



2016/0151(COD)

19.10.2016

AMENDMENTS

52 - 335

Draft opinion

Emma McClarkin

(PE589.291v01-00)

The proposal for a directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities

Proposal for a directive

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

Amendment 52

Dennis de Jong

Proposal for a directive

Citation 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Refers to public health.

Amendment 53

Marc Joulaud

Proposal for a directive

Recital 1

Text proposed by the Commission

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

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).

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 medias* 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).

Or. en

Justification

The role of social medias in our society is more and more important, especially for the new generations and now constitute a privileged access point to audiovisual media content.

Amendment 54
Mihai Țurcanu

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) *In May 2016, the European Audiovisual Observatory published a report on the transfer of European films to video-on-demand platforms and cinemas in the European Union, which stressed the significant difference that exists between EU films and US films in this respect and noted that EU films circulate better on video-on-demand services than do films of other origins.*

Or. ro

Amendment 55
Marc Joulaud

Proposal for a directive
Recital 3

Text proposed by the Commission

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. 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

(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 *when a video subsection of a media service is independent* from the *rest* of the service *and not indissociably complementary^{1a}*. *As social media services represent an important access point to information for consumers and rely increasingly on audiovisual content generated or made available by their users, it is necessary to include them within this Directive when their services meet the criteria defining 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.

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.

^{1a} ECJ Decision C-347/14 "New Media Online"

Or. en

Justification

Clarify the conditions, defined by the ECJ, under which a dissociable part of a service may fall under the scope of this Directive. The inclusion of social medias within this Directive is also justified by the increasing role they have in the access to information and audiovisual content, especially for the young generations.

Amendment 56 **Julia Reda**

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

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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.

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Or. en

Amendment 57
Andreas Schwab

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

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Or. de

Justification

All AVMS should meet the same minimum standards. Social networks, which already comprise a significant proportion of moving images, should not be exempt.

Amendment 58

Morten Løkkegaard, Kaja Kallas

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

Amendment

(3) Directive 2010/13/EU should remain applicable only to those services ***which are intended for reception by, and which could have a clear impact on, a significant proportion of the general public*** and 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

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.

they provide a service that falls under the definition of a video-sharing platform. ***Similarly, audiovisual media services that are not primarily economic in their purpose and do not compete with television broadcasting, instead, for example, providing and distributing the audiovisual content of private users for sharing in communities of interest should not be included.*** 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.

Or. en

Amendment 59
Marc Tarabella

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Editorial decisions are decisions taken on a day-to-day basis, in particular by programme directors and editors-in-chief, in the context of an approved programme schedule.

The place in which editorial decisions are taken is the normal place of work of the persons who take them.

Or. fr

Amendment 60

Morten Løkkegaard, Dita Charanzová, Kaja Kallas

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Establishing jurisdiction requires an assessment of factual situations against the criteria laid down in Directive 2010/13/EU. The assessment of such factual situations might lead to conflicting results. In the application of the cooperation procedures provided for in Articles 3 and 4 of Directive 2010/13/EU, it is important that the Commission can base its findings on reliable facts. The European Regulators Group for Audiovisual Media Services (ERGA) should therefore be empowered to provide opinions on jurisdiction upon the Commission's request.

Amendment

(5) Establishing jurisdiction requires an assessment of factual situations against the criteria laid down in Directive 2010/13/EU. The assessment of such factual situations might lead to conflicting results. In the application of the cooperation procedures provided for in Articles 3 and 4 of Directive 2010/13/EU, it is important that the Commission can base its findings on reliable facts. The European Regulators Group for Audiovisual Media Services (ERGA) should therefore be empowered to provide opinions, ***in conjunction with national regulatory authorities***, on jurisdiction upon the Commission's request.

Or. en

Amendment 61

Mihai Țurcanu

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Establishing jurisdiction requires an assessment of factual situations against the criteria laid down in Directive 2010/13/EU. The assessment of such factual situations might lead to conflicting results. In the application of the cooperation procedures provided for in Articles 3 and 4 of Directive 2010/13/EU, it is important that the Commission can base its findings on reliable facts. The European Regulators

Amendment

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Group for Audiovisual Media Services (ERGA) should therefore be empowered to provide opinions, *in conjunction with the national authorities*, on jurisdiction upon the Commission's request.

Or. ro

Amendment 62

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Virginie Rozière, Maria Grapini

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 *and where applicable to member states*, 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.

Or. en

Amendment 63

Anna Hedh, Liisa Jaakonsaari, Nicola Danti, Marc Tarabella, Catherine Stihler, Virginie Rozière, Maria Grapini

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) In order to empower viewers, including parents and minors, in making

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, 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.

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. ***The different means of content descriptors should be clear enough to stipulate if the specific content may be of harm to minors.***

Or. en

Amendment 64
Birgit Collin-Langen

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) 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.

Or. en

Amendment 65

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Maria Grapini

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 ***effectively*** ensure that 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 ***is reduced. Self-and co-regulation should contribute to this objective.***

Or. en

Amendment 66

Biljana Borzan

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

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 codes of conduct are used to effectively ***minimise*** the exposure of children and

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.

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 67

Anna Maria Corazza Bildt

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 self-and co-regulatory codes of conduct, ***such as the ones developed in the framework of the Commission's Platform for Action on Diet, Physical Activity and Health***, are used to effectively reduce the exposure of 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 68

Mihai Țurcanu

Proposal for a directive

Recital 10

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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 ***need*** 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.

Or. ro

Amendment 69
Mihai Țurcanu

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 ***need*** 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 70**Biljana Borzan****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 ***where*** 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 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. en

Amendment 71**Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Maria Grapini****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

Amendment

(11) Similarly, Member States should be encouraged to ensure that ***self- and co-regulation*** are used to effectively ***end*** the exposure of children and minors to audiovisual commercial communications for alcoholic ***products***. Certain co-regulatory or self-regulatory systems exist at Union and national level in order to

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*.

market responsibly alcoholic beverages, including in audiovisual commercial communications. Those systems should be further encouraged *and member states allowed to take further steps in drafting national guidelines*, in particular those aiming at ensuring that responsible drinking messages accompany audiovisual commercial communications for alcoholic *products*.

Or. en

Amendment 72

Anna Hedh, Liisa Jaakonsaari, Christel Schaldemose, Marc Tarabella, Biljana Borzan, Catherine Stihler, Maria Grapini

Proposal for a directive Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Given the potential harm caused by alcohol on all individuals and society as a whole, Member States should encourage to limit the exposure of products containing alcohol. As the rules applicable to tobacco prohibits advertisement of such products due to their harmful effects, the same rules should be applied for alcoholic products.

Or. en

Amendment 73

Anna Maria Corazza Bildt

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

(12) In order to *ensure a high level of consumer protection and public health while removing* barriers to the free

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.

circulation of cross-border services within the Union, it is necessary to ensure the effectiveness of self- and co-regulatory measures. ***Effective monitoring and reporting mechanisms should be put in place.*** When well enforced and monitored, codes of conduct at Union level ***are*** a good means of ensuring a coherent and effective approach. ***They should be of assistance to the national regulatory authorities in the drafting of their national codes of conduct and help improve coherence in implementing Directive 2010/13/EU.***

Or. en

Amendment 74
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. en

Justification

The existing quantitative rule for advertisement proved itself to be effective in striking a balance between consumer protection and the financing of audiovisual media. The increase in the audiovisual offer should not justify a general decrease in the level of protection offered to consumers from advertising content. An abolition of the quantitative rule would also affect vital non audiovisual sectors, such as the press, which rely heavily on advertising and already face financing difficulties.

Amendment 75
Mihai Turcanu

Proposal for a directive
Recital 13

Text proposed by the Commission

(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.

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, ***while at the same time providing sufficient protection for the consumer***. The emergence of new services, including without advertising, has led to a greater choice for viewers, who can easily switch to alternative offers.

Or. ro

Amendment 76
Birgit Collin-Langen

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In order to ensure the effectiveness of this Directive in particular with respect to the editorial responsibility of media services providers, the integrity of programmes and services should be safeguarded. Third parties other than the recipient of the service should not modify programmes and services without the consent of the media service provider concerned. Changes in the display of programmes and services that have been authorised or initiated by the recipient are permitted.

Amendment 77

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Biljana Borzan, Virginie Rozière, Maria Grapini

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Sponsorship represents an important means of financing audiovisual media services or programmes while promoting a legal or physical person's name, trade mark, image, activities or products. As such, for sponsorship to constitute a valuable form of advertising technique for advertisers and audiovisual media service providers, sponsorship announcements can contain promotional references to the goods or services of the sponsor, while not directly *encouraging* the purchase of the goods and services. Sponsorship announcements should continue to clearly inform the viewers of the existence of a sponsorship agreement. The content of sponsored programmes should not be influenced in such a way as to affect the audiovisual media service provider's editorial independence.

Amendment

(14) Sponsorship represents an important means of financing audiovisual media services or programmes while promoting a legal or physical person's name, trade mark, image, activities or products. As such, for sponsorship to constitute a valuable form of advertising technique for advertisers and audiovisual media service providers, sponsorship announcements can contain promotional references to the goods or services of the sponsor, while not *being allowed to* directly *encourage* the purchase of the goods and services. Sponsorship announcements should continue to clearly inform the viewers of the existence of a sponsorship agreement. The content of sponsored programmes should not be influenced in such a way as to affect the audiovisual media service provider's editorial independence.

Or. en

Amendment 78

Andreas Schwab

Proposal for a directive

Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) In order to protect the editorial responsibility of the media service

provider and the audiovisual value chain, it is essential for the integrity of the programmes and services supplied by media service providers to be guaranteed. Programmes and services must be transmitted without being shortened, altered or interrupted. Programmes and services should not be modified without the consent of the media service provider.

Or. de

Justification

Third parties should not be allowed to modify programmes and services without the consent of the media service provider.

Amendment 79

Morten Løkkegaard, Kaja Kallas, Dita Charanzová

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 and programmes *that are primarily produced for and aimed at 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 *children's programmes, understood as programmes that are produced for and aimed at 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 80

Mihai Țurcanu

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 *ought not to 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.

Or. ro

Amendment 81

Virginie Rozière

Proposal for a directive

Recital 17

Text proposed by the Commission

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

Amendment

(17) The requirements for programmes containing product placement should 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.

Or. fr

Amendment 82

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 ***and not be subject to further flexibility.***

Or. en

Justification

Underlines the importance of maintaining the 30 min rules between advertising interruptions for cinematic works, as it would disproportionately affect the programmes integrity and does not correspond to the consumer habits, nor to an imperative need for the audiovisual media services.

Amendment 83 **Virginie Rozière**

Proposal for a directive **Recital 19**

Text proposed by the Commission

Amendment

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

deleted

Or. fr

Amendment 84 **Mihai Țurcanu**

Proposal for a directive **Recital 19**

Text proposed by the Commission

Amendment

(19) While this Directive does not increase the overall amount of admissible advertising time during the period from 7:00 to 23:00, it is important for broadcasters to have more flexibility and to be able to decide when to place advertising in order to maximise

deleted

*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. ro

Amendment 85
Jiří Maštálka

Proposal for a directive
Recital 19

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 86
Anna Hedh, Marc Tarabella, Virginie Rozière, Maria Grapini

Proposal for a directive
Recital 19

Text proposed by the Commission

Amendment

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

(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, *where practical and*

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.***

applicable, when to place advertising in order to maximise advertisers' demand and viewers' flow.

Or. en

Amendment 87
Andreas Schwab

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 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.

Amendment

(19) While this Directive does not increase the overall amount of admissible advertising time during the period from 7:00 to 23:00, it is important for broadcasters to have more flexibility and to be able to decide when to place advertising in order to maximise advertisers' demand and viewers' flow. The hourly limit should thus be abolished while a daily limit of 20% of advertising within the period from 7:00 to 23:00 should be introduced. ***In order nevertheless to guarantee an adequate level of consumer protection and protect viewers against an excessive amount of advertising during prime time, a limit of 20% of advertising time should additionally apply between 20:00 and 23:00.***

Or. de

Amendment 88
Anna Hedh, Marc Tarabella, Maria Grapini

Proposal for a directive
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) In order to increase the flexibility for broadcaster while maintaining a high protection of consumers and viewers, specific time slots could be established where the admissible advertising are liberalised. By establishing certain time slots the consumer will be aware of the relevant rules regarding admissible advertising time and by so be able to make solid decisions. Having specific time slots in which the existing rules of 12 minutes per hour are not fixed the broadcasters are given more flexibility and could therefore adjust their advertisements more freely.

Or. en

Amendment 89
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. en

Justification

Allowing media groups to freely make announcement within all the broadcasters they own in connection to the programmes of the owned broadcasters would be detrimental to a fair competition in the sector as it would give an undue advantage to the dominant actors. It would also lead to an unnecessary increased in the amount of advertising as these announcement would be excluded from the quantitative rules.

