



European Parliament

Committee on Culture and Education

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Proposal for a Regulation establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU

Rapporteur: Sabine Verheyen

Final - Compromises on Recitals

(aligned with the outcome on the Articles and final revision by lawyer linguists)

Please note that “Covers” means either specific words/sentences or the general idea taken in the compromise

Recitals

Compromise 29 on Recitals 1, 1a (new), 2, 3, 4, 5, 5a (new) and 5b (new) - Article 1

Covers: AM 1, 2, 3, 4, 5 (Rapporteur), AM 121, 126 (Petra Kammerevert); AM 123 (Irena Joveva, Laurence Farreng, Ilana Cicurel, Ramona Strugariu, Salima Yenbou); AM 124, 125 (Željana Zovko); AM 127 (Emmanuel Maurel, Stelios Kouloglou); AM 128 (François-Xavier Bellamy), AM 131 (Irena Joveva, Ramona Strugariu), AM 132, 134 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), AM 133 (Ibán García Del Blanco, João Albuquerque, Marcos Ros Sempere); **LIBE 1, 2, 4, 5 IMCO 3.**

(1) Independent media services play a unique role *for democracy, for ensuring the rule of law and for the functioning* of the internal market. They *are an indispensable factor in the public opinion-forming process*, represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, thereby fulfilling the general interest function of ‘public watchdog’. Media services are increasingly available online and across borders while they are not subject to the same rules and the same level of protection in different Member States. **(AM 121, LIBE 1)**

(1a) At the same time, media services are always either carriers of cultural forms of expression or directly represent a cultural form of expression themselves. This dual character must be respected throughout. Article 167(4) of the Treaty on the Functioning of the European Union (TFEU) requires the Union to take cultural aspects into account in its action under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures. (AM 1, 123)

(2) Given their unique role and the fact that they are one of the main pillars of democracy, special attention should be paid to the protection of media freedom and media pluralism in the internal market for media services. This market has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should support the media sector so that it can seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States. (AM 2, 124, LIBE 2)

(3) In the digital media space, citizens and businesses access and consume media content and services, immediately available on their personal devices, increasingly in a cross-border setting. Global online platforms and search engines, act as gateways to media content, with business models that too often tend to disintermediate access to media services and amplify polarising content and disinformation. These platforms and search engines are also essential providers or facilitators of online advertising, which divert financial resources from the media sector, affecting its financial sustainability and journalistic work, and consequently the diversity of content on offer. Therefore, online platforms and search engines should be included in the scope of this Regulation in order to ensure the independence and diversity of the media. As media services are knowledge- and capital-intensive, their ability to reach their audiences needs to remain competitive and to thrive in the internal market. To that effect, the possibility to offer services across borders and obtain investment including from or in other Member States is particularly important. (AM 3, 125, 126, 127, 128, IMCO 3, LIBE 3)

(4) However, the internal market for media services is insufficiently integrated. A number of national restrictions hamper free movement within the internal market. In particular, different national rules and approaches related to media pluralism and editorial independence, insufficient cooperation between national regulatory authorities or bodies as well as opaque and unfair allocation of public and private economic resources make it difficult for media market players to operate and expand across borders and lead to an uneven level playing field across the Union. The integrity of the internal market for media services may also be challenged by providers that systematically engage in disinformation, including information manipulation and interference, and abuse the internal market freedoms, including by state-controlled media service providers financed by certain third countries. Furthermore, common minimum standards for national rules and approaches related to media pluralism and editorial independence should be established, while respecting the competence of the Member States. The establishment of such standards is a pre-condition to the functioning of the internal market (AM 4, IMCO 4, 133)

(5) Moreover, in response to challenges to media pluralism and media freedom online, some Member States have taken regulatory measures and other Member States are likely to *continue to* do so with a risk of furthering the divergence in national approaches and restrictions to free movement in the internal market. (AM 5, 130)

5a (new) A free and well-functioning internal market for media services is an essential pillar of a functioning democracy because it provides recipients with access to a plurality-of views and trustworthy sources of information. The increased role of the online environment and its new functionalities have had a disruptive effect on the market for media services, rendering it increasingly cross-border and fostering a truly European market for media services. In such an environment, media services are not only available but also easily accessible to Union consumers, irrespective of their Member State of origin. Media services created for recipients in one Member State are able to reach far further than initially intended. Divergent approaches at national level can hamper the ability of media service providers to operate on a fair level-playing field in order to make media services, including news and current affairs information available. Such approaches have created market fragmentation, legal uncertainty and increasing compliance costs for media service providers and media professionals. Therefore, it is necessary to have a single legal framework that ensures a harmonised application of rules for media service providers throughout the Union, ensuring that Union recipients have access to a broad range of reliable sources of information and to quality journalism as public goods in order to make informed choices, including about the state of their democracies. (AM 131, 132, LIBE 4)

5b (new) The right to freedom of expression and information, enshrined in Article 11 of the Charter of Fundamental Rights of the European Union (the ‘Charter’) and in Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, encompasses the right to receive and impart information and media freedom and media pluralism ~~of the media~~ without interference by public authority and regardless of frontiers. They also require that diversity is established in European communication spaces and require Member States to safeguard and foster media pluralism. Accordingly, this Regulation draws upon the case law of the European Court of Human Rights and builds upon the standards developed by the Council of Europe in that regard. (AM 134, LIBE 5, also inspired by AM 137)

Compromise 30 on Recital 6 - Article 3

Covers: AM 6 (Rapporteur), AM 135 (Renew), AM 137 (Greens), AM 138 (S&D), LIBE 6, IMCO 3

(6) Recipients of media services in the Union (natural persons who ~~are nationals of Member States or~~ benefit from rights conferred upon them by Union law and legal persons established in the Union) should be able to effectively enjoy the freedom to ~~receive~~ *have access to independent*, free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be

in compliance with the right, pursuant to Article 11 of the *Charter of Fundamental Rights of the European Union* ('the Charter'). ***In accordance with Article 22 of the Charter, the Union is to respect cultural, religious and linguistic diversity.*** It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards.⁴⁶ . (LIBE 6, AM 6, 135, 137, 138, IMCO 3)

46 Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).

Compromise 31 on Recitals 7, 7a(new), 8, 8a (new), 9, 10 - Article 2

Recital 7 and 7 a (new) -Article 2(1-2)

Covers: AM 139, 140 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), AM 141 (Renew), 142 (S&D), LIBE 7, 8

(7) For the purposes of this Regulation, the definition of a media service should be limited to services as defined by the Treaty and therefore should cover any form of economic activity, ***for which normally remuneration is provided including non-standard forms of employment, such as free-lancing or independent journalism.*** This definition should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal purpose, meaning where the content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. ~~***The definition of a media service should cover in particular television or radio broadcasts, on-demand audiovisual media services, audio podcasts, or press publications or parts thereof.***~~ Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition. (AM 139, 140, 141, 142, LIBE 7, 8)

7 a (new) *The media environment is undergoing major and rapid changes. While the role of the media in a democratic society has not changed, media have additional tools to facilitate interaction and engagement. It is important that media-related policy take those and future developments into account. Therefore, the notion of media used in this Regulation should be interpreted broadly to encompass all actors who are involved in the production and dissemination, to potentially large numbers of people, of content, who have editorial responsibility or who oversee content.* (LIBE 7)

Recital 8 and 8 a (new)

Covers: LIBE 9, AM 143 (Renew), AM 146 (Greens), LIBE 10

(8) In the digitalised media market, providers of video-sharing platforms or very large online platforms may fall under the definition of media service provider. In general, such providers play a key role in the content organisation, including by automated means or algorithms, but do not exercise editorial responsibility over the content to which they provide access. However, in the increasingly convergent media environment, some providers of video-sharing platforms or very large online platforms have started to exercise editorial control over a section or sections of their services. Therefore, *when such **entities exercise** editorial control over a section or sections of their services, they ~~an entity~~ could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider. (LIBE 9)*

8 a(new) The capacity of online platforms to provide access to media services without exercising editorial responsibility over it and to market the ability to target users with advertising allows them to act as direct competitors to media service providers whose media services they intermediate and distribute. Given the transfer of economic value in favour of online platforms, the definition of ‘audience measurement’ set out in this Regulation should be understood as including data on the media services consumed by recipients of media services and of online platforms. That will ensure that all intermediaries involved in content distribution are transparent about their audience measurement methodologies so as to enable advertisers to make informed choices, which should drive competition. (AM 146, LIBE 10)

