



2016/0151(COD)

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AMENDMENTS

47 - 171

Draft opinion

Angelika Mlinar

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))

AM_Com_LegOpinion

Amendment 47
Notis Marias

Proposal for a directive
Citation 1 a (new)

Text proposed by the Commission

Amendment

having regard to 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 48
Jan Philipp Albrecht

Proposal for a directive
Citation 1 a (new)

Text proposed by the Commission

Amendment

Having regard to the Charter of Fundamental Rights of the European Union, and in particular Article 7, 10, 11, 21, 24, 26, 47 and 52 thereof,

Or. en

Justification

LIBE AM 1 Mlinar with addition of Art. 47 (effective remedy)

Amendment 49
Notis Marias

Proposal for a directive
Citation 1 b (new)

Text proposed by the Commission

Amendment

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

Amendment 50

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.

²⁷ Directive 89/552/EEC of the European Parliament and of the Council of 3 October

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 ***owing to 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.

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).

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).

Or. el

Amendment 51

Marc Joulaud, Brice Hortefeux, Rachida Dati

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

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).

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, *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 52**Marc Joulaud, Brice Hortefeux, Rachida Dati****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 53

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.

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

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->

Amendment 54
Jan Philipp Albrecht

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 **legal** certainty to businesses and Member States' authorities, the notion of "incitement to hatred" should, to the appropriate extent, be aligned **with** 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" ***as well as those grounds not covered by Framework Decision 2008/913/JHA such as social origin, genetic features, language, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health. These grounds are intended to further specify the characteristics of "publicly inciting to violence or hatred" but should not alone be considered as a basis for restricting the making available of audio-visual content. All circumstances, including the intention, should be taken into account, and freedom of expression, in particular artistic, literary and journalistic expression, should be respected.***

Justification

Based on LIBE AM 2 Mlinar, last sentence added to clarify what else should be considered.

Amendment 55

Luigi Morgano

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". This should include aligning the grounds on which incitement to violence or hatred is based. ***Provisions concerning hate speech should be applied in line with the jurisprudence of the European Court of Human Rights concerning the right to freedom of expression and information.***

Or. en

Amendment 56

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

Amendment

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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.

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 57
Traian Ungureanu, Monika Hohlmeier

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) In order to achieve a true digital single market, further efforts are needed in the field of improving media literacy among citizens, therefore the Commission and the Member States should strengthen their efforts to promote it among all EU citizens, in particular children and minors through initiatives and coordinated actions, in order to increase the understanding of audiovisual media services.

Or. en

Amendment 58
Traian Ungureanu, Monika Hohlmeier

Proposal for a directive
Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) Member States are encouraged to take all the necessary measures in order to promote media education, which provides knowledge and skills and empowers citizens to exercise their right to freedom of expression, to analyse media content and to react to disinformation. In this regard, it is important to strengthen the knowledge on all levels of the educational system and to encourage people to active citizenship and to develop their awareness as media consumers.

Or. en

Amendment 59
Luigi Morgano

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, ***in particular*** 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.

Or. en

Amendment 60
Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

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 61

Caterina Chinnici, Anna Maria Corazza Bildt, Michela Giuffrida, Luigi Morgano, Silvia Costa, Damiano Zoffoli, Brando Benifei, Traian Ungureanu, Antonio López-Istúriz White, Ivan Štefanec, Monika Hohlmeier, Nathalie Griesbeck

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The consumption of linear TV channels in Europe remains prominent in comparison to other media services, as demonstrated by the study "Linear and on-demand audiovisual media services in Europe 2015", published by the European Audiovisual Observatory in June 2016, which shows an overall good condition of linear TV in Europe, with the number of available linear TV channels in 2015 increasing on average of 46% compared to 2009;

Or. en

Amendment 62

Caterina Chinnici, Anna Maria Corazza Bildt, Michela Giuffrida, Luigi Morgano, Silvia Costa, Damiano Zoffoli, Brando Benifei, Traian Ungureanu, Antonio López-Istúriz White, Ivan Štefanec, Monika Hohlmeier, Nathalie Griesbeck

Proposal for a directive

Recital 9 b (new)

Text proposed by the Commission

Amendment

(9b) There has been a slight decrease in Europe of the fruition by young people of linear TV channels, as demonstrated by the study " Measurement of Fragmented Audiovisual Audiences", published by the European Audiovisual Observatory in November 2015, which shows in 2014 an average decrease in the European Union of only 4% of young people aged 12-34, compared to 2011;

Or. en

Amendment 63

Caterina Chinnici, Anna Maria Corazza Bildt, Michela Giuffrida, Luigi Morgano, Silvia Costa, Damiano Zoffoli, Jana Žitňanská, Brando Benifei, Antonio López-Istúriz White, Ivan Štefanec, Monika Hohlmeier, Traian Ungureanu, Nathalie Griesbeck

Proposal for a directive

Recital 9 c (new)

Text proposed by the Commission

Amendment

(9c) A ban for television broadcasts by broadcasters under their jurisdiction for programmes which might seriously impair the physical, mental or moral development of minors and technical measures in the case of on-demand services have been adopted by all Member States, as demonstrated by the study "Analysis of the implementation of the provisions contained in the AVMSD concerning the protection of minors",

Or. en

Amendment 64
Jan Philipp Albrecht

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 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.