Amendment 90 **Dita Charanzová**

Proposal for a directive **Recital 21**

Text proposed by the Commission

Amendment

(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.

deleted

Or. en

Amendment 91 **Morten Løkkegaard, Kaja Kallas, Dita Charanzová**

Proposal for a directive **Recital 21**

Text proposed by the Commission

Amendment

(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.*

(21) Providers of on-demand audiovisual media services should promote the production and distribution of European works by ensuring that their catalogues contain European works, *where practicable and by appropriate means.*

Or. en

Amendment 92

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Maria Grapini

Proposal for a directive

Recital 21

Text proposed by the Commission

(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*.

Amendment

(21) Providers of on-demand audiovisual media services should promote the production and distribution of European works, *if such measures do not affect the services provided to the consumer*, by ensuring that their catalogues contain a share of European works *without affecting the principle of media pluralism*.

Or. en

Amendment 93

Marc Joulaud

Proposal for a directive

Recital 21

Text proposed by the Commission

(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.

Amendment

(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. *The quality of the European works acquired should be equivalent to the rest of the catalogue, in order to guarantee a fair representation of the European production, cultural diversity and know-how. The prominence obligation shall allow users of the service to easily discover and find European works through, for example, a dedicated presence on the homepage, targeted recommendations or dedicated categories.*

Or. en

Justification

It is necessary to guarantee that in the fulfilment of the minimum share obligations, the acquired European works will not be of inferior quality than the rest of the catalogue and will be easily findable.

Amendment 94

Mihai Țurcanu

Proposal for a directive

Recital 21

Text proposed by the Commission

(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.

Amendment

(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. ***There is a need in this respect to set criteria centring on the quality of European works distributed under the majority share system, in such a way that consumers are able to access or view them as part of a significant audience.***

Or. ro

Amendment 95

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Maria Grapini

Proposal for a directive

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) Providers of on-demand audiovisual media services should be encouraged to promote the production and distribution of European works if their catalogues contain a share of European works and the viewing experience of the consumer is not affected

by this.

Or. en

Amendment 96
Morten Løkkegaard, Kaja Kallas

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) In order to ensure adequate levels of investment on European works, Member States ***should*** be able to impose financial obligations to on-demand service providers established on their territory. Those obligations can take the form of direct contributions to the production of and acquisition of rights in European works. ***The Member States could also impose levies payable to a fund, on the basis of the revenues made with on-demand services that are provided in and targeted towards their territory. This Directive clarifies that, given the direct link between financial obligations and Member States' different cultural policies, Member States are also allowed to impose such financial obligations on providers of on-demand services established in another Member State which are targeted towards its territory.*** In this case financial obligations should only be charged on the revenues generated through the audience in that Member State.

Amendment

(22) In order to ensure adequate levels of investment on European works, Member States ***may*** be able to impose financial obligations to on-demand service providers established on their territory. Those obligations can take the form of direct contributions to the production of and acquisition of rights in European works. In this case financial obligations should only be charged on the revenues generated through the audience in that Member State.

Or. en

Amendment 97
Dita Charanzová

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) In order to ensure adequate levels of investment on European works, Member States should be able to impose financial obligations to on-demand service providers established on their territory. Those obligations can take the form of direct contributions to the production of and acquisition of rights in European works. ***The Member States could also impose levies payable to a fund, on the basis of the revenues made with on-demand services that are provided in and targeted towards their territory. This Directive clarifies that, given the direct link between financial obligations and Member States' different cultural policies, Member States are also allowed to impose such financial obligations on providers of on-demand services established in another Member State which are targeted towards its territory.*** In this case financial obligations should only be charged on the revenues generated through the audience in that Member State.

Amendment

(22) In order to ensure adequate levels of investment on European works, Member States should be able to impose financial obligations to on-demand service providers established on their territory. Those obligations can take the form of direct contributions to the production of and acquisition of rights in European works. In this case financial obligations should only be charged on the revenues generated through the audience in that Member State.

Or. en

Amendment 98

Morten Løkkegaard, Kaja Kallas

Proposal for a directive

Recital 24

Text proposed by the Commission

(24) ***When Member States impose financial contributions to providers of on-demand services such contributions shall seek an adequate promotion of European works. while avoiding risks of double imposition for service providers. With this view, if the Member State where the provider is established imposes a financial contribution, it shall take into account***

Amendment

deleted

any financial contributions imposed by targeted Member States.

Or. en

Amendment 99

Kaja Kallas, Dita Charanzová

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) In order to ensure that obligations on promotion of European works do not undermine market development and to allow for the entry of new players in the market, companies with no significant presence on the market should not be subject to such requirements. This is in particular the case for companies with a low turnover and low audiences and small and micro enterprises as defined in Commission Recommendation 2003/361/EC³³. It *could* also be inappropriate to impose such requirements in cases where – given the nature or theme of the on-demand audiovisual media services– they would be impracticable or unjustified.

³³ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Amendment

(25) In order to ensure that obligations on promotion of European works do not undermine market development and to allow for the entry of new players in the market, companies with no significant presence on the market should not be subject to such requirements. This is in particular the case for companies with a low turnover and low audiences and small and micro enterprises as defined in Commission Recommendation 2003/361/EC³³. It *should* also be inappropriate to impose such requirements in cases where – given the nature or theme of the on-demand audiovisual media services– they would be impracticable or unjustified.

³³ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Or. en

Amendment 100

Mihai Țurcanu

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) In order to ensure that obligations on promotion of European works do not undermine market development and to allow for the entry of new players in the market, companies with no significant presence on the market should not be subject to such requirements. This is in particular the case for companies with a low turnover and low audiences and small and micro enterprises as defined in Commission Recommendation 2003/361/EC³³. It could also be inappropriate to impose such requirements in cases where – given the nature or theme of the on-demand audiovisual media services– they would be impracticable or unjustified.

³³ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Amendment

(25) In order to ensure that obligations on promotion of European works do not undermine market development and to allow for the entry of new players in the market, ***service providers operating on smaller markets or facing an economic crisis and/or*** companies with no significant presence on the market should not be subject to such requirements. This is in particular the case for companies with a low turnover and low audiences and small and micro enterprises as defined in Commission Recommendation 2003/361/EC³³. It could also be inappropriate to impose such requirements in cases where – given the nature or theme of the on-demand audiovisual media services– they would be impracticable or unjustified. ***At the same time, it would be worthwhile having a system that encourages financial assistance for the production of quality European works, such as through tax incentives.***

³³ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Or. ro

Amendment 101
Marc Joulaud

Proposal for a directive
Recital 25

Text proposed by the Commission

(25) In order to ensure that obligations on promotion of European works do not undermine market development and to

Amendment

(25) In order to ensure that obligations on promotion of European works do not undermine market development and to

allow for the entry of new players in the market, companies with no significant presence on the market should not be subject to such requirements. This is in particular the case for companies with a low turnover and low audiences and small and micro enterprises as defined in Commission Recommendation 2003/361/EC³³. It could also be inappropriate to impose such requirements in cases where – given the nature or theme of the on-demand audiovisual media services– they would be impracticable or unjustified.

³³ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

allow for the entry of new players in the market, companies with no significant presence on the market should not be subject to such requirements. This is in particular the case for companies with a low turnover and low audiences *in regards to the targeted market* and small and micro enterprises as defined in Commission Recommendation 2003/361/EC³³. It could also be inappropriate to impose such requirements in cases where – given the nature or theme of the on-demand audiovisual media services *or the competition with equivalent European works*– they would be impracticable or unjustified.

³³ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Or. en

Justification

It is necessary to provide a reference point to determine what constitute a low turnover or a low audience, in order to prevent unjustified exemption from the obligations set out in this Directive. The competition of the content of a themed service with equivalent European work should also be taken into account, in order to avoid artificial specialisation of on-demand service in order to be exempted from the requirement of this Directive.

Amendment 102 **Kaja Kallas, Dita Charanzová**

Proposal for a directive **Recital 25 a (new)**

Text proposed by the Commission

Amendment

(25a) The Commission should ensure adequate and geographically-diversified funding under the Creative Europe Media programme to support the circulation of creative content across borders, including

improvement of digital distribution of European audiovisual works and the development of innovative financing models for creative content

Or. en

Amendment 103
Mihai Țurcanu

Proposal for a directive
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) It would be recommendable for Member States to adopt a simple joint reporting system, linked to a single database for European works and independent productions as defined according to the criteria set in the directive;

Or. ro

Amendment 104
Mihai Țurcanu

Proposal for a directive
Recital 25 b (new)

Text proposed by the Commission

Amendment

(25b) Imposing financial obligations could also be viewed as a competitive disadvantage, in that national providers would have to compete against service providers established in another Member State in order to secure the same audiences and revenue, but with scarcer means and under different requirements. National providers could benefit from flexibility when it comes to adapting business models for the promotion of European works, while avoiding the

introduction of measures that could distort competition. In that respect, the calculation of the share reserved for works should be made on the basis of all the programme services provided by a media group, rather than on the basis of each individual programme service provided by a media group;

Or. ro

Amendment 105
Dita Charanzová

Proposal for a directive
Recital 26

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 106
Kaja Kallas, Dita Charanzová

Proposal for a directive
Recital 26

Text proposed by the Commission

Amendment

(26) There are new challenges, in particular in connection with video-sharing

(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.

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. ***In addition, the arbitrary removal of that content, being often dependent on subjective interpretation, can undermine the freedom of expression and information.*** It is necessary, in order to protect minors from harmful content and all citizens from content containing incitement to violence or hatred, ***but also to protect user's fundamental rights, to encourage video-sharing platforms to put in place voluntary measures*** on those matters, ***in accordance with regular guidelines issued by authorities, and without prejudice to article 14 and 15 of the Ecommerce directive.***

Or. en

Amendment 107

Marc Joulaud

Proposal for a directive

Recital 26

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 108

Anna Hedh, Liisa Jaakonsaari, Christel Schaldemose, Marc Tarabella, Virginie Rozière, Maria Grapini

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 or hatred, to set out proportionate rules on those matters ***in line with European and national legislation.***

Or. en

Amendment 109

Mihai Țurcanu

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

Amendment

(26) There are new challenges, in particular in connection with video-sharing platforms, on which users - particularly minors - increasingly consume audiovisual

content. In this context, harmful content and hate speech stored on video-sharing platforms have increasingly given rise to concern. It is necessary, in order to protect minors from harmful content and all citizens from content containing incitement to violence or hatred, to set out proportionate rules on those matters.

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. ***At the same time, in order to guarantee the protection of minors, it should be possible to apply the relevant technical measures to all platforms on which audiovisual programmes are provided or retransmitted. If no such requirement is imposed on the distributors of traditional audiovisual programmes, minors will be able to access television services with a pornographic content that are retransmitted on those platforms in line with the principle of broadcasting freedom.***

Or. ro

Amendment 110 Dita Charanzová

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***

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. Therefore, those providers should be required to take appropriate measures to protect minors from content that may impair their physical, mental or moral development.

member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

Or. en

Amendment 111

Julia Reda

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. Those providers should be required to take appropriate measures to protect minors from content that may impair their physical, mental or moral development ***to the extent that they have obtained actual knowledge of said content.***

Or. en

Amendment 112

Kaja Kallas, Dita Charanzová

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

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.

under the editorial responsibility of the video-sharing platform provider. However, **where** those providers determine the organisation of the content, namely programmes or user-generated videos, including by automatic means or algorithms, **they** should be **encouraged** 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 **in accordance with guidelines regularly issued by authorities to ensure the protection of user's fundamental rights**.

Or. en

Amendment 113

Morten Løkkegaard, Kaja Kallas, Dita Charanzová

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,

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, **some** providers 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 group of persons or a member of such a group defined by reference to sex, race, colour, religion,

descent or national or ethnic origin.

descent or national or ethnic origin.

Or. en

Amendment 114

Marc Joulaud

Proposal for a directive

Recital 28

Text proposed by the Commission

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

Amendment

(28) An important share of the content stored on video-sharing platforms **or social medias** 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** from incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

Or. en

Justification

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

Amendment 115

Dita Charanzová

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) 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).

Or. en

Amendment 116
Julia Reda

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) 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).

Or. en

Amendment 117
Julia Reda

Proposal for a directive
Recital 30

Text proposed by the Commission

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.

deleted

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).**

Or. en

Amendment 118

Morten Løkkegaard, Kaja Kallas, Dita Charanzová

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 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.

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

Or. en

Amendment 119

Julia Reda

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

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.

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

Amendment 120
Dita Charanzová

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 ***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 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).*

Or. en

Amendment 121
Kaja Kallas, Dita Charanzová

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 Council*³⁵. *It should also remain possible for video-sharing platform*

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 or hatred than the ones provided for in this Directive. It should *however* remain possible for *video-sharing platform providers* to take stricter measures *on a voluntary basis, in accordance with the guidelines issued by authorities to ensure the protection of user's fundamental rights*.

