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Committee on Industry, Research and Energy

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OPINION

of the Committee on Industry, Research and Energy

for the Committee on Culture and Education

on the proposal for a directive of the European Parliament and of the Council amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (COM(2005)0646 – C6-0443/2005 – 2005/0260(COD))

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SHORT JUSTIFICATION

- The directive that we are called upon to discuss and approve updates the 1999 Directive 89/552/EEC, the object of which was to enable television broadcasts to be freely disseminated to all parts of the EEC.
- What has changed since that time is that technological advances have greatly increased the number of platforms through which audiovisual content can be transmitted and received. Above all, however, they have fundamentally altered the distinctive features of the business model applying in the audiovisual sector. The seller's market, as it once was, has gradually turned to a consumer's market; having once been passive recipients of a supply determined de facto solely by the distributor, consumers have come to occupy a position – and, most importantly, will do so more and more in the future – in which they alone can decide what they will consume.
- One factor already brought into play by this new economic model and – it should be stressed – certain to become even more decisive in the future is the radical change regarding the sources of funding for the audiovisual industry where both production and distribution are concerned. The two traditional forms of financing, in other words licence fees and advertising revenue, have increasingly been losing ground to a payment system determined according to the nature and quality of the audiovisual service that users require. The economic importance of this industrial sector is therefore likely to grow steadily and substantially, and, of course, global competition will become keener.
- The above scenario accordingly makes it even more necessary and imperative to complete a genuine single European market on a scale enabling it to compete with the expanding Indian, Latin American, and Chinese markets, as well as with the American market, and to operate beyond language barriers or the many and varied forms of national regulation. Secondly, the necessary rules need to be laid down in order to keep pace with, support, and foster ongoing technological development, bearing in mind not least that, in future, consumer interests will be accommodated to an ever greater degree by the breadth of choice offered by technology as such.
- It should also be recognised, however, that the particular nature of the product in question – audiovisual services – poses specific problems related to some extent to the still very marked diversity of feeling within national societies as well as the need to respect a value, cultural identity, protection of which is an essential defining characteristic of the 'European model'.
- It is important to bear in mind in addition that, contrary to what happened in 1989, the Union has decided to centre its policy strategy on a leading geopolitical and geo-economic role to be defined as the global economy develops: this is the 'Lisbon strategy, adopted in 2000, the aim of which is that, by 2010, the Union should become *'the most dynamic and competitive knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion, and respect for the environment'*.

In view of the above it is obvious that the future of the economic sector to which the directive relates will be crucial to the success of this strategy. A regulatory framework thus needs to be laid down, proceeding from the imperative, applying also to other Union policy goals, of enabling European industry to hold its own at global level against competitors from other parts of the world. The revision of Directive 89/552/EEC will need to move in that direction and hence be couched in

terms serving to reconcile the interests of the public as a whole, consumers, and the industry. Indeed, the approach to be adopted should seek to bring these various interests into a synergic relationship.

- From that point of view the Commission's proposed text constitutes a substantial advance in the desired direction and should consequently be approved by Parliament, which should reject the alternatives of either continuing the approach based on the existing regulatory framework (the Television without Frontiers Directive for 'linear services' only and the E-Commerce Directive for non-linear services) or amending specific rules governing linear services.
- Defining 'audiovisual media services' is an aim that can be endorsed, although the scope of 'non-linear media services' ought to be marked out more exactly so as to enable a clearer distinction to be drawn between services and media services. Some fear – rightly – that if the scope were defined too sweepingly, Europe might be less able to explore new ways of communicating new products. The amendments which we are proposing in this opinion should be viewed as a means to the end described above.
- Our amendments likewise aim to strengthen the fabric of the European industry, especially where content production is concerned, so as to enable it to compete not just with American rivals, but also with rivals in the making from India, Latin America, and Japan.

There has to be a proper system for administering rights to exploit audiovisual content, which should serve to consolidate an independent content production industry. This general context ought, therefore, to be taken into account in the appropriate quarters, and the aims of the directive under consideration here should be dovetailed into it.

The same philosophy also militates in favour of proper regulation of 'product placement' and non-punitive rules to govern advertising as a whole, bearing in mind that if consumers have a wider choice, the industry will be compelled to steer clear of options contrary to their interests, given that variety will encourage consumers to opt for products that they consider better and more to their taste. This change in users' needs and expectations reduces the need for supervision by the public authorities.

- Finally, we should like to make out a case for self-regulation, even in addition to co-regulation. We are aware that the possibility of legislating in this direction is greatly limited by the *Interinstitutional Agreement on Better Law-making*, adopted on 31 December 2001. However, technological change, as it affects market rules, is so rapid that appropriate regulation is required in order to accommodate the need to safeguard values and aims of general interest while guaranteeing the necessary flexibility and competitiveness for European industry.

AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission ¹	Amendments by Parliament
Amendment 1 RECITAL 1	
(1) Directive 89/552/EEC coordinates certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of broadcasting activities. However, new technologies in the transmission of audiovisual media services call for adaptation of the regulatory framework to take account of the impact of structural change and technological developments on business models, especially the financing of commercial broadcasting, and to ensure optimal conditions of competitiveness for Europe's information technologies and its media industries and services.	(1) Directive 89/552/EEC coordinates certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of broadcasting activities. However, new technologies in the transmission of audiovisual media services call for adaptation of the regulatory framework to take account of the impact of structural change, <i>the diffusion of information and communication technologies (ICT)</i> and technological developments on business models, especially the financing of commercial broadcasting, and to ensure optimal conditions of competitiveness for Europe's information technologies and its media industries and services.
Justification	
<i>The diffusion of information and communication technologies has had a major impact on societal and economic structures. In particular, their diffusion has triggered further technological developments that have changed the structures and the function of numerous business models.</i>	
Amendment 2 RECITAL 2 A (new)	
<i>(2a) Media freedom and pluralism are prerequisites for full respect for the right to</i>	

¹ Not yet published in OJ.

freedom of expression and information and the case-law of the European Court of Human Rights recognises that states have a duty to protect media pluralism and, where necessary, take suitable measures to guarantee it.

Justification

The amendment is based on the principle that the media are both cultural and economic goods and the directive should, therefore, take account of both aspects, as does the relevant current legislation.

Amendment 3

RECITAL 3

(3) The importance of audiovisual media services for societies, democracy and culture ***justifies*** the application ***of specific rules*** to these services.

(3) The importance of audiovisual media services ***and the content they convey*** for societies, democracy, ***education*** and culture ***and the very nature of audiovisual services, which are at the same time cultural and economic goods,*** ***justify*** the application to these services ***of specific rules aimed above all at safeguarding and enhancing pluralism in the information media in all their various forms, in order to uphold, in particular, the fundamental freedoms and rights enshrined in the Charter of Fundamental Rights of the European Union, the European Convention on the Protection of Human Rights and Fundamental Freedoms and the United Nations Covenant on Civil and Political Liberties and to guarantee the protection of minors and vulnerable or disabled people. Furthermore, the media should provide citizens with the means of critically appraising and interpreting reality and making better use of the ever-increasing amount of information which they are offered, as confirmed in Recommendation 1466(2000) of the Council of Europe. Moreover, once such services are properly regulated, citizens should be able to choose the most appropriate media and type of communication, and thus acquire the means of fully exercising their right to freedom of information and expression.***

Justification

Audiovisual services should be considered in terms of both their market value and their cultural value.

Amendment 4

RECITAL 4

(4) Traditional audiovisual media services and emerging on-demand services offer significant employment opportunities in the Community, particularly in small and medium-sized enterprises, and stimulate economic growth and investment.

(4) Traditional audiovisual media services and emerging on-demand services offer significant employment opportunities in the Community, particularly in small and medium-sized enterprises, and stimulate economic growth and investment, ***improving living conditions and thereby strengthening the competitiveness of European enterprises. Facilitating technical access for all, particularly vulnerable population groups such as disabled persons and the elderly, to audiovisual services will help to make the sector dynamic and competitive. Supporting firms which recognise this will serve not only the objective of inclusiveness but also that of promoting research and employment.***

Justification

The creation of jobs and the availability of significant employment opportunities are a factor of paramount importance for boosting the industrial sector in Europe. The promotion of growth and productivity in all industrial sectors is one of the most important goals of the European Community.

Amendment 5

RECITAL 5

(5) Legal uncertainty and a non-level playing field exist for European companies delivering audiovisual media services as regards the legal regime governing emerging on-demand services, it is therefore necessary, both to avoid distortions of competition and to improve legal certainty, to apply at least a basic tier of coordinated rules to all audiovisual media services.

(5) Legal uncertainty and a non-level playing field exist for European companies delivering audiovisual media services as regards the legal regime governing emerging on-demand services, it is therefore necessary, both to avoid distortions of competition and to improve legal certainty, to apply at least a basic tier of coordinated rules to all audiovisual media services, ***both linear and non***

linear, in order to help complete the internal market and to facilitate the emergence of a single information area.

Amendment 6
RECITAL 6

(6) The Commission has adopted a Communication on the future of European regulatory audiovisual policy, in which it stresses that regulatory policy in the sector has to safeguard certain public interests, such as cultural diversity, the right to information, the protection of minors *and* consumer protection, now and in the future.

