



**2022/2038(INI)**

17.11.2022

# **AMENDMENTS**

## **1 - 66**

**Draft opinion**

**Marc Angel**

(PE734.307v01-00)

Implementation of the Audiovisual Media Services Directive  
(2022/2038(INI))



### **Amendment 1**

**Marcel Kolaja**

on behalf of the Verts/ALE Group

#### **Draft opinion**

##### **Recital A**

###### *Draft opinion*

A. whereas the latest revision of Directive 2010/13/EU, adopted on 28 November 2018, provided a framework for strengthening the country of origin principle and improving the protection of consumers, in particular minors, in the online world; whereas the significantly delayed transposition of the Directive by Member States undermines its effectiveness;

###### *Amendment*

A. whereas the latest revision of Directive 2010/13/EU, adopted on 28 November 2018, provided a framework for strengthening the country of origin principle and improving the protection of consumers, in particular minors **and persons with disabilities**, in the online world; whereas the significantly delayed transposition of the Directive by Member States undermines its effectiveness;

Or. en

### **Amendment 2**

**Markus Buchheit, Virginie Joron, Jean-Lin Lacapelle**

#### **Draft opinion**

##### **Recital A a (new)**

###### *Draft opinion*

###### *Amendment*

***A a. Whereas the Secretariat of the European Regulators Group for Audiovisual Media Services (ERGA) is staffed and hosted by the Commission diminishing its independence;***

Or. en

### **Amendment 3**

**Markus Buchheit, Virginie Joron, Jean-Lin Lacapelle**

#### **Draft opinion**

##### **Recital A b (new)**

###### *Draft opinion*

###### *Amendment*

***A b. Whereas only the strict maintenance of responsibilities and competences of the Member States can guarantee the success of the European media policy;***

Or. en

**Amendment 4**  
**Markus Buchheit, Virginie Joron, Jean-Lin Lacapelle**

**Draft opinion**  
**Recital A c (new)**

*Draft opinion*

*Amendment*

***A c. Whereas media policy is not mentioned in the relevant catalogues of exclusive or shared competences assigned to the EU under primary Union law;***

Or. en

**Amendment 5**  
**Marcel Kolaja**  
on behalf of the Verts/ALE Group

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

*Amendment*

1. Underlines the importance of the proper implementation of the Directive; regrets that not all Member States have done this and encourages them to do so urgently;

1. Underlines the importance of the proper implementation of the Directive; regrets that not all Member States have done this and encourages them to do so urgently; ***regrets that diverging national transpositions can increase fragmentation, erect barriers to the free movement of audiovisual-related goods and services in the internal market and create obstacles in providing pan-European media services, thus harming media pluralism in Europe;***

Or. en

## Amendment 6

Marc Angel, Leszek Miller, René Repasi, Christel Schaldemose, Adriana Maldonado López, Maria Grapini

### Draft opinion

#### Paragraph 1

##### *Draft opinion*

1. Underlines the importance of the proper implementation of the Directive; regrets that not all Member States have done this and encourages them to do so urgently;

##### *Amendment*

1. Underlines the importance of the proper implementation of the Directive ***that aims to address discrepancies between the different audiovisual media services***; regrets that not all Member States have done this and encourages them to do so urgently; ***is concerned that due to the transposition delay, a full-scale ex-post evaluation is not entirely possible at the current stage***;

Or. en

## Amendment 7

Markus Buchheit, Virginie Joron, Jean-Lin Lacapelle

### Draft opinion

#### Paragraph 1

##### *Draft opinion*

1. Underlines the importance of the proper implementation of the Directive; ***regrets that not all Member States have done this and encourages them to do so urgently***;

##### *Amendment*

1. Underlines the importance of the proper implementation of the Directive;

Or. en

## Amendment 8

Dita Charanzová

### Draft opinion

#### Paragraph 1 a (new)

*Draft opinion*

*Amendment*

**1 a.** *Recalls to Member States the importance of adopting coherent measures at national level to secure a level playing field for consumers and economic operators, and to avoid fragmentation in the internal market and unjustified barriers;*

Or. en

**Amendment 9**  
**Morten Løkkegaard**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

2. Highlights the importance of the strengthened country of origin principle that helps providers to abide by the rules and to facilitate the cross-border provision of services;

