



2022/0277(COD)

9.5.2023

AMENDMENTS

125 - 334

Draft opinion
Ramona Strugariu
(PE746.757v01-00)

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

Proposal for a regulation
(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

Amendment 125
Annika Bruna

Proposal for a regulation
Citation 1

Text proposed by the Commission

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

deleted

Or. fr

Amendment 126
Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation
Citation 5 a (new)

Text proposed by the Commission

Amendment

Having regard to the opinion of the European Data Protection Supervisor,

Or. en

Amendment 127
Clare Daly

Proposal for a regulation
Recital 1

Text proposed by the Commission

Amendment

(1) Independent media services play a unique role in the internal market. They represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, *thereby fulfilling the general interest* function of ‘public watchdog’. Media services are increasingly available online and across borders *while* they are not subject to the same rules and

(1) Independent media services play a unique role in the internal market. They represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, *and can, when they live up to the ideal of independent, fearless and impartial journalism, fulfil the* function of ‘public watchdog’. *It must be acknowledged that much journalism*

the same level of protection in different Member States.

fails to live up to this normative ideal, and that it is extremely difficult for truly independent, fearless and impartial journalism to thrive in a media and political ecosystem dominated by corporate power. Media services are increasingly available online and *subject to ever more intense marketisation. They are also increasingly available* across borders *and* they are not subject to the same rules and the same level of protection in different Member States.

Or. en

Amendment 128 **Klára Dobrev**

Proposal for a regulation **Recital 1**

Text proposed by the Commission

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

Amendment

(1) Independent media services play a unique role in the internal market. They represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike. *Ensuring their access to relevant information is an essential element when they are* fulfilling *their* general interest function of ‘public watchdog’. Media services are increasingly available online and across borders while they are not subject to the same rules and the same level of protection in different Member States.

Or. en

Amendment 129 **Carles Puigdemont i Casamajó**

Proposal for a regulation **Recital 1 a (new)**

Text proposed by the Commission

Amendment

(1a) Private media companies must ensure that a minimum percentage of their programming guarantee the use of regional languages of the Member States where they operate. Member States and regional governments with competences and powers on these matters must establish guidelines for the use of regional languages in media programming and provide support for the development of these languages.

Or. en

Amendment 130

Annika Bruna

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) However, the EU's role is only supportive, so consideration should be given to possibly harmonising legislation and the degree to which it should be harmonised.

Or. fr

Amendment 131

Clare Daly

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

(2) Given their unique role, the protection of media freedom and pluralism is an essential feature of a well-functioning internal market for media services (or 'internal media market'). **This** market has

(2) Given their **potentially** unique role, the protection of media freedom and pluralism is an essential feature of a well-functioning internal market for media services (or 'internal media market').

substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers *many economic* opportunities but also faces a number of challenges. The Union should help the media sector *seize those opportunities within the internal market, while at the same time protecting* the values, such as the protection of the fundamental rights, *that are common to* the Union and to its Member States.

While the scope of this Regulation is limited to the regulation of the internal market features of media services, it should be noted that the protection of media freedom and pluralism is a prerequisite for functional democracy, and wholesale marketisation and corporate capture of media services, as currently exists, is deeply invidious to democratic functioning. The environment for media services has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers opportunities but also faces a number of challenges. The Union should help the media sector *protect* the values, such as the protection of the fundamental rights, *aspired to by* the Union and to its Member States.

Or. en

Amendment 132

Annika Bruna

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The linguistic and cultural foundations underpinning the diversity of European democratic life cannot be understood solely in terms of the unity of the internal market because diversity of opinion cannot be based on economic criteria.

Or. fr

Amendment 133

Clare Daly

Proposal for a regulation

Recital 3

(3) In the digital media space, citizens and businesses access and consume media content, immediately available on their personal devices, increasingly in a cross-border setting. Global online platforms act as gateways to media content, with business models that tend to ***disintermediate access to media services and amplify polarising content and disinformation.*** These platforms ***are also essential providers of*** online advertising, which has diverted financial resources from the media sector, affecting its financial sustainability, ***and consequently the diversity of content on offer. As media services are knowledge- and capital-intensive, they require scale to remain competitive and to thrive in the internal market. To that effect, the possibility to offer services across borders and obtain investment including from or in other Member States is particularly important.***

(3) In the digital media space, citizens and businesses access and consume media content, immediately available on their personal devices, increasingly in a cross-border setting. Global online platforms act as gateways to media content, with ***the same profit-driven*** business models that ***dominate across non-online media. Online platforms, in common with traditional media,*** tend to amplify polarising content ***because of this profit motive, however online platforms are structured to facilitate instantaneous feedback loops in order to drive constant engagement, which facilitates more rapid and deeper polarisation than traditional media. The business model of*** these platforms ***is to monetise engagement to sell*** online advertising, which has diverted financial resources from the ***traditional*** media sector, affecting its financial sustainability. ***While content diversity and the resources available to investigative journalism had been in decline for many years across traditional media before the growth of online platforms, and ‘churnalism’ had come to dominate, the decrease in funding from advertising available to traditional media accelerated the decline of quality journalism. Notwithstanding the veneration of media as a crucial pillar of democracy, Member State governments have not in any substantial way stepped in to make funding available on a no-strings-attached basis to traditional media to support quality investigative or other journalism.***