Recital 9 - Article 2(14)

Covers: AM 147 (Chiara Gemma, Vincenzo Sofo, Carlo Fidanza), AM 148 (Petra Kammerevert), LIBE 11

(9) The definition of audience measurement should cover measurement systems developed as agreed by industry standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed outside such self-regulatory approaches. The latter tend to be deployed by certain online players, ***including online platforms***, who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation. ***Media service providers which abide by commonly agreed industry standards should not be considered providers of proprietary audience measurement systems. (AM 147, 148, LIBE 11, IMCO 5)***

Recital 10 - Article 2(15)

Covers: AM 7 (Rapporteur), AM 149 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), AM 150 (Michaela Šojdrová, Radan Kanev, Peter Pollák), AM 151 (Tomasz

Frankowski, Loucas Fourlas, Peter Pollák, Michaela Šojdrová, Maria Walsh), **AM 152** (Monica Semedo, Anna Júlia Donáth), **AM 153, 155** (Irena Joveva, Ramona Strugariu), **AM 154** (Petra Kammerevert), **LIBE 12, 13, IMCO 6**

(10) State advertising should be understood broadly as covering promotional or self-promotional activities, *which include advertising and purchases* undertaken by, for or on behalf of a wide range of public authorities or entities, including *Union institutions, bodies, offices or agencies*, governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national, regional, or local ~~level entities of more than 1 million inhabitants~~. ~~However, the definition of state advertising should not include emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other sudden incidents that can cause harm to individuals. For the purposes of allocation of state advertising and purchases including in cases of natural or sanitary disasters, accidents or other unforeseen, major sudden incidents that can cause harm to significant portions of the population criteria should be laid down in advance by national law. Emergency messages by public authorities should be understood broadly as different from state advertising (AM 7, 149, 150, 151, 152, 153, 154, 155, LIBE 12, 13, IMCO 6, also inspired by AM 149)~~

Chapter II

Compromise 32 on Recitals 11, 12 - Article 3

Covers: **AM 8** (Rapporteur), **AM 159** (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), **AM 156** (Petra Kammerevert), **AM 157** (Željana Zovko), **AM 158** (Irena Joveva, Laurence Farreng, Ilana Cicurel, Ramona Strugariu, Salima Yenbou), **IMCO 7**

(11) In order to ensure that society reaps the benefits of the internal media market, it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits. *Recipients of media services* should have access to quality media services, which have been produced by journalists, editors, *editors-in-chief and media workers* in an independent manner and in line with *ethical and professional* journalistic standards and *which, therefore, provide* trustworthy information, ~~including news and current affairs content of political or societal interest at local, national or international level without any interference by public authority or without being influenced by economic interests. Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law~~. Such quality media services are also an *essential* antidote against disinformation, including foreign information manipulation and interference. (**AM 8, 156, 157, 158, IMCO 7**)

(12) This Regulation does not affect the freedom of expression guaranteed to individuals under the Charter. The European Court of Human Rights has observed that in such a sensitive sector as audiovisual media, in addition to its negative duty of non-

interference, the public powers have a positive obligation to put in place an appropriate legislative and administrative framework to guarantee effective pluralism¹.

Compromise 33 on Recitals 13, 14 - Article 4(1), (2) and Recital 15 - Article 4(2)(a)

Covers: LIBE 17, 18, 19, AM 166 (Željana Zovko), **165, 168** (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), **AM 167** (Petra Kammerevert)

(13) The free flow of trustworthy information is essential in a well-functioning internal market for media services. Therefore, the provision of media services should not be subject to any restrictions contrary to this Regulation or other rules of Union law, such as Directive 2010/13/EU of the European Parliament and of the Council⁴⁸ providing for measures necessary to protect users from illegal and harmful content. Restrictions could also derive from measures applied by national public authorities in compliance with Union law.

(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. ~~*Editorial independence is especially important for media service providers providing news and current affairs content.*~~ *especially* given its societal role as a public good. Media service providers should be able to exercise their economic activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders. *Furthermore, in order to guarantee independent and pluralistic media, it is of key importance that the necessary measures be put in place to create a safe environment that allows journalists, editors, editors-in-chief and media workers to exercise their activities. To that end, in addition to safeguarding the freedom of the media, it is necessary to protect freedom within the media.*
(LIBE 17, Greens 165, 166, 168, LIBE 19)

(15) Member States have taken different approaches to the protection of editorial independence, which is increasingly challenged across the Union. ~~*Because of In particular, there is*~~ growing interference with editorial decisions of media service providers in several Member States, *legislative action is necessary*. Such interference *can represent a breach of principle of the rule of law, which* can be direct or indirect, from the State or other actors, including public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage *This seems to be particularly the case where economic power generates a power to shape opinions that may interfere with the public opinion forming process*. Moreover, recent trends in media distribution and consumption, including in particular in the online environment,

¹ Centro Europa 7 S.R.L. and Di Stefano v. Italy [GC], no 38433/09, § 134, ECHR 2012

have prompted Member States to consider laws aimed at regulating the provision of media content. Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their *media services content* across borders and service recipients can receive such *media services content*. (AM 167, LIBE 18)

Compromise 34 on Recitals 16, 16a (new) and 16b (new) 17, 17a (new) - Article 4(2)(b), (c)

Covers: AM 169, 176, 177, 179, 181 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), AM 170 (Željana Zovko), AM 172 (François-Xavier Bellamy); AM 180 (Petra Kammerevert), AM 178 (Irena Joveva, Ramona Strugariu); **LIBE 20-21-22-23-24**

(16) Journalists, *editors, editors-in-chief editors and media workers* are the main actors in the production and provision of trustworthy media *services content, in particular by reporting on news or current affairs*. It is essential therefore to protect journalists' capability to collect, fact-check and analyse information, including information imparted confidentially *both in the offline and online world*. In particular, media service providers, *media workers* and journalists (including those operating in non-standard forms of employment, such as freelancers *and bloggers*) should be able to rely on *the most* robust protection of journalistic sources and communications, including *against arbitrary interferences and* deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists' *and media workers'* freedom *of expression and capacity* to exercise their economic activity and fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources *is a precondition for* the protection of the fundamental right enshrined in Article 11 of the Charter *and crucial for safeguarding the 'watchdog' role of investigative journalism in democratic societies*. (AM 169, 170, 172 LIBE 20)

16 a (new) *Upholding the rule of law in the Union is essential for the functioning of democracies in the Member States. Union instruments for that purpose have expanded to include, in addition to procedure set out in Article 7 TEU, new frameworks such as the Commission's annual rule of law report and Regulation (EU, Euratom)*

2020/2092 of the European Parliament and of the Council². The functionality of rule of law systems is directly interlinked with free and pluralistic media. Media freedom and media pluralism represent a central pillar of the Union framework for upholding the rule of law and the state of media freedom and media pluralism is examined annually through the Commission's annual rule of law report. The protection of journalistic sources, guarantees for editorial independence and a robust protection system against the abusive use of certain measures and technologies are essential for upholding the Union's rule of law framework. Actions that put the freedom and pluralism of the media at risk, such as the detention, sanctioning, search, seizure or inspection of media service providers, severely damage the rule of law and therefore should be considered breaches of the principle of the rule of law, thus triggering sanctioning mechanisms provided for by Article 7 TEU and Regulation (EU, Euratom) 2020/2092. (LIBE 21)

16 b (new)

Surveillance methods deployed against journalists and media workers are varied and include the interception of electronic communications and metadata, device or software hacking, including denial of service attacks, wiretapping, bugging, videotaping, geolocation tracking via radio-frequency identification, the global positioning system or cell-site data, data mining and social media monitoring. Such methods could gravely impact journalists' and media workers' rights to privacy, to the protection of their data and to the freedom of expression. The protections afforded by this Regulation, therefore, encompass both current forms of digital surveillance and future technologies that might appear as a result of technological innovation. Those protections are without prejudice to the application of existing and future Union law that restricts or prohibits the development and use of, and trade in, specific surveillance technologies deemed too invasive. Spyware that grants full unlimited access to personal data, including sensitive data, on a device could affect the very essence of the right to privacy and should, therefore, under no circumstance be considered necessary and proportionate under Union law. (AM 176, 177, LIBE 22)

