
Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) Encourages Member States to request audiovisual service providers not to broadcast information the disclosure of which is liable to cause financial damage, or whose dissemination is liable to panic, misinform or manipulate the public, prior to the official announcement of the outcome of enquiries, audits or official checks by the competent authorities, since there is a possibility that such information could prove false and have an adverse financial impact on the internal market.

Exemptions shall apply in cases where a public withdrawal is necessary and is officially announced by the competent authorities or made spontaneously by an economic agent, as well as in cases where consumers' attention is drawn publically to potential risks.

Or. ro

Amendment 128

Daciana Octavia Sârbu, Karin Kadenbach, Glenis Willmott, Emilian Pavel, Nessa Childers, Christel Schaldemose, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a a (new)

Directive 2010/13/EU

Article 9 – paragraphs 2 a and 2 b (new)

Text proposed by the Commission

Amendment

(aa) the following paragraphs are inserted:

“2a. Foods that are high in fat, sugars or salt shall be identified using the WHO Regional Office for Europe’s nutrient profile model.

2b. For the purposes of points (e) and (ea) of paragraph 1, Members States shall determine the hours of peak viewing by child audiences in their territory according to the national situation.”

Amendment 129

Glenis Willmott, Nessa Childers, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a a (new)

Directive 2010/13/EU

Article 9 – paragraph 1 – point (e)

Present text

“(e) audiovisual commercial communications for alcoholic beverages shall ***not be aimed specifically at minors and*** shall not encourage immoderate consumption of such beverages;”

Amendment

(aa) in paragraph 1, point (e) is replaced by the following:

“(e) the exposure of children and minors to audiovisual commercial communications for alcoholic beverages shall be minimised and such communications shall not encourage immoderate consumption of such beverages and shall not accompany a programme aimed at a children’s audience, in the form of an advertising break broadcast during, immediately preceding or immediately following such a programme, or be included in such a programme, and shall be prohibited during hours of peak viewing by children’s audiences;”

Amendment 130

Daciana Octavia Sârbu, Karin Kadenbach, Emilian Pavel, Christel Schaldemose

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point -a (new)

Directive 2010/13/EU

Article 9 – paragraph 1 – point e

Present text

“(e) audiovisual commercial communications for alcoholic beverages shall ***not be aimed specifically at minors and*** shall not encourage immoderate consumption of such beverages;”

Amendment

(-a) in paragraph 1, point (e) is replaced by the following:

“(e) audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors **and** shall not encourage immoderate consumption of such beverages;”

“(e) audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors, shall not encourage immoderate consumption of such beverages **and shall not accompany a programme aimed at a children’s audience, in the form of an advertising break broadcast during, immediately preceding or immediately following such a programme, or be included in such a programme, and shall be prohibited during hours of peak viewing by children’s audiences;**”

Or. en

Amendment 131
Fredrick Federley

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a a (new)

Directive 2010/13/EU

Article 9 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(aa) in paragraph 1, point (e) is replaced by the following:

“(e) audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors, avoid exposure to minors and shall not encourage consumption of such beverages;”

Or. en

Amendment 132
Lynn Boylan

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a a (new)

Directive 2010–13/EU

Article 9 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(aa) in paragraph 1, the following point is inserted:

“(ea) commercial communication for alcoholic beverages shall be prohibited during children’s peak viewing times, which shall be defined at national level, but at least until 21:00;”

Or. en

Amendment 133

Piernicola Pedicini, Eleonora Evi, Marco Affronte, Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States *and the Commission* shall *encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes should be used to effectively limit* the exposure of *minors to audiovisual commercial communications for alcoholic beverages.*

3. Member States *shall adopt measures to minimise the exposure of adolescents to commercial communications of alcoholic beverages. Commercial communications preceding, following or interrupting programmes targeting adolescents’ audience between 7:00 and 23:00 shall be prohibited. Without prejudice to the adoption of regulatory measures, Member States and the Commission shall encourage the development of self- and co-regulatory initiatives, including code of conducts, to further minimise* the exposure of *adolescents to such* commercial communications *accompanying or included in programmes with a significant minors’ audience.*