*Amendment*

2. Highlights the importance of the strengthened country of origin principle that helps providers to abide by the rules and to facilitate the cross-border provision of services; ***underlines that the latest revision of the AVMSD introduced derogations to the country of origin principle, in particular in Article 13; notes that this has led to significant fragmentation of the single market and discouraged market players from entering smaller European markets to the detriment of all actors involved, including European media service providers;***

Or. en

**Amendment 10**  
**Marcel Kolaja**  
on behalf of the Verts/ALE Group

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

*Amendment*

2. Highlights the importance of the strengthened country of origin principle that helps providers to abide by the rules and to facilitate the cross-border provision of services;

2. Highlights the importance of the strengthened country of origin principle that helps providers to abide by the rules and to facilitate the cross-border provision of services *by providing legal certainty and a better understanding of the rules they must comply with; points out that undermining the country of origin principle increases fragmentation of the single market and administrative burdens for cross-border services;*

Or. en

### **Amendment 11**

**Marc Angel, Leszek Miller, René Repasi, Christel Schaldemose, Adriana Maldonado López, Maria Grapini**

#### **Draft opinion Paragraph 2**

##### *Draft opinion*

2. Highlights the importance of the strengthened country of origin principle that helps providers to abide by the rules and to facilitate the cross-border provision of services;

##### *Amendment*

2. Highlights the importance of the strengthened country of origin principle that helps providers to abide by the rules and to facilitate the cross-border provision of services; *underlines that the country of origin principle is essential to achieve a single market in audiovisual media services, and remains relevant to incentivise investments in innovative and creative productions;*

Or. en

### **Amendment 12**

**Anne-Sophie Pelletier**

#### **Draft opinion Paragraph 2**

##### *Draft opinion*

2. Highlights the importance of the strengthened country of origin principle

##### *Amendment*

2. Highlights the importance of the strengthened country of origin principle

that helps providers to abide by the rules and to facilitate the cross-border provision of services;

that helps providers to abide by the rules and to facilitate the cross-border provision of services *while fully respecting Member States' rights to limit cross-border provision of services in line with public policy objectives*;

Or. en

**Amendment 13**  
**Dita Charanzová**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

2. Highlights the importance of the strengthened country of origin principle that helps providers to abide by the rules and to facilitate the cross-border provision of services;

*Amendment*

2. Highlights the importance of the strengthened country of origin principle that helps providers to abide by the rules and to facilitate the cross-border provision of services *and thus to strengthen the consumer protection in the single market*;

Or. en

**Amendment 14**  
**Markus Buchheit, Virginie Joron, Jean-Lin Lacapelle**

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

*Draft opinion*

*Amendment*

**2 a. Underlines that the strategy of the Commission to harmonise legislation in the field of media, a policy area where the EU clearly lacks competences, by feigning internal market considerations is unacceptable; emphasises that the concept of freedom of establishment has to be interpreted narrowly and must by no ways serve as a general authorisation to legislate in other policy areas for which there is no clear competence; notes that any regulatory approach that would limit**

*entrepreneurial freedom in the internal market would not be compatible with the internal market concept of Article 26 TFEU, which aims at progress towards cross-border freedom of development;*

Or. en

### **Amendment 15**

**Marcel Kolaja**

on behalf of the Verts/ALE Group

#### **Draft opinion**

##### **Paragraph 3**

###### *Draft opinion*

3. Stresses that media service providers must ensure, in line with Article 7 of the Directive, that audiovisual services are continuously and progressively made more accessible to **people** with disabilities; is concerned that, due to delays in transposition, Member States will not address the needs of **people** with disabilities;

###### *Amendment*

3. Stresses that media service providers must ensure, in line with Article 7 of the Directive, that audiovisual services are continuously and progressively made more accessible to **persons** with disabilities; **regrets, however, that substantial differences exist between Member States with regard to the implementation of such obligations for linear and non-linear service providers, as well as for public and private broadcasters and with regard to the nature of the content**; is concerned that, due to delays **and differences** in transposition, Member States will not **properly** address the needs of **persons** with disabilities;