(17) The protection of journalistic sources *and communications* is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. *In spite of existing standards codified by the Council of Europe and of established case law by the European Court of Human Rights, practical examples from several Member States*

² *Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget (OJ L 433I, 22.12.2020, p. 1).*

have revealed that there are very different approaches to the matter and that journalistic sources are not protected in some situations. This leads to fragmentation in the internal media market. As a result, journalists, which work increasingly on cross-border projects and provide their services to cross-border audiences, and by extension providers of media services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources and communications needs *to be strengthened as comprehensively and as extensively as possible. To that end, this Regulation harmonises the standard of protection provided to journalistic sources and communications by introducing minimum rules* at Union level. *An interference with journalistic sources always needs to be balanced against the harm to the freedom of expression and information. Any measures which interfere with journalistic sources should be subject to appeal to a court. Journalists working on cross-border projects should benefit from the highest standards of protection of the Member States involved. At Union level, the protection of journalistic sources and communications should correspond, as minimum, to the protection provided in accordance with international and European standards and should be in accordance with the case law of the Court of Justice of the European Union and the European Court of Human Rights.* (AM 178, 179, 180, LIBE 23)

Recital 17 a (new)

17a (new) Digital safety and the confidentiality of electronic communications have become a major concern for journalists and media workers. In light of that fact, the promotion and protection of anonymisation tools and end-to-end encrypted services used by media service providers and their employees needs to be encouraged at Union level in order to ensure an equal level of access to such equipment across all Member States. Those tools have become vital for them to freely exercise their work and their rights to privacy, to data protection and to the freedom of expression, including by securing their communications and protecting the confidentiality of their sources. (AM 181, LIBE 24)

Compromise 35 on Recital 18 and 18a (new) and 18 b (new) - Article 5

Covers: AM 9 (Rapporteur), AM 182 (Irena Joveva, Laurence Farreng, Ilana Cicurel, Ramona Strugariu, Salima Yenbou), AM 183 (Tomasz Frankowski, Loucas Fourlas, Peter Pollák, Michaela Šojdrová, Milan Zver, Maria Walsh), AM 184 (Petra Kammerevert), AM 185 (Morten Løkkegaard), AM 186 (Chiara Gemma, Vincenzo Sofo, Carlo Fidanza), AM 190 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), AM 188, AM 189, (Emmanuel Maurel), **LIBE 25, IMCO 13**

(18) Public service media established by the Member States play a particular role in the internal media market *and in safeguarding media pluralism*, by ensuring that citizens and businesses have access to *a diverse content offer, including* quality information and impartial media coverage, as part of their *remit mission*. *They provide a forum for public discussion and a means of promoting the broader democratic participation of*

individuals. That is why media pluralism can only be guaranteed by a proper diversity reflected in the content offer of public service media. Independence of public service media is particularly important during electoral periods to ensure citizens have access to impartial and quality information. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive, *which might expose them to additional vulnerabilities compared to other players in the internal media market to the extent that they threaten their existence* This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. *This risk can also result in politically appointed senior management exerting pressure on the editorial independence of journalists and editors-in-chief for political or economic interests. Those situations This situation* may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. *The management of public service media providers should be independent, impartial and free from political or commercial interests. There should be clear rules for any conflicts of interest on the part of the management of public media service providers. The persons or bodies constituting the highest decision-making authority within public service media providers should be appointed, and, if necessary, dismissed in accordance with predictable, transparent, non-discriminatory, gender-balanced and objective criteria, ensuring the qualification of persons filling those positions.* It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their ~~remit mission~~ that enables predictability in their planning, *allows them to develop offerings for new areas of interest to the public or new content and forms and evolve technologically in order to maintain a competitive position on the internal media market. Preferably,* Such funding should be decided and appropriated *on the basis of predictable, transparent, independent, impartial and non-discriminatory procedures,* on a multi-year basis, in line with the public service ~~remit mission~~ of public service media providers, to avoid potential for undue influence from yearly budget negotiations.. The *transparency* requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States , annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, *(the 'Amsterdam Protocol')* .

(AM 9, 182, 183, 184, 185, 186, 188, 189, 190, LIBE 25, IMCO 13)

18a (new)

For the benefit of European audiences, public service media providers should promote media pluralism and contribute to making media markets more robust. They should offer an extensive array of content catering to diverse interests, perspectives and demographics, encompassing all segments of society, including minorities.

18 b (new)

Article 5(2) should not apply to a media service provider that is part of a group of which the securities are admitted to trading on a regulated market of any Member State and of which the total revenues linked to the public service remit represent less than 10 % of the consolidated media related revenue of such group at the time at which this Regulation enters into force.

Compromise 36 on Recital 19 and 19 a (new) - Article 6(1)

Covers: AM 195 (Irena Joveva), AM 254, 255 (Monica Semedo, Anna Júlia Donáth), AM 196, 200 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), AM 198 (Petra Kammerevert), AM 199 (Chiara Gemma, Vincenzo Sofo, Carlo Fidanza), **LIBE 26, LIBE 27**

(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the news media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. Such transparency is, *therefore*, an effective tool to limit risks of interference with editorial independence. It is thus necessary to introduce common information requirements for media service providers *exercising editorial responsibility* across the Union that should include proportionate requirements to disclose ownership information. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849 ⁴⁹ should not be affected. The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible *in a user-friendly format*. *It is therefore necessary that Member States entrust a relevant national regulatory authority or body with monitoring compliance with such information requirements and with developing and maintaining a media ownership database. That national regulatory authority or body should be able to request and receive additional information from media service providers relevant to its tasks. To further strengthen and guarantee the accessibility and uniformity of the information available to recipients of media services, the Board should establish and maintain a European database of media ownership.*

Recital 19 a (new)

Public access to certain contact details, ownership information and information on state advertising and state financial support allocated to media service providers ~~allows~~ is essential so that the recipients of media services can understand and scrutinise potential conflicts of interest, contributing at the same time to preserving trust and facilitating the timely and efficient availability of information for national regulatory authorities or bodies or the Board. Nevertheless, in order to mitigate possible administrative burden, certain categories of data should be provided only in duly justified cases, in a proportionate and balanced manner and to guarantee the rights to respect for private life and the protection of personal data.

(AM 195, 196, 197, 198, 200, 254, LIBE 26, LIBE 27)

Compromise 37 on Recitals 20, 21 - Article 6(2), (3)

Covers: AM 10, 11 (Rapporteur), AM 201, 209 (Irena Joveva, Ramona Strugariu), AM 202 (Andrey Slabakov), AM 203 (François-Xavier Bellamy), AM 205, 208 (Petra Kammerevert), AM 206 (Željana Zovko), AM 207 (Emmanuel Maurel, Stelios Kouloglou), LIBE 28, LIBE 29, IMCO 14, IMCO 16

(20) Media integrity *can be supported by promoting* ~~also requires a proactive approach to promote~~ *and ensuring journalistic standards across the Union and by promoting and ensuring the* editorial independence *of media service providers ~~news media companies~~*, in particular through internal safeguards, *in order to guarantee that information is trustworthy and that any ideological orientation is limited by the absolute requirement to report the news and opinions truthfully and ethically.* Media service providers should adopt ~~proportionate~~ measures to guarantee the freedom of editors *and editors-in-chief* ~~once the overall~~ to take ~~individual~~ editorial decisions, *on the basis of the established editorial line*, in the course of their professional activity. *Those measures should not only reinforce the safeguards for freedom of the media but also freedom within the media.* The objective to shield editors and *editors-in-chief* from undue interference in their decisions taken on specific pieces of content as part of their everyday work contributes to ensuring a level playing field in the internal market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter *and with Resolution 1003 (1993) of the Council of Europe.* In view of these considerations, media service providers should also ensure transparency ~~of and disclose~~ *any* actual or potential conflicts of interest to their service recipients *and ensure that their owners, publishers and management follow the highest professional standards with respect to editorial integrity and independence.* (AM 10, 201, 202, 205, 206, 207, LIBE 28, IMCO 14)