Or. en

Amendment 134
Margrete Auken

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 3

Text proposed by the Commission

3. Member States *and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate* audiovisual commercial communications for alcoholic beverages. *Those codes should be used to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic beverages.*

Amendment

3. Member States *shall introduce legislation to prevent inappropriate audiovisual commercial communications for alcoholic beverages and to effectively minimise the exposure of children and minors to* audiovisual commercial communications for alcoholic beverages. *This legislation shall cover television broadcasts, on-demand audiovisual media services, video-sharing platforms and social media platforms, and shall aim at, inter alia, prohibiting such communications during children and minors' usual viewing times.*

Or. en

Amendment 135

Daciana Octavia Sârbu, Karin Kadenbach, Glenis Willmott, Emilian Pavel, Nessa Childers, Jytte Guteland, Christel Schaldemose

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 3

Text proposed by the Commission

3. Member States and the Commission shall *encourage* the development of *self- and* co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. *Those codes should be used to effectively limit the exposure of minors to audiovisual*

Amendment

3. Member States and the Commission shall *ensure* the development of co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages.

commercial communications for alcoholic beverages.

Or. en

Amendment 136

Jadwiga Wiśniewska

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 3

Text proposed by the Commission

3. Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes *should* be used to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic beverages.

Amendment

3. Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes *shall* be used to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic *beverages and shall not encourage immoderate consumption of such* beverages.

Or. en

Justification

Immoderate consumption of alcohol should be addressed too.

Amendment 137

Lynn Boylan

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 3

Text proposed by the Commission

3. Member States and the Commission shall encourage the

Amendment

3. Member States and the Commission shall encourage the

development of *self- and* co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes should be used to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic beverages.

development of co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes should be used to effectively limit the exposure of *vulnerable groups such as* minors to audiovisual commercial communications for alcoholic beverages.

Or. en

Amendment 138

Nicola Caputo, Doru-Claudian Frunzuliță

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 3

Text proposed by the Commission

3. Member States and the Commission shall *encourage* the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes should be used to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic beverages.

Amendment

3. Member States and the Commission shall *ensure* the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes should be used to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic beverages.

Or. it

Amendment 139

Nicola Caputo, Doru-Claudian Frunzuliță

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) Member States and the Commission shall ensure the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for gambling. Those codes shall be used to effectively limit the exposure of minors to audiovisual commercial communications for gambling.

Or. it

Amendment 140

Nicola Caputo, Doru-Claudian Frunzuliță

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 4

Text proposed by the Commission

4. The Commission and ERGA shall ***encourage*** the exchange of best practices on self- and co-regulatory systems across the Union. If considered appropriate, the Commission shall facilitate the development of Union codes of conduct.”;

Amendment

4. The Commission and ERGA shall ***ensure*** the exchange of best practices on self- and co-regulatory systems across the Union. If considered appropriate, the Commission shall facilitate the development of Union codes of conduct.”;

Or. it

Amendment 141

Elisabetta Gardini, Julie Girling, Françoise Grossetête

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 4

Text proposed by the Commission

4. The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. If considered appropriate, the

Amendment

4. The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. If considered appropriate, the

Commission shall *facilitate the development* of Union codes of conduct.

Commission shall *promote the adoption* of Union codes of conduct.

Or. en

Amendment 142
Ian Duncan

Proposal for a directive
Article 1 – paragraph 1 – point 11 – point b
Directive 2010/13/EU
Article 9 – paragraph 4

Text proposed by the Commission

4. The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. *If considered appropriate*, the Commission shall *facilitate the development* of Union codes of conduct.

Amendment

4. The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. *Where necessary*, the Commission *and ERGA* shall *promote the adoption* of Union codes of conduct.

Or. en

Justification

Responsibility for the drafting and adopting of codes will remain the preserve of signatories.