Or. en

### **Amendment 16**

**Marc Angel, Leszek Miller, René Repasi, Christel Schaldemose, Adriana Maldonado López, Maria Grapini**

#### **Draft opinion**

##### **Paragraph 3**

###### *Draft opinion*

3. Stresses that media service

###### *Amendment*

3. Stresses that media service

providers must ensure, in line with Article 7 of the Directive, that audiovisual services are continuously and progressively made more accessible to people with disabilities; is concerned that, due to delays in transposition, Member States will not address the needs of people with disabilities;

providers must ensure, in line with Article 7 of the Directive, that audiovisual services are continuously and progressively made more accessible to people with disabilities; ***reminds that media service providers should report on a regular basis to the national regulatory authorities or bodies on the implementation of the measures;*** is concerned that, due to delays in transposition, Member States will not address the needs of people with disabilities;

Or. en

**Amendment 17**  
**Morten Løkkegaard**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Stresses that media service providers must ensure, in line with Article 7 of the Directive, that audiovisual services are ***continuously and progressively*** made more accessible to people with disabilities; is concerned that, due to delays in transposition, Member States will not address the needs of people with disabilities;

*Amendment*

3. Stresses that media service providers must ensure, in line with Article 7 of the Directive, that audiovisual services are made more accessible to people with disabilities ***as soon as possible;*** is concerned that, due to delays in transposition, Member States will not address the needs of people with disabilities; ***encourages the Commission to evaluate the implementation of Article 7 in Member States and to present proposals for improvements;***

Or. en

**Amendment 18**  
**Anne-Sophie Pelletier**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

*Amendment*

3. Stresses that media service providers must ensure, ***in line with Article 7 of the Directive***, that audiovisual services are continuously and progressively made more accessible to people with disabilities; is concerned that, due to delays in transposition, Member States will not address the needs of people with disabilities;

3. Stresses that media service providers must ensure ***that audiovisual services fulfil all accessibility requirements as set out in Directive (EU) 2019/882***, that audiovisual services are continuously and progressively made more accessible to people with disabilities; is concerned that, due to delays in transposition, Member States will not address the needs of people with disabilities;

Or. en

#### **Amendment 19**

**Marc Angel, Leszek Miller, René Repasi, Christel Schaldemose, Adriana Maldonado López, Maria Grapini**

#### **Draft opinion**

#### **Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

***3 a. Underlines the importance of providing information and receiving complaints regarding any accessibility issues and therefore, highlights that it is fundamental to designate an easily accessible and publicly available online point of contact in every Member State without undue delay;***

Or. en

#### **Amendment 20**

**Marc Angel, Leszek Miller, René Repasi, Christel Schaldemose, Adriana Maldonado López, Maria Grapini**

#### **Draft opinion**

#### **Paragraph 3 b (new)**

*Draft opinion*

*Amendment*

***3 b. In order to fulfil legal obligations in the field of accessibility as effectively as possible, calls on the Commission to***

*promote the exchange of best practices between Member States, as well as between media service providers;*

Or. en

#### **Amendment 21**

**Marc Angel, Leszek Miller, René Repasi, Christel Schaldemose, Adriana Maldonado López, Maria Grapini**

#### **Draft opinion**

#### **Paragraph 3 c (new)**

*Draft opinion*

*Amendment*

*3 c. Stresses the need for synergies between the implementation of this Directive and the implementation of the Accessibility Act;*

Or. en

#### **Amendment 22**

**Anne-Sophie Pelletier**

#### **Draft opinion**

#### **Paragraph 4**

*Draft opinion*

*Amendment*

4. Recalls the Directive's key provisions to protect minors, ***including those on*** commercial communications; urges the Commission to secure ***the*** strict implementation and proper enforcement of these rules;

4. Recalls the Directive's key provisions to protect minors, ***especially the prohibition to process data of minors for commercial communications and product placement, such as direct marketing, profiling and behaviourally targeted advertising, and strengthening control and regulation on content likely to harm the physical, mental or moral development of minors;*** urges ***Member States to strictly and swiftly implement these provisions and calls on*** the Commission to secure ***a*** strict implementation and proper enforcement of these rules;

### Amendment 23

Marcel Kolaja

on behalf of the Verts/ALE Group

#### Draft opinion

##### Paragraph 4

###### *Draft opinion*

4. Recalls the Directive's key provisions to protect minors, including those on commercial communications; urges the Commission to secure the strict implementation and proper enforcement of these rules;