(21) Media service providers should ~~adopt be free to tailor~~ internal safeguards *in line with their structures and needs.* The Recommendation that accompanies this Regulation⁵¹ provides a catalogue of voluntary internal safeguards that *could be considered* within media companies in this regard. *This* Regulation should not be construed to the effect of depriving the *the owners of private media service* providers of their prerogative to *decide on the composition of their editorial teams or on their editorial line*, to set strategic or general goals and to foster the growth and financial viability of their undertakings. *However, this Regulation should also not be construed as meaning that the owner or corporate manager of a media service provider can unduly interfere with the work of its editors and editors-in-chief operating in accordance with its established editorial line by, for example, compelling them to add or remove content before it is made available to the public.* In this respect, this Regulation recognises that the goal of *ensuring and* fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners. (AM 11, 208, 209, LIBE 29, IMCO 16)

Chapter III

Compromise 38 on Recital 22 - Articles 7, 8, 9, 27

Covers: AM 12 (Rapporteur), AM 212 (Andrey Slabakov), AM 213 (Irena Joveva, Laurence Farré, Ilana Cicurel, Ramona Strugariu, Salima Yenbou), AM 214, 218 (Petra Kammerevert), AM 215, 219 (Chiara Gemma, Vincenzo Sofo, Carlo Fidanza), AM 216, 217 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), **LIBE 30, LIBE 31, IMCO 17, IMCO 18**

(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. In order to ensure a consistent application of this Regulation and other Union media law, it is necessary *that national regulatory authorities or bodies hold consultations with representatives of media services providers, civil society organisations, media experts, representatives of academia, trade union associations and associations of journalists. In addition, it is necessary* to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union. *National regulatory authorities or bodies should have adequate financial and human resources proportional to the additional tasks conferred to them under this Regulation to perform necessary tasks within Member States and enable the independent and effective functioning of the Board and the application of this Regulation. National regulatory authorities or bodies should enjoy full operational autonomy and be independent of any political and economic interference. The independence of national regulatory authorities or bodies participating in the activities of the Board is a necessary condition for the effective performance of the Board's tasks and the credibility of the Expert Group established by this Regulation.*

(AM 12, 212, 213, 214, 215, 216, 217, 218, 219, LIBE 30, LIBE 31, IMCO 17, 18)

Compromise 39 on Recitals 23 and 23 a (new) - Article 10

Covers: AM 13 (Rapporteur), **AM 220, 227, 228** (Irena Joveva, Laurence Farreng, Ilana Cicurel, Ramona Strugariu, Salima Yenbou), **AM 221** (Sylvie Guillaume, Massimiliano Smeriglio), **AM 224** (Chiara Gemma, Vincenzo Sofo, Carlo Fidanza), **AM 225** (Andrey Slabakov), **AM 226** (François-Xavier Bellamy), **LIBE 34, 35**

(Note: also inspired by AMs 671, 688, 689, 690, 722,723, 730 as discussed during the technical meetings)

(23) The Board should bring together senior representatives of the national regulatory authorities or bodies ***established in accordance with the requirements set out*** in Article 30 of Directive 2010/13/EU. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies ***or, where applicable, a common representative of self-regulatory or co-regulatory mechanisms*** to participate, as appropriate, in the meetings of the Board. The Board ***and the Expert Group*** should also have the possibility to invite to attend its meetings, ***external experts on a case-by-case basis***. ***The Board should also have the possibility, in agreement with the Commission, to designate permanent observers to attend its meetings***, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of ~~the votes of its members with voting rights~~. ***The Board's rules of procedure should specify the role and tasks of, and the procedures for the appointment and the term of office of the members of, the Steering Group. The Steering Group should consist of a chair, a vice-chair, the outgoing chair and two other members. The election of the chair and of the other members of the Steering Group should take into account the principle of geographical balance. Furthermore, in its rules of procedure, the Board should include mechanisms for the prevention and management of conflicts of interest, for assessing the independence of the national regulatory authorities or bodies and for temporarily suspending the voting rights of members whose independence has been challenged.***

(AM 23, 220, 221, 222, 224, 225, 226, 227, LIBE 34, also inspired by AMs 671, 688, 689, 690, 722,723, 730)

23a(new) ***The Board will need to address, in accordance with this Regulation, issues beyond the remit of the ERGA, in particular issues related to press publications, radio, online media. It is thus necessary to establish an Expert Group, consisting of experts, media representatives of self-regulatory or co-regulatory organisations such as journalistic associations, media or press councils, and representatives of civil society, to advise and consult the Board on the implementation of this Regulation. The composition of the Expert Group should be determined by the Board's rules of procedure and reflect the existing self-regulatory media frameworks from each Member State and different sectoral and geographic areas within the Member States. In addition to representatives from the Member States, the Expert Group should consist of widely recognised and established European organisations representing diverse interests from the media sector. The Expert Group should be positioned within the structure of the Board. The Expert Group should advise the Board on the***

performance of its tasks. The Expert Group should have the necessary autonomy to act independently. The Expert Group should be able to invite, on its own initiative, experts and media representatives, whether in a structured dialogue or otherwise, to help it assess the application of this Regulation and to contribute to its work based on its needs. The Expert Group should be empowered to issue recommendations and draw the Board's attention to possible breaches of this Regulation on its own initiative or where requested by the Commission or by the European Parliament. The Expert Group should make its recommendations or reports on the results of consultations with relevant stakeholders publicly available. Such contributions of the Expert Group should provide the Board with adequate information to base its decisions upon them, while complementing and feeding into existing established mechanisms in the Union, such as the Commission's annual rule of law reports or the Media Pluralism Monitor. Such contributions should also enable the Board to deal with outstanding issues. The Board should take into consideration such contributions when preparing its annual work programme. The Board should be able to seek advice from the Expert Group whenever it needs analysis and insight from a particular field of expertise. The Board should consult the Expert Group for any opinion or decision the Board takes which relates to issues beyond the audiovisual media sector.

(AM 228, LIBE 35)

Compromise 40 on Recitals 24 and 24 a(new) - Articles 11, 12

Covers: AM 14 (Rapporteur), AM 229 (Diana Riba i Giner, Marcel Kolaja), AM 230 (Irena Joveva, Laurence Farreng, Ilana Cicurel, Ramona Strugariu, Salima Yenbou), AM 231 (Petra Kammerevert), AM 232 (Catherine Griset), AM 233 (Chiara Gemma, Vincenzo Sofo, Carlo Fidanza), AM 234 (Rob Rooker), AM 235 (Morten Løkkegaard), AM 236 (Andrey Slabakov) AM 237 (François-Xavier Bellamy), AM 238 (Tomasz Frankowski, Loucas Furlas, Peter Pollák, Michaela Šojdrová, Maria Walsh), **IMCO, 9, 10, 20, 74, LIBE 36**

(Please note: following technical meeting on 22/08: AMs 192, 193, 194, 306, 518, 548, 549, 645 also covered now under CA 40)

(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. ~~***In particular. Nevertheless, the Board's work should be independent from the Commission and from any political or economic influence.***~~ The Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices, draw up opinions ***and carry out any other tasks on its own initiative or at the request of the Commission or the European Parliament in agreement with the Commission or upon its request*** in the cases envisaged by this Regulation. In order to effectively ***and independently*** fulfil its tasks, the Board should be able to rely on the expertise and human resources of ~~***a an***~~

independent secretariat. *The secretariat should act only on the Board's instructions. The secretariat should be provided with sufficient budgetary and human resources provided by the Commission.* The ~~Commission~~ secretariat should provide *substantive*, administrative and organisational support to the Board, and help the Board in carrying out its tasks. (AM 14, 229, 231, 232, 233, 234, 235, 236, 237, 238, IMCO 20, LIBE 36)

Recital 24 a (new)

Covers: (AMs 192, 193, 194, 306, 518, 548, 549, 645, IMCO 9, IMCO 10, IMCO 74)

It is important that the European Board for Media Services (the 'Board') issue, in cooperation with the national regulatory authorities or bodies and taking into account existing national law, guidelines on the definition of media services of general interest and on the criteria, assessment framework and process for determining their scope. It is important that those guidelines be consistent with Union values and established general interest objectives such as media pluralism, freedom of expression, access to reliable information, social cohesion and cultural diversity. (AMs 192, 193, 194, 306, 518, 548, 549, 645, IMCO 9, IMCO 10, IMCO 74)