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. en

Amendment 122

Marc Joulaud

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

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, ***under the monitoring of the competent national regulatory bodies.***

However, it should remain possible for Member States to ***require*** 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 ***in accordance with Union law and communicative freedoms. Video-sharing platforms should also properly inform users having generated the content***

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.

affected by such measures on the reasons justifying those measures and provide effective ways to contest them.

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. en

Justification

Member States should be able to require stricter measure for the protection of minors and citizens against certain types of illegal contents. Video-sharing platforms shall also provide sufficient information and justification to their user when they are affected by measures taken voluntarily by the provider.

Amendment 123

Mihai Țurcanu

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.

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 ***ought*** therefore ***to*** be encouraged.

In order to ensure a clearer and more consistent approach, Member States should 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. ***At the same time***, Member States ***should still be***

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).

able 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 Council. 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).

Or. ro

Amendment 124

Marc Joulaud

Proposal for a directive

Recital 31

Text proposed by the Commission

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

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

discrimination and the right of the child.

prohibition of discrimination and the right of the child.

Or. en

Justification

It is necessary include incitement to terrorism, as it is distinct from the definition provided by the Commission on what constitute "incitement to violence or hatred".

Amendment 125

Kaja Kallas, Dita Charanzová

Proposal for a directive

Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) To ensure that the fundamental rights of users are protected, regulatory authorities of Member states, in cooperation with ERGA and the Commission, should regularly issue guidelines on the terms and conditions applicable to the removal of harmful content, in accordance with national and Union law and the Charter of Fundamental rights of the European Union;

Or. en

Amendment 126

Morten Løkkegaard, Kaja Kallas, Dita Charanzová

Proposal for a directive

Recital 32

Text proposed by the Commission

Amendment

(32) The video-sharing platform providers covered by this Directive provide information society services within the meaning of point (a) of Article 2 of Directive 2000/31/EC. Those providers ***deleted***

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

Or. en

Amendment 127

Marc Joulaud

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) The video-sharing platform providers covered by this Directive provide information society services within the meaning of point (a) of Article 2 of Directive 2000/31/EC. Those providers are consequently subject to the rules on the internal market set out in Article 3 of that Directive, if they are established in a Member State. It is appropriate to ensure that the same rules apply to video-sharing

Amendment

(32) The video-sharing platform providers covered by this Directive provide information society services within the meaning of point (a) of Article 2 of Directive 2000/31/EC. Those providers are consequently subject to the rules on the internal market set out in Article 3 of that Directive, if they are established in a Member State. It is appropriate to ensure that the same rules apply to video-sharing

platform providers which are not established in a Member State with a view to safeguarding the effectiveness of the measures to protect minors and citizens set out in this Directive and ensuring a level playing field in as much as possible, in as far as those providers have either a parent company or a subsidiary which is established in a Member State or where those providers are part of a group and another entity of that group is established in a Member State. To that effect, arrangements should be made to determine in which Member State those providers should be deemed to have been established. The Commission should be informed of the providers under each Member State's jurisdiction in application of the rules on establishment set out in this Directive and in Directive 2000/31/EC.

platform providers which are not established in a Member State with a view to safeguarding the effectiveness of the measures to protect minors and citizens set out in this Directive and ensuring a level playing field in as much as possible, in as far as those providers have either a parent company or a subsidiary which is established in a Member State or where those providers are part of a group and another entity of that group is established in a Member State. To that effect, arrangements should be made to determine in which Member State those providers should be deemed to have been established. ***Given the wide audience of video-sharing platforms and social medias, it is appropriate that the Member State having jurisdiction over such a platform coordinate with the other Member States concerned for the regulation of those platforms.*** The Commission should be informed of the providers under each Member State's jurisdiction in application of the rules on establishment set out in this Directive and in Directive 2000/31/EC.

Or. en

Justification

Video-sharing platforms and social medias may target audiences in the entire Union, but only the Member State in which they are deemed to be established will have jurisdiction over them. It is therefore necessary that Member States cooperate effectively for the regulation of these platforms, in order to guarantee a smooth functioning of the Digital Single Market and to effectively protect European citizens.

Amendment 128 **Mihai Țurcanu**

Proposal for a directive **Recital 32**

Text proposed by the Commission

(32) The video-sharing platform providers covered by this Directive provide

Amendment

(32) The video-sharing platform providers covered by this Directive provide

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

information society services within the meaning of point (a) of Article 2 of Directive 2000/31/EC. Those providers are consequently subject to the rules on the internal market set out in Article 3 of that Directive, if they are established in a Member State. It is appropriate to ensure that the same rules apply to video-sharing platform providers which are not established in a Member State with a view to safeguarding the effectiveness of the measures to protect minors and citizens set out in this Directive and ensuring a level playing field in as much as possible, in as far as those providers have either a parent company or a subsidiary which is established in a Member State or where those providers are part of a group and another entity of that group is established in a Member State. To that effect, arrangements should be made to determine in which Member State those providers should be deemed to have been established. The Commission should be informed of the providers under each Member State's jurisdiction in application of the rules on establishment set out in this Directive and in Directive 2000/31/EC. *In this connection, the concept of 'video-sharing platform provider' should be understood in the broadest sense of the term, so as to include linear service providers/ platforms for the retransmission of audiovisual media services, regardless of the technical means used for retransmission (cable, satellite or internet).*

Or. ro

Amendment 129
Mihai Țurcanu

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 *ought* therefore *to* 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.

Or. ro

Amendment 130
Csaba Molnár

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

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 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.

to ensuring the impartiality of their decisions. ***Unfortunately, in the past the independence of the regulatory authorities has been violated in numerous Member States.*** 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. ***There is therefore a need to widen the powers of the European Regulators Group for Audiovisual Media Services (ERGA) so that the independence of media authorities can be guaranteed in the Member States.***

Or. hu

Amendment 131

Mihai Țurcanu

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

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 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.

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. ***There is a need to introduce certain obligations for Member States to have independent regulatory authorities, and a set of administrative and financial requirements should be established in support of independent and effective regulatory authorities.***

Or. ro

Amendment 132
Birgit Collin-Langen

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

Amendment

(33) Regulatory authorities of the Member States can achieve the requisite degree of structural independence only if established as separate legal entities ***and functionally independent organs of such 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

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.

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. en

Amendment 133
Csaba Molnár

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 advice to the Commission on implementation matters. This calls for the formal recognition and reinforcement of its role, **and indeed the widening of its powers**, in this Directive. The group should therefore be re-established by virtue of this Directive.

Or. hu

Amendment 134
Birgit Collin-Langen

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) The Commission should be free to

Amendment

(37) The Commission should be free to

consult ERGA on any matter relating to audiovisual media services and video-sharing platforms. ERGA should assist the Commission by providing its expertise and advice and by facilitating exchange of best practices. In particular, the Commission should consult ERGA in the application of Directive 2010/13/EU with a view to facilitating its convergent implementation across the Digital Single Market. Upon the Commission's request, ERGA should provide opinions, including on jurisdiction and Union codes of conduct in the area of protection of minors and hate speech *as well as audiovisual commercial communications for foods high in fat, salt/sodium and sugars.*

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.

Or. en

Amendment 135
Virginie Rozière

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*

Amendment

(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, *democracy* and cultural diversity. Such obligations should be *proportionate and* imposed *only* where they are necessary to meet general interest objectives clearly defined by Member States in conformity with Union law.

public policy considerations.

Or. fr

Amendment 136

Morten Løkkegaard, Kaja Kallas, Dita Charanzová

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 ***take measures*** 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 ***proportionate and*** 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 ***introduce*** discoverability rules, they should only ***take*** proportionate ***measures with regard to*** undertakings, in the interest of legitimate public policy considerations.

Or. en

Amendment 137

Birgit Collin-Langen

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

Amendment

(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.

obligations to ensure discoverability and **access to** 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.

Or. en

Amendment 138

Andreas Schwab

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,

Amendment

(38) This Directive is without prejudice to the ability of Member States to impose obligations to ensure **non-discriminatory** 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

in the interest of legitimate public policy considerations.

undertakings, in the interest of legitimate public policy considerations.

Or. de

Amendment 139
Julia Reda

Proposal for a directive
Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) Any self-and co-regulatory measure implemented at Member State level shall fully respect the obligations under the Charter of Fundamental Rights, including article 52 of the Charter.

Or. en

Amendment 140
Marc Joulaud

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

Text proposed by the Commission

Amendment

(i) a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service ***or a dissociable section thereof is devoted to providing*** programmes, under the editorial responsibility of a media service provider, in order to inform, entertain or educate, to the general public by electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC. Such an audiovisual media service is either a television

(i) a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service ***is the provision of*** programmes, under the editorial responsibility of a media service provider, in order to inform, entertain or educate, to the general public by electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC. Such an audiovisual media service is either a television broadcast as defined in point (e) of this

broadcast as defined in point (e) of this paragraph or an on-demand audiovisual media service as defined in point (g) of this paragraph;;

paragraph or an on-demand audiovisual media service as defined in point (g) of this paragraph;;

Or. en

Justification

The dissociable factor introduced by the Commission is secondary to the "principal purpose" one and is detrimental to legal clarity of the definition. The input of "New Media online" caselaw (which define the exact conditions of the dissociable factor) should therefore be introduced through a recital.

Amendment 141 **Julia Reda**

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point b

Directive 2010/13/EU

Article 1 – paragraph 1 – point aa – introductory part

Text proposed by the Commission

(aa) 'video-sharing platform service' means a service, as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, which meets the following requirements:

Amendment

(aa) 'video-sharing platform service' means a service, as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, which meets **all** the following requirements:

Or. en

Amendment 142 **Marc Joulaud**

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point b

Directive 2010/13/EU

Article 1 – paragraph 1 – point aa – point i

Text proposed by the Commission

(i) the service consists of the storage of a large amount of programmes or user-generated videos, for which the video-

Amendment

(i) the service consists of the storage **or allows the making available** of a large amount of programmes or user-generated

sharing platform provider does not have editorial responsibility;

videos, for which the video-sharing platform provider does not have editorial responsibility;

Or. en

Justification

It is necessary to better include social medias within the definition of video-sharing platforms, as social medias are more and more important to access to information and audiovisual content, and adopt a business model relying more and more on audiovisual content, causing important businesses and service for society (such as the press sector) to focus their activity on these platforms.

Amendment 143 **Virginie Rozière**

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point b

Directive 2010/13/EU

Article 1 – paragraph 1 – point aa – point i

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 144 **Julia Reda**

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point b

Directive 2010/13/EU

Article 1 – paragraph 1 – point aa – point ii

Text proposed by the Commission

(ii) the organisation of the stored content is determined by the provider of the service **including by automatic means**

Amendment

(ii) the organisation of the stored content is determined by the provider of the service;

or algorithms, in particular by hosting, displaying, tagging and sequencing;

Or. en

Amendment 145
Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point b

Directive 2010/13/EU

Article 1 – paragraph 1 – point aa – point ii

Text proposed by the Commission

(ii) the organisation of the stored content is determined by the provider of the service ***including by automatic means or algorithms, in particular by hosting, displaying, tagging and sequencing;***

Amendment

(ii) the organisation of the stored content is determined by the provider of the service;

Or. en

Amendment 146
Andreas Schwab

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point b

Directive 2010/13/EU

Article 1 – paragraph 1 – point aa – 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 purpose of the service or a section thereof is devoted to providing programmes and user-generated videos to the general public, in order to inform, entertain or educate;

Or. de

Justification

Values worthy of absolute protection, such as protection of minors and human dignity, should be respected in any form of moving image, regardless of whether or not the provider of these

services considers them to be the principal purpose of its activity or integrates them in such a way as to make them an indissociable element of the service offered.