###### *Amendment*

4. Recalls the Directive's key provisions to protect minors, including those on commercial communications; urges the Commission to secure the strict implementation and proper enforcement of these rules; ***warns against abusing the provisions to protect minors to censor LGBTIQ content in certain Member States and urges the Commission to proceed with infringement procedures in such cases;***

Or. en

### Amendment 24

Marc Angel, Leszek Miller, René Repasi, Christel Schaldemose, Adriana Maldonado López, Maria Grapini

#### Draft opinion

##### Paragraph 4

###### *Draft opinion*

4. Recalls the Directive's key provisions to protect minors, including those on commercial communications; urges the Commission to secure the strict implementation and proper enforcement of these rules;

###### *Amendment*

4. Recalls the Directive's key provisions to protect minors, including those on commercial communications, ***especially on unhealthy food or beverages;*** urges the Commission to secure the strict implementation and proper enforcement of these rules; ***notes that self-regulatory codes can also be used as an additional tool to reduce the exposure of minors;***

Or. en

**Amendment 25**

**Marc Angel, René Repasi, Christel Schaldemose, Adriana Maldonado López, Maria Grapini**

**Draft opinion**

**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

***4 a. Underlines that under the Treaty and the AVMSD, discriminatory restrictions on free movement of media services are prohibited, in particular where the discrimination is based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation; is concerned, therefore, by the implementation of the AVMSD in Hungary, which openly discriminates against the LGBTI community and contravenes fundamental rights enshrined in the Charter of Fundamental Rights of the European Union by seeking to ban or to limit the display of LGBTI communities and issues in programming and advertising content, and thus going against the freedom to provide services, preventing providers from delivering the same goods and services equally throughout the EU and consumers from benefitting from the achievements of the single market; notes that the Commission launched infringement proceedings in this regard and strongly encourages it to ensure a proper follow-up;***

Or. en

**Amendment 26**

**Dita Charanzová**

**Draft opinion**

**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

**4 a. Stresses the need to ensure that audiovisual media content is able to be transmitted at the speed and quality foreseen by its creators and distributors; opposes any attempts to limit the principle of net neutrality in this regard, by which audiovisual media content would be treated differently than other data transfers; asks for this to be reflected in any revision of the AVMSD;**

Or. en

**Amendment 27**  
**Biljana Borzan**

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

*Draft opinion*

*Amendment*

**4 a. Is of the opinion that the current EU self-regulatory approach to marketing food and drinks to children is not effective as there are too many loopholes, the enforcement is patchy and marketing techniques are quickly evolving beyond its scope;**

Or. en

**Amendment 28**  
**Morten Løkkegaard**

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

*Draft opinion*

*Amendment*

**4 a. Recognises that implementation of the provisions foreseen in the AVMSD can sometimes be disproportionate, to the detriment of a healthy European audiovisual media environment and undermine the single market;**

**Amendment 29**  
**Morten Løkkegaard**

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

*Draft opinion*

*Amendment*

***4 b. Underlines that European works quotas diverging from the directive or national sub-quotas, additional investment requirements and complex financial contribution obligations create significant compliance costs for service providers and undermine the integrity of the single market;***

Or. en

**Amendment 30**  
**Marc Angel, Leszek Miller, René Repasi, Christel Schaldemose, Adriana Maldonado López, Maria Grapini**

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

*Draft opinion*

*Amendment*

***4 b. Notes that the different levels of consumer protection with regards to commercial communications create an unfair-level playing field between audiovisual media services and video sharing platforms, which is detrimental to consumer protection and this issue should be addressed;***

Or. en

**Amendment 31**  
**Biljana Borzan**

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

*Draft opinion*

*Amendment*

**4 b. Calls for the adoption of legislation to improve public health, prevent non-communicable diseases and promote children's rights by effectively protecting minors from the harmful impact of the widespread, ubiquitous and insidious marketing of nutritionally poor food;**

Or. en

**Amendment 32**

**Marc Angel, Leszek Miller, René Repasi, Christel Schaldemose, Adriana Maldonado López, Maria Grapini**

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

*Draft opinion*

*Amendment*

**4 c. Stresses that the free movement of services does not interfere with measures taken in accordance with Union law, in relation to the protection or promotion of cultural and linguistic diversity; welcomes the implementation of the required 30% quota obligation for European works in VOD catalogues which has had a positive impact on cultural diversity through greater exposure of the EU audience to European works and by offering more opportunities for European creation to reach viewers across the Digital Single Market; underlines at the same time that European works quotas diverging from the directive or national sub-quotas, additional investment requirements and complex financial contribution obligations create significant compliance costs for market operators and may undermine the integrity of the single market;**