Compromise 41 on Recitals 25, 26- Article 13

Covers: AM 15 (Rapporteur), AM 240, 269 (Andrey Slabakov), AM 241, 267 (Chiara Gemma, Vincenzo Sofo, Carlo Fidanza), AM 239, 242 (Petra Kammerevert), AM 268 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), **IMCO 21, 22, LIBE 37, 41**

(25) Regulatory cooperation between independent media regulatory authorities or bodies is essential to make the internal market for media services function properly. However, Directive 2010/13/EU does not provide for a structured cooperation framework for national regulatory authorities or bodies. Since the revision of the EU framework for audiovisual media services by Directive 2018/1808/EU of the European Parliament and of the Council⁵², which extended its scope to video-sharing platforms, there has been an ever-increasing need for close cooperation among national regulatory authorities or bodies, in particular to resolve cross-border cases. Such a need is also justified in view of the new challenges in the EU media environment that this Regulation seeks to address, including by entrusting national regulatory authorities or bodies with new tasks. *Therefore, the Board, in consultation with the Commission, should also be able to establish cooperation arrangements with competent Union bodies, offices, agencies and advisory groups, with competent authorities of third countries and with international organisations.* (AM 239, IMCO 21)

(26) *In 2020, the ERGA adopted a Memorandum of Understanding consisting of a voluntary framework for cooperation to strengthen the cross-border enforcement of media rules on audiovisual media services and video-sharing platform services. Building on that voluntary framework and in order to ensure the comprehensive and effective enforcement of Union measures concerning media law, to prevent ~~the~~*

possible circumvention of the applicable ~~media~~ rules by rogue media service providers and to avoid ~~the raising of~~ additional ~~barriers to the provision of media services~~ in the internal market, ~~for media services, it is essential to provide for a clear, legally binding framework for it is essential that~~ national regulatory authorities or bodies ~~to cooperate effectively and efficiently cooperate effectively and efficiently with one another within the established legal framework.~~ (AM 15, 240, 241, 242, IMCO 22, LIBE 37)

Compromise 42 on Recital 27 - Article 14

Covers: AM 244 (Chiara Gemma, Vincenzo Sofo, Carlo Fidanza), 245 (Petra Kammerevert), **IMCO 23, LIBE 38**

(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect *users* of video-sharing platform services from certain ~~illegal and~~ harmful content, including commercial communications. In particular, ~~and without prejudice to the country-of-origin principle~~, a mechanism is needed to allow any relevant national regulatory authority or body to request its peers to take necessary and proportionate actions to ensure enforcement of obligations under this Article by video-sharing platform providers. In case the use of such mechanism does not lead to an amicable solution, the freedom to provide information society services from another Member State can only be restricted if the conditions set out in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council⁵³ are met and following the procedure set out therein. (AM 244, 245, IMCO 23, LIBE 38)

Compromise 43 Recitals 28 and Recital 29 - Article 15

Covers: AM 16 (Rapporteur), AM 246, (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), AM 248 (Emmanuel Maurel, Stelios Kouloglou), AM 249, 260 (Petra Kammerevert), AM 250 (Andrey Slabakov), AM 251 (Irena Joveva, Laurence Farreng, Ilana Cicurel, Ramona Strugariu, Salima Yenbou), AM 252 (François-Xavier Bellamy), AM 256 (Isabella Adinolfi), AM 257, 258 (Massimiliano Smeriglio, Sylvie Guillaume), AM 259 (Chiara Gemma, Vincenzo Sofo, Carlo Fidanza). **LIBE 39, IMCO 24, IMCO 26**

(28) Ensuring a consistent ~~and effective implementation of regulatory practice regarding~~ this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission ~~should may~~ issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help achieving a level playing field in the internal market and compliance with the

fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field. ***Such guidelines should be drafted with the support of the Board and should respect the Member States' competence in cultural matters with a view to promoting media pluralism, be principle-based and be without prejudice to existing national prominence measures.*** It would also be useful to provide guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.

(29) In order to ensure a level playing field in the provision of diverse audiovisual media services in the face of technological developments in the internal market, it is necessary to find common ***technical prescriptions harmonised European standards*** for devices controlling or managing access to and use of audiovisual media services, ***including remote controls, or devices*** carrying digital signals conveying the audiovisual content from source to destination. In this context, it is important to avoid diverging technical standards creating barriers and additional costs for the industry and consumers while encouraging solutions to implement existing obligations concerning audiovisual media services.

Compromise 44 on Recital 30 - Article 16

Covers: AM 17 (Rapporteur), AM 261 (Petra Kammerevert, AM 262 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), AM 263 (Chiara Gemma, Vincenzo Sofo, Carlo Fidanza), AM 264 (Andrey Slabakov), AM 265 (Irena Joveva, Laurence Farreng, Ilana Cicurel, Ramona Strugariu, Salima Yenbou), AM 266 (Catherine Griset, Gianantonio Da Re)

(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression ***and safeguarding and promoting media pluralism.*** This is key in particular when it comes to protecting the internal market from media services ***from outside the Union, irrespective of the means by which they are distributed or accessed,*** that target ***or reach*** audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they ***contain a public provocation to commit a terrorist offence as set out in Directive (EU) 2017/541 or constitute a serious and grave risk*** of prejudice ~~may prejudice or pose risks of prejudice~~ to public security and ***to the safeguarding of national security and*** defence. ***Media service providers established outside the Union and wishing to benefit from the free movement of media services for their media offerings, as one of the advantages of the internal market of the Union, should be subject to the same***

conditions and requirements as media service providers established within the Union. In this regard, the coordination between national regulatory authorities or bodies to face together possible public security and defence threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. In order to ensure that *the same* media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance should also be available to guarantee the ‘effet utile’ of the relevant national measures, in compliance with Union law. Additionally, it is necessary to coordinate the national measures that may be adopted to counter public security and defence threats by media services *from established* outside ~~of~~ the Union and targeting audiences in the Union, including the possibility for the Board, ~~in agreement with the Commission, on its own initiative or at the request of the relevant national regulatory authority or body,~~ to issue opinions on such measures, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.

Compromise 45 Recitals 31, 32, 33, 34, 35 and 35 a (new) - Article 17

Covers: AM 18, 19, 20, 21 (Rapporteur), AM 274, 285, 290, 295, 298 (Petra Kammerevert), AM 275, 286, 289 (Irena Joveva, Laurence Farreng, Ilana Cicurel, Ramona Strugariu, Salima Yenbou), AM 276 (Andrey Slabakov), AM 278 (Morten Løkkegaard), AM 279 (Chiara Gemma, Vincenzo Sofo, Carlo Fidanza), AM 280 (Emmanuel Maurel), AM 281, 287, 296, 297 (François-Xavier Bellamy), AM 291, 299 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), AM 294 (Tomasz Frankowski, Loucas Furlas, Peter Pollák, Michaela Šojdrová, Maria Walsh), **IMCO 30, 34, LIBE 44**

(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play *a key ~~an important~~* role in the distribution of *and access to* information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory *requirements and co-regulatory* or self-regulatory ~~requirements mechanisms~~ they are subject to in the Member States. *At the same time, providers of very large online platforms should also take due account of users’ right to freedom of expression and information, media freedom and media pluralism. Providers of very large online platforms should contribute in an appropriate manner to the plurality of the media by respecting the freedom of media service providers to exercise their activities without restrictions.* Therefore, also in view of users’ freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article ~~26~~ 34 of Regulation (EU) 2022/2065 ~~2022/XXX [the Digital Services Act]~~, they should duly ~~consider~~ respect

media freedom and media pluralism, ~~in accordance with Regulation (EU) 2022/XXX [the Digital Services Act],~~ and provide, as early as possible, the necessary explanations to media service providers as ~~their~~ a business users, in the statement of reasons referred to in Regulation (EU) 2019/1150 of the European Parliament and of the Council⁵⁴ and Regulation (EU) 2022/2065. To minimise the impact of any suspension or restriction on users' freedom of information, very large online platforms should ~~endeavour to submit statement of reasons~~ provide the media service provider with an opportunity to reply to the statement of reasons, within 24 hours, prior to the restriction or suspension taking effect. ~~without prejudice to their obligations under Regulation (EU) 2022/XXX [the Digital Services Act].~~ In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/2065 ~~2022/XXX [the Digital Services Act].~~ Where a provider of a very large online platform still intends to apply the suspension or restriction, the competent regulatory authority or body or the body of the self-regulatory or co-regulatory mechanism should decide whether the intended suspension or restriction is justified in view of the specific clause in the terms and conditions and, in particular, taking into account fundamental freedoms. (AM 18, 274, 275, 276, 278, 280, 281, 283, 284, IMCO 30, LIBE 44)