(6) The Commission has adopted a Communication on the future of European regulatory audiovisual policy, in which it stresses that regulatory policy in the sector has to safeguard certain public interests, such as cultural diversity, the right to information, *the need for media pluralism*, the protection of minors, consumer protection *and action to enhance public awareness and media skills and the principle of universal access for all sectors of the public, including the most disadvantaged*, now and in the future.

Amendment 7
RECITAL 6 A (new)

(6a) During the Lisbon European Council held on 23 and 24 March 2000, the European Union launched an ambitious agenda with the aim of making Europe by the year 2010 “the most dynamic and competitive knowledge-based economy in the world”. The Lisbon Strategy was relaunched in 2005 during the mid-term review as an essential component for improving welfare, promoting competition and fostering productivity in the European Union. To that end, and within the context of the Lisbon Strategy, it is necessary to focus on policies which will have a sound impact on completion of the internal market, the reduction of barriers to competition and the uptake of information and communication technologies, with a view to mapping out a path towards a competitive knowledge-based economy.

Justification

The Lisbon strategy has been the major action tool of the EU for boosting the competitiveness of European enterprises and improving welfare and living conditions. It forms the basis for the promotion of the productivity of European industry and the European broadcasting industry is a part of it.

Amendment 8
RECITAL 6 B (new)

(6b) Promoting the competitiveness of European industry, of which the audiovisual sector forms an important part, is crucial to attaining the policy goals of the Lisbon Strategy. Therefore, in order to strengthen the competitiveness of the audiovisual sector, adequate means of financing should be promoted within the appropriate regulatory framework.

Justification

An addition to Mr De Michelis' amendment number 6. In order to be competitive, audiovisual media services should not be overburdened with regulation.

Amendment 9
RECITAL 6 C (new)

(6c) The country of origin principle is crucial to the emergence of a pan-European audiovisual market with a strong industry producing European content. Moreover, the principle safeguards the viewer's rights to choose from a wide variety of European programmes.

Amendment 10
RECITAL 6 D (new)

(6d) The Lisbon Strategy, which is designed to promote a competitive knowledge-based economy, requires sustained investment in the sector's infrastructure and the introduction of innovative new information and communication technologies, together with the necessary research, in order to develop, within the European market, a thriving and highly productive broadcasting industry (of which

audiovisual services are an important component).

Amendment 11
RECITAL 6 E (new)

(6e) A strong European industry, including the traditional and emerging audiovisual sectors, properly regulated and supported by strong investments and successful ICTs, will contribute to the attainment of the Lisbon Strategy objective of making the European Union the most competitive and dynamic economy by 2010. The present rules need to strike the right regulatory balance in the Union's competitive environment, essential to giving confidence to firms that provide investments and create jobs.

Amendment 12
RECITAL 6 F (new)

(6f) The creation of a strong, competitive European industry was one of the major goals set in the Lisbon Strategy. To that end, productivity and technological leadership in all sectors of the economy, including the audiovisual sector, can be achieved through strong investments, research and powerful information. The use of ICT in a competitive environment will strike the right regulatory balance, so as to build confidence for consumers and for job-creating enterprises and to complete the internal market.

Amendment 13
RECITAL 6 G (new)

(6g) In the context of the Lisbon Strategy, it is important to take into account the development of European content production by drawing up a policy framework relating, in particular, to the ownership and exploitation of rights which

seeks to strike a balance between the requirements of disseminating and distributing content and the need to protect the prerogatives of copyright holders.

Amendment 14
RECITAL 6 H (new)

(6h) Within the context of the Lisbon Strategy, it is important to take into account the development of European content production by drawing up a policy framework with regard, in particular, to the ownership and exploitation of rights.

Justification

With the general objective of promoting European industry and the European audiovisual industry, attention should be given also to European content producers. A framework should be drawn up to deal with rights, as the dominance of the distributors in this respect is detrimental.

Amendment 15
RECITAL 7

(7) The Commission has adopted the initiative “i2010: European Information Society” to foster growth and jobs in the information society and media industries. i2010 is a comprehensive strategy designed to encourage the development of the digital economy, against the background of the convergence of information and media services, networks and devices, by modernising and deploying all EU policy instruments: regulatory instruments, research and partnerships with industry. The Commission has committed itself to creating a consistent internal market framework for the information society and media services by modernising the legal framework for audiovisual services, starting with a Commission proposal in 2005 to modernise the Television without Frontiers Directive.

(7) The Commission has adopted the initiative “i2010: European Information Society” to foster growth and jobs in the information society and media industries. i2010 is a comprehensive strategy designed to encourage **European content production**, the development of the digital economy **and the uptake of ICT**, against the background of the convergence of information and media services, networks and devices, by modernising and deploying all EU policy instruments: regulatory instruments, research and partnerships with industry. The Commission has committed itself to creating a consistent internal market framework for the information society and media services by modernising the legal framework for audiovisual services, starting with a Commission proposal in 2005 to modernise the Television without Frontiers Directive.

Justification

The deployment of the digital economy and the realisation of the information society can only be effectuated through the uptake of information and communication technologies.

Amendment 16 RECITAL 10

(10) ***Because of the introduction of a*** minimum set of harmonised obligations in Articles 3c to 3h ***and in the areas harmonised in this Directive Member States can no longer derogate from the country of origin principle with regard to protection of minors and fight against any incitement to hatred on grounds of race, sex, religion or nationality, and violation of human dignity concerning individual persons or protection of consumers as provided in Article 3(4) of Directive 2000/31/EC of the European Parliament and the Council.***

(10) ***This directive introduces*** a minimum set of harmonised obligations in Articles 3c to 3h ***for all audiovisual media services relating to the protection of minors, human dignity and consumers. The provisions of Directive 2000/31/EC, notably those relating to the country of origin principle, the obligation to provide information and the rules governing responsibility (liability exemptions), also apply. In addition, the Member States still have the right to take measures on grounds of public policy pursuant to Article 3(3) to (5) of Directive 2000/31/EC.***

Justification

The recitals should make it clear that the Member States retain the power to take measures under Article 3(3) to (5) of Directive 2000/31/EC of the European Parliament and the Council (eCommerce Directive) on grounds of public policy.

Amendment 17 RECITAL 11

(11) Directive 2002/21/EC of the European Parliament and the Council according to its Article 1(3) is without prejudice to measures taken at Community or national level, to pursue general interest objectives, in particular relating to content regulation and audiovisual policy.

(11) Directive 2002/21/EC of the European Parliament and the Council ***(a framework directive) established a uniform legal framework for all transmission networks and services, but*** according to its Article 1(3) ***it*** is without prejudice to measures taken at Community or national level, to pursue general interest objectives, in particular relating to content regulation and audiovisual policy. ***This is in line with the principle of technological neutrality, which justifies a separation between transmission regulation and content regulation.***

Justification

The principle of technological neutrality allows complete freedom in the development of transmission technologies falling within the appropriate standards and rules and also makes it possible to apply a coherent framework to content regulation.

Amendment 18 RECITAL 13

(13) The definition of audiovisual media services covers all audiovisual mass-media services, whether scheduled or on-demand. However, its scope is limited to services as defined by the Treaty and therefore covers any form of economic activity, including that of public service enterprises, but does not cover **non-economic** activities, such as purely private websites.

(13) The definition of audiovisual media services covers all audiovisual mass-media services, whether scheduled or on-demand. However, its scope is limited to services as defined by the Treaty and therefore covers any form of economic activity, including that of public service enterprises, but does not cover activities ***which are primarily non-economic***, such as purely private websites, ***the distribution and exchange of audiovisual material for the expression of personal opinions and services which distribute audiovisual content produced by users for exchange within communities of interest or other non-linear services which do not have a clear impact on a significant number of members of the public.***

Justification

Clarification would help reassure users about the fact that the Directive will not change the way in which they exploit the creative potential of the Internet, including online audiovisual material, subject only to respecting criminal law.

Amendment 19 RECITAL 14

(14) The definition of audiovisual media services covers mass media in their function to inform, entertain and educate, but excludes any form of private correspondence, such as e-mails sent to a limited number of recipients. The definition also excludes all services not intended for the distribution of audiovisual content, i.e. where any audiovisual content is merely incidental to the service and not its principal purpose. Examples include websites that contain audiovisual elements only in an

(14) The definition of audiovisual media services covers mass media in their function to inform, entertain and educate ***the general public***, but excludes any form of private correspondence, such as e-mails sent to a limited number of recipients. The definition also excludes all services not intended for the distribution of audiovisual content, i.e. where any audiovisual content is merely incidental to the service and not its principal purpose. Examples include websites that contain audiovisual elements only in an

ancillary manner; such as animated graphical elements, small advertising spots or information related to a product or non-audiovisual service.

ancillary manner; such as animated graphical elements, small advertising spots or information related to a product or non-audiovisual service.

Justification

One of the main features of the services described in this directive, mentioned also in the definition, is transmission to the general public.

Amendment 20
RECITAL 15

(15) This Directive does not cover electronic versions of newspapers **and** magazines.

(15) This Directive does not cover electronic versions of newspapers, magazines, ***periodicals, journals or books when the visual content is largely static.***

Justification

Clarification.

Amendment 21
RECITAL 16

(16) **The** term “audiovisual” refers to moving images with or without sound, so includes silent films but does not cover audio transmission or radio.

(16) ***For the purposes of this Directive, the*** term “audiovisual” refers to moving images with or without sound, so includes silent films but does not cover audio transmission or radio.