Amendment 147
Dita Charanzová

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

Text proposed by the Commission

Amendment

- (da) the following points are inserted:*
- (bb) Access service: an add-on feature of the audiovisual media service that improves the accessibility of the programmes for people with functional limitations, including persons with disabilities. The access services include subtitles for the deaf and hard of hearing, audio description, spoken subtitles or audio subtitles and sign language interpretation.*
- (bc) Subtitles for the deaf and hard of hearing: synchronized visual text alternative for both speech and non-speech audio information needed to understand the media content.*
- (bd) Audio description: additional audible narrative, interleaved with the dialogue, which describes the significant aspects of the visual content of the programme that cannot be understood from the main soundtrack alone.*
- (be) Spoken subtitles or audio subtitles: read aloud of subtitles in the national language when the audio speech is in a different language.*
- (bf) Sign language interpretation: simultaneous translation of both speech and non-speech audio information needed to understand the programme, provided in the national sign language.*

*Justification**Amendment linked to the re-introduction of accessibility requirements***Amendment 148**
Julia Reda, Igor Šoltés**Proposal for a directive**
Article 1 – paragraph 1 – point 1 – point e a (new)
Directive 2010/13/EU
Article 1 – paragraph 1 – point d b (new)*Text proposed by the Commission**Amendment*

(ea) The following point is inserted

'(db) 'access service': an add-on feature of the audiovisual media service that improves the accessibility of the programmes for people with functional limitations, including persons with disabilities. The access services include inter alia, subtitles, audio description, spoken or audio subtitles and sign language interpretation

Or. en

Amendment 149
Anna Hedh, Marc Tarabella, Maria Grapini**Proposal for a directive**
Article 1 – paragraph 1 – point 3 – point a
Directive 2010/13/EU
Article 2 – paragraph 3 – point b*Text proposed by the Commission**Amendment*

(b) if a media service provider has its head office in one Member State but editorial decisions on the audiovisual media service are taken in another Member State, it shall be deemed to be established in the Member State where *the majority* of

(b) if a media service provider has its head office in one Member State but editorial decisions on the audiovisual media service are taken in another Member State, it shall be deemed to be established in the Member State where *a significant*

the workforce involved in the pursuit of the audiovisual media service activity operates;;

part of the workforce involved in the pursuit of the audiovisual media service activity operates. If a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in each of those Member States, the media service provider shall be deemed to be established in the Member State where it has its head office. If a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in neither of those Member States, the media service provider shall be deemed to be established in the Member State where it first began its activity in accordance with the law of that Member State, provided that it maintains a stable and effective link with the economy of that Member State;;

Or. en

Amendment 150

Morten Løkkegaard, Kaja Kallas, Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2010/13/EU

Article 2 – paragraph 3 – point b

Text proposed by the Commission

(b) if a media service provider has its head office in one Member State but editorial decisions on the audiovisual media service are taken in another Member State, it shall be deemed to be established in the Member State where the majority of the *workforce involved* in the pursuit of the audiovisual media service activity *operates;;*

Amendment

(b) if a media service provider has its head office in one Member State but editorial decisions on the audiovisual media service are taken in another Member State, it shall be deemed to be established in the Member State where the majority of the *editorial decisions* in the pursuit of the audiovisual media service activity *are taken;*

Or. en

Amendment 151
Ildikó Gáll-Pelcz

Proposal for a directive
Article 1 – paragraph 1 – point 3 – point b
Directive 2010/13/EU
Article 2 – paragraph 5 b

Text proposed by the Commission

5b. Where, in applying Articles 3 and 4 of this Directive, the Member States concerned do not agree on which Member State has jurisdiction, they shall bring the matter to the Commission's attention without undue delay. The Commission may request the European Regulators Group for Audiovisual Media Services (ERGA) to provide *an* opinion on the matter within 15 working days from submission of the Commission's request. If the Commission requests an opinion *from ERGA*, the time-limits set out in Articles 3(5) and 4(5) shall be suspended until ERGA has adopted an opinion.;

Amendment

5b. Where, in applying Articles 3 and 4 of this Directive, the Member States concerned do not agree on which Member State has jurisdiction, they shall bring the matter to the Commission's attention without undue delay. The Commission may request the European Regulators Group for Audiovisual Media Services (ERGA) to provide *a preliminary draft* opinion on the matter within 15 working days from submission of the Commission's request. If the Commission requests an opinion, the time-limits set out in Articles 3(5) and 4(5) shall be suspended until ERGA has adopted an opinion;

Or. en

Amendment 152
Julia Reda, Igor Šoltés

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2010/13/EU
Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) manifestly, seriously and gravely infringes Articles 6 *or 12, or both*;

Amendment

(a) manifestly, seriously and gravely infringes Articles 6, *7 or 12*;

Or. en

Amendment 153
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2010/13/EU
Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) manifestly, seriously and gravely infringes Articles 6 **or 12, or both**;

Amendment

(a) manifestly, seriously and gravely infringes Articles 6, **7 or 12**;

Or. en

Justification

Amendment linked to the re-introduction of accessibility requirements in Article 7

Amendment 154
Ildikó Gáll-Pelcz

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2010/13/EU
Article 3 – paragraph 3 – point a

Text proposed by the Commission

(a) *during the 12 months preceding the notification referred to in point (b) of this paragraph, the media service provider has, in the opinion of the Member State concerned, contravened point (a), (b) or (c) of paragraph 2 on at least two occasions;*

Amendment

deleted

Or. en

Amendment 155
Anna Hedh, Marc Tarabella, Maria Grapini

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2010/13/EU
Article 3 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) during the 12 months preceding the notification referred to in point (b) of this paragraph, the media service provider has, in the opinion of the Member State concerned, contravened point (a), (b) or (c) of paragraph 2 on at least two occasions;

deleted

Or. en

Amendment 156
Ildikó Gáll-Pelcz

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2010/13/EU

Article 3 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) the media services provider has contravened point (a), (b) or (c) of paragraph 2 at least once after the notification provided for in point (b) of this paragraph;

deleted

Or. en

Amendment 157
Ildikó Gáll-Pelcz

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2010/13/EU

Article 3 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall, within *three* months following the notification of the measures taken by the Member State in application of paragraphs 2 and 3 and after

The Commission shall, within *two* months following the notification of the measures taken by the Member State in application of paragraphs 2 and 3 and after having

having consulted ERGA, take a decision on whether those measures are compatible with Union law. That period shall begin on the day following the receipt of a complete notification. The notification shall be considered as complete if, within **three months** from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information.

consulted ERGA, take a decision on whether those measures are compatible with Union law. That period shall begin on the day following the receipt of a complete notification. The notification shall be considered as complete if, within **one month** from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information.

Or. en

Amendment 158

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2010/13/EU

Article 3 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Where the Member State concerned does not provide the information requested within the period fixed by the Commission or where it provides incomplete information, the Commission shall take a decision that the measures taken by the Member State in accordance with paragraph 2 are incompatible with Union law. If the Commission decides that the measures are incompatible with Union law, the Member State shall put an end to the measures in question as a matter of urgency.

Amendment

Where the Member State concerned does not provide the information requested within the period fixed by the Commission or where it provides incomplete information, the Commission shall take a decision that the measures taken by the Member State in accordance with paragraph 2 are incompatible with Union law. If the Commission decides that the measures are incompatible with Union law, the Member State shall put an end to the measures in question as a matter of urgency **and no longer than within two weeks**.

Or. en

Amendment 159

Anna Hedh, Christel Schaldemose, Marc Tarabella, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 4

Text proposed by the Commission

6. Member States may, in urgent cases, derogate from the conditions laid down in points (b) and (c) of paragraph 3. Where this is the case, the measures shall be notified in the shortest possible time to the Commission and to the Member State which has jurisdiction over the media service provider, setting out the reasons for which the Member State considers that there is such urgency that derogating from those conditions is necessary.

Amendment

6. Member States may, ***if the service provided by a media service provider gravely infringes upon the conditions laid down by point (a), (b) and (c) in paragraph 2*** in urgent cases, derogate from the conditions laid down in points (b) and (c) of paragraph 3. Where this is the case, the measures shall be notified in the shortest possible time to the Commission and to the Member State which has jurisdiction over the media service provider, setting out the reasons for which the Member State considers that there is such urgency that derogating from those conditions is necessary.

Or. en

Amendment 160

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2010/13/EU

Article 3 – paragraph 7

Text proposed by the Commission

7. Without prejudice to the Member State's possibility of proceeding with the measures referred to in paragraph 6, the Commission shall examine the compatibility of the notified measures with Union law in the shortest possible time. Where it comes to the conclusion that the measures are incompatible with Union law, the Commission shall require the Member State concerned to refrain from taking any intended measures or urgently to put an end to those measures.

Amendment

7. Without prejudice to the Member State's possibility of proceeding with the measures referred to in paragraph 6, the Commission shall examine the compatibility of the notified measures with Union law in the shortest possible time. Where it comes to the conclusion that the measures are incompatible with Union law, the Commission shall require the Member State concerned to refrain from taking any intended measures or urgently to put an end to those measures ***within shortest possible time.***

Amendment 161

Philippe Juvin, Marc Joulaud, Lara Comi

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2010/13/EU

Article 4 – paragraph 1

Text proposed by the Commission

1. 1. Member States shall remain free to require media service providers under their jurisdiction to comply with more detailed or stricter rules *with regard to Articles 5, 6, 6a, 9, 10, 11, 12, 13, 16, 17, 19 to 26, 30 and 30a*, provided that such rules are in compliance with Union law.;

Amendment

1. Member States shall remain free to require media service providers under their jurisdiction to comply with more detailed or stricter rules *in the fields covered by this Directive*, provided that such rules are in compliance with Union law.

(This article amends Article 4(1) of the current directive)

Or. fr

Amendment 162

Julia Reda, Igor Šoltes

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2010/13/EU

Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall remain free to require media service providers under their jurisdiction to comply with more detailed or stricter rules with regard to Articles 5, 6, 6a, 9, 10, 11, 12, 13, 16, 17, 19 to 26, 30 and 30a, provided that such rules are in compliance with Union law.;

Amendment

1. Member States shall remain free to require media service providers under their jurisdiction to comply with more detailed or stricter rules with regard to Articles 5, 6, 6a, 7, 9, 10, 11, 12, 13, 16, 17, 19 to 26, 30 and 30a, provided that such rules are in compliance with Union law.;

Or. en

Amendment 163
Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2010/13/EU

Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall remain free to require media service providers under their jurisdiction to comply with more detailed or stricter rules with regard to Articles 5, 6, 6a, 9, 10, 11, 12, 13, 16, 17, 19 to 26, 30 and 30a, provided that such rules are in compliance with Union law.;

Amendment

1. Member States shall remain free to require media service providers under their jurisdiction to comply with more detailed or stricter rules with regard to Articles 5, 6, 6a, 7, 9, 10, 11, 12, 13, 16, 17, 19 to 26, 30 and 30a, provided that such rules are in compliance with Union law.

Or. en

Justification

Amendment linked to the re-introduction of accessibility requirements in Article 7

Amendment 164

Kaja Kallas, Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2010/13/EU

Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall remain free to require media service providers under their jurisdiction to comply with more detailed or stricter rules with regard to Articles 5, 6, 6a, 9, 10, 11, 12, 13, 16, 17, 19 to 26, 30 and 30a, provided that such rules are in compliance with Union law.;

Amendment

1. Member States shall remain free to require media service providers under their jurisdiction to comply with more detailed or stricter rules with regard to Articles 6, 6a, 9, 10, 11, 12, 13, 16, 17, 19 to 26, 30 and 30a, provided that such rules are in compliance with Union law ***and do not contain discriminatory provisions relating to the nationality or place of residence of the service provider*** ;

Or. en

Amendment 165

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point c

Directive 2010/13/EU

Article 4 – paragraph 4 – point c

Text proposed by the Commission

(c) the Commission has decided, after having consulted ERGA, that the measures are compatible with Union law, in particular that assessments made by the Member State taking those measures under paragraphs 2 and 3 are correctly founded.

Amendment

(c) the Commission has decided ***within 2 months***, after having consulted ERGA, that the measures are compatible with Union law, in particular that assessments made by the Member State taking those measures under paragraphs 2 and 3 are correctly founded.

Or. en

Amendment 166

Kaja Kallas, Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point c

Directive 2010/13/EU

Article 4 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The Commission shall decide within **3 months** following the notification provided for in point (a) of paragraph 4. That period shall begin on the day following the receipt of a complete notification. The notification shall be considered as complete if, within **3 months** from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information.

Amendment

The Commission shall decide within **1 month** following the ***electronic*** notification provided for in point (a) of paragraph 4. That period shall begin on the day following the receipt of a complete notification. The notification shall be considered as complete if, within **2 weeks** from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information.

Or. en

Amendment 167
Ildikó Gáll-Pelcz

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point c

Directive 2010/13/EU

Article 4 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The Commission shall decide within **3** months following the notification provided for in point (a) of paragraph 4. That period shall begin on the day following the receipt of a complete notification. The notification shall be considered as complete if, within **3 months** from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information.

Amendment

The Commission shall decide within **two** months following the notification provided for in point (a) of paragraph 4. That period shall begin on the day following the receipt of a complete notification. The notification shall be considered as complete if, within **one month** from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information.

Or. en

Amendment 168

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point c

Directive 2010/13/EU

Article 4 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The Commission shall decide within **3** months following the notification provided for in point (a) of paragraph 4. That period shall begin on the day following the receipt of a complete notification. The notification shall be considered as complete if, within **3** months from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information.

Amendment

The Commission shall decide within **2** months following the notification provided for in point (a) of paragraph 4. That period shall begin on the day following the receipt of a complete notification. The notification shall be considered as complete if, within **2** months from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information.

Or. en

Amendment 169
Ildikó Gáll-Pelcz

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point d

Directive 2010/13/EU

Article 4 – paragraph 7

Text proposed by the Commission

Amendment

(d) paragraph 7 is replaced by the following:

deleted

‘7. 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.