(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that where media service providers *comply with* certain regulatory or self-regulatory standards, their complaints *and, where applicable, complaints filed by their representative bodies in accordance with Regulation (EU) 2022/2065* against decisions of providers of very large online platforms are treated with priority and, *in any event, no later than 24 hours after their submission. ~~without undue delay.~~* (AM 19, 285, 286, 287, IMCO 31, 34, AM 291)

(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility ~~not to accept~~ for such self-declaration *to be confirmed, for example by the national regulatory authorities or bodies or the body of the self- or co-regulatory mechanism,* where they consider that these conditions are not met. *If confirmed in that manner, media service providers should be deemed to be recognised media service providers. It should also be possible to refer the matter to the Board, which should be able to issue a recommendation on such matters.* Providers of very large online platforms may rely on information regarding *compliance with* these requirements, such as the machine-readable standard of the Journalism Trust Initiative, *developed under the aegis of the European Committee for Standardisation,* or other relevant codes of conduct. *That mechanism should not deter very large online platforms from signing up to voluntary commitment No 22 of the EU Code of Practice on Disinformation or from taking measures to foster the visibility, discoverability and prominence of media services in their recommendation systems provided by media service providers that demonstrably comply with professional and ethical standards for journalism. Certification to ISO standards for professional and ethical journalism, such as the Journalism Trust Initiative could serve as a benchmark in that regard.* Guidelines

issued by the Commission, *in consultation with the Board*, may be useful to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality. (AM 20, 289, 290)

(34) This Regulation recognises the importance of *co-regulatory and* self-regulatory mechanisms *that are legally recognised in the relevant media sector in one or more Member States* in the context of the provision of media services on very large online platforms. They represent a type of voluntary initiatives, for instance in a form of codes of conduct, which enable media service providers or their representatives to adopt common guidelines, including on ethical standards, correction of errors or complaint handling, amongst themselves and for themselves. Robust, inclusive and widely-~~accepted~~ *recognised* media *co-regulation and* self-regulation represents an effective guarantee of quality and professionalism of media services and is key for safeguarding editorial integrity. (AM 295, 296)

(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that restrictions on their content are frequently imposed by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information. *Where the provider of a very large online platform and a media service provider fail to find an amicable solution, the media service provider should be able to lodge a complaint before a certified out-of-court dispute settlement body in accordance with Regulation (EU) 2022/2065..* (AM 21, 297, 298, 299, IMCO 34)

35 a (new)

Within the meaning of this regulation, obligations for restrictions of content should not prevent very large online platforms from fighting disinformation or protecting minors. In this context, obligations should not apply in instances of down-ranking, labelling of content or diluting its visibility (such as blurring of images) when they are in line with the code of practice on disinformation and other relevant Union law.

At the same time, it should be recognised that services acting in a not-for-profit purpose capacity, such as online encyclopaedias as well as educational and scientific repositories, should not be considered very large online platforms for the purpose of Article 17.

Compromise 46 on Recital 36 - Article 18

Covers: AM 22 (Rapporteur), AM 300, 301 (Petra Kammerevert), AM 302 (François-Xavier Bellamy), AM 304 (Irena Joveva, Laurence Farreng, Ilana Cicurel, Ramona Strugariu, Salima Yenbou), AM 303,

(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board, *with the involvement of the Expert Group*, should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms, *providers of very large search engines*, representatives of media service providers and representatives of civil society, *including from fact-checking organisations*, to foster access to diverse offers of independent media on very large online platforms *and very large search engines*, to discuss experience and best practices related to the application of the relevant provisions of this Regulation, to monitor ~~adherence~~ *compliance* with self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation, *and to assess the possible negative effects that such initiatives or content moderation policies might have on media freedom and media pluralism*. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) ~~2022/XXX [Digital Services Act]~~ 2022/2065 and may ask the Board *and the Expert Group* to support it to this effect. (AM 22, 300, 301, 302, 304)

Compromise 47 Recital 37, 37 a (new), 37 b (new) - Article 19 -

Covers: AM 23 (Rapporteur), AM 307, 316, 320 (Petra Kammerevert), AM 308, 317 (Massimiliano Smeriglio, Sylvie Guillaume), AM 309, 314 (Chiara Gemma, Vincenzo Sofo, Carlo Fidanza), AM 310, 312 (Isabella Adinolfi), AM 313, 319 (François-Xavier Bellamy), AM 315 (Andrey Slabakov), AM 318 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), IMCO 38, 39, 40 LIBE 50, 51

(37) *Users Recipients* of *audio and* audiovisual media services should be able to effectively choose the *audio and* audiovisual content they want to *listen to or* watch according to their preferences. Their freedom in this area may however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between manufacturers of devices or providers of user interfaces controlling or managing access to and use of *audio and* audiovisual media services, such as connected televisions *or car audio systems*, and media service providers. Prioritisation can be implemented, for example, on the home screen of a device, through hardware, *including remote controls*, or software shortcuts, applications and search areas, which have implications on the ~~recipients'~~ *users'* ~~viewing~~ behaviour, who may be unduly incentivised to choose certain *audio or* audiovisual media offers over others. ~~Service recipients~~ *Users of audio or audiovisual media services* should have the possibility to change, in a simple and user-friendly manner, the *settings and* default ~~settings of a device or layout, including the configuration of audiovisual media~~

services or of applications allowing users to access such services, on a user interface or on devices controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest, *in particular measures* implementing Article 7a ~~and 7 b~~ of Directive ~~2010/13/EC~~ 2010/13/EU, taken in the pursuit of legitimate public policy considerations. (AM 23, 307, 308, 309, 310, IMCO 38, LIBE 50)

Recital 37 a (new)

37a(new) *Users of media services ~~Recipients of media services~~ increasingly face difficulties in identifying who bears the editorial responsibility for the media services they use, in particular when they access them through connected devices, user interfaces or online platforms. Failure to clearly indicate editorial responsibility for media content or services, for example by incorrectly attributing or removing logos, trademarks or other characteristic traits, deprives users of media services of the ability to understand and assess the information they receive. Users of media services should therefore be able to easily identify the media service provider bearing the editorial responsibility for any given media service on all devices and user interfaces controlling or managing access to and use of media services.* (AM 313, 314, 315, 316, 318, LIBE 51, IMCO 39)

Recital 37 b (new)

37b(new) *Audiovisual media services are subject to various obligations to meet public policy goals such as supporting cultural diversity and a pluralistic media environment. It is therefore essential that devices be designed in such a way that ensures fair access to audiovisual media services in all their diversity, from the perspective of both viewers and media service providers. In that regard, particular attention should be paid to the impact of device manufacturers' choices with respect to the design of remote controls. Numeric keypads should therefore be standard on television remote controls to avoid users becoming unjustifiably dependent on user interfaces designed by equipment manufacturers.* (AM 312, 317, 319, 320, IMCO 40)

Compromise 48 on Recitals 38, 39 - Article 20 -

Covers: AM 24, 25 (Rapporteur), AM 321, 332 (Irena Joveva, Laurence Farreng, Ilana Cicurel, Ramona Strugariu, Salima Yenbou), AM 322 (Željana Zovko), AM 324, 333 (Morten Løkkegaard), AM 325, 336 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), , AM 329 (Laurence Farreng, Irena Joveva, Ilana Cicurel, Salima Yenbou), AM 332 (Irena Joveva, Laurence Farreng, Ilana Cicurel, Ramona Strugariu, Salima Yenbou), AM 335 (Petra Kammerevert); AM 334 (Tomasz Frankowski, Loucas Foulas, Peter Pollák, Michaela Šojdrová, Maria Walsh); **LIBE 52, 53; IMCO 41, 42**

(38) Different legislative, regulatory or administrative measures can negatively affect *media pluralism and the editorial independence of* media service providers *regarding either the provision or the operation of their media services* in the internal

market. *Such measures can take various forms*, for example rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors. They also include decisions related to licensing, *such as revoking, or preventing the renewal of, media service providers' licences or in any way unjustifiably blocking or limiting their ability to broadcast, print or otherwise disseminate content, and decisions related to* authorisation or prior notification for media service providers. In order to mitigate their potential negative impact on *media pluralism and editorial independence and on* the functioning of the internal market for media services and enhance legal certainty, it is important that such measures *minimise disruptions to the activities of media service providers and* comply with the principles of objective justification, transparency, non-discrimination and proportionality.