**Amendment 33**  
**Morten Løkkegaard**

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

*Draft opinion*

*Amendment*

***4 c. Recalls that the Treaty and the AVMSD prohibit discriminatory restrictions on free movement of media services; is concerned by the implementation of the AVMSD in Hungary, which openly discriminates against the LGBT community and contravenes the free movement of and the fundamental rights enshrined in the Charter of Fundamental Rights of the European Union by seeking to ban or limit exposure to LGBT communities and issues in programming and advertising content;***

Or. en

**Amendment 34**  
**Biljana Borzan**

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

*Draft opinion*

*Amendment*

***4 c. Underlines that the EU has extensive competences to regulate all forms of cross-border marketing to improve the functioning of the internal market, whilst ensuring a high level of public health, consumer and children's rights protection;***

Or. en

## **Amendment 35**

**Marc Angel, Leszek Miller, René Repasi, Christel Schaldemose, Adriana Maldonado López, Maria Grapini**

### **Draft opinion**

#### **Paragraph 4 d (new)**

*Draft opinion*

*Amendment*

***4 d. Reminds that streaming is a decisive form of accessing media in the internal market, in particular considering the converging online media environment, where boundaries between audiovisual, music or audio based services are blurring; calls on the Commission and the Member States to further elaborate on the possible application of the AVMSD rules on European works at least regarding promotion, prominence, and discoverability to music streaming services;***

Or. en

## **Amendment 36**

**Marc Angel, Leszek Miller, René Repasi, Christel Schaldemose, Adriana Maldonado López, Maria Grapini**

### **Draft opinion**

#### **Paragraph 4 e (new)**

*Draft opinion*

*Amendment*

***4 e. Notes the provision protecting the integrity of the broadcasting signal and the provision recognising the ability of Member States to promote the prominence of audiovisual media services of general interest; highlights the need to ensure proper implementation of these provisions; regrets that only very few Member States have taken measures to promote the prominence of general interest audiovisual media services; encourages Member States to adopt comprehensive and effective rules to protect the integrity of the broadcasting***

*signal on all relevant online platforms  
and user interfaces used to access  
audiovisual media services;*

Or. en

**Amendment 37**

**Marc Angel, Leszek Miller, René Repasi, Christel Schaldemose, Adriana Maldonado López, Maria Grapini**

**Draft opinion**

**Paragraph 4 f (new)**

*Draft opinion*

*Amendment*

*4 f. Notes the opportunities offered by the major non-EU based VOD services to European audiovisual creators and producers; calls on the Commission to look into the impact on the entire value chain in European cultural and creative sector and on how these platforms comply with the internal market rules of the Union;*

Or. en

**Amendment 38**

**Marc Angel, Leszek Miller, René Repasi, Maria Grapini**

**Draft opinion**

**Paragraph 4 g (new)**

*Draft opinion*

*Amendment*

*4 g. Calls on the Commission to monitor and propose ways to remove unjustified and ineffective geo-blocking and to strive to build a harmonised digital single market; regrets that certain obstacles still persist, particularly in the provision of audiovisual services and content;*

Or. en

**Amendment 39**  
**Markus Buchheit, Virginie Joron**

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

*Draft opinion*

5. Highlights the importance of a well functioning internal media market; underlines that the proposed European media freedom act *aims to further enhance cooperation between the national regulators by establishing a European media board; stresses that independence and adequate resources must be guaranteed in order to fulfil these new responsibilities; insists on the importance of avoiding overlaps between the two instruments in order to preserve their effectiveness.*

*Amendment*

5. Highlights the importance of a well functioning internal media market; underlines that the proposed European media freedom act *is a political appropriation of the media by the Commission;*

Or. en

**Amendment 40**  
**Anne-Sophie Pelletier**

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

*Draft opinion*

5. Highlights the importance of a well functioning internal media market; underlines that the proposed European media freedom act aims to further enhance cooperation between the national regulators by establishing a European media board; stresses that independence and adequate resources must be guaranteed in order to fulfil these new responsibilities; insists on the importance of avoiding overlaps between the two instruments in order to preserve their effectiveness.