Amendment 143
Daciana Octavia Sârbu, Karin Kadenbach, Glenis Willmott, Emilian Pavel, Nessa Childers, Jytte Guteland, Christel Schaldemose

Proposal for a directive
Article 1 – paragraph 1 – point 11 – point b
Directive 2010/13/EU
Article 9 – paragraph 4

Text proposed by the Commission

4. The Commission and ERGA shall encourage the exchange of best practices on *self- and* co-regulatory systems across the Union. If considered appropriate, the

Amendment

4. The Commission and ERGA shall encourage the exchange of best practices on co-regulatory systems across the Union. If considered appropriate, the Commission

Commission shall facilitate the development of Union codes of conduct.

shall facilitate the development of Union codes of conduct.

Or. en

Amendment 144

Piernicola Pedicini, Eleonora Evi, Marco Affronte

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b a (new)

Directive 2010/13/EU

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

(b a) paragraph 1 is replaced by the following:

'1. Audiovisual commercial communications provided by media service providers under the jurisdiction of Member States shall be permitted on condition that they comply with the following requirements:

(a) audiovisual commercial communications shall be readily recognisable as such by viewers. Any kind of surreptitious audiovisual commercial communication shall therefore be prohibited;

(b) audiovisual commercial communications shall not use subliminal techniques;

(c) audiovisual commercial communications shall not:

(i) prejudice respect for human dignity;

(ii) include, tolerate or promote any discrimination as provided for in Article 21 of the Charter of Fundamental Rights of the European Union;

(iii) encourage behaviour prejudicial to health or safety;

(iv) encourage behaviour prejudicial to the protection of the environment;

(v) encourage behaviour prejudicial to animal welfare;

(d) all forms of audiovisual commercial communications for cigarettes and other tobacco products shall be prohibited;

(e) all forms of audiovisual commercial communications that feature and/or promote gambling, gaming and collection of bets shall be prohibited;

(f) audiovisual commercial communication for (i) medicinal products for human use subject to mandatory medical prescription, (ii) veterinary medicinal products which has anabolic, anti-inflammatory, anti-infectious, anti-cancer, hormonal or psychotropic properties or substances, (iii) medical treatments of invasive nature, excluding mere aesthetic non-invasive interventions, shall be prohibited;

(g) all forms of audiovisual commercial communications that feature and/or promote financial products and services that prove to be harmful for consumers, especially those containing intrinsic risks which are not easily and immediately recognizable by the layperson, shall be prohibited;.

(h) audiovisual commercial communications, during and between programmes, targeting children's audience shall be prohibited;

(i) audiovisual commercial communications shall not cause physical, mental or moral detriment to adolescents

Therefore they shall not exhort adolescents to buy or hire a product or service by exploiting their inexperience or credulity, encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust adolescents place in

parents, teachers or other persons, or unreasonably show adolescents in dangerous situations, or in attractive situations that are not linked to the nature of the product advertised.'

Or. en

Amendment 145
Christofer Fjellner

Proposal for a directive
Article 1 – paragraph 1 – point 11 – point b a (new)
Directive 2010/13/EU
Article 9 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(b a) in paragraph 1, the following point is inserted:

“(fa) audiovisual commercial communications for gambling services shall not be aimed specifically at minors and shall contain a clear message indicating the minimum age below which gambling is not permitted.”

Or. en

Amendment 146
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 11 a (new)
Directive 2010/13/EU
Article 9 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(11a) in Article 9(1), point (e) is deleted.

Or. en

Amendment 147
Margrete Auken

Proposal for a directive
Article 1 – paragraph 1 – point 12 a (new)
Directive 2010/13/EU
Article 10 – paragraph 2

Present text

“2. Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.”

Amendment

(12a) In Article 10, paragraph 2 is replaced by the following:

“2. Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products, ***alcoholic drinks, or foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, saturated fat, trans-fatty acids, salt or sodium and sugars.***

The WHO Regional Office for Europe’s nutrient profile model shall be used in order to differentiate foods and beverages on the basis of their nutritional composition.”

Or. en

Amendment 148
Piernicola Pedicini, Eleonora Evi, Marco Affronte, Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 12 a (new)
Directive 2010/13/EU
Article 10 – paragraph 2

Present text

Amendment

(12a) In Article 10, paragraph 2 is replaced by the following:

“2. Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.”