Any measures that negatively affect media pluralism, editorial independence or the operations of media service providers, including where they are related to the implementation of Union legal acts such as Directive 2010/13/EU, should be communicated to media service providers well in advance of their adoption in order to prevent possible disruptions and allow media service providers enough time to assess the impact of such measures on media pluralism and editorial freedom. The requirement to communicate such measures does not aim to affect national measures implementing Directive 2010/13/EU, in so far as they do not affect media pluralism and editorial independence, national measures taken pursuant to Article 167 TFEU, national measures taken for the purpose of promoting European works or national measures which are otherwise governed by State aid rules.

(AM 24, 321, 322, 324, 325, 329, LIBE 52, IMCO 41)

(39) It is also key that the Board is empowered to issue an opinion, ~~on the Commission's request~~, *on its own initiative or at the request of the Commission or the European Parliament*, where national measures are likely to affect the functioning of the internal market for media services *or to impact media pluralism and editorial independence*. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, or when the concerned media service provider has a significant influence on the formation of public opinion in that Member State. *A media service provider individually and directly affected by such a measure should be able to request that the Board draw up an opinion on that measure.* (AM 25, 332, 333, 334, 335, 336, IMCO 42, LIBE 53)

Compromise 49 Recitals 40, 41, 42 43, 44 - Article 21, 22

Covers: AM 26, 27, 28, 29, 30 (Rapporteur), AM 338, 351 (Irena Joveva, Laurence Farreng, Ilana Cicurel, Ramona Strugariu, Salima Yenbou), AM 339, 350, 352, 356, 359 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), AM 341, 354, 357, 362 (Petra Kammerevert), AM 347 (Sylvie Guillaume, Massimiliano Smeriglio), AM 355, 360 (Tomasz Frankowski, Loucas Furlas, Peter Pollák, Michaela Šojdrová, Maria Walsh), AM 346 (Petra Kammerevert), AM 358 (Irena Joveva, Laurence Farreng, Ilana Cicurel, Ramona Strugariu, Morten Løkkegaard, Salima Yenbou); **LIBE 54, 56, 57, 58, IMCO 43, 47**

(40) Media play a decisive role in shaping public opinion and ~~helping~~ *enabling* citizens

participate to access relevant information for participation in democratic processes. This is why Member States should provide for rules and procedures in *~~national law~~ their legal systems to ensure to enable a quality* assessment of media market concentrations that could have *an* impact on media pluralism *and editorial independence*. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion, *including very large online platforms carrying content provided by media service providers which control access to and the visibility of the content of media service providers* in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration. *Moreover, local and regional media market players play a key role in shaping public opinion. It is, therefore, necessary to take into account the sustainability of a strong, pluralistic and well-funded local and regional media ecosystem, especially when assessing media market concentrations. Therefore, it is essential to provide for such rules and procedures in order to avoid conflicts of interest between media ownership concentrations and political power, which are detrimental to free competition, a level playing field and media pluralism.* (AM 26, 338, 339, 341, LIBE 54, IMCO 43)

(41) National regulatory authorities or bodies, *or when appropriate self-regulatory bodies*, who have specific expertise in the area of media pluralism, should be *significantly* involved in the assessment of the impact of media market concentrations on media pluralism and editorial independence where they are not the designated authorities or bodies themselves. In order to foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence, it is essential that *appropriate deadlines and* objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism and editorial independence *be* set out in advance. (AM 27, 346, 347)

(42) When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004⁵⁵, the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their assessment of *the* media market *concentrations that could have* an impact on media pluralism and editorial independence should therefore be aimed at protecting legitimate interests within the meaning of Article 21(4), third subparagraph, of Regulation (EC) No 139/2004, and should be in line with the general principles and other provisions of Union law. (AM 28, 350, LIBE 56)

(43) The Board should be empowered to provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, where the notifiable concentrations may affect the functioning of the internal media market. This

would be the case, for example, where such concentrations involve at least one undertaking established in another Member State or operating in more than one Member State or result in media service providers having a significant influence on formation of public opinion in a given media market. Moreover, where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, *on its own initiative or* upon request of the Commission. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board. (IMCO 43, AM 29, 351, 352, 354, 355)

(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the *individual* editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the *individual* editorial decisions within the media undertakings involved should also be taken into account. *Furthermore, the results of the Commission's annual rule of law reports presented in the chapters on press freedom and the risk assessment carried out annually by media monitoring exercises should be considered in determining the overall climate for media and the effects of the media market concentration in question over media pluralism and editorial independence.* In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market. (AM 30, 358, 359, 360, 362, IMCO 47, LIBE 58)

Compromise 50 on Recitals 45, 46, 47 - Article 23

Covers: AM 31 (Rapporteur), AM 363, 376, 380 (Irena Joveva, Laurence Farreng, Ilana Cicurel, Ramona Strugariu, Salima Yenbou), AM 364, 373, 378 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), AM 372, 379 (Chiara Gemma, Vincenzo Sofo, Carlo Fidanza), AM 366, 369, 371, 377 (Petra Kammerevert), AM 381 (Emmanuel Maurel, Stelios Kouloglou), AM 375 (Andrey Slabakov), LIBE 59, 60, 61, IMCO 48, 50, 51

(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of

audiences in order to plan the future production of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective **and comparable** audience data stemming from transparent, unbiased and verifiable audience measurement solutions. **Such solutions should comply with Union data protection and privacy rules.** However, certain new players that have emerged in the media ecosystem, **such as very large online platforms**, provide **proprietary ~~their own~~** measurement services without making available information on their methodologies. This could result in **audience data that is not comparable**, information asymmetries among media market players and potential market distortions, to the detriment of equality of opportunities for media service providers in the market. (AM 31, 363, 364, 366, 369, LIBE 59, IMCO 48)

(46) In order to enhance the verifiability, **comparability** and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. **In principle, audience measurement should be carried out in accordance with widely accepted industry self-regulatory mechanisms.** Under these obligations, such actors, when requested and to the extent possible, should provide advertisers and media service providers or parties acting on their behalf, with information describing the methodologies employed for the measurement of the audience. Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error, the measurement period **and the coverage of measurement.** **Furthermore, providers of proprietary audience measurement systems should provide media service providers with anonymised data, including non-aggregated data, in an industry-standard and comparable form. Such data should be at least as granular as data from the industry's recognised self-regulatory mechanisms.** The obligations imposed under this Regulation are without prejudice to **the right of audiences to the protection of personal data concerning them as provided for by Article 8 of the Charter and Regulation (EU) 2016/679 of the European Parliament and of the Council³ and to any obligations that apply to providers of audience measurement services under Regulation (EU) 2019/1150 or (EU) 2022/XX [Digital Markets Act] 2022/1925**, including those concerning ranking or self-preferencing **or to the protection of undertakings' trade secrets as defined in Article 2 of Directive (EU) 2016/943.** (AM 371, 372, 373, 375, 376, LIBE 60, IMCO 50)

(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, **together with media service providers, their representative organisations, online platforms and other relevant stakeholders**, can contribute to the effective application of this Regulation and should, therefore, be encouraged. **Self-regulatory mechanisms widely recognised in the media industry have** already been used to foster high quality standards in the area