Justification

A clarification since the term "audiovisual" includes radio in other legal acts, such as the classification of services in the WTO/GATS.

Amendment 22
RECITAL 16 A (new)

(16a) An audiovisual media service consists of programmes, a programme being a discrete succession of moving images with or without sound which are subject to editorial responsibility and are disseminated by a media service provider in accordance with a fixed programme schedule or are compiled in a catalogue.

Justification

Amendment clarifying an audiovisual media service.

Amendment 23
RECITAL 17 A (new)

(17a) The criteria laid down in the definition of audiovisual media services, as contained in point (a) of Article 1 of Directive 89/552/EEC, as hereby amended, and explained further in recitals 13 to 17 of this Directive, must be simultaneously fulfilled.

Justification

It is important to point out and emphasise that the criteria presented by the Commission in recitals 13 to 17 have to be fulfilled simultaneously

Amendment 24
RECITAL 19 A (new)

(19a) To promote a strong, competitive and integrated European audiovisual industry and enhance media pluralism throughout the European Union, it remains essential that only one Member State has jurisdiction over any audiovisual media service provider.

Justification

To strengthen the country of origin principle and specifically to reinforce the current definitions of establishment and jurisdiction which have worked effectively in facilitating trans-frontier European broadcasting to date.

Amendment 25
RECITAL 19 B (new)

(19b) Given that the pluralism of information is a fundamental principle of the European Union, Member States should prevent any dominant position from emerging which would undermine this principle and should guarantee freedom of information by means of suitable

provisions to ensure non-discriminatory access to audiovisual media services which are in the public interest.

Justification

Respect for pluralism of information must be reflected in appropriate provisions such as the 'must carry' rules.

Amendment 26
RECITAL 21 A (new)

(21a) The definition of the term 'standard consumer equipment' should include functionalities to ensure that audiovisual media services are accessible to people with disabilities and the elderly. The features ensuring the accessibility of such services should include, inter alia, sign language, subtitling, audio description of images, audio subtitling and a menu guide which is easy to operate and understand.

Justification

The definition of standard consumer equipment should take account of the requirement for media accessibility for people with disabilities and the elderly.

Amendment 27
RECITAL 24

(24) Under this Directive, notwithstanding the application of the country of origin principle, Member States may still take measures that restrict the freedom of movement of ***television broadcasting***, but only under certain conditions listed in Article 2a of this Directive and following the procedure laid down in this Directive. However, the European Court of Justice has consistently held that any restriction of the freedom to provide services, such as any derogation from a fundamental principle of the Treaty, must be interpreted restrictively.

(24) Under this Directive, notwithstanding the application of the country of origin principle, Member States may still take measures that restrict the freedom of movement of ***audiovisual media services***, but only under certain conditions listed in Article 2a of this Directive and following the procedure laid down in this Directive. However, the European Court of Justice has consistently held that any restriction of the freedom to provide services, such as any derogation from a fundamental principle of the Treaty, must be interpreted restrictively.

Justification

Article 2a should cover all audiovisual media services.

Amendment 28
RECITAL 25

(25) In its Communication to the Council and the European Parliament on Better Regulation for Growth and Jobs in the European Union the Commission stressed that a careful analysis on the appropriate regulatory approach, in particular whether legislation is preferable for the relevant sector and problem, or whether alternatives such as co-regulation or self regulation should be considered. For co-regulation and self-regulation, the Interinstitutional Agreement on Better Law-making provides agreed definitions, criteria and procedures. Experience showed that co- and self-regulation instruments implemented in accordance with different legal traditions of Member States can play an important role in delivering a high level of consumer protection.

(25) In its Communication to the Council and the European Parliament on Better Regulation for Growth and Jobs in the European Union the Commission stressed that a careful analysis on the appropriate regulatory approach, in particular whether legislation is preferable for the relevant sector and problem, or whether alternatives such as co-regulation or self regulation should be considered. For co-regulation and self-regulation, the Interinstitutional Agreement on Better Law-making provides agreed definitions, criteria and procedures. Experience showed that co- and self-regulation instruments implemented in accordance with different legal traditions of Member States can play an important role in delivering a high level of consumer protection.

Measures aimed at achieving public interest objectives in the emerging audiovisual media services sector will be more effective if they are taken with the active support of the service providers themselves. Member States could thus make more extensive use of transparent and widely used co-regulation mechanisms, in particular for non-linear services.

Co-regulation and self-regulation instruments should be used to give effect to this Directive and in accordance herewith, in compliance with Member States' legal traditions.

Justification

This amendment makes clear the complementarity between regulation stemming from the directive and applied in the Member States on the one hand and co- and self-regulation on the other.

Amendment 29
RECITAL 25 A (new)

(25a) Self-regulation is a type of voluntary initiative which allows economic operators, the social partners and non-governmental organisations or associations the possibility of adopting amongst themselves and for themselves common guidelines at European level. Self-regulation is an alternative method of fulfilling the existing provisions and cannot completely substitute the obligation of the legislature. Co-regulation can mean that compliance with the provisions of this Directive is entrusted to self-regulating bodies, without prejudice to the Member States' Treaty obligations.

Justification

The explanation of the concepts of 'co-regulation' and 'self-regulation' in the recitals is necessary in order to allow for the highest level possible of self-regulation in the European Community.

Amendment 30
RECITAL 25 B (new)

(25b) The pursuit of public interest objectives in the field of non-linear services will be more effective if carried out with the active support of the service providers themselves. Member States are encouraged to make extensive use of transparent and widely-shared self-regulatory and co-regulatory schemes.

Amendment 31
RECITAL 26

(26) Entertainment rights for events of public interest may be acquired by broadcasters on an exclusive basis. However, it is essential to promote pluralism through the diversity of news production and programming across the European Union and to respect the principles recognised by

(26) Entertainment rights for events of public interest may be acquired by broadcasters on an exclusive basis. However, it is essential to promote pluralism through the diversity of news production and programming across the European Union and to respect the principles recognised by

Article 11 of the Charter of Fundamental Rights of the European Union.

Article 11 of the Charter of Fundamental Rights of the European Union. *To this end, where Member States are permitted to draw up lists of events of substantial social interest which must not be broadcast on an exclusive basis, it is for the individual Member State to decide whether to draw up such a list, which events it regards as having substantial social interest, how the term ‘a substantial proportion of the public’ is defined and what type of reporting should be made available.*

Justification

It should remain at the discretion of the Member States what events they regard as having substantial social interest, how they define a substantial proportion of the public and what type of reporting is made available.

Amendment 32 RECITAL 27

(27) Therefore, in order to safeguard the fundamental freedom to receive information and to ensure that the interests of viewers in the European Union are fully and properly protected, those exercising exclusive rights concerning an event of public interest should grant other broadcasters and *intermediaries, where they are* acting on behalf of broadcasters, the right to use short extracts for the purposes of general news programming on fair, reasonable and non-discriminatory terms taking due account of exclusive rights. Such terms should be communicated in a timely manner before the event of public interest takes place to give others sufficient time to exercise such a right. As a general rule, such short extracts should not exceed 90 seconds.

(27) Therefore, in order to safeguard the fundamental freedom to receive information and to ensure that the interests of viewers in the European Union are fully and properly protected, those exercising exclusive rights concerning an event of public interest should, *on the reimbursement of reasonable costs*, grant other broadcasters and *news agencies*, acting on behalf of broadcasters, the right to use short extracts *only* for the purposes of general news programming on fair, reasonable and non-discriminatory terms taking due account of exclusive rights. Such terms should be communicated in a timely manner before the event of public interest takes place to give others sufficient time to exercise such a right. As a general rule, such short extracts should not:

- exceed 90 seconds,
- *be screened later than 48 hours after the event,*
- *be used to create a public entertainment archive,*
- *remove the logo or other identifier of the host broadcaster, or*
- *be used to create new non-linear services.*

Justification

Creating a pan-European short news right would address market failures where broadcasters are unable to obtain television short news footage of major public events taking place in other Member States for inclusion in their general news programming. Since it is important this right does not undermine investment in exclusive rights, the suggested additions to the Commission's proposed Recital 27 would therefore make it clear that material obtained under the short news right could only be used in general news programming in linear audiovisual media services (as defined in Article 1) under strictly limited circumstances. The proposed limitations, responding to the concerns of European sports bodies and others, would also prevent the repackaging of material obtained under the short news right for use in on-demand entertainment services. In addition it would ensure any marginal costs in making material available are covered. The amendment draws on, inter alia, Germany's Interstate Broadcasting Treaty.

Amendment 33 RECITAL 28

(28) Non-linear services are different from linear services with regard to choice ***and control*** the user ***can exercise and with regard to the impact they have on society***. This ***justifies*** imposing lighter regulation on non-linear services, which ***only*** have to comply with the basic rules provided for in Articles 3c to 3h.

(28) Non-linear services are different from linear services with regard to ***the degree of choice exercised by the user***. This ***may, in some cases, justify*** imposing lighter regulation on non-linear services, which, ***however***, have to comply with the basic rules provided for in Articles 3c to 3h.