*Amendment*

5. Highlights the importance of a well functioning internal media market *with a high level of consumer protection;* underlines that the proposed European media freedom act aims to further enhance cooperation between the national regulators by establishing a European media board; stresses that independence and adequate resources must be guaranteed in order to fulfil these new responsibilities; insists on the importance of avoiding overlaps between the two instruments in order to preserve their effectiveness;

**Amendment 41****Marcel Kolaja**

on behalf of the Verts/ALE Group

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

5. Highlights the importance of a well functioning internal media market; ***underlines that*** the proposed European media freedom act ***aims*** to further enhance cooperation between the national regulators by establishing a European media board; stresses that independence and adequate resources must be guaranteed in order to fulfil these new responsibilities; insists on the importance of avoiding overlaps between the two instruments in order to preserve their effectiveness.

*Amendment*

5. Highlights the importance of a well functioning internal media market; ***welcomes*** the proposed European media freedom act ***aiming*** to further enhance cooperation between the national regulators by establishing a European media board; stresses that independence and adequate ***financial and human*** resources must be guaranteed in order to fulfil these new responsibilities; insists on the importance of avoiding overlaps between the two instruments in order to preserve their effectiveness;

Or. en

**Amendment 42****Dita Charanzová****Draft opinion****Paragraph 5 a (new)***Draft opinion**Amendment*

***5 a. Recalls that cross-border access to goods and services online should be without any barriers or discrimination for European consumers, regardless of their location, residence or nationality; notes the importance to ensure consistency between the AVMSD and the Geo-blocking Regulation; points out that the Commission Report on the first short-term review of the Geo-blocking Regulation<sup>1a</sup> states that on audiovisual content, in***

*particular, the Commission would engage in a dialogue with stakeholders with a view to fostering circulation of quality content across the EU; notes the inclusion of this dialogue as Action 7 within the Media and Audiovisual Action Plan<sup>1b</sup>; reminds the Commission of its commitment to complete this stock-taking exercise by the end of 2022 and for the Commission to consider proposing amendments to extend the scope of the Geo-blocking Regulation and potential other follow-up measures; ask the Commission to present the outcome of this stakeholder dialogue to the Parliament and to propose amendments to the Geo-blocking Regulation;*

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<sup>1a</sup> <https://ec.europa.eu/digital-single-market/en/news/commission-publishes-its-short-term-review-geo-blocking-regulation>

<sup>1b</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0784&from=EN>

Or. en

**Amendment 43**  
**Morten Løkkegaard**

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

*Draft opinion*

*Amendment*

**5 a.** *Encourages Member States, based on Article 7a in the revised AVMSD, to ensure that media service providers, including media service providers of on-demand audiovisual media service, prioritise the prominence of public service media content when relevant; in this regard, asks the Commission to evaluate how Member States are implementing Article 7a; furthermore, calls on the Commission to present guidelines for how*

*media service providers can ensure prominence of public service media content;*

Or. en

**Amendment 44**  
**Geoffroy Didier, Marion Walsmann**

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

*Draft opinion*

*Amendment*

*5 a. Stresses the importance of protecting and promoting consumer choice through cultural diversity, which is inherent to the identity of the European Union and its citizens, and which constitutes an essential pillar of the single market;*

Or. en

**Amendment 45**  
**Geoffroy Didier, Marion Walsmann**

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

*Draft opinion*

*Amendment*

*5 b. Considers that the free movement of services should be ensured together with the protection of cultural diversity; welcomes the smooth and effective implementation of the required 30% quota obligation for European works in VOD catalogues which has had a positive impact on cultural diversity and on consumer choice through greater exposure of the EU audience to European works and by offering more opportunities for European creation to reach viewers across the EU; also welcomes the introduction by some Member States of*

*investment obligations requiring VOD service providers to reinvest part of their revenues earned in the country, thus maintaining a steady and diverse industrial audiovisual ecosystem in these countries; underlines that the UK is a country where many non-EU countries shoot their works, notably thanks to a strong tax rebate policy; underlines as well that considering the current state of law, many US-UK coproductions are qualified as European productions; stresses finally that many US studio films shot in the UK studios with the help of a service provider are qualified as European depriving the Article 13(1) 30% quota of its meaning;*

