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*Committee on the Internal Market and Consumer Protection*

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**2012/2132(INI)**

28.11.2012

# **AMENDMENTS**

## **1 - 21**

**Draft opinion**  
**Vicente Miguel Garcés Ramón**  
(PE500.516v01)

on the Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: First Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the application of Directive 2010/13/EU 'Audiovisual Media Service Directive' Audiovisual Media Services and Connected Devices: Past and Future Perspectives  
COM(2012)0203 - (2012/2132(INI))

AM\_Com\_NonLegOpinion

**Amendment 1**  
**María Irigoyen Pérez**

**Draft opinion**  
**Paragraph -1 a (new)**

*Draft opinion*

*Amendment*

***1a. Welcomes the fact that most Member States have implemented successfully the Audiovisual Media Services Directive, and calls on the remaining Member States to quickly follow suit;***

Or. es

**Amendment 2**  
**Marielle Gallo, Jürgen Creutzmann**

**Draft opinion**  
**Paragraph -1 a (new)**

*Draft opinion*

*Amendment*

***1a. Welcomes the application by Member States of internal market rules, particularly those concerning the free movement of audiovisual media services and the country of origin principle referred to in Article 2 of Directive 2010/13/EU;***

Or. fr

**Amendment 3**  
**Sabine Verheyen**

**Draft opinion**  
**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

**2a. Considers that the key objective of media regulation is to preserve the diversity of supply and suppliers;**

Or. de

**Amendment 4**

**Marielle Gallo, Emma McClarkin, Jürgen Creutzmann, Sabine Verheyen**

**Draft opinion  
Paragraph 2**

*Draft opinion*

*Amendment*

2. Considers that Member States should ensure that audiovisual media services are accessible ***free of charge***;

2. Considers that Member States should ensure that audiovisual media services are accessible;

Or. fr

**Amendment 5**

**Marielle Gallo, Emma McClarkin, Jürgen Creutzmann, Sabine Verheyen**

**Draft opinion  
Paragraph 3**

*Draft opinion*

*Amendment*

**3. Believes that cultural diversity and the production of works of art should be considered part of the inalienable rights of freedom of expression and information;**

***deleted***

Or. fr

**Amendment 6**

**Emma McClarkin**

**Draft opinion  
Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

***3a. Is concerned about the late transposition of the AVMS Directive which aims at ensuring legal certainty in the Single Market while preserving cultural diversity, protecting consumers and safeguarding media pluralism into national legislations; urges the Member States which still have not done it to adapt their legislation as soon as possible;***

Or. en

**Amendment 7  
Sabine Verheyen**

**Draft opinion  
Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

***4a. Acknowledges that the Audiovisual Media Services Directive already includes provisions aimed at the promotion of European works by independent producers by the Member States;***

Or. de

**Amendment 8  
Marielle Gallo, Jürgen Creutzmann**

**Draft opinion  
Paragraph 4**

*Draft opinion*

*Amendment*

***4. Stresses that broadcasters should reserve 20 % of their broadcasting time or programming budget for European works***

***deleted***

*created by independent producers,  
including video on demand;*

Or. fr

**Amendment 9**  
**Emma McClarkin**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Stresses *that broadcasters should reserve 20 % of their* broadcasting time *or programming budget* for European works *created by independent producers, including video on demand;*

*Amendment*

4. Stresses *the satisfactory implementation of Article 17 of the directive related to the average* broadcasting time for European works *and encourages the Member States to go beyond the minimum level where possible;*

Or. en

**Amendment 10**  
**Marielle Gallo, Jürgen Creutzmann, Sabine Verheyen**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Reiterates that the proportion of advertising and teleshopping spots should not exceed 12 minutes per hour; highlights the need to monitor commercial formats devised to skirt this restriction and calls for a ban on advertising during programmes for children and young people; recommends an analysis of best practice in this field in certain countries as the basis for future reform of the legislative framework;

*Amendment*

5. Reiterates that the proportion of advertising and teleshopping spots should not exceed 12 minutes per hour; highlights the need to monitor commercial formats devised to skirt this restriction and calls for a ban on *prejudicial* advertising, *as described in Article 9 of Directive 2010/13/EU*, during programmes for children and young people; recommends an analysis of best practice in this field in certain countries as the basis for future reform of the legislative framework; *calls on the Commission to update in 2013 its interpretative communication on*

*television advertising to take account of experience gained under the EU Platform for Action on Diet, Physical Activity and Health, and the EU Alcohol and Health Forum;*

Or. fr

**Amendment 11**  
**Emma McClarkin**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Reiterates that the proportion of advertising and teleshopping spots should not exceed 12 minutes per hour; highlights the need to monitor commercial formats devised to skirt this restriction ***and calls for a ban on advertising during programmes for children and young people***; recommends an analysis of best practice in this field in certain countries as the basis for future reform of the legislative framework;

*Amendment*

5. Reiterates that the proportion of advertising and teleshopping spots should not exceed 12 minutes per hour; ***is concerned though that the 12-minute limitation is regularly breached***; highlights therefore the need to monitor commercial formats devised to skirt this restriction; recommends an analysis of best practice in this field in certain countries as the basis for future reform of the legislative framework;