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

The Commission may ask ERGA to give an opinion on the drafts, amendments or extensions of those codes. The Commission may publish those codes as appropriate.; ’

Or. en

Amendment 170

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Maria Grapini

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 and self-regulation at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those **steps** shall be such that they are broadly accepted by the main stakeholders **acting under the jurisdiction of** the Member States concerned. The **steps laid down** 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 **within the Member State's jurisdiction.**

Or. en

Amendment 171
Anna Maria Corazza Bildt

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

Amendment

Member States **and the Commission** shall encourage co-regulation and self-regulation through codes of conduct adopted at national **level and European** 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

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.

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

Or. en

Justification

It is important to encourage the continuous work on self-regulatory measures at European level as well. For example there are good initiative such as the EU Pledge to safeguard that intrusive advertising towards children are averted.

Amendment 172

Biljana Borzan

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point d

Directive 2010/13/EU

Article 4 – paragraph 7 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 173
Birgit Collin-Langen, Eva Paunova

Proposal for a directive
Article 1 – paragraph 1 – point 5 – point d
Directive 2010/13/EU
Article 4 – paragraph 7 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 174
Kaja Kallas, Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 5 – point d
Directive 2010/13/EU
Article 4 – paragraph 7 – subparagraph 3

Text proposed by the Commission

The Commission may ask ERGA to give an opinion on the drafts, amendments or extensions of those codes. The Commission *may* publish those codes as appropriate.;

Amendment

The Commission may ask ERGA to give an opinion on the drafts, amendments or extensions of those codes. The Commission *shall* publish *and raise awareness on* those codes as appropriate ;

Or. en

Amendment 175
Birgit Collin-Langen, Eva Paunova

Proposal for a directive
Article 1 – paragraph 1 – point 5 – point d
Directive 2010/13/EU
Article 4 – paragraph 7 – subparagraph 3

Text proposed by the Commission

The Commission may ask ERGA to give an opinion on the drafts, amendments or extensions of those codes. The Commission *may* publish those codes as appropriate.;

Amendment

The Commission may ask ERGA to give an opinion on the drafts, amendments or extensions of those codes. The Commission *shall* publish those codes as appropriate;

Or. en

Amendment 176
Dita Charanzová

Proposal for a directive

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

Directive 2010/13/EU

Article 4 – paragraph 8

Present text

8. 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.

Amendment

(da) Paragraph 8 is amended as follows:

8. 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 Directive **2000/31/EC** shall prevail, unless otherwise provided for in this Directive.

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010L0013&qid=1476777414550&from=FR>)

Justification

The E-commerce Directive (2000/31/EC) should prevail over this Directive now that the chance of greater conflicts have been created by the addition of Chapter IXa.

Amendment 177
Dennis de Jong

Proposal for a directive
Article 1 – paragraph 1 – point 5 a (new)
Directive 2010/13/EU
Article 4 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

(5a) *A new paragraph is added as follows:*

8a. *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 as media pluralism, freedom of speech and cultural diversity.;*

Or. en

Amendment 178
Philippe Juvin, Marc Joulaud, Lara Comi

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 means that audiovisual media services provided by media service providers under their jurisdiction do not contain

(a) *any incitement to undermine human dignity or* 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;

(b) any incitement to commit or to seek to justify terrorist acts;

Or. fr

Amendment 179

Dennis de Jong

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 defined by reference to sex, *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 or sexual orientation.

Or. en

Justification

In line with Article 21 of the Charter of Fundamental Rights of the EU.

Amendment 180

Marc Joulaud

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2010/13/EU

Article 6

Text proposed by the Commission

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

Amendment

Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to ***the commission of terrorist acts or 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.;

Or. en

Amendment 181

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Virginie Rozière, Maria Grapini

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 ***and applicable*** 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.;

Or. en

Amendment 182

Anna Maria Corazza Bildt

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2010/13/EU
Article 6a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Encourage Member States to develop media literacy as a future-proof tool to develop children’s capabilities to understand the difference between content and commercial communications.

Or. en

Justification

Children watch a lot of content that might not be originally directed to them. To enhance media literacy is a good and future-proof tool to develop children’s capabilities to understand the difference between content and commercial communications.

Amendment 183

Mihai Țurcanu

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2010/13/EU

Article 6 a – paragraph 3

Text proposed by the Commission

Amendment

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

(3) The Commission and ERGA shall encourage media service providers to exchange best practices on co-regulatory systems across the Union. **The Commission, together with the ERGA, is encouraged to develop** Union codes of conduct.

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

Or. ro

Amendment 184

Julia Reda, Igor Šoltés

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

Text proposed by the Commission

(10) Article 7 *is deleted*;

Amendment

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

'Article 7

1. The audiovisual media service providers shall ensure that their services are gradually made accessible to persons with disabilities. Five years after the entry into force of this Directive, audiovisual media service providers shall provide as a first step:

(i) At least 75 % of the overall programming with subtitles for the deaf and hard of hearing (SDH)

(ii) At least 75 % of the overall programming subtitled into the national language shall include spoken subtitles

(iii) At least 15 % of the overall programming with audio description and spoken subtitles

(iv) At least 5 % of the overall programming with sign language interpretation

2. Every following year the audiovisual media service providers shall increase the provision of access services as follows:

(i) 5 % more of the overall programming with SDH

(ii) 5 % more of the overall programming subtitled into the national language with spoken subtitles

(iii) 2 % more of the overall programming with audio description

(iv) 2 % more of the overall programming with sign language interpretation.

3. The audiovisual media service providers achieving an average audience share of all households over a 12 month period of less than 1% can be exempted from paragraphs 1 and 2.

4. The access services shall be provided for different types of programmes, including those for children, and at different times during the day, without concentrating the accessible content in the least common time slots for the general audience. Audiovisual media service providers should consult users organisations, including organisations representing of persons with disabilities, to prioritise the programmes to be made accessible.

5. The audiovisual media service providers should promote, through their content acquisition, programming and editorial policies, the delivery of access services as part of content producers' packages.

6. The audiovisual media service providers shall make their websites, online applications and mobile-based services, including mobile apps, used for the provision of the service accessible in a consistent and adequate way for users' perception, operation and understanding, and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level. The programmes provided through these means shall only comply with paragraph 1 and 2.

7. Where a programme includes access services, these shall be clearly indicated in the programme information, as well as in the Electronic Programming Guide.

8. The audiovisual media service providers shall ensure that the Electronic Programming Guides are accessible for persons with disabilities.

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

10. In consultation with users' organisations, including organisations representing persons with disabilities, the audiovisual media service providers shall ensure the quality of the access services by adopting self- and co-regulation measures resulting in codes of conduct or quality standards. These should tackle quality requirements for:

(i) Subtitles for the deaf and hard of hearing that are well synchronised with the video, readable, accurate and comprehensible in order to effectively reflect the audio information. This includes setting up quality specifications covering at least the font type, font size, contrast and use of colours as well as, where possible, the necessary requirements to ensure users' control over the SDH;

(ii) audio description and spoken subtitles that are well synchronized with the video. This includes setting up quality specifications related to audio placement and clarity of the audio description and spoken subtitles, as well as the necessary requirements to ensure users' control over them;

(iii) sign language interpretation that is accurate and comprehensible in order to effectively reflect the audio information. This includes setting up professional requirements for the interpreters and quality specifications for the way the signing is provided. Where possible, requirements to ensure users' control over the signing provision shall be adopted.

12. The audiovisual service providers should facilitate and encourage the provision of access services in commercial communications, but these must not be deemed accountable for the purpose of paragraphs 1 and 2.

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

Or. en

Amendment 185
Dita Charanzová

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

Text proposed by the Commission

(10) Article 7 is *deleted*;

Amendment

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

‘Article 7

1. The audiovisual media service providers shall ensure that their services are gradually made accessible to persons with disabilities. Five years after the entry into force of this Directive, audiovisual media service providers shall provide:

(i) At least 75 % of the overall programming with subtitles for the deaf and hard of hearing

(ii) At least 75 % of the overall programming subtitled into the national

language shall include spoken subtitles

(iii) At least 15 % of the overall programming with audio description and spoken subtitles

(iv) At least 5 % of the overall programming with sign language interpretation

2. Every following year the audiovisual media service providers shall increase the provision of access services as follows:

(i) 5 % more of the overall programming with subtitles for the deaf and hard of hearing

(ii) 5 % more of the overall programming subtitled into the national language with spoken subtitles

(iii) 2 % more of the overall programming with audio description

(iv) 2 % more of the overall programming with sign language interpretation.

3. The audiovisual media service providers achieving an average audience share of all households over a 12 month period of less than 1% shall be exempted from paragraphs 1 and 2.

4. The access services shall be provided for different types of programmes, including those for children, and at different times during the day, without concentrating the accessible content in the least common time slots for the general audience.

Member States shall encourage Audiovisual media service providers to consult users organisations, including organisations representing of persons with disabilities, to prioritise the programmes to be made accessible.

5. The audiovisual media service providers should promote, through their content acquisition, programming and editorial policies, the delivery of access

services as part of content producers' packages.

6. The audiovisual media service providers shall make their websites, online applications and mobile-based services, including mobile apps, used for the provision of the service accessible in a consistent and adequate way for users' perception, operation and understanding, and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level. The programmes provided through these means shall only comply with paragraph 1 and 2.

7. Where a programme includes access services, these shall be clearly indicated in the programme information, as well as in the Electronic Programming Guide.

8. The audiovisual media service providers shall ensure that the Electronic Programming Guides are accessible for persons with disabilities.

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

10. In consultation with users' organisations, including organisations representing persons with disabilities, the audiovisual media service providers shall ensure the quality of the access services by adopting self- and co-regulation measures resulting in codes of conduct or quality standards. These should tackle quality requirements for:

(i) Subtitles for the deaf and hard of hearing that are well synchronised with the video, readable, accurate and comprehensible in order to effectively

reflect the audio information. This includes setting up quality specifications covering at least the font type, font size, contrast and use of colours as well as, where possible, the necessary requirements to ensure users' control over the subtitles for the deaf and hard of hearing;

(ii) audio description and spoken subtitles that are well synchronized with the video. This includes setting up quality specifications related to audio placement and clarity of the audio description and spoken subtitles, as well as the necessary requirements to ensure users' control over them;

(iii) sign language interpretation that is accurate and comprehensible in order to effectively reflect the audio information. This includes setting up professional requirements for the interpreters and quality specifications for the way the signing is provided. Where possible, requirements to ensure users' control over the signing provision shall be adopted.

12. User-generated content is excluded from the requirements laid down in this article.

13. The audiovisual service providers should facilitate and encourage the provision of access services in commercial communications, but these must not be deemed accountable for the purpose of paragraphs 1 and 2.

14. Emergency information, including public communications and announcements in natural disaster situations, made available to the public through audiovisual media services shall be provided in an accessible manner for persons with disabilities, including with subtitles for the deaf and hard of hearing, sign language interpretation and audio message and audio description for any visual information.

Justification

This is the re-introduction of accessibility requirements.

Amendment 186**Ildikó Gáll-Pelcz****Proposal for a directive****Article 1 – paragraph 1 – point 10**

Directive 2010/13/EU

Article 7

Text proposed by the Commission(10) Article 7 is *deleted*;*Amendment*(10) Article 7 is *replaced by the following*:*'Article 7*

- 1. Member States shall ensure that media service providers under their jurisdiction make their services continuously and progressively more accessible to people with a visual or hearing disability.*
- 2. With regard to the implementation of this Article, Member States shall encourage the development of self- and co-regulatory codes of conduct. The Commission and ERGA shall encourage media service providers to exchange best practices on self-regulatory systems across the Union.*
- 3. By ... [three years after the entry into force of this Directive] and every 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 provision.'*

Amendment 187

Anna Hedh, Liisa Jaakonsaari, Sergio Gaetano Cofferati, Christel Schaldemose, Nicola Danti, Marc Tarabella, Catherine Stihler, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2010/13/EU

Article 7

Text proposed by the Commission

(10) Article 7 is *deleted*;

Amendment

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

'Article 7

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

2. Member States shall require an annual report from the media service providers under their jurisdiction on the process towards increased accessibility for their services.

3. The European Commission and ERGA shall promote the exchange of best practices within the field of accessibility between different Member States and media service providers.'

Or. en

Amendment 188

Dennis de Jong

Proposal for a directive

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

Directive 2010/13/EU

Article 9 – paragraph 1 – point c – point ii

Present text

Amendment

‘(ii) include or promote any discrimination based on sex, **racial or** ethnic origin, **nationality**, religion or belief, disability, age or sexual orientation;’

(-aa) paragraph 1, point c, point ii is amended as follows:

‘(ii) include or promote any discrimination based on sex, **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 or sexual orientation;’

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32010L0013>)

Justification

In line with Article 21 of the Charter of Fundamental Rights of the EU.