Or. en

Amendment 134
Annika Bruna

Proposal for a regulation
Recital 4

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

deleted

Or. fr

Amendment 135

Clare Daly

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) However, the internal market for media services is *insufficiently* integrated. A number of national restrictions hamper free movement within the internal market. In particular, different national rules and approaches related to media pluralism and editorial independence, *insufficient* cooperation between national regulatory authorities or bodies as well as opaque and unfair allocation of public and private economic resources make it difficult for

(4) The internal market for media services is *weakly* integrated. *While acknowledging that news and current affairs content, in particular, tend to be heavily localised, and relevant only to local or domestic audiences, and acknowledging that access to local and domestic news and current affairs content is crucial for the health of Member State democracies, it is the case that* different national rules and approaches related to

media market players to operate *and expand* across borders *and lead to an uneven level playing field across the Union. The integrity of the internal market for media services may also be challenged by providers that systematically engage in disinformation, including information manipulation and interference, and abuse the internal market freedoms, including by state-controlled media service providers financed by certain third countries.*

media pluralism and editorial independence, *limited* cooperation between national regulatory authorities or bodies as well as opaque and unfair allocation of public and private economic resources make it difficult for media market players to operate across borders *in circumstances where profit motives and shareholder demands induce pressure for media players to expand their operations.*

Or. en

Amendment 136

Clare Daly

Proposal for a regulation

Recital 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 137

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) A free and well-functioning internal market for media services is also an essential pillar of a functioning

democracy, by providing access to a plurality of views and trustworthy sources of information to the consumers. The increased role of the online environment and its new functionalities have had a disruptive effect on the market for media services. The ability of media service providers to operate in a fair level-playing field environment is hampered by divergent approaches at national level. These approaches have created market fragmentation and legal uncertainty. Therefore, it is necessary to have a single legal framework that ensures a harmonised application of rules for media service providers throughout the Union, ensuring that European consumers have access to a broad range of reliable sources of information and to quality journalism as public goods in order to make informed choices, including about the state of their democracies.

Or. en

Amendment 138

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) *The right to freedom of expression and information, enshrined in Article 11 of the Charter and in Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, encompasses the right to receive and impart information as well as the freedom and pluralism of the media. Accordingly, this Regulation draws upon the case law of the European Court of Human Rights (ECHR) and builds upon the standards developed by the Council of Europe in this regard.*

Or. en

Amendment 139

Clare Daly

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Recipients of media services in the Union (***natural persons who are nationals of Member States or benefit from rights conferred upon them by Union law and legal persons established in the Union***) should be able to effectively enjoy the freedom to receive free and pluralistic media services ***in the internal market***. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured ***in the internal market***. ***That would*** be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union (‘the Charter’). It is thus ***necessary*** to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, ***citizens*** called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards⁴⁶.

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

Amendment

(6) Recipients of media services in the Union should be able to effectively enjoy the freedom to receive free and pluralistic media services. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured. ***Such level of protection must*** be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union (‘the Charter’). It is thus ***desirable*** to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, ***participants*** called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards⁴⁶.

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

Or. en

Amendment 140

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 6

(6) **Recipients of media services in the Union** (natural persons who **are nationals of Member States or** benefit from rights conferred upon them by Union law and legal persons established in the Union) should be able to effectively enjoy the freedom to receive free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards⁴⁶.

(6) Union **citizens or** natural persons who benefit from rights conferred upon them by Union law and legal persons established in the Union should be able to effectively enjoy the freedom to receive free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards⁴⁶.

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

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

Or. en

Amendment 141
Elena Yoncheva

Proposal for a regulation
Recital 6

(6) Recipients of media services in the Union (natural persons who are nationals of Member States or benefit from rights conferred upon them by Union law and

(6) Recipients of media services in the Union (natural persons who are nationals of Member States or benefit from rights conferred upon them by Union law and

legal persons established in the Union) should be able to effectively enjoy the freedom to *receive* free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards⁴⁶.

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

legal persons established in the Union) should be able to effectively enjoy the freedom to *have access to independent*, free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards⁴⁶.

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

Or. en

Amendment 142
Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The media environment is undergoing major and fast changes. In this regard, the role of the media in a democratic society has not changed, but media has additional tools to facilitate interaction and engagement. Media-related policy must take these and future developments into account. Therefore, this Regulation should adopt a broad notion of media which encompasses all

actors involved in the production and dissemination, to potentially large numbers of people, of content (for example information, analysis, comment, opinion, education, culture, art and entertainment in text, audio, visual, audiovisual or other form) and applications which are designed to facilitate interactive mass communication (for example social networks), while retaining (in all these cases) editorial control or oversight of the contents. Thus, the definition of media service provider should cover print media, broadcast media, non-linear audiovisual media, online newspapers, news websites, online news portals, online news archives, print and online publishers, journalists, including those in non-standard forms of employment such as free-lancing and independent journalism and other public watchdogs reporting on matters of public interest such as bloggers, NGOs, citizen journalists, whistle-blowers, well-known social media users and podcasters.