“2. Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is:

(a) gambling, gaming and collection of bets;

(b) the manufacture or sale of cigarettes and other tobacco products, alcoholic beverages, or medicinal products and medical treatments;

(c) the sale of financial investment products and services;

(d) the manufacture or sale of food and non-alcoholic beverages barred from advertising according to the WHO Regional Office for Europe’s nutrient profile model.”

Or. en

Amendment 149
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 12 a (new)
Directive 2010/13/EU
Article 10 – paragraph 2

Present text

“Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.”

Amendment

(12a) In Article 10, paragraph 2 is replaced by the following:

“Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products, *alcoholic beverages, and food and non-alcoholic beverages high in fat, saturated fat, trans fatty acids, salt or sodium and sugars.*

*To identify such foods, the WHO
Regional Office for Europe's nutrient
profile model applies."*

Or. en

Amendment 150
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 13
Directive 2010/13/EU
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. *Product placement shall be
admissible in all audiovisual media
services, except in news and current
affairs programmes, consumer affairs
programmes, religious programmes and
programmes with a significant children's
audience.*

deleted

Or. en

Amendment 151
Christel Schaldemose

Proposal for a directive
Article 1 – paragraph 1 – point 13
Directive 2010/13/EU
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. *Product placement shall be
admissible in all audiovisual media
services, except in news and current
affairs programmes, consumer affairs
programmes, religious programmes and
programmes with a significant children's
audience.*

2. *Product placement shall be
prohibited.*

Amendment 152
Jadwiga Wiśniewska

Proposal for a directive
Article 1 – paragraph 1 – point 13
Directive 2010/13/EU
Article 11 – paragraph 2

Text proposed by the Commission

2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and ***programmes with a significant children's audience.***

Amendment

2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and children's ***programmes.***

Or. en

Justification

The amendment aims at making the provision clearer.

Amendment 153
Christel Schaldemose

Proposal for a directive
Article 1 – paragraph 1 – point 13
Directive 2010/13/EU
Article 11 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

3. ***Programmes that contain*** product placement shall ***meet*** the following ***requirements:***

Amendment

3. ***By way of derogation from paragraph 2,*** product placement shall ***be admissible in*** the following ***cases unless Member States decide otherwise:***

Or. da

Amendment 154
Christel Schaldemose

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(a) *their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;*

Amendment

(a) *in cinematographic works, films and series made for audiovisual media services, sports programmes and light entertainment programmes;*

Or. da

Amendment 155
Christel Schaldemose

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

(b) *they shall not directly encourage the purchase or rental of goods or services;*

Amendment

(b) *where there is no payment but only the provision of certain goods or services free of charge, such as production props and prizes, with a view to their inclusion in a programme;*

the derogation provided for in point (a) shall not apply to children's programmes;

Or. da

Amendment 156
Christel Schaldemose

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 3 – subparagraph 1 – point c and subparagraph 2

Text proposed by the Commission

viewers shall be clearly informed of the existence of product placement. Programmes containing product placement shall be appropriately identified at the start and the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer;

Amendment

Programmes that contain product placement shall, as a minimum, meet all of the following requirements:

(a) their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial responsibility of the media service provider;

(b) they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;

(c) they shall not give undue prominence to the product in question;

(d) viewers shall be clearly informed of the existence of product placement. Programmes containing product placement shall be appropriately identified at the start and the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer;

Or. da

Amendment 157

Christel Schaldemose

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 3 – subparagraph 3

Text proposed by the Commission

By way of exception, Member States may choose to waive the requirements set out in point (c) provided that the programme concerned has neither been produced nor commissioned by the media service provider itself or a company affiliated to the media service provider.

Amendment

By way of exception, Member States may choose to waive the requirements set out in point (d) provided that the programme concerned has neither been produced nor commissioned by the media service provider itself or a company affiliated to the media service provider.

Or. da

Amendment 158
Lynn Boylan

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 4 – points b a and b b and subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(ba) alcoholic beverages;

(bb) foods and non-alcoholic beverages high in fat, saturated fat, trans-fatty acids, salt or sodium and sugars.

To identify foods referred to in point (bb), the WHO Regional Office for Europe's nutrient profile model shall apply.