Amendment 34 RECITAL 30

(30) In accordance with the principle of proportionality, the measures provided for in this Directive are strictly limited to the minimum needed to achieve the objective of the proper functioning of the internal market. Where action at Community level is necessary, and in order to guarantee an area which is truly without internal frontiers as far as audiovisual media services are concerned, the Directive must ensure a high level of protection of objectives of general interest, in particular the protection of minors and human dignity.

(30) In accordance with the principle of proportionality, the measures provided for in this Directive are strictly limited to the minimum needed to achieve the objective of the proper functioning of the internal market. Where action at Community level is necessary, and in order to guarantee an area which is truly without internal frontiers as far as audiovisual media services are concerned, the Directive must ensure a high level of protection of objectives of general interest, in particular the protection of minors, ***the rights of people with disabilities, especially those who have sight and hearing problems***, and human dignity.

Justification

The rights of people with disabilities and/or the elderly should be taken into account as well.

Amendment 35
RECITAL 33 A (new)

(33a) In order to reach an adequate level of protection of minors, the national regulatory authorities should determine time-zones for children and define the programmes aimed at children.

Justification

In the absence of a uniform EU-wide definition of "children" and "children's programmes" for the purposes of this directive, it is necessary that NRAs clearly define the time-zones where a higher level of protection rules should apply.

Amendment 36
RECITAL 35

(35) Non-linear audiovisual media services have the potential to partially replace linear services. Accordingly, they should where practicable promote the production and distribution of European works and thus actively contribute to the promotion of cultural diversity. It will be important to regularly re-examine the application of the provisions relating to the promotion of European works by audiovisual media services. Within the framework of the reports set out in Article 3f paragraph 3, Member States shall also take into account notably the financial contribution by such services to the production and rights acquisition of European works; the share of European works in the catalogue of audiovisual media services as well as in the effective users' consumption of European works proposed by such services.

(35) Non-linear audiovisual media services have the potential to partially replace linear services. Accordingly, they should where practicable promote the production and distribution of European works and thus actively contribute to the promotion of cultural diversity. ***Such promotion could take the form of increased support for investment conducive to European production, in particular independent production, in the form of a minimum contribution proportionate to turnover, and better visibility for those works by requiring catalogues to include a minimum share of European works or a reference promoting the works in electronic programme guides.*** It will be important to regularly re-examine the application of the provisions relating to the promotion of European works by audiovisual media services. Within the framework of the reports set out in Article 3f paragraph 3, Member States shall also take into account notably the financial contribution by such services to the production and rights acquisition of European works; the share of European works in the catalogue of audiovisual media services as well as in the effective users' consumption of European works proposed by such services. ***These reports will also***

assess the position of works by independent producers.

Justification

It is not enough simply to assert the need to promote cultural diversity; practical provisions need to be laid down.

Amendment 37
RECITAL 35 A (new)

(35a) Underlines that the differences between linear and non-linear services will gradually become less relevant to the audience as the development of digital services and hardware will make linear services accessible to viewers on direct demand. Against that background, it is important to secure that traditional broadcasters offering linear services are not financially disadvantaged compared with new broadcasters and media service providers using today's non-linear services. That would deter European broadcasters from producing European high-quality content and from developing global competitiveness. For the same reason it is important that European rules for financing programme-making do not deter new media service providers from developing in Europe. This calls for flexible, simple and general rules for linear services as well as for non-linear services with less importance being given to the different technological natures of media services.

Amendment 38
RECITAL 43 A (new)

(43a) Certain categories of programmes, such as those for minors, should be adequately protected by means of appropriate information on the content or effective filtering systems.

Justification

The directive should be able to guard against the use of audiovisual systems by minors, either by giving accurate information about programmes, so as to guide parents in their choices, or by suitable filtering systems, to allow proper protection of minors even in the absence of parental control.

Amendment 39

RECITAL 44

(44) *The limitation on the amount of daily advertising was largely theoretical. The hourly limit is more important since it also applies during prime time. Therefore the daily limit should be abolished, while the hourly limit should be maintained for advertising and teleshopping spots; also the quantitative restrictions on the time allowed for teleshopping or advertising channels seem no longer justified given increased consumer choice. However, the limit of 20% of advertising per clock hour remains applicable, except for more time consuming forms of advertising such as telepromotions and teleshopping windows that require more time on account of their inherent characteristics and method of presentation.* *deleted*

Amendment 40

RECITAL 45

(45) Surreptitious advertising is a practice prohibited by this Directive because of its negative effect on consumers. <i>The prohibition of surreptitious advertising does not cover legitimate product placement within the framework of this Directive.</i>	(45) Surreptitious advertising is a practice prohibited by this Directive because of its negative effect on consumers.
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Justification

It clarifies the justification for the amendment concerning Recital 40. On the conditions stipulated in Amendment 14 to Article 3h) (new), the use of "production aids" does not fall under the prohibition of surreptitious advertising, product placement remains forbidden.

Amendment 41
RECITAL 47

(47) Regulators should be independent from national governments as well as from audiovisual media service providers in order to be able to carry out their work impartially and transparently and to contribute to pluralism. Close cooperation among national regulatory authorities and the Commission is necessary to ensure the correct application of this Directive,

(47) Regulators should be independent from national governments as well as from audiovisual media service providers in order to be able to carry out their work impartially and transparently and to contribute to pluralism. Close cooperation among national regulatory authorities and the Commission ***as well as among national regulatory authorities*** is necessary to ensure the correct application of this Directive. ***The specific features of the organisation of regulators in the national media systems should be safeguarded,***

Justification

This wording takes account of the varying national organisational forms of supervision in the Member States.

Amendment 42
ARTICLE 1, POINT 2
Article 1, point (a) (Directive 89/552/EEC)

(a) ‘audiovisual media service’ means a service as defined by Articles 49 and 50 of the Treaty the principal purpose of which is the provision of moving images with or without sound, in order to inform, entertain or educate, to the general public by electronic communications networks within the meaning of Article 2(a) of Directive 2002/21/EC of the European Parliament and of the Council.

(a) ‘audiovisual media service’ means a service ***provided under the editorial responsibility of a media service provider*** as defined by Articles 49 and 50 of the Treaty the principal purpose of which is the provision of ***programmes consisting of*** moving images with or without sound, in order to inform, entertain or educate, to the general public by electronic communications networks within the meaning of Article 2(a) of Directive 2002/21/EC of the European Parliament and of the Council;

The term does not include the press in printed or electronic form of which the audiovisual element is not the primary constituent;

Amendment 43
ARTICLE 1, POINT 2
Article 1, point (c) (Directive 89/552/EEC)

(c) ***‘television broadcasting’ or ‘television broadcast’ mean a linear audiovisual media service where a media service provider decides upon the moment in time when a specific programme is transmitted and establishes the programme schedule;***

(c) ***‘linear service’ or ‘television broadcast’ means the transmission by any means, in unencoded or encoded form and in chronological sequence, of various programmes which are transmitted simultaneously to an indeterminate number of potential viewers, at a point in time decided upon by the media service provider, according to a fixed programming schedule;***

Amendment 44
ARTICLE 1, POINT 2
Article 1, point (e) (Directive 89/552/EEC)

(e) ***‘non-linear service’ means an audiovisual media service where the user decides upon the moment in time when a specific programme is transmitted on the basis of a choice of content selected by the media service provider;***

(e) ***‘non-linear service’ means an audiovisual media service comprising an offer of audiovisual content which has been edited and compiled by a media service provider and where the user requests the transmission of a programme on an individual basis;***

Justification

Clarifies the term “non-linear service” as an on-demand media service.

Amendment 45
ARTICLE 1, POINT 2
Article 1, point (f) (Directive 89/552/EEC)

(f) ***‘audiovisual commercial communication’ means moving images with or without sound which accompany audiovisual media services and are designed to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity;***

(f) ***‘audiovisual commercial communication’ means moving images with or without sound which are transmitted as part of audiovisual media services with the aim of directly or indirectly promoting the sales of goods and services or the image of a natural or legal entity pursuing an economic activity;***

Amendment 46
ARTICLE 1, POINT 2
Article 1, point (h) (Directive 89/552/EEC)

(h) ‘surreptitious advertising’ means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the **broadcaster** to serve advertising and might mislead the public as to its nature. Such representation is considered to be intentional in particular if it is done in return for payment or for similar consideration;

(h) ‘surreptitious advertising’ means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the **media service provider** to serve advertising and might mislead the public as to its nature. Such representation is considered to be intentional in particular if it is done in return for payment or for similar consideration;

Amendment 47
ARTICLE 1, POINT 2
Article 1, point (k) (Directive 89/552/EEC)

(k) ‘product placement’ means any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within audiovisual media services, **normally** in return for payment or for similar consideration.”

(k) ‘product placement’ means any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof **by or at the request of the media service provider** so that it is featured within audiovisual media services, in return for payment or for similar consideration.”

Justification

In practice media service providers regularly procure ready-made content from third parties. They then frequently have no chance to determine whether such a programme includes product placement content. Nor do they have any chance to exert influence on it.

Amendment 48
ARTICLE 1, POINT 2
Article 1, point (k a) (new) (Directive 89/552/EEC)

(ka) ‘European works’ means the following:
(i) works originating from Member States;
(ii) works originating from European third

countries party to the European Convention on Transfrontier Television of the Council of Europe and fulfilling the conditions of points (iv), (v) or (vi) below;
(iii) works co-produced in the framework of agreements relating to the audiovisual sector concluded between the Community and third countries and fulfilling the conditions defined in each of those agreements.