Or. en

Justification

See General Comment 34 (para 44) and the CoE Recommendation (2011)/7.

Amendment 143 Daniel Freund

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) For the purposes of this Regulation, the definition of *a media service should be limited to services as defined by the Treaty and therefore should cover any form of economic activity. This definition* should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for

Amendment

(7) For the purposes of this Regulation, *media services shall be considered to be services within the meaning of the Treaties where they are normally provided for remuneration.* The definition of media services should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity

consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal purpose, meaning where the content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. ***The definition of a media service should cover in particular television or radio broadcasts, on-demand audiovisual media services, audio podcasts or press publications.*** Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.

normally provided for consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal purpose, meaning where the content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.

Or. en

Amendment 144 **Clare Daly**

Proposal for a regulation **Recital 7**

Text proposed by the Commission

(7) For the purposes of this Regulation, the definition of a media service should be limited to services as defined by the Treaty and therefore should cover any form of economic activity. This definition should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal purpose, meaning where the content is merely incidental to the service

Amendment

(7) For the purposes of this Regulation, the definition of a media service should be limited to services as defined by the Treaty and therefore should cover any form of economic activity, ***including non-standard forms, such as freelancing.*** This definition should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal purpose, meaning where the

and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. The definition of a media service should cover in particular television or radio broadcasts, on-demand audiovisual media services, audio podcasts or press publications. Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.

content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. The definition of a media service should cover in particular television or radio broadcasts, on-demand audiovisual media services, audio podcasts or press publications. Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.

Or. en

Amendment 145 **Cristian Terheş**

Proposal for a regulation **Recital 8**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 146

Clare Daly

Proposal for a regulation

Recital 8

Text proposed by the Commission

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

Amendment

(8) In the digitalised media market, providers of video-sharing platforms or very large online platforms may fall under the definition of media service provider. In general, such providers play a key role in the organisation **of content**, including by automated means or algorithms, but **claim they** do not exercise editorial responsibility over the content to which they provide access. However, **many** providers of video-sharing platforms or very large online platforms exercise editorial control over their services. Therefore, **in circumstances where** such an entity **exercises editorial control, whether via algorithm or otherwise, it** could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.

Or. en

Amendment 147

Nathalie Colin-Oesterlé

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) In the digitalised media market, providers of video-sharing platforms or **very large online platforms** may fall under the definition of media service provider. In general, such providers play a key role in the content organisation, including by automated means or algorithms, but do not exercise editorial responsibility over the content to which they provide access. However, in the increasingly convergent

Amendment

(8) In the digitalised media market, providers of video-sharing platforms or **hosting services** may fall under the definition of media service provider. In general, such providers play a key role in the content organisation, including by automated means or algorithms, but do not exercise editorial responsibility over the content to which they provide access. However, in the increasingly convergent

media environment, some providers of video-sharing platforms or very large online platforms have started to exercise editorial control over a section or sections of their services. Therefore, such an entity could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.

media environment, some providers of video-sharing platforms or very large online platforms have started to exercise editorial control over a section or sections of their services. Therefore, such an entity could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.

Or. fr

Amendment 148

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) On the other hand, online platform's capacity to offer content without exercising editorial responsibility over it and to market the ability to target users with advertising allows them to act as direct competitors to media service providers whose content they intermediate and distribute. Given the transfer of economic value in favour online platforms, the audience measurement definition should take into account content consumed by users of media services and users of online platforms. This will ensure that all intermediaries involved in content distribution are transparent about their audience measurement methodologies so as to enable advertisers to make informed choices that drive competition.

Or. en

Justification

This amendment is based on a recommendation from the Association of Television and Radio Sales Houses (EGTA).

Amendment 149
Nathalie Colin-Oesterlé

Proposal for a regulation
Recital 9

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 150
Carles Puigdemont i Casamajó

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The definition of audience measurement should cover measurement

Amendment

(9) The definition of audience measurement should cover measurement

systems developed as agreed by industry standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed outside such self-regulatory approaches. The latter tend to be deployed by certain online players who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation.

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

Or. en

Amendment 151

Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The definition of audience measurement should cover measurement systems developed as agreed by industry standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed outside such self-regulatory approaches. The latter tend to be deployed by certain online players who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. Given the significant impact that such audience

Amendment

(9) The definition of audience measurement should cover measurement systems developed as agreed by industry standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed outside such self-regulatory approaches. The latter tend to be deployed by certain online players who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. ***Systems developed outside of commonly agreed***

measurement systems have on the advertising and media markets, they should be covered by this Regulation.

industry standards should be considered proprietary audience measurement systems. Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation. ***Media service providers which abide by the commonly agreed industry standards shall not be considered as providers of proprietary audience measurement systems.***

Or. en

Amendment 152

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) State advertising should be understood broadly as covering promotional ***or self-promotional*** activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national ***or regional level***, or local ***governments of territorial entities of more than 1 million inhabitants. However, the definition*** of state advertising ***should not include emergency messages by public authorities which are necessary, for example,*** in cases of natural or sanitary disasters, accidents or other ***sudden*** incidents that can cause harm to ***individuals***.