Amendment 189
Dennis de Jong

Proposal for a directive
Article 1 – paragraph 1 – point 11 -aa (new)
Directive 2010/13/EU
Article 9 – paragraph 1 – point c – point iv a (new)

Text proposed by the Commission

Amendment

(11 -aa) The following point is added :

‘(iva) be targeted at minors;’

Or. en

Amendment 190
Dita Charanzová

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

Present text

Amendment

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

(aa) Paragraph 1, point (e) is amended as following:

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

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010L0013&qid=1476777414550&from=FR>)

Justification

Limit on the advertising of energy drinks

Amendment 191
Dennis de Jong

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

Text proposed by the Commission

Amendment

(11 -ab) The following point is added:

‘(ga) Any audiovisual commercial communications, accompanying or included in programmes with a significant children's audience shall be prohibited.’

Or. en

Amendment 192
Dennis de Jong

Proposal for a directive
Article 1 – paragraph 1 – point 11 – point a

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Text proposed by the Commission

Amendment

(a) paragraph 2 is replaced by the following:

deleted

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

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

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

Or. en

**Amendment 193
Birgit Collin-Langen**

**Proposal for a directive
Article 1 – paragraph 1 – point 11 – point a**

Directive 2010/13/EU
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 194

Anna Hedh, Liisa Jaakonsaari, Christel Schaldemose, Marc Tarabella, 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

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

Amendment

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

Or. en

Amendment 195

Biljana Borzan

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

Member States and the Commission shall encourage the development of 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 *and other products* containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Or. en

Amendment 196

Anna Maria Corazza Bildt

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

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

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

Or. en

Justification

It is unclear what "significant children's audience" means. It is more clear to introduce programmes that are targeting children.

Amendment 197

Jiří Maštálka

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 198

Jiří Maštálka

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

Text proposed by the Commission

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

Amendment

Those codes *have to be submitted to the approval of national regulatory authorities and introduce additional provisions regarding the compliance, monitoring and enforcement of such codes. These codes should be subject to a public consultation open to the participation of consumer organizations.*

Or. en

Amendment 199
Birgit Collin-Langen

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

Text proposed by the Commission

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

Amendment

Those codes should be used to effectively reduce the exposure of minors to audiovisual commercial communications of foods and beverages. Those codes should provide that the audiovisual commercial communications are not to emphasise the positive quality of the nutritional aspects of such foods and beverages.

Or. en

Amendment 200

Anna Hedh, Liisa Jaakonsaari, Christel Schaldemose, Marc Tarabella, Biljana Borzan, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 201

Mihai Țurcanu

Proposal for a directive

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

Directive 2010/13/EU

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(aa) the following paragraph 1a is inserted:

(2a) Calls for prohibition of the distribution by audiovisual service providers of information the disclosure of which is liable to cause financial damage to, or damage the image of, any legal person governed by public or private law, or of information whose disclosure would be liable to panic, misinform or manipulate consumers, prior to the

official announcement of the outcome of an enquiry by the competent authorities, as there is a possibility that such information could prove to be false and have an adverse financial impact on the internal market and/or economic agents.

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

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

Or. ro

Amendment 202
Dennis de Jong

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

Text proposed by the Commission

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

Amendment

3. ***Commercial communications for alcoholic beverages and gambling activities shall be kept to a minimum.*** Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct ***in order to achieve this objective.***

Or. en

Amendment 203
Anna Hedh, Liisa Jaakonsaari, Christel Schaldemose, Marc Tarabella, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Member States and the Commission shall encourage the development of self- and **co-regulation** regarding inappropriate audiovisual commercial communications for alcoholic **products**. Those **steps** should be used to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic **products, for instance prohibiting commercial communications for alcoholic products during times when children are most likely to be exposed through audiovisual media services**.

Or. en

Amendment 204

Biljana Borzan

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 205

Morten Løkkegaard, Dita Charanzová, Kaja Kallas

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 206

Morten Løkkegaard, Kaja Kallas, Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 207
Birgit Collin-Langen

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

Text proposed by the Commission

Amendment

(11a) The following Article is inserted:

‘Article 9a

Member States remain free to take appropriate and non-discriminatory measures ensuring the appropriate prominence of audiovisual media services of general interest. Such measures shall be proportionate and meet general objectives such as media pluralism, freedom of speech, and cultural diversity clearly defined by Member States in accordance with Union law.

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.’

Or. en

Amendment 208
Andreas Schwab

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

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Text proposed by the Commission

Amendment

(11a) The following article is inserted:

‘Article 9a

Member States shall ensure that media service providers’ programmes and services may not be modified, for example through commercial overlays, without their consent.’

Or. de

Justification

Third parties should not be allowed to modify programmes and services without the consent of the media service provider.

Amendment 209

Birgit Collin-Langen

Proposal for a directive

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

Directive 2010/13/EU

Article 9 b (new)

Text proposed by the Commission

Amendment

(11b) The following Article is inserted:

‘Article 9b

Member States shall ensure that third parties other than the recipient of a service do not modify the programmes and services of providers concerned without their explicit consent.’

Or. en

Amendment 210

Dennis de Jong

Proposal for a directive
Article 1 – paragraph 1 – point 12
Directive 2010/13/EU
Article 10 – point b

Text proposed by the Commission

Amendment

(12) in Article 10, point (b) is replaced by the following:

deleted

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

(i.e. return to the original text of the directive.)

Or. en

Amendment 211

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Biljana Borzan, Virginie Rozière, Maria Grapini

Proposal for a directive
Article 1 – paragraph 1 – point 12
Directive 2010/13/EU
Article 10 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 212
Dennis de Jong

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

Text proposed by the Commission

Amendment

(13) Article 11 is replaced by the

deleted

following:

'Article 11

- 1. Paragraphs 2, 3 and 4 shall apply only to programmes produced after 19 December 2009.*
- 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.*
- 3. Programmes that contain product placement shall meet the following requirements:*
 - (a) their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;*
 - (b) they shall not directly encourage the purchase or rental of goods or services;*
 - (c) viewers shall be clearly informed of the existence of product placement. Programmes containing product placement shall be appropriately identified at the start and the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer;*

By way of exception, Member States may choose to waive the requirements set out in point (c) provided that the programme concerned has neither been produced nor commissioned by the media service provider itself or a company affiliated to the media service provider.
- 4. In any event programmes shall not contain product placement of:*
 - (a) tobacco products or cigarettes or product placement from undertakings*

whose principal activity is the manufacture or sale of cigarettes and other tobacco products;

(b) specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls.; ’

(i.e. return to original text of the directive.)

Or. en

Amendment 213
Morten Løkkegaard

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 214
Anna Maria Corazza Bildt

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

Amendment

2. Product placement shall be admissible in all audiovisual media

services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and programmes with a significant children's audience.

services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and **children's programmes and** programmes with a significant children's audience.

Or. en

Justification

This provision will be difficult to apply. Children watch a lot of different programmes that might not be originally directed to them. However product placement should be kept out from content targeting children.

Amendment 215

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Biljana Borzan, Virginie Rozière, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 3 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 216

Jiří Maštálka

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 3 – subparagraph 2

Text proposed by the Commission

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

Amendment

deleted

provider itself or a company affiliated to the media service provider.

Or. en

Amendment 217

Anna Hedh, Christel Schaldemose, Marc Tarabella, Biljana Borzan, Virginie Rozière, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 4 – point b

Text proposed by the Commission

(b) specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls.;

Amendment

(b) specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls *or in the Member State targeted by the media service provider.*;

Or. en

Amendment 218

Anna Hedh, Liisa Jaakonsaari, Christel Schaldemose, Marc Tarabella, Biljana Borzan, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

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

Text proposed by the Commission

Amendment

(ba) alcoholic beverages and other alcoholic products or product placement from undertakings whose principal activity is the manufacture or sale of alcohol and other alcoholic products.

Or. en

Amendment 219

Jiří Maštálka

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

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

Text proposed by the Commission

Amendment

(ba) *unhealthy food and beverages.*

Or. en

Amendment 220

Dennis de Jong

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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, 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.

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, ***such as advertising for alcoholic beverages or gambling***, 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 221

Anna Hedh, Liisa Jaakonsaari, Sergio Gaetano Cofferati, Christel Schaldemose, Marc Tarabella, Biljana Borzan, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 222

Anna Maria Corazza Bildt

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 1

Text proposed by the Commission

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

Amendment

deleted

Or. en

Justification

Regional or country specific content is very important for local and European players on the market and if all service providers are obliged to extend their catalogue with European content the European companies have even less chance to be competitive.

Amendment 223

Morten Løkkegaard, Kaja Kallas, Dita Charanzová

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.

deleted

Or. en

Amendment 224
Julia Reda

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 *where practicable and appropriate the prominence* of European works in their catalogue.

Or. en

Amendment 225
Kaja Kallas, Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall ensure that on-demand audiovisual media services **provided by media service providers** under their jurisdiction **promote, where practicable and by appropriate means, the production of and access to** European works. **Such promotion could relate, inter alia, to the financial contribution made by such services to the production and rights acquisition of European works or to the share and/or** prominence of **European** works **in the catalogue of programmes offered by the on-demand audiovisual media service.**

Or. en

Amendment 226
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States **may require** that providers of on-demand audiovisual media services under their jurisdiction **secure a** share of European works in their catalogue.

Or. en

Justification

This should be an option for the Member States to require European works, but not a requirement.

Amendment 227
Philippe Juvin, Marc Joulaud

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a **40%** share of European works in their catalogue and ensure prominence of these works. ***Member States may require providers of on-demand audiovisual media services which target audiences on their territory but are established in another Member State to include a proportion of European audiovisual works as laid down in the Member State targeted.***

Or. fr

Amendment 228
Virginie Rozière

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a **40%** share of European works in their catalogue and ensure prominence of these works. ***Member States may require on-demand video services which are established in other Member States but which target an audience on their territory to ensure that the rules on the share of European works laid down by the***

targeted Member State are complied with.

Or. fr

Amendment 229

Marc Joulaud

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

As video on-demand services already respect the 20% requirement, it is necessary to improve the presence of European works on these platforms and to introduce qualitative criteria, to avoid the use of low-quality content for the fulfilment of the share required by this Article.

Amendment 230

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States ***should encourage*** providers of on-demand audiovisual media services under their jurisdiction ***to provide a*** share of European works in their

their catalogue *and ensure prominence of these works*.

catalogue, *provided that this do not affect the consumer negatively by altering the service provided in a way which was not agreed upon by the consumer*.

Or. en

Amendment 231
Ildikó Gáll-Pelcz

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a **30%** share of European works in their catalogue and ensure prominence of these works.

Or. en

Amendment 232
Philippe Juvin, Marc Joulaud, Lara Comi

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that providers of on-demand audiovisual media services foreground European works in their catalogues. That foregrounding could take the form of a section accessible straight from the home page which is devoted to European works or of a minimum number or percentage of European works available on the home

page, or of the promotion of such works by means of recommendation and promotion tools or services available as part of the on-demand audiovisual media services.

Member States may require providers of on-demand audiovisual media services which target audiences on their territory but which are established in another Member State to implement the measures to foreground European audiovisual works laid down in the targeted Member State.

Or. fr

Amendment 233

Morten Løkkegaard, Kaja Kallas

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. *Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States.* Any financial contribution

Amendment

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Any financial contribution shall comply with Union law, in particular with State aid rules.

shall comply with Union law, in particular with State aid rules.

Or. en

Amendment 234
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. ***Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States.*** Any financial contribution shall comply with Union law, in particular with State aid rules.

Amendment

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Any financial contribution shall comply with Union law, in particular with State aid rules.

Or. en

Justification

As set out, it is not possible to guarantee that financial contributions from provider established in another Member State will be used support production of works by that provider. It would require payment into a system without the possible benefit from that provider as it is established in another Member State.

Amendment 235

Vicky Ford

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

Amendment

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions ***provided such national funds are available to support production activities of all contributors***. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

Or. en

Amendment 236

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

Amendment

2. Member States may require providers of on-demand audiovisual media services ***established*** under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

Or. en

Amendment 237

Kaja Kallas, Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/12/EU

Article 13 – paragraph 4a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall ensure adequate and geographically-diversified funding under the Creative Europe Media programme to support the circulation of creative content across borders, including improvement of the digital distribution of European audiovisual works and the development of innovative financing models for creative content ;

Amendment 238

Marc Joulaud

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 5

Text proposed by the Commission

5. Member States shall waive the requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience or if they are small and micro enterprises. Member States may also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the on-demand audiovisual media services.;

Amendment

5. Member States shall waive the requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience ***in regards to the targeted market*** or if they are small and micro enterprises. Member States may also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the on-demand audiovisual media services ***and would not disproportionately compete with equivalent European works.***;

Or. en

Justification

It is necessary to provide a reference point to determine what constitute a low turnover or a low audience, in order to prevent unjustified exemption from the obligations set out in this Directive. The competition of the content of a themed service with equivalent European work should also be taken into account, in order to avoid artificial specialisation of on-demand service in order to be exempted from the requirement of this Directive.