Or. en

Amendment 159
Margrete Auken

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) alcoholic drinks, or product placement from undertakings whose

principal activity is the manufacture or sale of alcoholic drinks;

Or. en

Amendment 160

Glenis Willmott, Nessa Childers, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) alcoholic beverages;

Or. en

Amendment 161

Frédérique Ries, Fredrick Federley

Proposal for a directive

Article 1 – paragraph 1 – point 13 (new)

Directive 2010/13/EU

Article 11 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) alcoholic beverages

Or. en

Justification

Product placement is an effective marketing technique that shall not contain alcoholic beverages.

Amendment 162

Margrete Auken

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 4 – point b b and subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(bb) foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, saturated fat, trans-fatty acids, salt or sodium and sugars.

The WHO Regional Office for Europe’s nutrient profile model shall be used in order to differentiate foods and beverages on the basis of their nutritional composition.

Or. en

Amendment 163

Glenis Willmott, Nessa Childers, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 4 – point b b (new)

Text proposed by the Commission

Amendment

(bb) foods and non-alcoholic beverages high in fat, trans-fatty acids, salt or sodium and sugars.

Or. en

Amendment 164

Piernicola Pedicini, Eleonora Evi, Marco Affronte, Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – paragraph 1

Text proposed by the Commission

Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which **may** impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.

Amendment

Member States shall take **all the necessary and** appropriate measures to ensure that programmes provided by audiovisual media service providers **and video-sharing platform providers** under their jurisdiction, which **might** impair the physical, mental or moral development of minors, **or harm the physical, mental or moral integrity of elderly people and vulnerable categories** are only made available in such a way as to ensure that minors **and such categories** will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other **adequate and effective** technical measures. They shall be proportionate to the potential harm of the programme.

Or. en

Amendment 165

Jadwiga Wiśniewska

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.

Or. en

Justification

The aim of the amendment is to strengthen protection of minors.

Amendment 166

Jadwiga Wiśniewska

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – paragraph 2

Text proposed by the Commission

The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures, such as encryption and effective parental controls.;

Amendment

Programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence on-demand audiovisual media services, shall be subject to the strictest measures, such as encryption and effective parental controls.

Or. en

Justification

The aim of the amendment is to strengthen protection of minors.

Amendment 167

Marc Joulaud

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a **20%** share of European works in their catalogue and ensure prominence of these works.

Amendment

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a **40%** share of European works in their catalogue and ensure prominence of these works.

Amendment 168
Marc Joulaud

Proposal for a directive
Article 1 – paragraph 1 – point 16
Directive 2010/13/EU
Article 20 – paragraph 2

Text proposed by the Commission

Amendment

16. In Article 20, paragraph 2, the first sentence is replaced by the following: *deleted*

"The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 20 minutes.";

Amendment 169
Margrete Auken

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23

Text proposed by the Commission

Amendment

(17) Article 23 is replaced by the following: *deleted*

Article 23

1. The daily proportion of television advertising spots and teleshopping spots within the period between 7:00 and 23:00 shall not exceed 20 %.

2. Paragraph 1 shall not apply to:

- (a) announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes or with programmes from other entities belonging to the same media group;*
- (b) sponsorship announcements;*
- (c) product placements;’*

Or. en

Justification

The Directive in its current form rules that ‘the proportion of television advertising spots and teleshopping spots within a given clock hour shall not exceed 20 %’, thus establishes an hourly limit, which is more appropriate.

Amendment 170
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 1

Text proposed by the Commission

Amendment

1. *The daily proportion of television advertising spots and teleshopping spots within the period between 7:00 and 23:00 shall not exceed 20 %.*

deleted

Or. en

Amendment 171
Mihai Țurcanu, Cristian-Silviu Bușoi

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 1

Text proposed by the Commission

(1) The daily proportion of television advertising spots and teleshopping spots within the period between 7:00 and 23:00 shall not exceed 20 %.

Amendment

(1) The daily proportion of television advertising spots and teleshopping spots within ***any one hour in*** the period between 7:00 and 23:00 shall not exceed 20 %.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. ro

Amendment 172

Marc Joulaud

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 1

Text proposed by the Commission

1. The ***daily proportion of*** television advertising spots and teleshopping spots within ***the period between 7:00 and 23:00*** shall not exceed 20 %.