Or. en

Amendment 65
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

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 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.

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 66
Jan Philipp Albrecht

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

Or. en

Amendment 67
Kinga Gál

Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The exposure of children to violence through graphic images should also be limited through content rating rules.

Or. en

Amendment 68
Jan Philipp Albrecht

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 69
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 70
Notis Marias

Proposal for a directive
Recital 15

Text proposed by the Commission

(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.

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, *since it can generate additional resources for audiovisual media service providers.*

Or. el

Amendment 71
Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini

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 not be admissible in news and current affairs programmes, consumer affairs programmes, religious programmes, **as well as channels and audiovisual programmes for children**. 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 **channels and audiovisual programmes for children**. 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. en

Amendment 72
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

Amendment

(17) The rule that a product should not be given undue prominence **must be applied** 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.

audiovisual media service provider's
editorial independence is not affected.

Or. el

Amendment 73

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 74

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 to be able to decide when to place***

Amendment

deleted

*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 75
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 76
Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini

Proposal for a directive
Recital 21

Text proposed by the Commission

Amendment

(21) Providers of on-demand

(21) Providers of on-demand

audiovisual media services should promote the production and distribution of European works by ensuring that their catalogues contain a minimum share of European works and that those are given enough prominence.

audiovisual media services should promote the production and distribution of European works by ensuring that their catalogues contain a minimum share of European works and that those are given enough prominence, *without affecting media pluralism*.

Or. en

Amendment 77
Jan Philipp Albrecht

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, on which users - particularly minors - increasingly consume audiovisual content. In *addition, the decision to remove such content, being often dependent on a subjective interpretation, can undermine the freedom of expression and information*. In *this context*, it is necessary, in order to protect minors from harmful content and all citizens from content containing incitement to violence or hatred *hosted on video-sharing platforms, but also to protect and guarantee the fundamental rights of users*, to set out *common and* proportionate rules on those matters. *Such rules should, in particular, further define at Union level the characteristics of "harmful content" and "incitement to violence and hatred", taking into account the intention and effect of such content. Co-regulatory measures implemented or approved by Member States or by the Commission should fully respect the obligations of the Charter of Fundamental Rights of the European Union, in particular Article 52 thereof*.

National regulatory bodies and authorities should retain effective enforcement powers.

Or. en

Justification

Based on LIBE AM 4 Mlinar

Amendment 78

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

**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, on which users - particularly minors - increasingly consume audiovisual content. In this context, ***illegal***, harmful, ***racist and xenophobic*** 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. ***These rules should fully respect the freedom of expression, and could also create an EU common base for tackling "harmful content" and "incitement to violence and hatred".***

Or. en

Amendment 79

Daniel Dalton, Helga Stevens

**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, on which users - particularly minors - increasingly consume audiovisual content. In ***addition, the decision to remove such content, should respect the principle of freedom of expression. In this context***, it is necessary, in order to protect minors from harmful content and all citizens from content containing incitement to violence or hatred ***hosted on video-sharing platforms, but also to protect and guarantee the fundamental rights of users***, to set out proportionate rules on those matters.

Or. en

Amendment 80

Traian Ungureanu, Monika Hohlmeier

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, 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, ***to the commission of a terrorist offence, to*** hatred, to set out proportionate rules on those matters.

Or. en

Amendment 81

Marc Joulaud, Brice Hortefeux, Rachida Dati

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

Or. fr

Amendment 82

Kinga Gál

Proposal for a directive

Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Video sharing platforms also represent breeding ground for terrorist propaganda. Youngsters represent the most vulnerable group when it comes to radicalization via the internet. Cooperation between internet providers, EU agencies and national authorities is vital to combat these tendencies via the removal of radical content and the elaboration of positive counter-narratives.

Or. en

Amendment 83
Kinga Gál

Proposal for a directive
Recital 26 b (new)

Text proposed by the Commission

Amendment

(26b) Cyberbullying is becoming increasingly common, especially among teenagers, and it can take place also on video sharing platforms. Programs should be put in place for prevention of cyberbullying through anti-bullying campaigns and the promotion of online safety instruction on how to use the Internet properly.

Or. en

Amendment 84
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

(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.

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 85

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

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 minors from content that may impair their physical **or mental** development and protect all citizens from incitement to violence or hatred directed against a **person or a group of persons** defined by reference to race, colour, **ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health**.

Or. en

Amendment 86

Marc Joulaud, Brice Hortefeux, Rachida Dati

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 87

Traian Ungureanu, Monika Hohlmeier

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

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.

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, *to the commission of a terrorist offence, to* 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 88
Daniel Dalton, Helga Stevens

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 *hosted* 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 *or mental* development and protect all *users* 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, *disability*, descent or national or ethnic origin.

Or. en

Amendment 89

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 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).

Amendment

(29) In light of the nature of the providers' involvement with the content **hosted** 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 monitoring obligations in specific cases and, in particular, without affecting **judicial** 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 90

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 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).

Amendment

(30) It is appropriate to involve **relevant stakeholders including civil society organisations and** the video-sharing platform providers as much as possible when implementing the appropriate measures to be taken pursuant to this Directive. Co-regulation **that is transparent and accountable** 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 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).