Amendment

(10) State advertising should be understood broadly as covering promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities ***at Union, national, regional and local level***, including ***the Commission and its agencies***, governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national, regional or local ***level***. ***For the purposes of allocation*** of state advertising ***and other financial support including*** in cases of natural or sanitary disasters, accidents or other ***unforeseen, major*** incidents that can cause harm to ***significant portions of the population, criteria should be laid down in advance by national law. Such emergency messages should not be exempted from transparency obligations. Besides, state advertising is only one form of financial support for media that may include also direct subsidies in the form of direct state support awarded to media service providers, tax advantages, reductions to***

taxes or full tax exemptions for the media sector, state advertising, project-based support schemes funding covering specific needs of media outlets, such as training and skills development, upgrade of technology or facilities, or restructuring processes.

Or. en

Justification

This amendment is based on a recommendation by the Centre for Media Pluralism and Media Freedom at the European University Institute.

Amendment 153

Andrzej Halicki, Vladimír Bilčík

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national or regional level, or local governments of territorial entities ***of more than 1 million inhabitants. However, the definition of state advertising should not include emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other sudden incidents that can cause harm to individuals.***

Amendment

(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national or regional level, or local governments of territorial entities.

Or. en

Amendment 154

Anna Júlia Donáth

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national or regional level, or local governments of territorial entities of more than 1 million inhabitants. ***However, the definition of state advertising should not include emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other sudden incidents that can cause harm to individuals.***

Amendment

(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national or regional level, or local governments of territorial entities of more than 1 million inhabitants.

Or. en

Amendment 155
Ramona Strugariu

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national or regional level, or local governments of territorial entities ***of more than 1 million inhabitants***. However, the definition of state advertising should not include

Amendment

(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, regulatory authorities or bodies, ***political parties receiving public funding***, as well as state-owned enterprises or other state-controlled entities in different sectors, at national or regional level, or local governments of territorial entities. However, the definition of state advertising should not include

emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other sudden incidents that can cause harm to individuals.

emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other sudden incidents that can cause harm to individuals.

Or. en

Amendment 156

Elena Yoncheva

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) **State** advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national **or** regional **level**, or local **governments of territorial entities of more than 1 million inhabitants**. However, the definition of **state** advertising should not include emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other sudden incidents that can cause harm to individuals.

Amendment

(10) **Public** advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including **European Union institutions or bodies**, governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national, regional or local **level**. However, the definition of **public** advertising should not include emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other sudden incidents that can cause harm to individuals.

Or. en

Amendment 157

Clare Daly

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) In order to ensure that society reaps

Amendment

(11) In order to ensure that society reaps

the benefits of *the internal media market*, it is essential *not only* to guarantee the fundamental freedoms under the Treaty, *but also* the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits. Such recipients should have access to quality media services, which have been produced by journalists and editors in an independent manner and in line with journalistic standards and hence provide trustworthy information, including news and current affairs content. Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law. *Such* quality media services *are also an antidote against* disinformation, including foreign information manipulation and interference.

the benefits of *a well-functioning media ecosystem*, it is essential to guarantee the fundamental freedoms under the Treaty. *It is also necessary to provide* the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits. Such recipients should have access to quality media services, which have been produced by journalists and editors in an independent manner and in line with journalistic standards and hence provide trustworthy information, including news and current affairs content. Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law, *however there is a clear normative obligation on them to do so*. Quality media services, *where they exist, provide citizens with a wide range of reliable information, perspectives, arguments, and views, all of which are a necessary if not sufficient condition in the face of deep social and economic inequalities for a healthy democratic public sphere in which* disinformation, including foreign information manipulation and interference *is less likely to seem attractive or plausible to media recipients*.

Or. en

Amendment 158

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) In order to ensure that society reaps the benefits of the internal media market, it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits.

Amendment

(11) In order to ensure that society reaps the benefits of the internal media market, it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits.

Such recipients should have access to quality media services, which have been produced by journalists and editors in an independent manner and in line with journalistic standards and hence provide trustworthy information, ***including news and current affairs content. Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law.*** Such quality media services are also an antidote against disinformation, including foreign information manipulation and interference.

Such recipients should have access to quality media services, which have been produced by journalists and editors in an independent manner and in line with journalistic standards and hence provide trustworthy information. Such quality media services are also an antidote against disinformation, including foreign information manipulation and interference.