Or. en

**Amendment 46**  
**Dita Charanzová**

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

*Draft opinion*

*Amendment*

**5 b. *Highlights the importance, when implementing the Audiovisual Media Service Directive, of the interlink between this Directive and the recently adopted Digital Services Act to ensure an high level of protection for consumers and a coherent and coordinated legislative framework across Member States;***

Or. en

**Amendment 47**  
**Geoffroy Didier, Marion Walsmann**

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

*Draft opinion*

*Amendment*

**5 c. Stresses the need to support SMEs, which are necessary for the proper functioning of the audiovisual sector and for a diverse offer to the benefit of the EU audience;**

Or. en

**Amendment 48**  
**Geoffroy Didier, Marion Walsmann**

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

*Draft opinion*

*Amendment*

**5 d. Recalls that it is necessary to ensure consistency between AVMS directive and Regulation (EU) 2018/302 on unjustified geo-blocking, considering that the scope of this regulation does not cover audiovisual content; underlines that consumers benefit from cross-border access to their cultural content, in particular thanks to the portability regulation<sup>1a</sup>, which already facilitates access to content during temporary cross-border stays;**

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<sup>1a</sup> Regulation (EU) 2017/1128

Or. en

**Amendment 49**  
**Geoffroy Didier**

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

*Draft opinion*

*Amendment*

**5 e. Highlights the importance to ensure that audiovisual media service**

*providers' content is protected against any modifications made without their consent;*

Or. en

**Amendment 50**  
**Geoffroy Didier**

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

*Draft opinion*

*Amendment*

***5 f. Notes that different levels of consumer protection with regards to commercial communications exist in different environments; underlines that this creates an un-even level playing field between audiovisual media services and video sharing platforms which is detrimental to consumer protection and sustained investments in news and audiovisual content; underlines that the AVMSD is largely responsible for this regulatory asymmetry and that the AVMSD revision should raise the requirements of consumer protection for video sharing platforms;***

Or. en

**Amendment 51**  
**Geoffroy Didier**

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

*Draft opinion*

*Amendment*

***5 g. Notes that to the detriment of consumer choice, video sharing platforms do not invest in creative and journalistic content, yet extract a large and increasing share of advertising revenues, due to the lack of equivalent rules applying to them;***

**Amendment 52**  
**Geoffroy Didier**

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

*Draft opinion*

*Amendment*

**5 h. Highlights that audiovisual media service providers are subject to strict rules to protect viewers from harmful content under Articles 6 and 6a of the AVMSD, as opposed to video sharing platforms, which are only subject to a lighter regime via Article 28b; underlines that the revised AVMSD should raise the requirements of consumer protection for video sharing platforms;**

Or. en

**Amendment 53**  
**Geoffroy Didier**

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

*Draft opinion*

*Amendment*

**5 i. Stresses that the revised AVMSD should insist on the responsibility of audiovisual media service providers and video sharing platforms to strive for the prevention and reduction of disinformation;**

Or. en

**Amendment 54**  
**Geoffroy Didier**

**Draft opinion**

**Paragraph 5 j (new)**

*Draft opinion*

*Amendment*

**5 j.** *Stresses that new provisions should be included on the role that audiovisual media services, including non-linear services, and video sharing platforms should play in raising awareness (through public service announcements and other initiatives) of legitimate public interest objectives, such as climate change, energy transition, societal issues, prevention of hate speech and bullying, media and information literacy, and equal representation of women;*

Or. en

**Amendment 55**

**Geoffroy Didier, Marion Walsmann**

**Draft opinion**

**Paragraph 5 k (new)**

*Draft opinion*

*Amendment*

**5 k.** *Considers the interplay between the Digital Services Act and other sector specific legislation remains unclear; calls on the Commission to provide guidance on the interplay between the Digital Services Act and the AVMSD;*

Or. en

**Amendment 56**

**Geoffroy Didier, Marion Walsmann**

**Draft opinion**

**Paragraph 5 l (new)**

*Draft opinion*

*Amendment*

**5 l.** *Recalls that sectoral laws remain*

*the core part of the regulatory framework for the media in the Union and calls to confirm and respect the basic principle that sectorial law shall prevail over horizontal law;*