Amendment 239

Virginie Rozière

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 5

Text proposed by the Commission

5. Member States ***shall*** waive the

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Amendment

5. Member States ***may*** waive the

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requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience or if they are small and micro enterprises. Member States may also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the on-demand audiovisual media services.

requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience or if they are small and micro enterprises. Member States may also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the on-demand audiovisual media services.

Or. fr

Amendment 240

Kaja Kallas, Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 5

Text proposed by the Commission

5. Member States shall waive the requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience or if they are small and micro enterprises. Member States *may* also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the on-demand audiovisual media services.;

Amendment

5. Member States shall waive the requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience or if they are small and micro enterprises. Member States *shall* also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the on-demand audiovisual media services.;

Or. en

Amendment 241

Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 15 a (new)

Directive 2010/13/EU

Article 14 – paragraph 1

Present text

Amendment

(15a) Article 14, paragraph 1 is amended as follows:

‘1. Each Member State may take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.’

‘1. Each Member State may take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free television. ***Member States shall also require broadcasters under its jurisdiction to broadcast these events of major importance for society in an accessible way for those with functional limitations, including persons with disabilities.*** If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.’

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010L0013&qid=1476777414550&from=FR>)

Justification

Amendment linked to the re-introduction of accessibility requirements in Article 7

Amendment 242
Marc Joulaud

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

Text proposed by the Commission

Amendment

(16) In Article 20, paragraph 2, the first sentence is replaced by the following:

deleted

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

Or. en

Justification

It is necessary to maintain the existing 30 min rules between advertising interruptions for cinematic works, as it would disproportionately affect the programmes integrity and does not correspond to the consumer habits, nor to an imperative need for the audiovisual media services.

Amendment 243
Dennis de Jong

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

Text proposed by the Commission

Amendment

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.;

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 **30** minutes. ***No television advertising or teleshopping shall be inserted during religious services or during children's programmes.;***

Or. en

Amendment 244
Philippe Juvin, Marc Joulaud

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

Text proposed by the Commission

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

Amendment

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 **30** minutes.

Or. fr

Amendment 245
Anna Hedh, Liisa Jaakonsaari, Sergio Gaetano Cofferati, Christel Schaldemose, Marc Tarabella, Biljana Borzan, Maria Grapini

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

Text proposed by the Commission

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

Amendment

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 **30** minutes.

Or. en

Amendment 246
Jiří Maštálka

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

Text proposed by the Commission

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

Amendment

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 **30** minutes.;

Or. en

Amendment 247
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 16 a (new)
Directive 2010/13/EU
Article 22

Present text

‘Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:

- (a) it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages;
- (b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;
- (c) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;
- (d) it shall not claim that alcohol has therapeutic qualities or that it is a

Amendment

(16a) Article 22 is amended as follows:

‘Television advertising and teleshopping for alcoholic **and high caffeine content** beverages shall comply with the following criteria:

- (a) it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages;
- (b) it shall not link the consumption of alcohol **or high caffeine content** to enhanced physical performance or to driving;
- (c) it shall not create the impression that the consumption of alcohol **or high caffeine content** contributes towards social or sexual success;
- (d) it shall not claim that alcohol **or high caffeine content** has therapeutic

stimulant, a sedative or a means of resolving personal conflicts;

(e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;

(f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.

qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;

(e) it shall not encourage immoderate consumption of alcohol **or high caffeine content** or present abstinence or moderation in a negative light;

(f) it shall not place emphasis on high alcoholic content **or high caffeine content** as being a positive quality of the beverages.

Or. en

Justification

Limit on the advertising of energy drinks

Amendment 248

Dennis de Jong

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23

Text proposed by the Commission

Amendment

(17) Article 23 is replaced by the following:

deleted

‘Article 23

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

2. Paragraph 1 shall not apply to:

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

(b) sponsorship announcements;

(c) product placements.; ’

(i.e. return to original text of the directive;)

Or. en

Amendment 249

Eva Paunova

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The **duration of commercial communication** within the period between 7:00 and 23:00 shall not exceed 20% **of that period overall, while the current limit of 12 minutes per hour may be exceeded, up to a ceiling of 15 minutes per hour, three times.**

Or. bg

Amendment 250

Philippe Juvin, Marc Joulaud

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 251

Anna Hedh, Sergio Gaetano Cofferati, Marc Tarabella, Biljana Borzan, Virginie Rozière, Maria Grapini

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 252

Lara Comi, Elisabetta Gardini, Salvatore Cicu, Aldo Patriciello, Alberto Cirio, Alessandra Mussolini, Massimiliano Salini

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

Text proposed by the Commission

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

Amendment

1. The proportion of television advertising spots and teleshopping spots ***per day*** shall not exceed 20 %.

Or. en

Justification

Member States should be given the freedom to shift from the current hourly limit to a daily limit as this would lead to either sustaining or increasing investment in original European content. Daily limits would allow channels to optimise advertising inventory in order to maintain the highest ratings while keeping inventory as high as possible. The current hourly limit sometimes forces channels to place commercial breaks at certain times, knowing that this has the potential to disrupt the viewing experience. A daily limit would reverse this practice.

Amendment 253
Jiří Maštálka

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 254
Mihai Țurcanu

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

Text proposed by the Commission

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

Amendment

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

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

Or. ro

Justification

It is difficult as regards advertising to assess the impact on the public of relaxing the rules in terms of volumes, especially since viewers are still currently calling for a large volume of advertising to be provided.

Amendment 255
Dita Charanzová

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

Text proposed by the Commission

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

Amendment

1. The daily proportion of television advertising spots and teleshopping spots within the period between **12:00** and 23:00 shall not exceed 20 % **on an hourly basis**.

Or. en

Justification

Television advertising limits are shorten to afternoon and primetime periods

Amendment 256
Andreas Schwab

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

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 257
Anna Hedh, Christel Schaldemose, Marc Tarabella, Maria Grapini

Proposal for a directive
Article 1 – paragraph 1 – point 17

Directive 2010/13/EU
Article 23 – paragraph 1a (new)

Text proposed by the Commission

Amendment

1a. An exception could be made to the rules laid down in paragraph 1, if a Member State and media service providers under their jurisdiction establishes a framework where a certain number of hours constitute "prime time". During these hours the proportion of commercial communication should not exceed 20% but not be restricted to each specific clock hour.

Or. en

Amendment 258

Anna Hedh, Christel Schaldemose, Marc Tarabella, Biljana Borzan, Catherine Stihler, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 1b (new)

Text proposed by the Commission

Amendment

1b. During the hours mentioned above as "prime time", Member States should be able to take concrete measures against audiovisual commercial communications for alcoholic products in order to protect vulnerable viewers and minors in particular. Such measures could be to prohibit audiovisual commercial communications during hours defined as "prime time".

Or. en

Amendment 259

Jiří Maštálka

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

Text proposed by the Commission

Amendment

2. **Paragraph 1 shall not apply to:** *deleted*
- (a) **announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes or with programmes from other entities belonging to the same media group;**
- (b) **sponsorship announcements;**
- (c) **product placements.;**

Or. en

Amendment 260
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. en

Justification

Allowing media groups to freely make announcement within all the broadcasters they own in connection to the programmes of the owned broadcasters would be detrimental to a fair competition in the sector as it would give an undue advantage to the dominant actors. It would also lead to an unnecessary increased in the amount of advertising as these announcement would be excluded from the quantitative rules.

Amendment 261

Anna Hedh, Liisa Jaakonsaari, Marc Tarabella, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 2 – point c

Text proposed by the Commission

(c) product placements.;

Amendment

(c) product placements *not in conflict with provisions laid down in Article 11, paragraph 4.*;

Or. en

Amendment 262

Ildikó Gáll-Pelcz

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) neutral frames used to distinguish between editorial content and commercial communications, and between commercial communications; public services announcements and charity appeals;

Or. en

Amendment 263

Marc Joulaud

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) neutral frames used to separate programmes and advertising spots;

Or. en

Justification

Neutral frames (black seconds) that separates programmes and advertising spots from each other are the result of technical constraints and allow the consumer to perceive clearly the beginning and the end of each separate audiovisual content. It is therefore reasonable to exclude such frames from the quantitative limit defined by this Directive.

Amendment 264

Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) public service announcements or charity appeals

Or. ro

Amendment 265

Sergio Gaetano Cofferati, Anna Hedh

Proposal for a directive

Article 1 – paragraph 1 – point 18

Text proposed by the Commission

Amendment

(18) Chapter VIII is deleted;

deleted

Or. en

Justification

This amendment aims at restoring Art 27 of directive 2010/13/EU, which contains important

measures with regard to protection of minors in television broadcasting.

Amendment 266

Kaja Kallas, Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, **video-sharing platform providers should be encouraged to** take appropriate measures to:

Or. en

Amendment 267

Anna Hedh, Sergio Gaetano Cofferati, Marc Tarabella, Biljana Borzan, Virginie Rozière, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

(a) protect minors from content which may impair their physical, mental or moral development. **Such content shall only be made available in such a way as to ensure that minors will not normally hear or see it. These measures may include selecting the time of their availability, age verification tools or other technical measures;**

Or. en

Amendment 268
Philippe Juvin, Marc Joulaud

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. fr

Amendment 269
Morten Løkkegaard, Dita Charanzová

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 270
Dita Charanzová

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

Text proposed by the Commission

(b) **protect all citizens from content containing incitement to violence or hatred directed against a group of persons**

Amendment

(b) **upon obtaining actual knowledge or awareness of the illegality of the content, act expeditiously to remove or**

or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

disable access to that information.

Or. en

Justification

This Directive should not go beyond what is set out in 2000/31/EC

Amendment 271

Julia Reda

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) *upon obtaining actual knowledge or awareness of the illegality of the content, act expeditiously to remove or disable access to that information.*

Or. en

Amendment 272

Philippe Juvin, Marc Joulaud

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 *race, colour, religion, descent or national or ethnic origin.*

Amendment

(b) protect all citizens from content *and commercial audiovisual communications undermining human dignity and* 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*;

Or. fr

Amendment 273

Dennis de Jong

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, 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 or sexual orientation*.;

Or. en

Justification

in line with Article 21 of the Charter of Fundamental Rights of the EU

Amendment 274

Marc Joulaud

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 1 – point b

Text proposed by the Commission

(b) protect all citizens from content containing incitement to violence or hatred

Amendment

(b) protect all citizens from content containing incitement to *the commission of*

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.

terrorist acts 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. en

Amendment 275

Anna Hedh, Liisa Jaakonsaari, Sergio Gaetano Cofferati, Nicola Danti, Marc Tarabella, Catherine Stihler, Virginie Rozière, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 276

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 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, **disability**, colour, religion, descent or national or ethnic

origin.

Or. ro

Amendment 277

Jiří Maštálka

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 278

Jiří Maštálka

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

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

Text proposed by the Commission

Amendment

(ba) adopt measures to limit exposure of children to advertising of unhealthy foods and beverages in video sharing platforms

Or. en

Amendment 279

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) ensure appropriate user access to platforms in a range of modes and facilitate the interoperability of different technologies at European and international level.

Or. ro

Amendment 280

Philippe Juvin, Marc Joulaud

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 containing incitement to commit or seeking to justify terrorist acts;

Or. fr

Amendment 281

Jiří Maštálka

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

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

Text proposed by the Commission

Amendment

(bb) make their platform accessible in a consistent and adequate way for users' perception, operation and understanding,

and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level. While the user-generated content is exempted from this requirement, the video-sharing platform providers shall facilitate the necessary authoring tools for users to create and share accessible content.

Or. en

Amendment 282
Philippe Juvin, Marc Joulaud

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 could impair their physical, mental or moral development;

Or. fr

Amendment 283
Kaja Kallas, Dita Charanzová

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

Text proposed by the Commission

Amendment

What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights

What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights

and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.

and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest, *the protection of freedom of expression and information.*

Or. en

Amendment 284

Anna Hedh, Liisa Jaakonsaari, Sergio Gaetano Cofferati, Christel Schaldemose, Nicola Danti, Marc Tarabella, Biljana Borzan, Catherine Stihler, Virginie Rozière, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest. *The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures, such as encryption and effective parental controls. Video-sharing platform providers shall give viewers sufficient information about such content, preferably using a system of descriptors indicating the nature of the content.*

Or. en

Amendment 285

Philippe Juvin, Marc Joulaud, Lara Comi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2

Text proposed by the Commission

Those measures *shall* consist of, as appropriate:

Amendment

For example, those measures *may* consist of, as appropriate:

Or. fr

Amendment 286

Julia Reda

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 2 – subparagraph 2

Text proposed by the Commission

Those measures *shall* consist of, as appropriate:

Amendment

Those measures *may* consist of, as appropriate:

Or. en

Amendment 287

Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 2 – subparagraph 2

Text proposed by the Commission

Those measures *shall* consist of, as appropriate:

Amendment

Those measures *may* consist of, as appropriate:

Or. en

Amendment 288

Julia Reda

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 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;*

deleted

Or. en

Amendment 289

Kaja Kallas, Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 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) *Setting out the rights and duties of users*, in the terms and conditions of the video-sharing platform providers, *with regard to* 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 *and the guidelines issued by the regulatory authorities of Member states as referred to in paragraph 4* ;

Or. en

Amendment 290
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28a – paragraph 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, *of illegal content*, and of content which may impair the physical, mental or moral development of minors, in accordance with Articles 6 and 12 respectively;

Or. en

Amendment 291
Anna Hedh, Liisa Jaakonsaari, Sergio Gaetano Cofferati, Christel Schaldemose, Marc Tarabella, Catherine Stihler, Virginie Rozière, Maria Grapini

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28a – paragraph 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 *easy to use* 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 292
Julia Reda

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28a - paragraph 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 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 **and 2** stored on its platform

Or. en

Amendment 293

Anna Hedh, Liisa Jaakonsaari, Sergio Gaetano Cofferati, Christel Schaldemose, Marc Tarabella, Virginie Rozière, Maria Grapini

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28a – paragraph 2 – point ba (new)

Text proposed by the Commission

Amendment

(ba) the mechanism established according to point (b) shall be constituted by transparency and must inform the user of the video-sharing platform and publicly disclose the measures taken regarding the reported and/or flagged content.