Amendment 91

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

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 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

Amendment

(30) It is appropriate to involve ***relevant stakeholders including civil society organisations and*** 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 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).

and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

Or. en

Amendment 92

Traian Ungureanu, Monika Hohlmeier

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 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

Amendment

(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, **to the commission of a terrorist offence, to** 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 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).

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 93

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 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.

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, 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.

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).

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. el

Amendment 94
Daniel Dalton, Helga Stevens

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. 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.
Member States have an obligation to ensure that the balance of incentives for media service providers and video-sharing platform providers covered by this Directive is such that legal content, including content which can offend, shock or disturb, can be communicated. Similarly, age verification should only be proportionate and should be implemented in a way which offers the maximum protection of privacy.

Amendment 95**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 96**Traian Ungureanu, Monika Hohlmeier****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

Amendment

(31) When taking the appropriate measures to protect minors from harmful content and to protect all citizens from content containing incitement to violence, ***to the commission of a terrorist offence, to*** hatred, in accordance with this Directive, the applicable fundamental rights, as laid

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.

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. en

Amendment 97

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

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 **necessary** measures to protect minors from **illegal**, harmful, **racist and xenophobic** 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 **rights** of the child.

Or. en

Amendment 98

Marc Joulaud, Brice Hortefeux, Rachida Dati

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 99 Luigi Morgano

Proposal for a directive Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) The 2011 EU Agenda for the Rights of the Child defines "the Treaties, the Charter of Fundamental Rights of the European Union and the UN Convention on the Rights of the Child (UNCRC) as a common basis for all EU action which is relevant to children". Articles 5 and 19 of the UNCRC are of particular relevance for the protection of children in audiovisual media services.

Or. en

Justification

The importance of the UN Convention on the Rights of the Child for protection of minors in this sector should be underlined.

Amendment 100

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

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 **should** achieve the requisite degree of independence **by being** 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 **full** 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 **be transparent and should** ensure respect for the objectives of media pluralism, cultural diversity, consumer protection **and non-discrimination**, the internal market and the promotion of fair competition.

Or. en

Amendment 101

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 102

Emilian Pavel, Birgit Sippel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

Proposal for a directive
Recital 35

Text proposed by the Commission

(35) With a view to ensuring the consistent application of the Union audiovisual regulatory framework across

Amendment

(35) With a view to ensuring the consistent application of the Union audiovisual regulatory framework across

all Member States, the Commission established ERGA by Commission Decision of 3 February 2014³⁶. ERGA's role is to *advise* and assist the Commission in its work to ensure a consistent implementation of Directive 2010/13/EU in all Member States, and to facilitate cooperation among the national regulatory authorities, and between the national regulatory authorities and the Commission.

³⁶ Commission Decision C(2014) 462 final of 3 February 2014 on establishing the European Regulators Group for Audiovisual Media Services.

all Member States, the Commission established ERGA by Commission Decision of 3 February 2014³⁶. ERGA's role is to *act as an independent expert advisory group* and assist the Commission in its work to ensure a consistent implementation of Directive 2010/13/EU in all Member States, and to facilitate cooperation among the national regulatory authorities, and between the national regulatory authorities and the Commission.

³⁶ Commission Decision C(2014) 462 final of 3 February 2014 on establishing the European Regulators Group for Audiovisual Media Services.

Or. en

Amendment 103 **Daniel Dalton, Helga Stevens**

Proposal for a directive **Recital 36**

Text proposed by the Commission

(36) ERGA has made a positive contribution towards consistent regulatory practice and has provided high level advice to the Commission on implementation matters. This calls for the formal recognition and reinforcement of its role in this Directive. The group should therefore be re-established by virtue of this Directive.

Amendment

(36) ERGA has made a positive contribution towards consistent regulatory practice and has provided high level *and independent* advice to the Commission on implementation matters. This calls for the formal recognition and reinforcement of its role in this Directive. The group should therefore be re-established by virtue of this Directive.

Or. en

Amendment 104 **Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu**

Proposal for a directive
Recital 36

Text proposed by the Commission

(36) ERGA has made a positive contribution towards consistent regulatory practice and has provided high level advice to the Commission on implementation matters. This calls for the formal recognition and reinforcement of its role in this Directive. The group should therefore be re-established by virtue of this Directive.

Amendment

(36) ERGA has made a positive contribution towards consistent regulatory practice and has provided high level ***independent*** advice to the Commission on implementation matters. This calls for the formal recognition and reinforcement of its role in this Directive. The group should therefore be re-established by virtue of this Directive.

Or. en

Amendment 105

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

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 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.

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, ***racism, xenophobia*** and hate speech as well as audiovisual commercial communications for foods high in fat, salt/sodium and sugars.

Or. en

Amendment 106
Jan Philipp Albrecht

Proposal for a directive
Recital 38

Text proposed by the Commission

(38) This Directive is without prejudice to the ability of Member States to impose obligations to ensure ***discoverability and accessibility*** of content of general interest under defined general interest objectives ***such as media pluralism, freedom of speech and cultural diversity***. Such obligations should ***only be imposed where they are necessary to*** meet general interest objectives ***clearly defined by Member States in conformity with Union law. In this respect, Member States should in particular examine the need for regulatory intervention against the results of the outcome of market forces. Where Member States decide to impose discoverability rules, they should only impose proportionate obligations on undertakings, in the interest of legitimate public policy considerations.***

Amendment

(38) This Directive is without prejudice to the ability of Member States to impose obligations to ensure ***access to and appropriate prominence*** of content of general interest under defined general interest objectives. Such obligations should ***be proportionate and*** meet general interest objectives ***such as media pluralism, freedom of speech, cultural and regional diversity, as well as language preservation clearly defined by Member States in conformity with Union law.***

Or. en

Justification

The concept of "discoverability" is very unclear.