Or. en

**Amendment 57**  
**Geoffroy Didier**

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

*Draft opinion*

*Amendment*

**5 m.** *Considers that the upcoming European Media Freedom Act should also address the challenges of the platform economy for the media sector; calls, in particular, for the adoption of procedural safeguards so that media service providers are duly informed and able to challenge the suspension or meddling with their content and services before online platforms implement their decisions;*

Or. en

**Amendment 58**  
**Geoffroy Didier**

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

*Draft opinion*

*Amendment*

**5 n.** *Highlights the need to ensure proper implementation of new provisions protecting the integrity of the broadcasting signal (Article 7b) and on the ability of Member States to promote the prominence of general interest audiovisual media services (Article 7a), considering the key role that gatekeeping*

*devices and platforms play for the way in which citizens access, discover and find audiovisual media services online;*

Or. en

**Amendment 59**  
**Geoffroy Didier**

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

*Draft opinion*

*Amendment*

***5 o. Encourages Member States to adopt comprehensive and effective rules in accordance with Article 7b to protect the integrity of the broadcasting signal on all relevant online platforms and user interfaces used to access audiovisual media services;***

Or. en

**Amendment 60**  
**Geoffroy Didier**

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

*Draft opinion*

*Amendment*

***5 p. Regrets that only very few Member States have yet transposed Article 7a of the revised AVMSD into national law and taken measures to promote the prominence of general interest audiovisual media services;***

Or. en

**Amendment 61**  
**Geoffroy Didier**

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

*Draft opinion*

*Amendment*

**5 q. Encourages Member States to transpose Article 7a into national law; highlights in this context that the AVMSD only provides for a minimum harmonisation allowing Members to take measures going beyond what is provided for in the AVMSD; calls therefore on Member States to adopt prominence regimes not only for audiovisual media services providers but also radio / audio services; further recalls that the Directive allows Member States to apply measures ensuring the prominence of general interest content and services to all relevant user interface and platform service providers providing their services to users in their territory;**

Or. en

**Amendment 62**  
**Geoffroy Didier**

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

*Draft opinion*

*Amendment*

**5 r. Calls for the revision of Article 7a from an enabling provision into an obligation; calls furthermore to task ERGA, with issuing guidance on the prominence of general interest audiovisual media services; believes that such a guidance, based on best practice examples, could provide concrete assistance to national authorities on how Article 7a could be implemented and help reducing the complexity of defining the different elements of sound and workable prominence regimes;**

Or. en

**Amendment 63**  
**Geoffroy Didier**

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

*Draft opinion*

*Amendment*

**5 t. Calls on the Commission to introduce an obligation to ensure that online platforms always attribute the content and services offered by a media service provider to its actual publisher by ensuring for example that the identity of media organizations is clearly visible through logos or other kinds of branding alongside their content;**

Or. en

**Amendment 64**  
**Geoffroy Didier**

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

*Draft opinion*

*Amendment*

**5 u. Recalls that, as underlined in European Commission's AVMSD guidelines published in 2020, "social media services need to be included" in the scope because "they compete for the same audiences and revenues as audiovisual media services; furthermore, they also have a considerable impact in that they facilitate the possibility for users to shape and influence the opinions of other users; therefore, in order to protect minors from harmful content and all citizens from incitement to hatred, violence and terrorism, those services should be covered by Directive 2010/13/EU";**

Or. en

**Amendment 65**  
**Geoffroy Didier, Marion Walsmann**

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

*Draft opinion*

*Amendment*

**5 v. *Highlights the importance of product placement by influencers or users of video sharing platforms in recent years; in this regard, calls for action to ensure more responsible influencer marketing and for Member States to develop a mandatory "Responsible Influencer Certificates" to educate and empower online content creators regarding their activities on video sharing platforms or social media services and enforce compliance with existing legislation on advertisement;***

Or. en

**Amendment 66**  
**Geoffroy Didier**

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

*Draft opinion*

*Amendment*

**5 w. *Underlines that all advertising, in whatever form, accessible through a video sharing platforms, must be clearly identifiable as such; it must clearly identify the natural or legal person on whose behalf it is carried out; stresses that product placement on video sharing platforms or social media services included on user-generated video or influencers video must be systematically and clearly preceded by the mention "This video contains product placement" in order to inform and better protect consumers;***