Application of the provisions of points (ii) and (iii) shall be conditional on works originating from Member States not being the subject of discriminatory measures in the third countries concerned.

The works referred to in points (i) and (ii) are works mainly made with authors and workers residing in one or more States referred to in points (i) and (ii) provided that they comply with one of the following three conditions:

(iv) they are made by one or more producers established in one or more of those States; or

(v) production of the works is supervised and actually controlled by one or more producers established in one or more of those States; or

(vi) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States

Works that are not European works within the meaning of points (i), (ii) and (iii) but that are produced within the framework of bilateral co-production treaties concluded between Member States and third countries shall be deemed to be European works provided that the Community co-producers supply a majority share of the total cost of production and that the production is not controlled by one or more producers established outside the territory of the Member States.”

Justification

The definition of European works should be included in the present article, instead of forming a separate article..

Amendment 49

ARTICLE 1, POINT 2

Article 1, point (k b) (new) (Directive 89/552/EEC)

(kb) 'news agency' means a wholesale supplier of audiovisual news to providers of linear audiovisual media services, but not of services supplied directly to the general public."

Justification

The additional definition is intended to clarify and narrow the scope of the proposed "short news right" in Article 3(b). In particular, it limits the term "intermediaries" in the original proposal to news agency services, and only where they are providing services to broadcasters. The definition is based on the definition of broadcaster in proposed Article 1(d) as well as the classification of news agency services used for the purposes of the WTO's General Agreement on Trade in Services. News agencies already supply linear broadcasters with much of their foreign news highlights and are therefore a practical and appropriate medium through which a short news right can operate.

Amendment 50

ARTICLE 1, POINT 3, POINT (A A) (new)

Article 2, paragraph 1 a (new) (Directive 89/552/EEC)

(aa) In Article 2, the following paragraph 1a is inserted:

"1a. The Member States and the Commission, in accordance with their respective competences, shall guarantee the pluralism, freedom and independence of audiovisual communication services."

Amendment 51

ARTICLE 1, POINT 3, POINT (E)

Article 2, paragraph 5 (Directive 89/552/EEC)

(e) In paragraph 5, the word "broadcaster" is replaced by the expression "media service provider" and "Article 52" is replaced by "Article 43".

(e) In paragraph 5, the word "broadcaster" is replaced by the expression "**audiovisual** media service provider" and "Article 52" is replaced by "Article 43".

Amendment 52
ARTICLE 1, POINT 3, POINT (G)
Article 2, paragraph 7 (Directive 89/552/EEC)

“7. A Member State may, in order to prevent abuse or fraudulent conduct, adopt appropriate measures against a media service provider established in another Member State that directs all or most of its activity to the territory of the first Member State. This shall be proven on a case by case basis by the first Member State.

“7. A Member State may in order to prevent abuse or fraudulent conduct ***in an area of public policy not addressed by this Directive***, adopt appropriate measures against a media service provider established in another Member State that directs all or most of its activity to the territory of the first Member State. This shall be proven on a case by case basis by the first Member State. ***Member States shall not disturb the free circulation of services on grounds falling within the fields coordinated by this Directive.***

Justification

The Directive aims to achieve a Single Market for audiovisual media services by harmonising a set of rules. Article 2.7 in the current wording undermines this objective. It allows Member States to block incoming services even if they fully comply with the rules of the Directive, i.e. with those rules harmonised to ensure the functioning of the Single Market. In accordance with the Treaty and ECJ case law such blocking can only take place in specific cases where public order is threatened. The mere fact that a company has been established in Member State A for the sole purpose to enjoy the benefit of a more favourable legislation, does not constitute an abuse in itself, even if that company conducts activities entirely or mainly in Member State B.

Amendment 53
ARTICLE 1, POINT 4, POINT (B)
Article 2a, paragraph 2 (Directive 89/552/EEC)

(b) ***In paragraph 2 “Article 22a” is replaced by “Article 3e”.***

(b) ***Paragraphs 2 and 3 are replaced by the following:***

2. Member States may, provisionally, derogate from paragraph 1 if the following conditions are fulfilled:

(a) an audiovisual media service coming from another Member State manifestly, seriously and gravely infringes Article 22(1) or (2) and/or Articles 3d and 3e;

(b) during the previous 12 months, the media service provider has infringed the provision(s) referred to in (a) on at least

two prior occasions;

(c) the Member State concerned has notified the media service provider and the Commission in writing of the alleged infringements and of the measures it intends to take should any such infringement occur again;

(d) consultations with the transmitting Member State and the Commission have not produced an amicable settlement within 15 days of the notification provided for in (c), and the alleged infringement persists.

The Commission shall, within two months following notification of the measures taken by the Member State, take a decision on whether the measures are compatible with Community law. If it decides that they are not, the Member State will be required to put an end to the measures in question as a matter of urgency.

3. Paragraph 2 shall be without prejudice to the application of any procedure, remedy or sanction of the infringements in question in the Member State which has jurisdiction over the media service provider concerned.

Justification

The derogations to the first paragraph, as well as the conditions to be fulfilled to this respect, shall cover all the audiovisual media services, not only the television broadcasts. Especially in respect to the protection of minors, non-linear services should be also covered by this article.

Amendment 54

ARTICLE 1, POINT 5

Article 3, paragraph 2 a (new) (Directive 89/552/EEC)

2a. The Member States shall send information to the Community institutions on the implementation of this Directive once a year.

Amendment 55

ARTICLE 1, POINT 5

Article 3, paragraph 3 (Directive 89/552/EEC)

3. Member States shall encourage co-

3. As a mean to attaining the objectives of

regulatory regimes in the fields coordinated by this Directive. These regimes shall be such that they are broadly accepted by the main stakeholders and provide for effective enforcement.”

this Directive, Member States shall encourage, in the fields coordinated by this Directive, **regimes at national level for co-regulation and self-regulation**. These regimes shall be such that they are broadly accepted by the main stakeholders and provide for effective enforcement.”

Amendment 56

ARTICLE 1, POINT 6

Article 3b, paragraph 1 (Directive 89/552/EEC)

1. Member States shall ensure that, for the purposes of short news reports, broadcasters established in other Member States are not deprived of access on a fair, reasonable and non-discriminatory basis to events of high interest **to the public which are transmitted by a broadcaster under their jurisdiction**.

1. Member States shall ensure that, for the purposes of short news reports, broadcasters **and news agencies acting on their behalf** established in other Member States are not deprived of access on a fair, reasonable and non-discriminatory basis to events of high interest.

Justification

The proposed addition to Article 3(b)(1) reproduces the reference to intermediaries in Recital 27 and thus gives additional clarity to the Commission proposal. For events taking place outside their country of establishment, broadcasters frequently rely on intermediaries such as news agencies to provide short news coverage. The inclusion of a reference to news agencies in Article 3(b) would ensure broadcasters are able to receive this raw international news material in the most efficient format for their purposes. To limit the right to broadcasters, by excluding news agencies, would establish a right that is more theoretical than real because of the practical issues of making crossborder arrangements swiftly, particularly when a news event is unexpected.

Amendment 57

ARTICLE 1, POINT 6

Article 3b, paragraph 1 a (new) (Directive 89/552/EEC)

1a. Member States may propose that some events which are regarded as being of major importance to society not included in the list referred to in Article 3a are not broadcast on an exclusive basis by television broadcasters under its jurisdiction where their major importance, unforeseeability or reasons of time so require. Such requests shall be subject to an accelerated verification procedure along the lines of that laid down in Article 3b (2).

Amendment 58
ARTICLE 1, POINT 6
Article 3b, paragraph 1 b (new) (Directive 89/552/EEC)

1b. The Member States shall take all necessary measures to ensure that authorised broadcasters under their jurisdiction and those established in other Member States, are not deprived of access on a fair, reasonable and non-discriminatory basis to events of high interest to the public which are transmitted by a broadcaster under their jurisdiction and that they receive an appropriate payment for doing so.

Justification

The proposal by the European Commission on the right of short reporting does not guarantee access by citizens to information on events of importance to society. It is therefore necessary to establish a Community-wide right to short reporting. Moreover, such a provision would also serve the still valid objective of bringing the EC Directive into line with the respective Convention by the Council of Europe.

Amendment 59
ARTICLE 1, POINT 6
Article 3b, paragraph 2 (Directive 89/552/EEC)

2. Short news reports may be chosen freely by the broadcasters from the transmitting broadcaster's signal with at least the identification of their source.

2. Authorised broadcasters may either freely choose short news reports from the transmitting broadcaster's signal with at least the identification of their source ***or may themselves be given access to the event for short reporting rights.***

Justification

Access to the event itself can also be an alternative for getting the material needed for the right of short reporting.

Amendment 60
ARTICLE 1, POINT 6
Article 3c, paragraph 1, introductory part (Directive 89/552/EEC)

Member States shall ensure that audiovisual media service providers under their jurisdiction shall make easily, directly and permanently accessible to the recipients of

Member States shall ensure ***by appropriate means*** that audiovisual media service providers under their jurisdiction shall make easily, directly and permanently accessible

the service at least the following information:

to the recipients of the service at least the following information:

Justification

The language should be consistent and allow Member States flexibility to use co-regulation.