Amendment 107
Traian Ungureanu, Monika Hohlmeier

Proposal for a directive
Recital 42 a (new)

Text proposed by the Commission

Amendment

(42a) Member States should take all the necessary measure to ensure the correct,

timely and effective transposition and application of this Directive.

Or. en

Amendment 108

Marc Joulaud

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point b

Directive 2010/13/EU

Article 1 – paragraph 1 – point a a – 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 109

Jan Philipp Albrecht

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point b

Directive 2010/13/EU

Article 1 – paragraph 1 – point a a – point iii

Text proposed by the Commission

(iii) the principal purpose of the service or a dissociable section thereof is devoted to providing programmes and user-generated videos to the general public, in order to inform, entertain or educate;

Amendment

(iii) the principal purpose of the service or a dissociable section thereof is devoted to, ***or the service plays a significant role in,*** providing programmes and user-generated videos to the general public, in order to inform, entertain or educate;

Or. en

Amendment 110

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point d

Directive 2010/13/EU

Article 1 – paragraph 1 – point b a

Text proposed by the Commission

(ba) 'user-generated video' means a set of moving images with or without sound constituting an individual item that is created and/or uploaded to a video-sharing platform by one or more users;

Amendment

(ba) 'user-generated video' means a set of moving images with or without sound constituting an individual item that is created and/or uploaded to a video-sharing platform by one or more users ***independent of and separate from the video-sharing platform;***

Or. en

Amendment 111

Silvia Costa, Luigi Morgano, Cécile Kashetu Kyenge, Caterina Chinnici, Anna Maria Corazza Bildt

Proposal for a directive

Article 1 – paragraph 1 – point 2 a (new)

Directive 2010/13/EU

Chapter II – Article 1 a (new)

Text proposed by the Commission

Amendment

(2a) The following article is inserted:

'Article 1a

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

(a) protect all citizens from programmes and user-generated videos containing incitement to violence or hatred directed against a group of

individuals or a member of such a group defined by reference to sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, descent or national origin;

(b) protect all citizens from programmes and user-generated videos containing incitement to commit terrorist acts and justifying terrorism;

(c) protect all citizens from programmes and user-generated videos containing intentional and continuous persecution directed against an individual or a group of individuals;

(d) protect minors from programmes or user-generated videos which may impair their physical, mental or moral development. Such content shall, in any case, only be made available in such a way as to ensure that minors will not normally hear or see it. The most harmful content, such as gratuitous violence or pornography, shall not be included in television broadcasts by broadcasters and, in the case of on-demand media services, shall be subject to the strictest measures, such as encryption and effective parental controls. Such measures shall include selecting the time of their availability, age verification tools or other technical measures, including parental control tools by default.

2. What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, shall be proportionate to the potential 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 providers and the users having created and/or uploaded the content as well as the public interest and respect communicative freedoms. Providers shall provide sufficient information to viewers about such

content, preferably using a system of descriptors indicating the nature of the content.

3. *Member States shall ensure that complaint and redress mechanisms are available for the settlement of disputes between recipients of a service and media service providers or video-sharing platform providers relating to the application of the appropriate measures referred to in paragraphs 1 and 2. Such complaint and redress mechanisms shall ensure the effective and permanent removal of contents referred to in paragraph 1.*

4. *For the purposes of the implementation of the measures referred to in paragraphs 1 and 2, Member States shall encourage co-regulation. Member States shall establish the necessary mechanisms to assess the appropriateness of the measures referred to in paragraphs 2 and 3 of this Article. Member States shall entrust this task to the bodies designated in accordance with Article 30. In case co-regulation or self-regulation prove to be ineffective, national regulatory bodies are entitled to exercise their effective powers.'*

Or. en

Justification

While deeming useful, also with the aim of establishing a level playing field, to merge Articles 6, 6a, 12 and 28a in Article -2, provisions ensuring the highest level of protection for minors, at least with regards to broadcasters and video on demand services, included in the current Directive and that so far have proven to be effective and appropriate must be maintained. With regards to video sharing platform services, the effective protection of minors from harmful content and of all citizens against hate speech, incitement to commit terrorist acts and justifying terrorism and intentional and continuous persecution directed against an individual or a group of individuals must be granted, entrusting national regulatory bodies with the powers to ensure the appropriateness of co-regulatory measures referred to in paragraphs 1 and 2. Provisions regarding the protection of all citizens against the incitement to and justification of terrorism and the intentional and continuous persecution directed against an individual or a group of individuals must also be included. An efficient complaint

and redress mechanism must be ensured, granting the effective and permanent removal of contents referred to in Paragraph 1.