Amendment

1. The ***percentage of broadcast time for*** television advertising spots and teleshopping spots within ***a given clock hour*** shall not exceed 20%.

Or. fr

Amendment 173

Christel Schaldemose

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 1

Text proposed by the Commission

1. The ***daily*** proportion of television advertising spots and teleshopping spots within ***the period between 7:00 and 23:00*** shall not exceed 20 %.

Amendment

1. The proportion of television advertising spots and teleshopping spots within ***a given clock hour*** shall not exceed 20 %.

Amendment 174
Marc Joulaud

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 2 – point a

Text proposed by the Commission

a) announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes *or with programmes from other entities belonging to the same media group*;

Amendment

a) announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes;

Amendment 175
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28a – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers take appropriate measures to:

Amendment

1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that *audiovisual media service providers such as* video-sharing platform providers take appropriate measures to:

Amendment 176
Lynn Boylan

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 1 – point a

Text proposed by the Commission

(a) protect minors from content which may impair their physical, mental or moral development;

Amendment

(a) protect **vulnerable groups such as** minors from content which may impair their physical, mental or moral development;

Or. en

Amendment 177

Marc Joulaud

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 1 – point b

Text proposed by the Commission

b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

Amendment

b) protect all citizens from content containing incitement to **terrorism**, violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

Or. fr

Amendment 178

Jadwiga Wiśniewska

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall take appropriate measures to ensure that programmes provided by video-sharing

platform providers under their jurisdiction, which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them.

Such measures may include age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.

The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures, such as encryption and effective parental controls.

Or. en

Justification

The aim of the amendment is to strengthen protection of minors with the context of video-sharing platforms.

Amendment 179

Jadwiga Wiśniewska

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 2 – subparagraph 1

Text proposed by the Commission

What constitutes an appropriate measure for the purposes of **paragraph 1** shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.

Amendment

What constitutes an appropriate measure for the purposes of **paragraphs 1 and 1a** shall be determined **by the Member States having jurisdiction over video-sharing platform providers** in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created

and/or uploaded the content as well as the public interest.

Or. en

Justification

The amendment clarifies that the Member States are responsible for the task.

Amendment 180

Lynn Boylan

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 2 – subparagraph 1

Text proposed by the Commission

What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.

Amendment

What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the ***audiovisual media service providers such as*** video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.

Or. en

Amendment 181

Lynn Boylan

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) defining and applying in the terms and conditions of the video-sharing platform providers the concepts of incitement to violence or hatred as referred to in point (b) of paragraph 1 and of content which may impair the physical, mental or moral development of minors, in accordance with Articles 6 and 12 respectively;

(a) defining and applying in the terms and conditions of the **audiovisual media service providers such as** video-sharing platform providers the concepts of incitement to violence or hatred as referred to in point (b) of paragraph 1 and of content which may impair the physical, mental or moral development of **vulnerable groups such as** minors, in accordance with Articles 6 and 12 respectively;

Or. en

Amendment 182
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28a – paragraph 2 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors;

(c) establishing and operating age verification systems for users of **audiovisual media services such as** video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors;

Or. en

Amendment 183
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28a – paragraph 2 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) establishing and operating systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1;

(d) establishing and operating systems allowing users of **audiovisual media services such as** video-sharing platforms to rate the content referred to in paragraph 1;

Or. en

Amendment 184
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28a – paragraph 2 – subparagraph 2 – point e

Text proposed by the Commission

(e) providing for parental control systems with respect to content which may impair the physical, mental or moral development of minors;

Amendment

(e) providing for parental control systems with respect to content which may impair the physical, mental or moral development of **vulnerable groups such as** minors;

Or. en

Amendment 185
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28a – paragraph 2 – subparagraph 2 – point f

Text proposed by the Commission

(f) establishing and operating systems through which providers of video-sharing platforms explain to users of **video-sharing platforms** what effect has been given to the reporting and flagging referred to in point (b).

Amendment

(f) establishing and operating systems through which providers of **audiovisual media services such as** video-sharing platforms explain to users of **such services** what effect has been given to the reporting and flagging referred to in point (b).

