

29.9.2023

A9-0264/322

Amendment 322

Diana Riba i Giner, Daniel Freund
on behalf of the Verts/ALE Group

Report

Sabine Verheyen

European Media Freedom Act

(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

A9-0264/2023

Proposal for a regulation

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) 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 which grants extensive 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.

Or. en

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Amendment 323

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on behalf of the Verts/ALE Group

Report

Sabine Verheyen

European Media Freedom Act

(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

A9-0264/2023

Proposal for a regulation

Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) Spyware should be understood as covering all forms of malicious software that spy on user's activities without their knowledge or consent, such as keylogging, activity monitoring and data collections, secretly recording calls or otherwise using the microphone of an end-user device, filming natural persons, machines or their surroundings, copying messages, photographing, tracking browsing activity, tracking geolocation, collecting other sensor data or tracking activities across multiple end-user devices, as well as other forms of data theft, including through impersonating the targeted person by gaining access to their digital credentials and identity. The deployment of spyware usually leaves few or no traces on the target's device, and even in cases where it is detected, it is difficult to prove who was responsible for the attack.

Or. en

Amendment 324**Diana Riba i Giner, Daniel Freund, Alexandra Geese**

on behalf of the Verts/ALE Group

Robert Biedroń, Pierre Larrouturou, Anna Júlia Donáth, Katalin Cseh, Karen Melchior**Report****A9-0264/2023****Sabine Verheyen**

European Media Freedom Act

(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

Proposal for a regulation**Recital 31***Text proposed by the Commission*

(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 ***an important*** role in the distribution of 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 or self-regulatory ***requirements*** they are subject to in the Member States. 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 of Regulation (EU) 2022/XXX [*the Digital Services Act*], they should duly ***consider freedom and pluralism of media, 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 business users*** in the statement of reasons ***under*** Regulation (EU) 2019/1150 of the European Parliament and of the Council⁵⁴. ***To minimise the impact of any restriction to that content on users'***

Amendment

(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*** 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 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 34 of Regulation (EU) 2022/2065, they should

freedom of information, very large online platforms should endeavour to submit the statement of reasons prior to the restriction 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/XXX [the Digital Services Act].

⁵⁴ Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57-79).

duly *respect media* freedom and *media* pluralism, and provide, as early as possible, the necessary explanations to media service providers as *a business user* 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. 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.

⁵⁴ Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57-79).

Or. en

Amendment 325

Diana Riba i Giner, Daniel Freund
on behalf of the Verts/ALE Group

Report

Sabine Verheyen

European Media Freedom Act

(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

A9-0264/2023

Proposal for a regulation

Recital 37 a (new)

Text proposed by the Commission

Amendment

(37a) The freedom of the recipients of media services to effectively choose the content they want to access is also constrained by the way very large online platforms and very large search engines suggest, rank and prioritise information, for example by their recommender systems. As recognised by, inter alia, Regulation (EU) 2022/2065 in recital (70), among others, ‘such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online [...]’. In other words, the recommender systems imposed by very large online platforms and very large search engines hold substantial power over the flow of content online, and over recipients’ exposure to diversity, and their capacity to freely and effectively select their information diet. To preserve media diversity and plurality online it is thus key to create the conditions for a diversity of recommender systems to be available to service recipients, and for service recipients to have the possibility to change, in a simple and user-friendly manner, the default settings and the criteria used by recommender systems to pre-select the content to which recipients are exposed. Those conditions can be created by imposing pro-competitive remedies to lower barriers to entry for recommender system providers, such as those based on

unbundling and interoperability.

Or. en

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A9-0264/326

Amendment 326

Diana Riba i Giner, Daniel Freund
on behalf of the Verts/ALE Group

Report

Sabine Verheyen

European Media Freedom Act

(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

A9-0264/2023

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The carrying out of actions as referred to in paragraph 2, points (ba) and (c), shall be subject to ex-post scrutiny by means of judicial review or by means of another independent oversight mechanism. Member States shall inform persons targeted by actions as referred to in paragraph 2, points (b) to (c), and persons whose data or communications were accessed as a result of such actions of the fact that their data or communications were accessed and of the duration and scope of the processing of those data, and the manner in which those data were processed. Member States shall ensure access to redress through an independent body for persons directly or indirectly affected by the carrying out of such actions. Member States shall publish the number of requests approved and rejected for the carrying out of such actions. The safeguards provided for in this paragraph shall extend to natural persons in non-standard forms of employment, such as freelancers exercising activities in the same field as media service providers and their employees.

Or. en

Justification

Even if the plenary amendment is tabled to the Commission's proposal, the text of the

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amendment is based on the report as adopted in CULT Committee

Amendment 327**Diana Riba i Giner, Daniel Freund, Alexandra Geese**

on behalf of the Verts/ALE Group

Robert Biedroń, Pierre Larroustourou, Anna Júlia Donáth, Katalin Cseh, Karen Melchior**Report****A9-0264/2023****Sabine Verheyen**

European Media Freedom Act

(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

Proposal for a regulation**Article 17 – paragraph 2***Text proposed by the Commission**Amendment*

2. Where a provider of very large online platform decides to suspend the provision of its online intermediation services in relation to **content** provided by a media service provider **that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content** is incompatible with its terms and conditions, without **that content contributing** to a systemic risk referred to in Article 26 of the Regulation (EU) 2022/XXX [Digital Services Act], **it shall take all possible measures, to the extent consistent with their obligations under Union law, including Regulation (EU) 2022/XXX [Digital Services Act], to communicate to the media service provider concerned the statement of reasons** accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150, **prior to the suspension taking effect.**

2. Where a provider of **a** very large online platform decides to suspend the provision of its online intermediation services in relation to **a media service** provided by a **recognised** media service provider **because that media service** is incompatible with its terms and conditions, **it shall**, without **prejudice to the mitigating measures in relation** to a systemic risk referred to in Article 34 of Regulation (EU) 2022/2065, communicate to **that recognised** media service provider **the reasons** accompanying that decision, **specifying the specific clause in the terms and conditions with which the media service was incompatible**, as required by Article 4(1) of Regulation (EU) 2019/1150 **and Article 17(3) of Regulation (EU) 2022/2065.**

The provider of the very large online platform shall give the recognised media service provider the opportunity to respond to the reasons accompanying its decision

Or. en

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Amendment 328

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on behalf of the Verts/ALE Group

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European Media Freedom Act

(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

A9-0264/2023

Proposal for a regulation

Article 19 – title

Text proposed by the Commission

Amendment

Right of customisation of *audiovisual*
media offer

Right of customisation of media offer

Or. en

Amendment 329**Diana Riba i Giner, Daniel Freund**
on behalf of the Verts/ALE Group**Report****Sabine Verheyen**European Media Freedom Act
(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))**A9-0264/2023****Proposal for a regulation**
Article 19 – paragraph 1*Text proposed by the Commission*

1. Users shall have a right to easily change the ***default settings of any device or*** user interface controlling or managing access to and use of ***audiovisual*** media services in order to customise the ***audiovisual*** media offer according to their interests or preferences in compliance with the law. This provision shall not affect national measures implementing ***Article 7a*** of Directive 2010/13/EU.

Amendment

1. Users shall have a right to easily change the ***configuration of media services or of applications allowing users to access such services on a*** user interface ***or on devices, including remote controls,*** controlling or managing access to and use of media services, ***including through the use of third party recommender systems as defined in Article 3 of Regulation (EU) 2022/2065,*** in order to customise the media offer according to their interests or preferences in compliance with the law. This provision shall not affect national measures implementing ***Articles 7a and 7b*** of Directive 2010/13/EU.

Or. en