Amendment 112

Caterina Chinnici, Anna Maria Corazza Bildt, Michela Giuffrida, Luigi Morgano, Silvia Costa, Damiano Zoffoli, Roberta Metsola, Miriam Dalli, Traian Ungureanu, Antonio López-Istúriz White, Ivan Štefanec, Daniel Buda, Monika Hohlmeier, Nathalie Griesbeck

Proposal for a directive

Article 1 – paragraph 1 – point 2 a (new)

Directive 2010/13/EU

Chapter II – Article 1 a (new)

Text proposed by the Commission

Amendment

(2a) The following article is inserted:

'Article 1a

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

(a) protect all citizens from programmes and user-generated videos containing 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, descent or national origin;

(b) protect minors from programmes or user-generated videos which may impair their physical, mental or moral development. The most harmful content, such as gratuitous violence or pornography, shall not be included in television broadcasts by broadcasters and, in the case of on demand media services, shall be subject to the strictest measures, such as encryption and effective parental controls. Such measures shall include selecting the time of their availability, age verification tools or other technical

measures, including parental control tools by default. Such content shall in any case only be made available in such a way as to ensure that minors will not normally hear or see it.

2. What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, shall be proportionate to the potential 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 providers and the users having created and/or uploaded the content as well as the public interest and respect communicative freedoms. Providers shall provide sufficient information to viewers about such content, preferably using a system of descriptors indicating the nature of the content.

3. For the purposes of the implementation of the measures referred to in paragraphs 1 and 2, Member States shall encourage co-regulation as provided for in Article -2f(3) and (4). Member States shall establish the necessary mechanisms to assess the appropriateness of the measures referred to in paragraph 2 of this Article. Member States shall entrust this task to the bodies designated in accordance with Article 29. When adopting such measures the Member States shall respect the conditions set by applicable Union law, in particular Articles 14 and 15 of Directive 2000/31/EC or Article 25 of Directive 2011/93/EU.

4. Member States shall ensure that complaint and redress mechanisms are available for the settlement of disputes between recipients of a service and media service providers or video-sharing platform providers relating to the application of the appropriate measures

referred to in paragraphs 1 and 2.'

Or. en

Amendment 113

Luigi Morgano

Proposal for a directive

Article 1 – paragraph 1 – point 2 b (new)

Directive 2010/13/EU

Chapter II – Article 1 b (new)

Text proposed by the Commission

Amendment

(2b) The following article is inserted:

'Article 1b

1. Member States shall ensure that audiovisual commercial communications provided by media service providers and video-sharing platform providers under their jurisdiction comply with the following requirements:

(a) audiovisual commercial communications shall be readily recognisable as such. Surreptitious audiovisual commercial communication shall be prohibited;

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

(c) audiovisual commercial communications shall not:

i. prejudice respect for human dignity;

ii. encourage behaviour prejudicial to health or safety;

iii. gratuitously offend or insult religious groups or members thereof with respect to their religious affiliation, or their religious convictions or symbols;

iv. encourage behaviour grossly prejudicial to the protection of the

environment;

v. contain sexualisation of children or degrading depictions of women;

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

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

(f) audiovisual commercial communication for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the media service provider falls shall be prohibited;

(g) audiovisual commercial communications shall not cause physical or moral detriment to minors. Therefore they shall not directly exhort minors to buy or hire a product or service by exploiting their inexperience or credulity, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, or unreasonably show minors in dangerous situations.

(h) pornography, including representations susceptible to incite to hatred based on sex, is prohibited in all forms of audiovisual commercial communications;

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

Or. en

Justification

In audiovisual commercial communications, it is important to safeguard the respect for different religious traditions. Furthermore, it is important that audiovisual commercial communications do not contain any kind of sexualisation of children, degrading depictions of woman and representations susceptible to incite to hatred based on sex.

Amendment 114

Luigi Morgano

Proposal for a directive

Article 1 – paragraph 1 – point 2 c (new)

Directive 2010/13/EU

Chapter II – Article 1 c (new)

Text proposed by the Commission

Amendment

(2c) The following article is inserted:

'Article 1c

1. Member States shall, by appropriate means, ensure, within the framework of their legislation, that media service providers and video-sharing platform providers under their jurisdiction effectively comply with the provisions of this Directive.

2. Member States shall remain free to require media service providers and video-sharing platform providers under their jurisdiction to comply with more detailed or stricter rules with regard to Articles -2 to -2e, Article 7, Article 13, Article 16, Article 17, Articles 19 to 26, Articles 30 and 30a provided that such rules are in compliance with Union law and in respect of communicative freedoms.

3. Member States shall encourage co- 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 broadly accepted by stakeholders in the Member States concerned, in particular parents' associations active on protection of

minors. Such associations shall be involved in the drafting of these codes. 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, with the full involvement of the above-said associations. They shall provide for effective enforcement, including when appropriate effective and proportionate sanctions.

4. The Commission and ERGA shall encourage media service providers and video-sharing platform providers to exchange best practices on co-regulatory systems across the Union.

5. In co-operation with the Member States, the Commission shall facilitate the development of Union codes of conduct in consultation with media service providers and video-sharing platform providers where appropriate. Draft Union codes of conduct and amendments or extensions to existing Union codes of conduct shall be submitted to the Commission by the signatories of these codes. The contact committee established pursuant Article 29 shall decide on the drafts, amendments or extensions of those codes. The Commission shall publish those codes.