Or. en

Amendment 186
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28a – paragraph 4

Text proposed by the Commission

4. Member States shall establish the necessary mechanisms to assess the appropriateness of the measures referred to in paragraphs 2 and 3 taken by video-sharing platform providers. Member States shall entrust this task to the authorities designated in accordance with Article 30.

Amendment

4. Member States shall establish the necessary mechanisms to assess the appropriateness of the measures referred to in paragraphs 2 and 3 taken by ***audiovisual media service providers such as*** video-sharing platform providers. Member States shall entrust this task to the authorities designated in accordance with Article 30.

Or. en

Amendment 187
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28a – paragraph 5

Text proposed by the Commission

5. Member States shall not impose on video-sharing platform providers measures that are stricter than the measures referred to in paragraph 1 and 2. Member States shall not be precluded from imposing stricter measures with respect to illegal content. When adopting such measures, they shall respect the conditions set by applicable Union law, such as, where appropriate, those set in Articles 14 and 15 of Directive 2000/31/EC or Article 25 of Directive 2011/93/EU.

Amendment

5. Member States shall not impose on ***audiovisual media service providers such as*** video-sharing platform providers measures that are stricter than the measures referred to in paragraph 1 and 2. Member States shall not be precluded from imposing stricter measures with respect to illegal content. When adopting such measures, they shall respect the conditions set by applicable Union law, such as, where appropriate, those set in Articles 14 and 15 of Directive 2000/31/EC or Article 25 of Directive 2011/93/EU.

Amendment 188
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28a – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that complaint and redress mechanisms are available for the settlement of disputes between users and video-sharing platform providers relating to the application of the appropriate measures referred to in paragraphs 1 and 2.

Amendment

6. Member States shall ensure that complaint and redress mechanisms are available for the settlement of disputes between users and ***audiovisual media service providers such as*** video-sharing platform providers relating to the application of the appropriate measures referred to in paragraphs 1 and 2.

Amendment 189
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28a – paragraph 7

Text proposed by the Commission

7. The Commission and ERGA shall encourage video-sharing platform providers to exchange best practices on co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.

Amendment

7. The Commission and ERGA shall encourage ***audiovisual media service providers such as*** video-sharing platform providers to exchange best practices on co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.

Amendment 190
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28a – paragraph 8

Text proposed by the Commission

8. Video-sharing platform providers or, where applicable, the organisations representing those providers in this respect shall submit to the Commission draft Union codes of conduct and amendments to existing Union codes of conduct. The Commission may request ERGA to give an opinion on the drafts, amendments or extensions of those codes of conduct. The Commission may give appropriate publicity to those codes of conduct.

Amendment

8. ***Audiovisual media services providers such as*** video-sharing platform providers or, where applicable, the organisations representing those providers in this respect shall submit to the Commission draft Union codes of conduct and amendments to existing Union codes of conduct. The Commission may request ERGA to give an opinion on the drafts, amendments or extensions of those codes of conduct. The Commission may give appropriate publicity to those codes of conduct.

Or. en

Amendment 191
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28b – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that video-sharing platform providers which are not established on their territory, but which have either a parent company or a subsidiary that is established on their territory or which are part of a group and another entity of that group is established on their territory, are deemed to have been

Amendment

Member States shall ensure that ***audiovisual media services providers such as*** video-sharing platform providers which are not established on their territory, but which have either a parent company or a subsidiary that is established on their territory or which are part of a group and another entity of that group is established

established on their territory for the purposes of Article 3(1) of Directive 2000/31/EEC.

on their territory, are deemed to have been established on their territory for the purposes of Article 3(1) of Directive 2000/31/EEC.