³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

of audience measurement. *Moreover, such self-regulatory mechanisms, known as joint industry committees, are able to ensure that audience measurement is impartial and audience measurement data are comparable. An inconsistent take-up of such mechanisms among the Member States could negatively impact advertising. The adoption of such mechanisms should therefore be promoted at national level. The further development of self-regulatory mechanisms, including with the assistance of national regulatory authorities or bodies,* could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination, **comparability** and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.
(AM 377, 378, 379, 380, 381, IMCO 51, LIBE 61)

Compromise 51 on Recitals 48, 49, 49 a (new) - Article 24

Covers: AM 32 (Rapporteur) AM 382, 385, 388, 389 (Irena Joveva, Ramona Strugariu), AM 386 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), AM 387, LIBE 62, 63, 64 IMCO 52, 53

(48) *Public funds for the purposes of state advertising and purchases ~~State advertising is~~ are* an important source of revenue for many media service providers, *providers of online platforms and providers of online search engines*, contributing to their economic sustainability. Access to *such funds* must be granted in a non-discriminatory way to any media service provider, *provider of online platforms and provider of online search engines* from any Member State which can adequately reach some or all of the relevant members of the public, in order to ensure equal opportunities in the internal market. Moreover, *State advertising public funds for the purposes of state advertising and purchases from State-affiliated entities such as State-owned companies, particularly in the form of advertising funding or purchasing goods or services,* may make media service providers vulnerable to undue state influence *or partial interests* to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of *public funds for the purposes of state advertising and purchases* ~~state advertising~~ is therefore a powerful tool to exert influence *on the editorial freedom of media service providers*, ‘capture’ media service providers *or covertly subsidise or finance politically captured media service providers to gain unfair political or commercial advantage or favourable coverage. That is why, in order to address such situations, public funds allocated for the purposes of state advertising directed by a public authority or a State-controlled or State-owned enterprise to a single media service provider, a single provider of an online platform or a single provider of an online search engine should not exceed 15 % of the total amount allocated to state advertising by that public authority or State-controlled or State-owned enterprise to the totality of media service providers operating at national level.* The distribution and transparency of *public funds for the purposes of state advertising and purchases* ~~state advertising are~~ is in some regards regulated through a fragmented framework of media-specific measures and general public procurement

laws, which ~~do not however, may not cover all state advertising expenditure nor~~ offer sufficient protection against preferential or biased distribution. *That can create information asymmetry, increase risks for media market players and have a negative impact on cross-border economic activity. For example, channeling public funds to pro-government media outlets or to receive favorable media coverage through public expenditure distorts competition and discourages investments in the internal market and is detrimental to fair competition within the media market ecosystem.* In particular, Directive 2014/24/EU of the European Parliament and of the Council ⁵⁶ does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on *public funds for the purposes of state advertising and purchases state advertising*, where they exist, diverge significantly from one Member State to another. (AM 382, LIBE 62, IMCO 52)

(49) In order to ensure undistorted competition between media service providers and to avoid the risk of covert subsidies and of undue political influence on the media, it is necessary to establish common requirements of transparency, objectivity, proportionality and non-discrimination in the allocation of *public funds for the purposes of state advertising and purchases state advertising and of state resources* to media service providers, *to providers of online platforms or to providers of online search engines in accordance with Regulation (EU) 2022/2065, for the purpose of purchasing goods or services from them other than state advertising*, including the requirement to publish information on the beneficiaries of *public funds for the purposes of state advertising and purchases* and the amounts spent. *It is thus necessary for national regulatory authorities or bodies to monitor and report on the allocation of public funds for the purposes of state advertising and purchases to media service providers, to providers of online platforms and to providers of online search engines. Where requested by national regulatory authorities or bodies, public authorities and state-affiliated entities should provide them with additional information necessary to assess the accuracy of information published and the application of criteria and procedures used for such state public funds.* It is important that *the Union and the* Member States make the necessary information related to *public funds for the purposes of state advertising and purchases* publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. *Moreover, it is necessary to create easily understandable and publicly available reports in order to gather all information concerning the allocation of public funds for the purposes of state advertising and purchases provided by media service providers, providers of online platforms and providers of online search engines. Those reports should provide a yearly overview of the total amount of public funds for the purposes of state advertising and purchases from State entities, including from third countries, allocated to each media service provider, provider of online platforms and provider of online search engines. The Board should provide the national regulatory authorities or bodies with guidance for reporting on the allocation of public funds for the purposes of state advertising and purchases.* This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis. (385, 386, 387, 388, 389, LIBE 64, IMCO 53)

49 a(new) *Emergency messages by public authorities are a necessary form of*

informing the general public about risks in the event of a natural or health disaster, an accident or any other sudden unforeseen, major incident that could cause harm to significant sections of the population. Emergency situations have the potential to create new or enhance existing vulnerabilities in the media sector. In that context, the allocation of State resources for transmitting emergency messages could make media service providers vulnerable to undue State influence to the detriment of fundamental rights and the freedom to provide services. While emergency situations are becoming increasingly cross-border in nature, the rules on the allocation of State resources differ from one Member State to another, creating fragmentation and legal uncertainty in the internal media market. Therefore, such allocations to media service providers, providers of online platforms and providers of online search engines should follow the same harmonised rules as those for public funds for the purposes of advertising and purchases. Nevertheless, recognising the urgency of taking measures during a crisis period, special provisions should apply in order to allow State authorities and State-owned or State-controlled enterprises and entities to comply with transparency and reporting obligations once the emergency situation has ended. (LIBE 63)

Compromise 52 on Recital 50 and 50 a(new) - Article 25

Covers: AM 33 (Rapporteur), AM 390 (Irena Joveva, Laurence Farreng, Ilana Cicurel, Ramona Strugariu, Salima Yenbou), AM 391, 348 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), AM 394 (Petra Kammerevert)

(50) Risks to the functioning and resilience of the internal media market, ***including risks of information manipulation and interference***, should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of ***existing concentrations*** of the ***media*** market at national and regional level and ***the risks such concentrations pose to editorial independence and media pluralism***. ***In order to bring clarity to market participants and allow for the monitoring of the functioning of the internal market, while assessing the impact on editorial independence and media pluralism in the Union, it is necessary that the Commission provide an objective overview on existing media market concentrations, both in terms of their contribution to the structure of the media market and to the diversity of media ownership and of their influence on the formation of public opinion in each Member State. Such monitoring*** should be conducted independently, on the basis of a robust list of key performance indicators, developed and regularly updated by the Commission, in consultation with the Board. ***Additionally, in order to facilitate the effective application of this Regulation, the Commission should establish a user-friendly alert mechanism to allow media service providers and any relevant interested party to report any issues they encounter or any risks they detect concerning the application of this Regulation. Such a mechanism will help the Commission to identify and address potential infringements of this Regulation more quickly.*** Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to alert about

vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular, ~~the level of cross-border activity and investment~~, regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including *the position of media service providers* in a digital environment, *the compliance of providers of very large online platforms and providers of very large online search engines with their obligations* and transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of ~~individual~~ editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved. *Such monitoring should also take into account the results of existing media monitoring exercises in all Member States, the monitoring exercises referred to in the Media and Audiovisual Action Plan, established in the communication of the Commission of 3 December 2020 entitled ‘Europe’s Media in the Digital Decade: An Action Plan to Support Recovery and Transformation’, the results from the Media Pluralism Monitor and findings from the Commission’s annual rule of law reports.* (AM 33, 390, 394)

50 a (new)

It is important that the European Centre for Press and Media Freedom in Leipzig and the Centre for Media Pluralism and Media Freedom at the European University Institute in Florence be recognised as having relevant expertise in media freedom and pluralism. It is also important that European instruments such as the Euromedia Ownership Monitor be taken into account when dealing with media ownership in Europe. (AM 394)

Compromise 53 on Recital 51 - Article 28

Covers: AM 395 (Diana Riba i Giner, Daniel Freund, Marcel Kolaja), **LIBE 66**

(51) *The Commission should be able to take the necessary actions to monitor the effective implementation of, and compliance with the obligations laid down in, this Regulation.* To prepare the ground for a correct implementation of this Regulation, its provisions concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this Regulation) should apply 3 months after the entry into force of the Act, while all other provisions of this Regulation will apply 6 months after the entry into force of this Regulation. In particular, this is needed to ensure that the Board will be established in time to ensure a successful implementation of the Regulation. (AM 395, **LIBE 66**)