Amendment 61

ARTICLE 1, POINT 6

Article 3c, paragraph 1, point (b) (Directive 89/552/EEC)

(b) the geographic address at which the media service provider is established;

(b) the geographic **and postal** address at which the media service provider is established;

Amendment 62

ARTICLE 1, POINT 6

Article 3c, point (d a) (new) (Directive 89/552/EEC)

(da) the indication of content unsuitable for minors or effective filtering systems that prevent minors accessing information that might seriously impair their physical or psychological development.

Justification

Article 3(c) sets out a minimum number of rules for audiovisual media service providers; these rules cannot be confined to making it easy to identify providers but should also cover the use by providers of specific measures to protect minors.

Amendment 63

ARTICLE 1, POINT 6

Article 3d (Directive 89/552/EEC)

Member States shall **take** appropriate **measures to ensure** that audiovisual media services under their jurisdiction are not made available in such a way that might **seriously** impair the physical, mental or moral development of minors.

Member States shall **ensure by** appropriate **means** that audiovisual media services **and audiovisual commercial communications** under their jurisdiction are not made available in such a way that might impair the physical, mental or moral development of minors.

Justification

The language should be consistent and allow Member States flexibility to use co-regulation..

Amendment 64

ARTICLE 1, POINT 6

Article 3d, paragraph 1 a (new) (Directive 89/552/EEC)

In particular, they shall ensure that they do not authorise commercial communications, sponsorship, advertising or product placement for goods manufactured under conditions which contravene international law prohibiting child labour.

Justification

It would be hypocritical to claim to protect the moral development of minors while at the same time drawing young consumers' attention to products manufactured illegally by child labour.

Amendment 65

ARTICLE 1, POINT 6

Article 3e (Directive 89/552/EEC)

Member States shall ensure by appropriate means that audiovisual media services and audiovisual commercial communications provided by providers under their jurisdiction do not contain any incitement to hatred based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Member States shall ensure by appropriate means that audiovisual media services and audiovisual commercial communications provided by providers under their jurisdiction do not contain any incitement to hatred based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Conversely, they shall ensure that media service providers are encouraged and supported in their efforts to promote accessibility for persons with physical or mental disabilities.

Justification

It is not enough to reiterate the ban on discriminatory content: there is also a need to give concrete form to the socially, economically and culturally crucial issue of access to programmes for people with disabilities and elderly people .

Amendment 66
ARTICLE 1, POINT 6
Article 3f, paragraph 1 (Directive 89/552/EEC)

1. Member States shall ensure that media service providers under their jurisdiction promote, *where practicable and* by appropriate means, production of and access to European works within the meaning of Article 6.

1. Member States shall ensure that media service providers under their jurisdiction promote, by appropriate means, production of and access to European works within the meaning of Article 6.

Amendment 67
ARTICLE 1, POINT 6
Article 3f, paragraph 1, subparagraph 1 a (new) (Directive 89/552/EEC)

For non-linear services such promotion may take the following forms in particular: minimum investments in European productions (determined by reference to turnover), a minimum proportion of European productions in on-demand video catalogues, and the attractive presentation of European productions in electronic programme guides.

Justification

It is essential that the directive contain provisions requiring non-linear services to participate in the support and promotion of European works. Such services are most frequently supplied by major undertakings with a much larger financial capacity than broadcasters, such as telecoms operators, Internet access providers, etc. Placing the obligations relating to cultural diversity on broadcasters alone might jeopardise the European production of creative works.

Amendment 68
ARTICLE 1, POINT 6
Article 3g, points (a) to (f) and paragraph 1 a (new) (Directive 89/552/EEC)

(a) audiovisual commercial communications must be clearly identifiable as such. Surreptitious audiovisual commercial communication shall be prohibited;

(b) audiovisual commercial communications

(a) audiovisual commercial communications must be clearly identifiable as such ***and must be kept quite separate from other parts of the programme, both temporally and spatially and by optical and acoustic means.*** Surreptitious audiovisual commercial communication shall be prohibited;
(b) audiovisual commercial communications

must not use subliminal techniques;

(c) audiovisual commercial communications must not:

(i) ***include any*** discrimination on grounds of ***race, sex, or nationality***;

(ii) ***be offensive to religious or political beliefs***;

(iii) encourage behaviour prejudicial to health or to safety;

(iv) encourage behaviour prejudicial to the protection of the environment.

(d) all forms of audiovisual commercial communications and telesshopping for cigarettes and other tobacco products shall be prohibited;

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

(f) audiovisual commercial communications must not cause moral or physical detriment to minors. Therefore they shall not directly exhort minors to buy a product or service by exploiting their inexperience or credulity, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, or unreasonably show minors in dangerous situations.

must not use subliminal techniques;

(c) audiovisual commercial communications ***must comply with the principles laid down in the Charter of Fundamental Rights of the European Union and, in particular*** they must not:

(i) ***be offensive because of*** discrimination on grounds of ***gender, race, ethnic origin, disability, age or sexual orientation or any other infringement of human dignity***;

(ii) ***violate children's rights, according to the UN Convention on the Rights of the Child***;

(iii) encourage behaviour prejudicial to health or to safety;

(iv) encourage behaviour prejudicial to the protection of the environment.

(d) all forms of audiovisual commercial communications and telesshopping for cigarettes and other tobacco products shall be prohibited;

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

(f) audiovisual commercial communications must not cause moral or physical detriment to minors. Therefore they shall not directly ***or indirectly*** exhort minors to buy a product or service by exploiting their inexperience or credulity, directly ***or indirectly*** encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, ***especially role models or persons exercising authority***, or unreasonably show minors in dangerous ***or degrading*** situations ***unless justified for learning or training purposes***.

Member States should encourage audiovisual media service providers to develop a code of conduct regarding children's programming containing or being interrupted by advertising, sponsorship or any marketing of unhealthy

and inappropriate foods and drinks such as those high in fat, sugar and salt and of alcoholic beverages.

Amendment 69

ARTICLE 1, POINT 6

Article 3g, point (f a) (new) and paragraph 1 a (new) (Directive 89/552/EEC)

(fa) television advertising must not cause moral or physical detriment to minors and must therefore respect the following criteria in order to protect them:

(i) not directly exhort minors to buy a product or service by exploiting their inexperience or credulity;

(ii) not directly encourage minors to persuade their parents or others to purchase the goods or services being advertised;

(iii) not exploit the special trust minors place in parents, teachers or other persons;

(iv) not show, without reason, minors in dangerous situations.

Audiovisual media services for children and documentaries shall not contain product placement.

Justification

Reference to minors should be considered a matter of priority and should therefore appear earlier in the text. Furthermore, the current text (Article 16), which safeguards the protection of minors to a greater extent, is preferable to the new text proposed by the Commission.

Amendment 70

ARTICLE 1, POINT 6

Article 3h, paragraph 1, introductory part (Directive 89/552/EEC)

1. Audiovisual media services that are sponsored ***or that contain product placement*** shall meet the following requirements:

1. Audiovisual media services that are sponsored shall meet the following requirements:

Amendment 71

ARTICLE 1, POINT 6

Article 3h, paragraph 1, point (a a) (new) (Directive 89/552/EEC)

(aa) they must not contain product placements which present products in an unduly prominent manner. “Undue prominence” shall be determined by the recurring presence of the product, service or trade mark thereof or from the manner in which it is presented, having regard to the content of the programme in which it appears;

Justification

Product placement unduly prominent in programming necessarily interferes with the media service provider’s editorial freedom. The “undue prominence” restriction of product placement will help to avoid surreptitious advertising and undesirable forms of product placement.

Amendment 72

ARTICLE 1, POINT 6

Article 3h, paragraph 1, point (b) (Directive 89/552/EEC)

(b) they must not ***directly*** encourage the purchase or rental of ***goods*** or services, ***in particular by making special promotional references to those goods or services;***

(b) they must not encourage the purchase or rental of ***particular products*** or services;

Justification

This amendment, too, is aimed at maintaining the distinction between advertising and editorial content.

Amendment 73

ARTICLE 1, POINT 6

Article 3h, paragraph 1, point (c) (Directive 89/552/EEC)

c) viewers must be clearly informed of the existence of a sponsorship agreement and/or the existence of product placement. Sponsored programmes must be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in *a* appropriate way for programmes at the beginning, during and/or the end of the programmes.
Programmes containing product placement must be appropriately identified at the start of the programme in order to avoid any

(c) viewers must be clearly informed of the existence of a sponsorship agreement and/or the existence of product placement. Sponsored programmes must be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in *an* appropriate way for programmes at the beginning, during and/or the end of the programmes.

confusion on the part of the viewer.

Amendment 74

ARTICLE 1, POINT 6

Article 3h, paragraph 2 (Directive 89/552/EEC)

2. Audiovisual media services must not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.

Further, audiovisual media services must not contain placement of tobacco products or cigarettes or product placement from undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.

2. Audiovisual media services must not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.

Amendment 75

ARTICLE 1, POINT 6

Article 3h, paragraph 3 (Directive 89/552/EEC)

3. The sponsorship of audiovisual media services by undertakings whose activities include the manufacture or sale of medicinal products and medical treatment may promote the name or the image of the undertaking but may not promote specific medicinal products or medical treatments available only on prescription in the Member State within whose jurisdiction the media service provider falls.