Or. en

**Amendment 12**  
**María Irigoyen Pérez**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Reiterates that the proportion of advertising and teleshopping spots should not exceed 12 minutes per hour; highlights the need to monitor commercial formats devised to skirt this restriction and calls for a ban on advertising during programmes

*Amendment*

5. Reiterates that the proportion of advertising and teleshopping spots should not exceed 12 minutes per hour; highlights the need to monitor commercial formats ***that are not strictly advertisements but which can confuse consumers and are***

for children and young people;  
recommends an analysis of best practice in  
this field in certain countries as the basis  
for future reform of the legislative  
framework;

devised to skirt this restriction, and calls  
for a ban on advertising during  
programmes for children and young  
people; recommends an analysis of best  
practice in this field in certain countries as  
the basis for future reform of the legislative  
framework;

Or. es

**Amendment 13**  
**Marielle Gallo, Sabine Verheyen**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Reiterates that the proportion of **advertising** and teleshopping spots should not exceed 12 minutes per hour; highlights the need to monitor commercial formats devised to skirt this restriction and calls for a ban on advertising during programmes for children and young people; recommends an analysis of best practice in this field in certain countries as the basis for future reform of the legislative framework;

*Amendment*

5. Reiterates that the proportion of **televised adverts** and teleshopping spots should not exceed 12 minutes per hour; highlights the need to monitor commercial formats devised to skirt this restriction and calls for a ban on advertising during programmes for children and young people; recommends an analysis of best practice in this field in certain countries as the basis for future reform of the legislative framework;

Or. fr

**Amendment 14**  
**María Irigoyen Pérez**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

**5a. Emphasises the way in which the increasingly blurred distinction between linear and non-linear services has affected technical development in the**

*sector, and therefore calls for measures to update current legislation;*

Or. es

**Amendment 15**  
**Emma McClarkin**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Notes that access to channels and choice of audiovisual services has increased significantly; Underlines that in order to achieve a true digital single market in Europe, further efforts are equally needed in the field of improving media literacy among citizens and consumers;*

Or. en

**Amendment 16**  
**Sabine Verheyen**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

*Amendment*

6. Considers that the vagueness of the term ‘platform’ calls for legal safeguards on the inclusion of platform providers, **content providers** and other service operators among the media covered by this Directive;

6. Considers that the vagueness of the term ‘platform’ **perhaps** calls for legal safeguards on the inclusion of platform providers and other service operators among the media covered by this Directive;

Or. de

**Amendment 17**  
**Marielle Gallo, Jürgen Creutzmann**

**Draft opinion  
Paragraph 6**

*Draft opinion*

*6. Considers that the vagueness of the term 'platform' calls for legal safeguards on the inclusion of platform providers, content providers and other service operators among the media covered by this Directive; Considers that the vagueness of the term 'platform' calls for legal safeguards on the inclusion of platform providers, content providers and other service operators among the media covered by this Directive;*

*Amendment*

*6. Draws attention to the approach adopted in recital 24 of Directive 2010/13/EU, which interprets the concept of 'programme' in a dynamic way, taking into account developments in television broadcasting in order to prevent disparities as regards free movement and competition and in order to respond to the target audience's expectations vis-à-vis regulatory protection;*

Or. fr

**Amendment 18  
Marielle Gallo, Emma McClarkin, Jürgen Creutzmann**

**Draft opinion  
Paragraph 6 a (new)**

*Draft opinion*

*6a. Considers that the emphasis in Directive 2010/13/EU on encouraging the introduction of co-regulation and/or self-regulatory regimes, as referred to in Article 4(7), is insufficient to ensure that the objectives of the Directive are fully achieved;*

*Amendment*

*6a. Supports the emphasis in Directive 2010/13/EU on encouraging the introduction of co-regulation and/or self-regulatory regimes, as referred to in Article 4(7).*

Or. fr

**Amendment 19  
Marielle Gallo, Jürgen Creutzmann, Sabine Verheyen**

**Draft opinion  
Paragraph 7**

*Draft opinion*

7. Asks that audiovisual media services and their related devices give consideration to ***the rights of*** ease of use and consumption; stresses the need to define the ***concept of a*** ‘television service’ ***and*** to ensure that ***it is*** fully and equally accessible;

*Amendment*

7. Asks that audiovisual media services and their related devices give consideration to ease of use and consumption; stresses the need to define the ***concepts*** of ‘television service’ ***and 'programme' in order*** to ensure that ***these services are*** fully and equally accessible ***and that a level playing field applies for all programme providers in the internal market;***

Or. fr

**Amendment 20**  
**Emma McClarkin**

**Draft opinion**  
**Paragraph 8 a (new)**

*Draft opinion*

*Amendment*

***8a. Strongly supports a technologically neutral approach in view of evolving viewing and delivery patterns to facilitate increased consumer choice. In this regard, Calls for a full impact assessment of the current state of play on the market and regulatory framework;***

Or. en

**Amendment 21**  
**Sabine Verheyen**

**Draft opinion**  
**Paragraph 8 a (new)**

*Draft opinion*

*Amendment*

***8a. Notes that new technological developments such as the different content (services) coming together on Connected TV platforms can distort competition between linear and non-***

*linear services that comply with very different regulatory requirements; calls therefore on the Commission to consider whether in this context Directives 2010/13/EU and 2000/31/EC should be subject to revision.*

Or. de