6. If a national independent regulatory body concludes that any code of conduct or parts of it have proven to be not effective enough the Member State of this regulatory body remains free to require media service providers and video-sharing platform providers under their jurisdiction to comply with more detailed or stricter rules in compliance with Union law and in respect of communicative freedoms. Such legislation has to be reported to the Commission without delay.

7. Directive 2000/31/EC shall apply unless otherwise provided for in this

Directive. In the event of a conflict between a provision of Directive 2000/31/EC and a provision of this Directive, the provisions of this Directive shall prevail, unless otherwise provided for in this Directive.'

Or. en

Amendment 115
Jan Philipp Albrecht

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 **and approved by the national regulatory body or authority**. The codes of conduct shall clearly and unambiguously set out their objectives **and measures**. They shall provide for regular, transparent and independent monitoring and evaluation of the achievement of the objectives aimed at. They shall provide for effective **and transparent** enforcement, including when appropriate effective and proportionate sanctions. **Member States shall ensure that in the event the co-regulation fails to achieve the desired level of protection, national regulatory bodies and authorities have effective enforcement powers, including through issuing binding codes of conduct and applying administrative sanctions.**

Or. en

Amendment 116
Marju Lauristin

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point d a (new)

Directive 2010/13/EU

Article 4 – paragraph 7a (new)

Text proposed by the Commission

Amendment

(da) The following paragraph is inserted:

7a. This Directive and any implementing act thereof shall be without prejudice to Directive 2000/31/EC and in particular articles 14 and 15.

Or. en

Amendment 117

Sylvie Guillaume, Vilija Blinkevičiūtė, Sylvia-Yvonne Kaufmann, Emilian Pavel, Miriam Dalli, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Ana Gomes, Soraya Post, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2010/13/EU

Article 6

Text proposed by the Commission

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 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.;

Member States shall ensure by appropriate **and proportionate** means that audiovisual media services provided by media service providers under their jurisdiction do not contain:

(a) any incitement to violate human dignity and 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, **nationality**, religion or belief, disability, age or sexual orientation;

(b) any incitement to commit terrorist acts or the glorification of such acts.

Or. en

Amendment 118

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

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 or hatred directed **a person or a group of persons** defined by reference to **race, colour, ethnic or social** origin, **genetic features, language**, religion or belief, **political or any other opinion, membership of a national minority, property, birth**, disability, age, **gender, gender expression, gender identity**, sexual orientation, **residence status or health**;

Or. en

Amendment 119

Jan Philipp Albrecht

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 or hatred directed against a group of persons or a member of such a group.

Or. en

Amendment 120

Traian Ungureanu, Monika Hohlmeier

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, ***to the commission of a terrorist offence, to*** 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. en

Amendment 121

Marc Joulaud, Brice Hortefeux, Rachida Dati

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 122

Kinga Gál

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 hate speech** 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

Amendment 123

Kinga Gál

Proposal for a directive

Article 1 – paragraph 1 – point 9

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 may use a system of descriptors indicating the nature of the content of an audiovisual media service, ***which properly warns parents to restrict their children from watching certain programs.***

Or. en

Amendment 124

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2010/13/EU
Article 6 a – 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 ***or mental*** 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.

Or. en

Amendment 125

Daniel Dalton, Helga Stevens

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2010/13/EU

Article 6 a – 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 ***or mental*** 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.

Or. en

Amendment 126

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

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 ensure that services provided by the audiovisual media service providers under their jurisdiction are made accessible to people with visual and/or hearing disabilities, including by using subtitles for the deaf and hard of hearing, sign language interpretation and audio message and audio description for any visual information. Member States should require that media service providers report on an annual basis on the accessibility of their services.

Amendment 127

Traian Ungureanu, Monika Hohlmeier, Anna Maria Corazza Bildt

Proposal for a directive

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

Directive 2010/13/EU

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

Text proposed by the Commission

Amendment

(-a) In paragraph (1), following point (h) is inserted:

(ga) audiovisual commercial communications for gambling services shall not be aimed specifically at minors and shall carry a clear 'no underage gambling' message indicating the minimum age below which gambling is not permissible.

Amendment 128

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini

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

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 **channels and audiovisual programmes for children**, 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. en

Amendment 129

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini

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, **as well as channels and audiovisual programmes for children.**

Or. en

Amendment 130

Jan Philipp Albrecht

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.

Amendment

Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical **or mental** 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.

Such measures may include selecting the time of the broadcast **or** age verification tools. They shall be proportionate to the potential harm of the programme **and shall not lead to any additional processing of personal data and be without prejudice to Article 8 of Regulation (EU)2016/679**.

Or. en

Justification

“other technical measures” is too unclear and leaves it wide open to Member States. Addition to last sentence in line with data minimisation principle of Regulation 2016/679.

Amendment 131

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

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 appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical **or mental** 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.

Or. en

Amendment 132

Jan Philipp Albrecht

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

Already covered by first sub-paragraph: “shall be proportionate to the potential harm”. No need to pick out specific genres of harmful content or of technical methods.

Amendment 133

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

Amendment

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.

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.

Or. fr

Amendment 134

Marc Joulaud

Proposal for a directive

Article 1 – paragraph 1 – point 16

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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.

Or. fr

Amendment 135
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

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 %.