3. The sponsorship of audiovisual media services by undertakings whose activities include the manufacture or sale of medicinal products and medical treatment may promote the name or the image of the undertaking but may not promote specific medicinal products or medical treatments available only on prescription in the Member State within whose jurisdiction the media service provider falls. ***The specific characteristics of the medicinal product should be clearly understandable.***

Amendment 76

ARTICLE 1, POINT 6

Article 3h, paragraph 4 (Directive 89/552/EEC)

4. News and current affairs shall not be sponsored ***and not contain product placement. Audiovisual media services for children and documentaries may not contain product placement.***”

4. News and current affairs shall not be sponsored.

Justification

La proposta della Commissione intende legittimare il posizionamento dei prodotti all'interno dei programmi come forma di comunicazione commerciale diversa dalla pubblicità. Appare in tal modo pregiudicato un pilastro fondamentale della disciplina delle trasmissioni televisive, consistente nella netta separazione tra comunicazione commerciale ed il resto della programmazione, a fine di tutela sia dell'integrità dei programmi e dell'autonomia editoriale delle emittenti, sia degli interessi dei telespettatori, per i quali non è certo sufficiente un avviso all'inizio o alla fine del programma per essere debitamente informati sul condizionamento dei produttori di beni e servizi nel confezionamento del programma. Le esperienze in vari paesi hanno messo in evidenza i gravi rischi per i consumatori e per la libertà di espressione di autori e produttori causati dal product placement.

Amendment 77

ARTICLE 1, POINT 6

Article 3h a (new) (Directive 89/552/EEC)

Article 3ha

- 1. Member States shall take all appropriate measures to gradually ensure that audio-visual media services under their jurisdiction become fully accessible to people with sight and hearing disabilities and the elderly.***
- 2. Member States shall provide the Commission every two years with national reports on the implementation of this article. These reports shall include in particular statistical data on the progress made with a view to achieving accessibility within the meaning of paragraph 1, the reasons for any failure to achieve progress and the measures adopted or envisaged in order to achieve this.***

Justification

Accessibility of audiovisual media services is an important part of the proper functioning of the internal market. According to the Institute of Hearing Research, over 81 million Europeans live with a hearing loss; moreover, there are more than 30 million blind and partially sighted Europeans. Research has shown that an overwhelming number of people with disabilities and/or elderly people watch TV. This represents a market which must be catered to. An obligation to provide accessible audiovisual media services would undoubtedly stimulate healthy competition among service providers and improve the functioning of the internal market.

Amendment 78
ARTICLE 1, POINT 6
Article 3h b (new) (Directive 89/552/EEC)

Article 3hb

Member States shall take all appropriate measures to ensure that audiovisual media services under their jurisdiction gradually become fully accessible to people with disabilities."

Justification

Accessibility of audiovisual media services to all consumers, including the disabled and/or elderly, is a vital aspect of the right to information.

Amendment 79
ARTICLE 1, POINT 6 A (new)
Article 4, paragraph 1 (Directive 89/552/EEC)

(6a) Article 4(1) is replaced by the following:

"1. Member States shall ensure by appropriate means, that broadcasters reserve for European works, within the meaning of Article 6, a majority proportion of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment obligations towards its viewing public, should be achieved progressively, on the basis of suitable criteria."

Justification

Back in 1989, the purpose of the present article was to introduce the rule on the promotion of European works smoothly and gradually. Nowadays, within the context of the Lisbon strategy, it is necessary to propose more demanding rules on this matter in order to boost the European audiovisual industry and to maintain Europe's rich cultural diversity. Therefore, the Member States should not have excuses for not providing the necessary effort in promoting European productions.

Amendment 80
ARTICLE 1, POINT 7, POINT (D A) (new)
Article 6 (Directive 89/552/EEC)

(da) The following paragraph is added:
“4. Member States, in defining the notion of independent producer, should take appropriate account of the following three criteria: ownership of the production company, the amount of programmes supplied to the same broadcaster and ownership of secondary rights.”

Justification

The reference to independence is of importance and very closely related to the concept of rights. The fact that the market is concentrated and power exercised by a few players in the acquisition of rights means that independent production companies are unable to fully exploit new forms of content distribution and to retain rights, and independent production companies are unable to attract capital and growth, remaining thus heavily funded with a level of concentration which is blocking innovation.

Amendment 81
ARTICLE 1, POINT 9
Article 10, paragraph 1 (Directive 89/552/EEC)

1. Television advertising and teleshopping shall be readily recognizable and ***kept quite separate*** from other parts of the programme service by optical and/or acoustic means.

1. Television advertising and teleshopping shall be readily recognizable and ***distinguishable*** from other parts of the programme service by optical and/or acoustic means. ***Television advertising and teleshopping shall not interfere with the editorial independence of the audiovisual media service provider nor mislead the viewer.***

Justification

The principle of transparency and identification ensures that commercial communications are recognisable as such and leaves room for the development of new advertising techniques.

Amendment 82
ARTICLE 1, POINT 10
Article 11, paragraph 1 a (new) (Directive 89/552/EEC)

1a. In programmes consisting of autonomous parts, or in sports programmes

and similarly structured events and performances comprising intervals, advertisements shall only be inserted between the parts or in the intervals.

Amendment 83

ARTICLE 1, POINT 10

Article 11, paragraph 1 b (new) (Directive 89/552/EEC)

1b. Where programmes, other than those covered by paragraph 2, are interrupted by advertisements or teleshopping, a period of at least 20 minutes should elapse between each successive advertising break within the programme.

Justification

Gli emendamenti hanno l'obiettivo di mantenere in vigore i parr. 2 e 4 dell'attuale testo dell'art. 11, in tema di inserimento di pubblicità nel corso della programmazione.

La proposta della commissione modifica l'art. 11, eliminando alcune delle regole che nel testo attuale realizzano un efficace argine nei confronti di eccessi di pubblicità. Non si ritengono motivazioni convincenti per giustificare l'elaborazione della proposta della Commissione. In particolare, la pretesa "libertà di scelta" - cioè l'aumento del numero di canali a disposizione dell'utente - non ha nulla a che vedere con il numero e la frequenza delle interruzioni pubblicitarie. Per fare un esempio, la trasmissione di una partita di calcio diffusa in esclusiva da un canale generalista sarà comunque seguita dagli utenti appassionati di sport, anche se infarcita di spot pubblicitari: gli utenti non rinunceranno certo a seguirla preferendo canali diversi dove la partita non è trasmessa. Lo stesso vale per altre tipologie di trasmissione.

Amendment 84

ARTICLE 1, POINT 10

Article 11, paragraph 2, subparagraph 1 (Directive 89/552/EEC)

2. The transmission of films made for television (excluding series, serials, light entertainment programmes and documentaries), cinematographic works, children's programmes and news programmes may be interrupted by advertising and/or teleshopping once for each period of **35 minutes**.

2. The transmission of films made for television (excluding series, serials, light entertainment programmes and documentaries), cinematographic works, children's programmes and news programmes may be interrupted by advertising and/or teleshopping once for each **complete** period of **45 minutes**. ***A further interruption is allowed if their programmed duration is at least 20 minutes longer than two or more complete periods of 45 minutes.***

Amendment 85
ARTICLE 1, POINT 10
Article 11, paragraph 2 a (new) (Directive 89/552/EEC)

2a. The transmission of programmes other than those referred to in paragraph 2 may be interrupted by advertising and/or teleshopping spots, up to a maximum of three interruptions in any given period of one clock hour.

Notwithstanding the preceding paragraph, where sporting events containing interruptions are retransmitted, advertising and teleshopping spots may be inserted only during these interruptions.

Justification

Commercial interruptions must take place in such a way as to respect the viewer and his or her comfort.

Amendment 86
ARTICLE 1, POINT 10
Article 11, paragraph 2 b (new) (Directive 89/552/EEC)

2b. The national regulatory authorities should determine the time-zones for children's programmes in order to better define the rules applicable to advertising.

Justification

In the absence of a uniform EU-wide definition of "children" and "children's programmes" for the purposes of this directive, it is necessary that NRAs clearly define the time-zones where the advertising rules should apply.

Amendment 87
ARTICLE 1, POINT 11 A (new)
Article 15, point (a) (Directive 89/552/EEC)

(11a) In Article 15, point (a) is replaced by the following:

"(a) it may not be aimed specifically at, or have any indirect access to, minors or, in particular, depict minors consuming these beverages; it should not be broadcast between 6 a.m. and 9 p.m.;"

Justification

Minors are especially vulnerable to television advertising and, for obvious reasons, alcoholic beverages are not suitable for them. A comprehensive regulation of alcohol advertisement aiming at minors should thus also comprise indirect forms of appeal to them. A flat prohibition of all advertisements of alcoholic beverages aiming at minors is a proportionate measure of protection assessable by objective criteria.

Amendment 88

ARTICLE 1, POINT 13

Article 18, paragraphs 1 and 2 and paragraph 2 a (new) (Directive 89/552/EEC)

1. The proportion of short forms of advertising such as advertising spots and teleshopping spots within a given clock hour shall not exceed 20%.

2. Paragraph 1 does not apply to announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes, sponsorship announcements and product placement.”

1. The broadcasting time devoted to advertising shall not exceed 15% of daily transmission time. However, this percentage may be increased to 20% if it includes forms of advertising such as offers made directly to the public for the purposes of selling, purchasing or hiring products or providing services, provided that all the advertising spots together do not exceed 15%.