Or. en

Amendment 192
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28b – paragraph 2

Text proposed by the Commission

2. Member States shall communicate to the Commission a list of the video-sharing platform providers established on their territory and the criteria, set out in Article 3(1) of Directive 2000/31/EC and in paragraph 1, on which their jurisdiction is based. They shall update the list regularly. The Commission shall ensure that the competent independent regulatory authorities have access to this information.;

Amendment

2. Member States shall communicate to the Commission a list of the ***audiovisual media services providers such as*** video-sharing platform providers established on their territory and the criteria, set out in Article 3(1) of Directive 2000/31/EC and in paragraph 1, on which their jurisdiction is based. They shall update the list regularly. The Commission shall ensure that the competent independent regulatory authorities have access to this information.;

Or. en

Amendment 193
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that effective mechanisms exist at national level under which any user or media services ***provider***

Amendment

Member States shall ensure that effective mechanisms exist at national level under which any user or ***provider of*** media

or video-sharing platform provider who is affected by a decision of a national regulatory authority has the right of appeal against the decision to an appeal body. The appeal body shall be independent of the parties involved in the appeal.

services *including audiovisual media* or video-sharing platform provider who is affected by a decision of a national regulatory authority has the right of appeal against the decision to an appeal body. The appeal body shall be independent of the parties involved in the appeal.

Or. en

Amendment 194
Lynn Boylan

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/13/EU
Article 30a – paragraph 3 – point e

Text proposed by the Commission

(e) to give opinions, when requested by the Commission, on the issues envisaged in Articles 2(5b), 6a(3), 9(2), 9(4) and on any matter relating to audiovisual media services, in particular on the protection of minors and incitement to hatred;

Amendment

(e) to give opinions, when requested by the Commission, on the issues envisaged in Articles 2(5b), 6a(3), 9(2), 9(4) and on any matter relating to audiovisual media services, in particular on the protection of *vulnerable groups such as* minors and incitement to hatred.

Or. en

Amendment 195
Frédérique Ries, Jasenko Selimovic

Proposal for a directive
Article 1 – paragraph 1 – point 23
Directive 2010/13/EU
Article 33 – paragraph 2

Text proposed by the Commission

By [date – no later than four years after adoption] at the latest, and every three years thereafter, the Commission shall submit to the European Parliament, to the

Amendment

By [date – no later than four years after adoption] at the latest, and every three years thereafter, the Commission shall submit to the European Parliament, to the

Council and to the European Economic and Social Committee a report on the application of this Directive.

Council and to the European Economic and Social Committee a report on the application of this Directive ***The report shall assess the effectiveness of the self- and co-regulation practices in all Member States, in particular in the light of advertising practices, when targeting children and families. If the report concludes that self-regulatory codes of conduct regarding audiovisual commercial communications, e.g. for unhealthy food and sweetened beverages, have not deliver expected results in minimising exposure of children and minors, the Commission shall come up with a proposal of regulation on this specific matter.***

Or. en

Justification

It is important to set up a review clause, especially for advertising practices, to adequately protect children's rights, health and well-being.

Amendment 196 **Lynn Boylan**

Proposal for a directive
Article 1 – paragraph 1 – point 23
Directive 2010/13/EU
Article 33 – paragraph 2

Text proposed by the Commission

By [date – no later than **four** years after adoption] at the latest, and every three years thereafter, the Commission shall submit to the European Parliament, to the Council and to the European Economic and Social Committee a report on the application of this Directive.

Amendment

By [date – no later than **three** years after adoption] at the latest, and every three years thereafter, the Commission shall submit to the European Parliament, to the Council and to the European Economic and Social Committee a report on the application of this Directive.

Or. en

Amendment 197

Mihai Țurcanu, Cristian-Silviu Bușoi

Proposal for a directive

Article 1 – paragraph 1 – point 23

Directive 2010/13/EU

Article 33 – paragraph 2

Text proposed by the Commission

By [date – no later than **four** years after adoption] at the latest, and every three years thereafter, the Commission shall submit to the European Parliament, to the Council and to the European Economic and Social Committee a report on the application of this Directive.

Amendment

By [date – no later than **three** years after adoption] at the latest, and every three years thereafter, the Commission shall submit to the European Parliament, to the Council and to the European Economic and Social Committee a report on the application of this Directive.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. ro

Amendment 198

Glenis Willmott, Nessa Childers, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 23

Directive 2010/13/EU

Article 33 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

No later than ... (three years after the adoption of this Directive) the Commission shall draw up a report to the European Parliament and to the Council with proposals to limit the exposure of minors of commercial communications of products prejudicial to health on the internet and social media.

Or. en