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 136
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

Amendment

(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;***

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

Or. fr

Amendment 137

Sylvie Guillaume, Vilija Blinkevičiūtė, Sylvia-Yvonne Kaufmann, Emilian Pavel, Miriam Dalli, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Ana Gomes, Soraya Post, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – 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 ***all*** minors from content which may impair their physical, mental or moral development;

Or. en

Amendment 138

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – 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 minors from content which may impair their physical ***or mental*** development;

Or. en

Amendment 139

Daniel Dalton, Helga Stevens

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – 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 minors from content which may impair their physical ***or mental*** development;

Or. en

Amendment 140

Sylvie Guillaume, Vilija Blinkevičiūtė, Sylvia-Yvonne Kaufmann, Emilian Pavel, Miriam Dalli, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Ana Gomes, Soraya Post, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – 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 ***and audiovisual commercial communication violating human dignity and*** containing incitement to violence or hatred ***based on sex, nationality, racial or ethnic origin, religion or belief, disability, age or sexual orientation;***

Or. en

Amendment 141

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – 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 violence or hatred directed against a ***person or a*** group of persons ***defined by race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health.***

Or. en

Amendment 142

Jan Philipp Albrecht

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – 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 ***they have obtained actual knowledge of, which contains*** incitement to violence or hatred directed against a group of persons or a member of such a group. ***Member States shall ensure that all circumstances such as the intention are taken into account, and freedom of expression, in particular artistic, literary and journalistic expression, is respected.***

Or. en

Justification

"they have obtained actual knowledge of" aligned with e-Commerce Directive 2000/31 and respective CJEU Case-law. List of potentially affected groups moved to Recital, as it is illustrative and not conclusive. Last sentence added to specify what other elements should be taken into account.

Amendment 143

Traian Ungureanu, Monika Hohlmeier

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – 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 violence, **to the commission of a terrorist offence, to** 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 144

Marc Joulaud, Brice Hortefeux, Rachida Dati

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a - 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.

Amendment 145

Daniel Dalton, Helga Stevens

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – 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 violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, ***disability***, descent or national or ethnic origin.

Or. en

Amendment 146

Sylvie Guillaume, Vilija Blinkevičiūtė, Sylvia-Yvonne Kaufmann, Emilian Pavel, Miriam Dalli, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Ana Gomes, Soraya Post, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) protect all citizens from content inciting to commit terrorists acts or the glorification of such acts;

Or. en

Amendment 147

Sylvie Guillaume, Vilija Blinkevičiūtė, Sylvia-Yvonne Kaufmann, Emilian Pavel, Miriam Dalli, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Juan Fernando López Aguilar, Ana Gomes, Soraya Post, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) protect all citizens from content which may impair their physical or mental development.

Or. en

Amendment 148

Jan Philipp Albrecht

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – 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) **specifying the characteristics of** 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 **or mental** development of minors, in accordance with Articles 6 and 12 respectively. **Member States shall ensure that measures based on terms and conditions are only permitted if national procedural rules provide a possibility for users to assert their rights before a court after learning of such measures;**

Or. en

Justification

Based on LIBE AM 28 Mlinar. Additional sentence necessary in order to ensure legal remedies and to restrict over-deleting where the terms and conditions have a broader definition of what is harmful content.

Amendment 149

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

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

Text proposed by the Commission

(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;

Amendment

(a) defining and applying in the terms and conditions of the **specific video-sharing platforms** 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 **or mental** development of minors, in accordance with Articles 6 and 12 respectively;

Or. en

Amendment 150

Daniel Dalton, Helga Stevens

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

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

Text proposed by the Commission

(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;

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 **or mental** development of minors, in accordance with Articles 6 and 12 respectively;

Or. en

Amendment 151

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

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

Text proposed by the Commission

(b) establishing and operating mechanisms for users of video-sharing platforms to report or flag to the video-sharing platform provider concerned the content referred to in paragraph 1 stored on its platform;

Amendment

(b) establishing and operating ***user-friendly*** mechanisms for users of video-sharing platforms to report or flag to the video-sharing platform provider concerned the content referred to in paragraph 1 stored on its platform;

Or. en

Amendment 152

Jan Philipp Albrecht

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

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

Text proposed by the Commission

(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;

Amendment

(c) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical ***or mental*** development of minors. ***Such systems shall not lead to any additional processing of personal data and be without prejudice to Article 8 of Regulation (EU)2016/679;***

Or. en

Justification

See justification for identical AM for Article 12

Amendment 153

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

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

Text proposed by the Commission

(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;

Amendment

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

Or. en

Amendment 154

Daniel Dalton, Helga Stevens

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

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

Text proposed by the Commission

(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;

Amendment

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

Or. en

Amendment 155

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – 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 **easy to use** systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1;

Or. en

Amendment 156

Jan Philipp Albrecht

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

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

Text proposed by the Commission

Amendment

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

(e) providing for parental control systems **that are under the control of the end-users**, with respect to content which may impair the physical **or mental** development of minors;

Or. en

Amendment 157

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

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

Text proposed by the Commission

Amendment

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

(e) providing for parental control systems with respect to content which may impair the physical **or mental** development

development of minors;

of minors;

Or. en

Amendment 158

Daniel Dalton, Helga Stevens

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2011/32/EU

Article 28 a – 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 *or mental* development of minors;

Or. en

Amendment 159

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 3

Text proposed by the Commission

3. For the purposes of the implementation of the measures referred to in paragraphs 1 and 2, *Member States* shall encourage co-regulation as provided for in Article 4(7).