Or. en

Amendment 159
Nathalie Colin-Oesterlé

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) In order to ensure that society reaps the benefits of the internal media market, it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits. Such recipients should have access to quality media services, which have been produced by journalists and editors in an independent manner and in line with journalistic standards and hence provide trustworthy information, including news and current affairs content. Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law. Such quality media services are also an antidote against disinformation, including foreign information manipulation and interference.

Amendment

(Does not affect the English version.)

Or. fr

Amendment 160

Nathalie Colin-Oesterlé

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. Editorial independence is especially important for media service providers providing news and current affairs content given its societal role as a public good. Media service providers should be able to exercise their economic activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.

Amendment

(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. Editorial independence is especially important for media service providers providing news and current affairs content given its societal role as a public good. ***Without prejudice to Directive 2010/13/EU and its transposition in the Member States,*** media service providers should be able to exercise their economic activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.

Or. fr

Amendment 161

Daniel Freund

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) ***The protection of editorial independence is a precondition for exercising the activity of*** media service providers ***and their professional integrity.*** Editorial independence ***is especially important for media service providers providing news and current affairs content given its societal role as a public good.*** Media service providers should be able to exercise their ***economic*** activities freely in the internal market and compete

Amendment

(14) ***Information is a public good.*** Media service providers ***play a key societal role in this regard. In order to guarantee an independent and pluralistic media it is of key importance to put in place the necessary measures to create a safe environment that allows journalists to exercise*** editorial independence. ***Journalists, including freelancers and self-employed journalists, as well as other*** media service providers should be able to

on equal footing in an increasingly online environment where information flows across borders.

exercise their activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.

Or. en

Amendment 162

Elena Yoncheva

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. Editorial independence is especially important for media service providers providing news and current affairs content given its societal role as a public good. Media service providers should be able to exercise their *economic* activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.

Amendment

(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. Editorial independence is especially important for media service providers providing news and current affairs content given its societal role as a public good. Media service providers should be able to exercise their activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.

Or. en

Amendment 163

Annika Bruna

Proposal for a regulation

Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) In any event, the principle of editorial freedom of media service providers must be preserved and the protection of journalistic sources reinforced.

Amendment 164**Annika Bruna****Proposal for a regulation****Recital 15***Text proposed by the Commission**Amendment*

(15) Member States have taken different approaches to the protection of editorial independence, which is increasingly challenged across the Union. In particular, there is growing interference with editorial decisions of media service providers in several Member States. Such interference can be direct or indirect, from the State or other actors, including public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage. Moreover, recent trends in media distribution and consumption, including in particular in the online environment, have prompted Member States to consider laws aimed at regulating the provision of media content. Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective

deleted

safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their content across borders and service recipients can receive such content.

Or. fr

Amendment 165

Axel Voss

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Member States have taken different approaches to the protection of editorial independence, which is increasingly challenged across the Union. In particular, there is growing interference with editorial decisions of media service providers in several Member States. Such interference can be direct or indirect, from the State or other actors, including public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage. Moreover, recent trends in media distribution and consumption, including in particular in the online environment, have prompted Member States to consider laws aimed at regulating the provision of media content. Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of regulation and approaches, the conditions for the exercise of economic activities by

Amendment

(15) Member States have taken different approaches to the protection of editorial independence, which is increasingly challenged across the Union. In particular, there is growing interference with editorial decisions of media service providers in several Member States. Such interference can be direct or indirect, from the State or other actors, including public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. ***Such direct and indirect interference may also come from the Union and its institutions and agencies.*** Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage. Moreover, recent trends in media distribution and consumption, including in particular in the online environment, have prompted Member States to consider laws aimed at regulating the provision of media content. Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such

media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their content across borders and service recipients can receive such content.

interference and fragmentation of regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their content across borders and service recipients can receive such content.

Or. en

Amendment 166

Clare Daly

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Member States have taken different approaches to the protection of editorial independence, which *is increasingly* challenged across the Union. In particular, there is *growing interference with* editorial decisions of media service providers in *several* Member States. Such *interference* can be direct or indirect, from the State or other actors, including public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers *may* act in ways which *go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in* pursuit of economic or other advantage. Moreover, recent trends in media distribution and consumption, including in particular in the online

Amendment

(15) Member States have taken different approaches to the protection of editorial independence, which *has been* challenged *for many years* across the Union. In particular, there is *longstanding pressure on* editorial decisions of media service providers in *all* Member States. Such *pressure* can be direct or indirect, *implicit or explicit*, from the State or other actors, including *business interests*, public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers *regularly* act in ways which *compromise* editorial freedom *in the* pursuit of economic, *political*, or other advantage. *There have also been recent and high-profile examples of extreme attacks on media freedom in Europe, such as the prosecution and continuing imprisonment of Julian Assange.* Moreover, recent trends in media

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

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

Or. en

Amendment 167

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) According to the Council of Europe Resolution 1003 (1993), on Ethics of journalism, inside the news organisation, publishers and journalists must co-exist, bearing in mind that the legitimate respect for publishers' and owners' ideological orientations is limited by the absolute requirements on truthful news reporting and ethical opinions. These requirements are such that it is necessary to reinforce the safeguards of the journalist's freedom of expression, for they must in the last instance operate as the ultimate sources of information. To that end, in addition to safeguarding the freedom of the media, freedom within the media must also be protected and internal