2. The broadcasting time devoted to advertising spots during a given one-hour period shall not exceed 20%.

2a. Without prejudice to the provisions of paragraph 1, forms of advertising such as offers made directly to the public for the purposes of selling, purchasing or hiring products or providing services shall not exceed one hour per day.”

Justification

The text of the current directive includes all forms of advertising and provides data protection for the editorial integrity of programmes.

Amendment 89

ARTICLE 1, POINT 15

Article 19 (Directive 89/552/EEC)

The provisions of this Directive shall apply mutatis mutandis to television broadcasts exclusively devoted to advertising and teleshopping as well as to television broadcasts exclusively devoted to self-

The provisions of this Directive shall apply mutatis mutandis to television broadcasts exclusively devoted to advertising and teleshopping as well as to television broadcasts exclusively devoted to self-

promotion. Chapter 3 as well as Article 11 (rules on insertion) and Article 18 (duration of advertising and teleshopping) do not apply to these broadcasts.”

promotion, ***which shall be readily recognisable as such by optical and/or acoustic means***. Chapter 3 as well as Article 11 (rules on insertion) and Article 18 (duration of advertising and teleshopping) do not apply to these broadcasts.”

Justification

Advertising, teleshopping, and self-promotion in television broadcasts exclusively devoted to these purposes should explicitly be signalled as such, as well. The consumer should be aware of the advertising content of the services provided.

Amendment 90

ARTICLE 1, POINT 17 A (new)

Article 20 a (new) (Directive 89/552/EEC)

(17a) The following Article 20a is inserted:

"Article 20a

1. In order to guarantee the principles of pluralism, competition and business freedom in advertising revenue, the activity of drawing up viewing figures should meet the following criteria:

(a) the bodies carrying out surveys on audience, quality, popularity and broadcasting ratings of the various media must be independent of all the entities surveyed;

(b) the representative nature of the management bodies (technical-scientific committees and/or monitoring committees): they must include representatives of all the entities involved and surveyed (operators, market and consumers) and not be confined to the broadcasting platforms;

(c) transparency of the technical committees, to which real powers must be assigned as regards the survey, without any interference - either technical or managerial - from the board of directors.'

Justification

In view of the importance of compiling viewing figures for the purposes of advertising revenue, there should be uniformity throughout the Union in accordance with the principles of freedom of expression, independence, transparency and representativeness.

Amendment 91
ARTICLE 1, POINT 17 B (new)
Article 22 (Directive 89/552/EEC)

(17b) Article 22 is replaced by the following:

"Article 22

1. Member States shall take appropriate measures to ensure that audiovisual media services supplied by providers under their jurisdiction do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.

2. The measures provided for in paragraph 1 shall also extend to other programmes which are likely to impair the physical, mental or moral development of minors, except where it is ensured, by selecting the time of the audiovisual media service or by any technical measure, that minors in the area of transmission will not normally hear or see such audiovisual media services.

3. Furthermore, when such services are provided in unencoded form Member States shall ensure that they are preceded by an acoustic warning or are identified by the presence of a visual symbol throughout their duration."

Justification

This article should cover non-linear services as well. It is an undoubted fact that especially pornography and violence are mostly met in this kind of services, where access for minors is easiest nowadays. Television broadcasting is already regulated more or less in respect to minors' protection. Action should be taken in the field of this new kind of services.

Amendment 92
ARTICLE 1, POINT 17 C (new)
Article 22, paragraph 1 (Directive 89/552/EEC)

(17c) Article 22(1) is replaced by the following:

'1. The Member States shall take appropriate measures to ensure that broadcasts by television broadcasters under

their jurisdiction do not contain any programmes which may seriously harm the physical, mental or moral development of minors, particularly programmes containing scenes of pornography or gratuitous violence. Responsibility for programmes of this kind, which are judged to be harmful, shall be deemed to lie with the television broadcaster and the media services' supplier.'

Amendment 93

ARTICLE 1, POINT 20

Article 23b, paragraph 1 (Directive 89/552/EEC)

1. Member States shall guarantee *the* independence *of national regulatory authorities* and ensure that they exercise their powers impartially and transparently.

1. *Where* Member States *have established national regulators, they* shall guarantee *the latter's* independence and ensure that they exercise their powers impartially and transparently.

Justification

The Member States should not be obliged to establish national regulatory authorities. The wording of the Commission proposal should be corrected accordingly.

Amendment 94

ARTICLE 1, POINT 20

Article 23b, paragraph 1 a (new) (Directive 89/552/EEC)

1a. The Member States shall assign to the national regulatory authorities the task of monitoring compliance with the provisions of this Directive, in particular those relating to freedom of expression, pluralism of the media, human dignity, the principle of non-discrimination and the protection of vulnerable persons.

Amendment 95

ARTICLE 1, POINT 20

Article 23b, paragraph 2 (Directive 89/552/EEC)

2. National regulatory authorities shall provide each other and the Commission

2. *The* information necessary for the application of the provisions of this

with the information necessary for the application of the provisions of this Directive.”

Directive *shall be made available at Member State and Commission level.*”

Amendment 96

ARTICLE 1, POINT 20 A (new)

Article 23b a (new) (Directive 89/552/EEC)

(20a) The following Article 23ba is inserted:

"Article 23ba

1. The Member States shall adopt the measures needed to ensure pluralism of information in the radio and television broadcasting system. The Member States shall in particular ban the creation and retention of dominant positions on the television market and related markets.

2. The Member States shall endeavour to guarantee respect for the neutrality of the information provided by the public authorities and shall lay down appropriate measures to prevent possible abuses of government positions from influencing the information conveyed via the media.

3. The Member States shall prohibit holders of government office, their spouses or first or second degree relatives, as well as companies controlled by them, from taking up or maintaining positions of control in businesses operating in the radio and television market and related markets.

4. The exercise of the right to information must always be weighed against the protection of the privacy of the persons concerned and should never violate respect for individual dignity, particularly in the case of minors. In the latter case, reference should always be made to the international conventions on the subject, as well as the ethical codes and other forms of self-regulation which information sector operators have drawn up in individual European states."

Justification

Consistent with positions already adopted by the EP (e.g. the resolution adopted on 6 September 2005 on 'Television without frontiers' and the European Parliament's resolution on the risks of violation, in the EU and especially in Italy, of freedom of expression and information (Article 11(2) of the Charter of Fundamental Rights) (2003/2237(INI)) aimed at obliging the Member States to comply with general principles on the safeguarding of pluralism and to ban those holding government office from controlling broadcasting companies.

The existing disparities between national legislations on the subject obviously make the exercise of freedom of establishment and freedom to provide services on Community territory more difficult.

Amendment 97

ARTICLE 2

Annex 'Directives and Regulations', Article 3(a), Number 4 (Regulation (EC) No 2006/2004)

“4. Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities: **Articles 3g** to 3h and Articles 10 to 20 . Directive as last amended by Directive .../.../EC of the European Parliament and of the Council .”

“4. Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities: **Articles 3c and 3g** to 3h and Articles 10 to 20 . Directive as last amended by Directive .../.../EC of the European Parliament and of the Council .”

Justification

The possibility for the consumer to identify audiovisual media services providers in an easy, direct and permanently accessible manner clearly relates to the protection of consumers' interests, and must therefore be mentioned explicitly in the Annex 'Directives and Regulations'.

PROCEDURE

Title	Proposal for a directive of the European Parliament and of the Council amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities			
References	COM(2005)0646 – C6-0443/2005 – 2005/0260(COD)			
Committee responsible	CULT			
Opinion by Date announced in plenary	ITRE 2.2.2006			
Enhanced cooperation – date announced in plenary				
Drafts(wo)man Date appointed	Gianni De Michelis 26.1.2006			
Previous drafts(wo)man				
Discussed in committee	18.4.2006	30.5.2006	13.7.2006	2.10.2006
Date adopted	3.10.2006			
Result of final vote	+ : 29 - : 17 0 : 2			
Members present for the final vote	Šarūnas Birutis, Jerzy Buzek, Jorgo Chatzimarkakis, Giles Chichester, Gianni De Michelis, Nicole Fontaine, Adam Gierek, Umberto Guidoni, András Gyürk, Fiona Hall, David Hammerstein Mintz, Rebecca Harms, Erna Hennicot-Schoepges, Ján Hudacký, Romana Jordan Cizelj, Werner Langen, Anne Laperrouze, Vincenzo Lavarra, Pia Elda Locatelli, Eugenijus Maldeikis, Eluned Morgan, Reino Paasilinna, Umberto Pirilli, Miloslav Ransdorf, Vladimír Remek, Teresa Riera Madurell, Mechtild Rothe, Paul Rübig, Andres Tarand, Catherine Trautmann, Nikolaos Vakalis, Alejo Vidal-Quadras Roca			
Substitute(s) present for the final vote	María del Pilar Ayuso González, Satu Hassi, Edit Herczog, Lambert van Nistelrooij, Vittorio Prodi, John Purvis, Dirk Sterckx			
Substitute(s) under Rule 178(2) present for the final vote	Alessandro Battilocchio, Giovanni Berlinguer, Iles Braghetto, Mario Mauro, Marianne Mikko, Guido Sacconi, Antonio Tajani, Yannick Vaugrenard, Stefano Zappalà			
Comments (available in one language only)	...			