Amendment

3. For the purposes of the implementation of the measures referred to in paragraphs 1 and 2, *the European Commission* shall encourage co-regulation as provided for in Article 4(7).

Or. en

Amendment 160

Emilian Pavel, Birgit Sippel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – 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 video-sharing platform providers. Member States shall entrust this task to the authorities designated in accordance with Article 30. ***The independent national regulatory authorities shall provide the necessary guidelines to ensure that the measures taken, respect freedom of expression, are based on prior judicial authorisation, and include the necessity to inform users.***

Or. en

Amendment 161

Jan Philipp Albrecht

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – 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***

Amendment

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, ***provided that any measure taken is strictly limited to what is necessary and proportionate and is taken on the basis of prior judicial authorisation,***

15 of Directive 2000/31/EC or Article 25 of Directive **2011/93/EU**.

***notwithstanding** Articles 14 and 15 of Directive 2000/31/EC, **Article 25 of Directive 2011/93/EU** or Article **21b** of Directive **2016/XXX/EU** [replace with reference to **Terrorism Directive** once that is published and update Article number].*

Or. en

Justification

Based on LIBE AM 35 Mlinar, but without explicit reference to “restrict the online distribution” and without reference to the Charter (which always has to be respected anyway), added “strictly”. Deleted the limitation “for the purpose of this Directive” to ensure prior judicial authorization for other stricter measures is always necessary.

Amendment 162

Emilian Pavel, Birgit Sippel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – 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 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. ***Member States shall not require video-sharing platform providers to conduct any stricter ex-ante control measure.***

Or. en

Amendment 163
Jan Philipp Albrecht

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 ***effective*** complaint and redress mechanisms, ***including counter-notice procedure***, 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.

Or. en

Amendment 164
Jan Philipp Albrecht

Proposal for a directive
Article 1 – paragraph 1 – point 20
Directive 2010/13/EU
Chapter XI – title

Text proposed by the Commission

REGULATORY AUTHORITIES OF THE
MEMBER STATES;

Amendment

REGULATORY ***BODIES AND***
AUTHORITIES OF THE MEMBER
STATES;

Or. en

Amendment 165
Jan Philipp Albrecht

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

Text proposed by the Commission

1. Each Member State shall designate one or more independent national regulatory authorities. Member States shall ensure that they are legally *distinct* and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Amendment

1. Each Member State shall designate one or more independent national regulatory *bodies and* authorities. Member States shall ensure that they are legally *free from any governmental power or influence* and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Or. en

Amendment 166

Emilian Pavel, Birgit Sippel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 1

Text proposed by the Commission

1. Each Member State shall designate one or more independent national regulatory authorities. *Member States* shall ensure that they are legally distinct and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Amendment

1. Each Member State shall *transparently* designate one or more independent national regulatory authorities *and* shall ensure that they are legally distinct and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Or. en

Amendment 167

Jan Philipp Albrecht

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU
Article 30 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that national regulatory authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural diversity, consumer protection, internal market and the promotion of fair competition.

Amendment

Member States shall ensure that national regulatory **bodies and** authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural diversity, consumer protection, internal market and the promotion of fair competition.

Or. en

Amendment 168
Jan Philipp Albrecht

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that national regulatory authorities have adequate enforcement powers to carry out their functions effectively.

Amendment

4. Member States shall ensure that national regulatory authorities have adequate enforcement powers **and resources** to carry out their functions effectively.

Or. en

Amendment 169
Jan Philipp Albrecht

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/13/EU
Article 30 a – paragraph 2

Text proposed by the Commission

2. It shall be composed of national

Amendment

2. It shall be composed of national

independent regulatory authorities in the field of audiovisual media services. They shall be represented by the heads or by nominated high level representatives of the national regulatory authority with primary responsibility for overseeing audiovisual media services, or in cases where there is no national regulatory authority, by other representatives as chosen through their procedures. A Commission representative shall participate in the group meetings.

independent regulatory authorities in the field of audiovisual media services, ***which may include those regional independent regulatory bodies and authorities with full competence in the field of audiovisual media services***. They shall be represented by the heads or by nominated high level representatives of the national regulatory authority with primary responsibility for overseeing audiovisual media services, or in cases where there is no national regulatory authority, by other representatives as chosen through their procedures. A Commission representative shall participate in the group meetings.

Or. en

Amendment 170

Emilian Pavel, Miriam Dalli, Vilija Blinkevičiūtė, Maria Grapini, Daciana Octavia Sârbu

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/13/EU

Article 30 a – paragraph 3 – point a

Text proposed by the Commission

(a) to advise and assist the Commission in its work to ensure a consistent implementation in all Member States of the regulatory framework for audiovisual media services;

Amendment

(a) to advise and assist the Commission in its work to ensure a consistent ***and transparent*** implementation in all Member States of the regulatory framework for audiovisual media services;

Or. en

Amendment 171

Daniel Dalton, Helga Stevens

Proposal for a directive

Article 1 – paragraph 1 – point 23

Directive 201/13/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 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, ***including pertaining to the implementation of freedom of expression as regards Article 11 of the Charter of Fundamental Rights.***

Or. en