Amendment 168

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) Journalists *and* editors are the main actors in the production and provision of trustworthy media content, in particular by reporting on news or current affairs. It is essential therefore to protect journalists' capability to collect, fact-check and analyse information, including information imparted confidentially. In particular, media service providers and journalists (including those operating in non-standard forms of employment, such as freelancers) should be able to rely on a robust protection of journalistic sources and communications, including against deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists' freedom to exercise their economic activity and fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources *contributes to* the protection of the fundamental right enshrined in Article 11 of the Charter.

Amendment

(16) Journalists, editors *and media workers* are the main actors in the production and provision of trustworthy media content, in particular by reporting on news or current affairs. It is essential therefore to protect journalists' capability to collect, fact-check and analyse information, including information imparted confidentially. In particular, media service providers, *media workers* and journalists (including those operating in non-standard forms of employment, such as freelancers *and bloggers*) should be able to rely on a robust protection of journalistic sources and communications, including against *arbitrary interferences* *and* deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. *This chilling effect is more pronounced for women and gender-diverse journalists, particularly women from marginalised groups such as racialised women, women from ethnic or religious minorities, LGTBQ+ individuals and women with disabilities.* As a result, journalists' *and media workers'* freedom *of expression and capacity* to exercise their economic activity and *to* fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources *is a precondition for* the protection of the fundamental right

enshrined in Article 11 of the Charter **and crucial for safeguarding the ‘watchdog’ role of investigative journalism in democratic societies..**

Or. en

Amendment 169
Clare Daly

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) Journalists and editors **are the main actors in the production and provision of trustworthy** media content, in particular **by** reporting on news or current affairs. It is essential therefore to protect journalists’ capability to collect, fact-check and analyse information, including information imparted confidentially. In particular, media service providers and journalists (including those operating in non-standard forms of employment, such as freelancers) should be able to rely on **a robust protection of** journalistic sources and communications, including against deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists’ freedom to exercise their **economic** activity and fulfil their vital ‘public watchdog’ role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources **contributes to** the protection of the fundamental right enshrined in Article 11 of the Charter.

Amendment

(16) Journalists and editors, **according to normative standards, have an obligation to produce factual** media content, in particular **in their** reporting on news or current affairs. It is essential therefore to protect journalists’ capability to collect, fact-check and analyse information, including information imparted confidentially. In particular, media service providers and journalists (including those operating in non-standard forms of employment, such as freelancers) should be able to rely on robust **protections for** journalistic sources and communications, including against deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists’ freedom to exercise their activity and fulfil their vital ‘public watchdog’ role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources **is an essential element of** the protection of the fundamental right enshrined in Article 11 of the Charter.

Or. en

Amendment 170
Nathalie Colin-Oesterlé

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) Journalists and editors are the main actors in the production and provision of trustworthy media content, in particular by reporting on news or current affairs. It is essential therefore to protect journalists' capability to collect, fact-check and analyse information, including information imparted confidentially. In particular, media service providers and journalists (including those operating in non-standard forms of employment, such as freelancers) should be able to rely on a robust protection of journalistic sources and communications, including against deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists' freedom to exercise their economic activity and fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources contributes to the protection of the fundamental right enshrined in Article 11 of the Charter.

Amendment

(Does not affect the English version.)

Or. fr

Amendment 171
Clare Daly

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Recital 16a (new) (16a)
Surveillance methods deployed against

journalists are varied, such as interception of electronic communications and metadata, device or software hacking including denial of service attacks, wiretapping, bugging, videotaping, geolocation tracking via Radiofrequency identification (RFID), Global Positioning System (GPS) or cell-site data, data mining and social media monitoring. These techniques may gravely impact journalists' rights to privacy, data protection and freedom of expression. The protections afforded by this Regulation therefore encompass current forms of digital surveillance but also future technologies that may appear along with technological innovation and they are without prejudice to the application of existing and future Union's law that restricts or prohibits the development, trade in, and use of specific surveillance technologies deemed too invasive. Considering the preliminary remarks of the European Data Protection Supervisor on modern spyware, spyware which grant full unlimited access to personal data, including sensitive data, on a device could affect the very essence of the right to privacy, and thus should under no circumstance be considered necessary and proportionate under Union law.

Or. en

Amendment 172

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Surveillance methods deployed against journalists are varied, such as interception of electronic communications and metadata, device or software hacking including denial of service attacks, wiretapping, bugging, videotaping,

geolocation tracking via Radiofrequency identification (RFID), Global Positioning System (GPS) or cell-site data, data mining and social media monitoring. These techniques may gravely impact journalists' rights to privacy, data protection and freedom of expression. The protections afforded by this Regulation therefore encompass current forms of digital surveillance but also future technologies that may appear along with technological innovation and they are without prejudice to the application of existing and future Union's law that restricts or prohibits the development, trade in, and use of specific surveillance technologies deemed too invasive. Spyware which grant full unlimited access to personal data, including sensitive data, on a device could affect the very essence of the right to privacy, and thus should under no circumstance be considered necessary and proportionate under Union law.