Or. en

Amendment 294

Julia Reda

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 295
Dita Charanzová

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

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

This Directive should not go beyond what is set out in 2000/31/EC

Amendment 296
Julia Reda, Igor Šoltés

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

Text proposed by the Commission

Amendment

(ca) ***make their platform accessible in a consistent and adequate way for users'***

perception, operation and understanding, and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level. While the user-created content is exempted from this requirement, the video-sharing platform providers shall facilitate the necessary authoring tools for users to create and share accessible content.

Or. en

Amendment 297

Julia Reda

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 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;

deleted

Or. en

Amendment 298

Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) establishing and operating systems through which providers of video-sharing platforms explain to users of video-sharing platforms what effect has been

deleted

given to the reporting and flagging referred to in point (b).

Or. en

Justification

This Directive should not go beyond what is set out in 2000/31/EC

Amendment 299

Philippe Juvin, Marc Joulaud, Lara Comi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the streamlined processing of referrals from public authorities or approved associations,

Or. fr

Amendment 300

Philippe Juvin, Marc Joulaud, Lara Comi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – point f b (new)

Text proposed by the Commission

Amendment

(fb) earmarking sufficient human resources to ensure that such referrals can be processed effectively,

Or. fr

Amendment 301

Philippe Juvin, Marc Joulaud, Lara Comi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – point f c (new)

Text proposed by the Commission

Amendment

(fc) the removal of the content referred to in paragraph 1 through the use of reliable automatic recognition systems,

Or. fr

Amendment 302

Philippe Juvin, Marc Joulaud, Lara Comi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – point f d (new)

Text proposed by the Commission

Amendment

(fd) the closure of accounts which have been the subject of repeated referrals,

Or. fr

Amendment 303

Philippe Juvin, Marc Joulaud, Lara Comi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – point f e (new)

Text proposed by the Commission

Amendment

(fe) the possibility of asking the regulator to settle any dispute between the video-sharing platform and the author of the referral.

Or. fr

Amendment 304
Kaja Kallas, Dita Charanzová

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

Text proposed by the Commission

Amendment

2a. Removal of harmful content referred to in point a) and b) of paragraph 1 often relies upon subjective interpretation and arbitration of platform providers. Therefore, Member states shall provide the necessary guidelines to ensure that measures taken respect the freedom of expression and information of users ;

Or. en

Amendment 305
Philippe Juvin, Marc Joulaud, Lara Comi

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may impose penalties on video-sharing platforms which do not meet these requirements.

Or. fr

Amendment 306
Kaja Kallas, Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 19

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, in cooperation with the Commission and ERGA, shall regularly issue guidelines on the terms and conditions applicable to the removal of content referred to in point a) and b) of paragraph 1, in accordance with national and Union law and the Charter of Fundamental rights.*** 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 ***in particular with regard to freedom of expression and information.*** Member States shall entrust this task to the authorities designated in accordance with Article 30.

Or. en

Amendment 307
Dita Charanzová

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

Text proposed by the Commission

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

Amendment

4. Member States shall establish the necessary mechanisms to assess ***transparency, necessity, proportionality and*** 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.

Or. en

Amendment 308

Julia Reda

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a– paragraph 4

Text proposed by the Commission

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

Amendment

4. Member States shall establish the necessary mechanisms to assess the ***transparency, necessity, proportionality and*** appropriateness of the measures referred to in paragraphs 2 and 3 taken by video-sharing platform providers.

Or. en

Amendment 309

Kaja Kallas, Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a– paragraph 5

Text proposed by the Commission

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

Amendment

5. Member States shall not impose on video-sharing platform providers measures that are stricter than the measures referred to in paragraph 1 and 2.

Or. en

Amendment 310

Philippe Juvin, Marc Joulaud, Lara Comi

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 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.

Or. fr

Amendment 311

Andreas Schwab

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 5

Text proposed by the Commission

5. ***Member States shall not impose on video-sharing platform providers measures that are stricter than the measures referred to in paragraph 1 and***
2. Member States shall not be precluded from imposing stricter measures with respect to illegal content. When adopting such measures, they shall respect the conditions set by applicable Union law,

Amendment

5. Member States shall not be precluded from imposing ***more detailed or*** stricter measures, ***in particular*** 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

such as, where appropriate, those set in Articles 14 and 15 of Directive 2000/31/EC or Article 25 of Directive 2011/93/EU.

2011/93/EU.

Or. de

Amendment 312
Birgit Collin-Langen

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

Text proposed by the Commission

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

Amendment

5. Member States shall not be precluded from imposing stricter measures with respect to, *inter alia*, 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.

Or. en

Amendment 313
Julia Reda

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

Text proposed by the Commission

5. Member States shall not impose on video-sharing platform providers measures that are stricter than the measures referred to in paragraph 1 and 2. ***Member States***

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. When adopting

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.

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.

Or. en

Amendment 314
Dita Charanzová

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

Text proposed by the Commission

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

Amendment

5. Member States shall not impose on video-sharing platform providers measures that are stricter than the measures referred to in paragraph 1 and 2. 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.

Or. en

Justification

This Directive should not go beyond what is set out in 2000/31/EC

Amendment 315
Julia Reda

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 are available for the settlement of disputes, **including counter-notice procedure**, 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 316

Anna Hedh, Liisa Jaakonsaari, Sergio Gaetano Cofferati, Marc Tarabella, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU
Article 28a – paragraph 6

Text proposed by the Commission

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

Amendment

6. Member States shall ensure that complaint and redress mechanisms are **publicly disclosed and** 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 317

Dita Charanzová

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 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 318
Julia Reda

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 319
Dita Charanzová

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

Text proposed by the Commission

7. The Commission and ERGA shall encourage video-sharing platform

Amendment

7. The Commission and ERGA shall encourage video-sharing platform

providers to exchange best practices on co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.

providers to exchange best practices on co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of *voluntary* Union codes of conduct.

Or. en

Amendment 320
Julia Reda

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 321
Birgit Collin-Langen, Eva Paunova

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

Text proposed by the Commission

Amendment

8. Video-sharing platform providers or, where applicable, the organisations

8. Video-sharing platform providers or, where applicable, the organisations

representing those providers in this respect shall submit to the Commission draft Union codes of conduct and amendments to existing Union codes of conduct. The Commission may request ERGA to give an opinion on the drafts, **amendments or extensions** of those codes of conduct. The Commission **may** give appropriate publicity to those codes of conduct.

representing those providers in this respect shall submit to the Commission draft Union codes of conduct and amendments to existing Union codes of conduct **for information**. The Commission may request ERGA to give an opinion on the drafts **or amendments** of those codes of conduct. The Commission **shall** give appropriate publicity to those codes of conduct.

Or. en

Amendment 322

Kaja Kallas, Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 8

Text proposed by the Commission

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

Amendment

8. Video-sharing platform providers or, where applicable, the organisations representing those providers in this respect shall submit to the Commission draft Union codes of conduct and amendments to existing Union codes of conduct, **in accordance with the guidelines provided in paragraph 4**. The Commission may request ERGA to give an opinion on the drafts, amendments or extensions of those codes of conduct. The Commission **shall** give appropriate publicity to those codes of conduct.

Or. en

Amendment 323

Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 8

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 324

Anna Hedh, Liisa Jaakonsaari, Sergio Gaetano Cofferati, Nicola Danti, Marc Tarabella, Virginie Rozière, Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28a – paragraph 8

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 325

Philippe Juvin, Marc Joulaud, Lara Comi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 b – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that video-sharing platform providers which are not established on their territory, but which have either a parent company or a subsidiary that is established on their territory or which are part of a group and another entity of that group is established on their territory, are deemed to **have been** established on their territory for the purposes of Article 3(1) of Directive 2000/31/EEC.

Amendment

Member States shall ensure that video-sharing platform providers

(a) which are not established on their territory, but which have either a parent company or a subsidiary that is established on their territory or which are part of a group and another entity of that group is established on their territory,

(b) **which are established in another Member State but target audiences on their territory,** are deemed to **be** established on their territory for the purposes of Article 3(1) of Directive 2000/31/EEC.

Or. fr

Amendment 326

Philippe Juvin, Lara Comi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 b – paragraph 1 – subparagraph 2

Text proposed by the Commission

For the purposes of applying the first subparagraph, where the parent company,

Amendment

deleted

the subsidiary or the other entity of the group are each established in different Member States, the provider shall be deemed to have been established in the Member State where its parent company is established or, in the absence of such an establishment in a Member State, where its subsidiary is established or, in the absence of such an establishment in a Member State, where the other entity of the group is established.

Or. fr

Amendment 327
Marc Joulaud

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

Text proposed by the Commission

For the purposes of applying the second subparagraph, where there are several subsidiaries each of which are established in different Member States, or where there are several other entities of the group each of which are established in different Member States, ***the Member States concerned shall ensure that the provider designates in which of these Member States it shall be deemed to have been established.***

Amendment

For the purposes of applying the second subparagraph, where there are several subsidiaries each of which are established in different Member States, or where there are several other entities of the group each of which are established in different Member States, ***it shall be deemed to have been established in the Member State where the majority of the workforce operates.***

Or. en

Justification

Giving video-sharing platforms the ability to choose the Member State in which they are deemed to be established under this directive would be disproportionate as it would allow forum-shopping practices. The localisation of the majority workforce is a clear and reliable criteria to determine where the platform is established in the Union.

Amendment 328
Philippe Juvin, Marc Joulaud, Lara Comi

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

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 329
Marc Joulaud

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

Text proposed by the Commission

Amendment

2a. Where, in applying paragraph 1, the Member States concerned do not agree on which Member State has jurisdiction, they shall bring the matter to the Commission's attention without undue delay. The Commission may request ERGA to provide an opinion on the matter within 15 working days from the submission of the Commission's request.

Or. en

Justification

As video-sharing platforms usually target audiences in the entire Union, there could be disagreements between the Member States in the determination of the competent Member

States for the purpose of this Directive. Therefore the Commission should be able to act to determine the Member State having jurisdiction, as it does for the other audiovisual media services under Article 3.

Amendment 330

Julia Reda, Igor Šoltés

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 331

Julia Reda, Igor Šoltés

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that national regulatory bodies and authorities designate a single and publicly available point-of-contact for information and complaints about the accessibility issues referred to in article 7

Or. en

Amendment 332

Csaba Molnár

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

Text proposed by the Commission

Amendment

7a. With a view to guaranteeing the independence of the national regulatory authorities, it is necessary to widen the powers of the European Regulators Group for Audiovisual Media Services (ERGA).

Or. hu

Amendment 333
Julia Reda, Igor Šoltes

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

Text proposed by the Commission

Amendment

(d) **to** cooperate and provide its members with the information necessary for the application of this Directive, in particular as regards Articles 3 **and 4** thereof;

(d) cooperate and provide its members with the information necessary for the application of this Directive, in particular as regards Articles 3, **4 and 7** thereof

Or. en

Amendment 334
Kaja Kallas, Dita Charanzová

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

Text proposed by the Commission

Amendment

(e) to give opinions, when requested by

(e) to give opinions, when requested by

the Commission, on the issues envisaged in Articles 2(5b), 6a(3), 9(2), 9(4) and on any matter relating to audiovisual media services, in particular on the protection of minors **and** incitement to hatred.";

the Commission, on the issues envisaged in Articles 2(5b), 6a(3), 9(2), 9(4) and on any matter relating to audiovisual media services, in particular on the protection of minors, incitement to hatred, **media pluralism, protection of the freedom of expression and information** .";

Or. en

Amendment 335

Mihai Țurcanu

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/13/EU

Article 30 a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) to provide guidelines for the implementation of Article 13, especially as regards the implementation of catalogue requirements, financial contributions and derogations;

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

Or. ro