Or. en

Justification

This amendment is based on a recommendation by European Digital Rights (EDRi).

Amendment 173

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) The use of surveillance technologies or coercion to access journalists' data protected by professional privilege and linked to secrecy obligations should never be considered necessary and proportionate in a democratic society given the gravity of the interference they entail with media freedoms. They undermine the role of journalists as

public watchdog and the fundamental role of journalistic sources to the protection of freedom of expression enshrined in Article 11 of the Charter.

Or. en

Justification

This amendment is based on a recommendation from European Digital Rights (EDRi).

Amendment 174

Clare Daly

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The protection of journalistic sources is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. ***This leads to fragmentation in the internal media market.*** As a result, journalists, ***which*** work increasingly on cross-border projects and provide ***their services*** to cross-border audiences, and by extension providers of media services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources and communications needs harmonisation and further strengthening at Union level.

Amendment

(17) The protection of journalistic sources is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. ***In spite of existing standards codified by the Council of Europe and of established case law by the European Court of Human Rights, practical examples from several Member States have revealed very different approaches to this matter and a lack of protection for journalistic sources in some situations.*** As a result, journalists, ***who*** work increasingly on cross-border projects and provide ***information*** to cross-border audiences, and by extension providers of media services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources and communications needs harmonisation and further strengthening at Union level, ***in***

accordance with Article 52(1) of the Charter and in compliance with other Union Law. In order to offer an adequate protection to journalistic sources, measures disposing the disclosure of journalistic sources should be, ex ante, ordered exclusively by a court of law or a judge. Such measures should only be ordered at the request of an individual or body with a direct legitimate interest, and who has exhausted all reasonable alternatives to protect that interest, only if there is an overriding requirement in the public interest provided for in national law, the information sought is essential for investigations of serious crimes, there are no other alternatives for obtaining the information sought and the interference with journalists' rights is proportionate and prescribed by law. The interest in disclosure of journalistic sources should always be balanced against the harm to freedom of expression and information. Any such measures should be subject to appeal in a higher court.

Or. en

Amendment 175

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The protection of journalistic sources is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. This leads

Amendment

(17) The protection of journalistic sources **and communication** is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general

to fragmentation in the internal media market. As a result, journalists, which work increasingly on cross-border projects and provide their services to cross-border audiences, and by extension providers of media services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources and communications needs harmonisation and further strengthening at Union level.

principle. ***In spite of existing standards codified by the Council of Europe and of established case law by the European Court of Human Rights, practical examples from several Member States have revealed very different approaches to this matter and a lack of protection for journalistic sources in some situations.*** This leads to fragmentation in the internal media market. As a result, journalists, which work increasingly on cross-border projects and provide their services to cross-border audiences, and by extension providers of media services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources and communications needs harmonisation and further strengthening at Union level, ***without weakening the current protection in any Member State. Journalists working on cross-border projects should benefit from the highest protection standards of the Member States involved. The protection of journalistic sources and communications should correspond, as minimum, to the protection as provided in accordance with international and European standards as well as the case law from the CJEU and the ECtHR.***

Or. en

Justification

This amendment is based on a recommendation from European Digital Rights (EDRi).

Amendment 176
Carles Puigdemont i Casamajó

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Audiovisual and audio media services of general interest that play an important role in the opinion-forming of

the public have become more difficult to discover and find in the digital age as commercial objectives determine which media services are offered prominently to recipients. In view of the abundance of information and the increasing use of digital means to access the media, it is key that Member States take effective measures to ensure the appropriate prominence of audiovisual and audio media services of general interest under defined general interest objectives such as media pluralism, freedom of speech, access to reliable information, social cohesion and cultural diversity. To effectively realise these general interest objectives, a Member State should tailor prominence measures to its specific national context and media market. When imposing obligations, a Member State should be free to regulate device manufacturers and providers of user interfaces controlling or managing access to and use of media services in their jurisdiction irrespective of their place of establishment. A Member State should identify the services that are considered as general interest in its jurisdiction in a transparent and objective manner. In order to be effective, audiovisual and audio media services of general interest should be prominently placed at the first selection level on these devices or user interfaces and should be accessible through a single action by the user, including clicking or scrolling. General interest audiovisual and audio media services should be made prominent in their entirety. Disaggregated content of general interest services should be prioritised on user interfaces where only individual content items are selectable.

Or. en

Amendment 177
Andrzej Halicki, Vladimír Bilčík

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) An independent authority or body designated to handle complaints lodged by media service providers or, if applicable, their family members, their employees (including those operating in non-standard forms of employment such as free-lancers and self-employed) or their family members, should be protected from any direct or indirect external influence. Such authority or body should have the necessary financial resources and relevant expertise, given the highly technical nature and sophistication of the surveillance measures. Furthermore, it should cooperate with other relevant supervisory authorities, such as data protection authorities, each acting within their respective areas of competence.

Or. en

Amendment 178
Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Digital safety and the confidentiality of electronic communications have become a major concern for journalists. In light of this, the promotion and protection of anonymisation tools and end-to-end encrypted services used by media service providers and their employees needs to be encouraged at European level to ensure an equal level of access to such equipment across all Member States. These tools have become vital for journalists to freely exercise their work and their rights to privacy, data protection and freedom of

expression including by securing their communications and protecting the confidentiality of their sources.

Or. en

Justification

This amendment is based on a recommendation from European Digital Rights (EDRi).

Amendment 179

Carles Puigdemont i Casamajó

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to quality information and impartial media coverage, as part of their *mission*. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, *to* put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their *mission* that enables predictability in their planning. *Preferably,*

Amendment

(18) Public service media established by the Member States *and Regional Governments* play a particular role in the internal media market, by ensuring that citizens and businesses have access to *universal and varied offers including* quality information, *and balanced* and impartial media coverage, as part of their *remit. They provide a forum for public discussion and a means of promoting broader democratic participation of individuals. That is why, media pluralism can only be guaranteed by a proper political balance in the content of public service media.* However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. *which may expose them to additional vulnerabilities compared to other players in the internal media market to the extent that they threaten their very existence.* This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect

such funding should be decided and appropriated on **a multi-year** basis, in line with the public service **mission** of public service media providers, to avoid potential for undue influence from **yearly** budget negotiations. The requirements laid down in this Regulation do not affect the competence of Member States **to** provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

access to independent and impartial media services. **Furthermore, in the absence of harmonised minimum standards, Member States have taken divergent measures that resulted in the fragmentation of the internal media market. This fragmentation may create legal uncertainty and an unfair level playing-field deterring private media services providers from entering the market.** It is thus necessary, building on the international standards developed by the Council of Europe in this regard, **that Member States** put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their **remit** that enables predictability in their planning **and allows them to maintain a competitive position on the internal media market.** Such funding should be decided and appropriated on **the basis of predictable, transparent, independent, impartial and non-discriminatory procedures, on a multi-year** basis, in line with the public service **remit** of public service media providers, to avoid potential for undue influence from budget negotiations. **Media companies must publicly disclose the percentage of their revenue that comes from state aid. At the same time, Member States must establish a mechanism to ensure that state aid is distributed fairly among different media outlets. The absence of harmonisation in what concerns the allocation of finances to public service media providers may create an unfair advantage for certain players in the internal media market, including advertisers and thus produce significant distortions to the internal media market. The transparency requirements under this Regulation for the appointment procedures for public service media's heads of management and members of governing bodies do not require the**

disclosure of the candidates' identity. The requirements laid down in this Regulation do not affect the *application of the State aid rules as applied on a case-by-case basis or the* competence of Member States *and Regional Governments to define a broad and dynamic remit, organise and* provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union

Or. en

Amendment 180

Clare Daly

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Public service media established by the Member States play a particular role in the internal media market, *by ensuring that* citizens and businesses *have* access to quality information and impartial media coverage, as part of their mission. However, public service media can be particularly exposed to the risk of *interference*, given their institutional proximity to the State and the public funding they *receive*. *This* risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation *may lead* to biased or partial media coverage, *distort competition in the internal media market* and negatively *affect* access to independent and impartial media services. It is thus *necessary*, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning

Amendment

(18) Public service media established by the Member States play a particular role in the internal media market, *and can, when operating independently, in the public interest, and with input from and the participation of the broadest possible base of society, help in providing* citizens and businesses *with* access to quality information and impartial media coverage, as part of their mission. However, public service media can be particularly exposed to the risk of *undue political influence*, given their institutional proximity to the State and the public funding they *receive*. *This* risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. *Even in the absence of undue political influence, public service media in neoliberalised societies can be guilty of retreat from the interests, concerns, and aspirations of the public, a retreat that is*

of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their mission that enables predictability in their planning. Preferably, such funding should be decided and appropriated on a multi-year basis, in line with the public service mission of public service media providers, to avoid potential for undue influence from yearly budget negotiations. The requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

reflected in their ongoing marginalisation or exclusion as partners in the project of public service media as well as an excessive attentiveness to political and economic power centres, and a preoccupation with legitimisation from above. This situation *leads* to biased or partial media coverage, and negatively *affects* access to independent and impartial media services. It is thus *desirable*, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their mission that enables predictability in their planning. Preferably, such funding should be decided and appropriated *in a transparent, impartial and independent way, and* on a multi-year basis, in line with the public service mission of public service media providers, to avoid potential for undue influence from yearly budget negotiations. The requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

Or. en

Amendment 181

Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Public service media established by

PE748.949v01-00

Amendment

(18) Public service media established by

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the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to quality information and impartial media coverage, as part of their *mission*. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their *mission* that enables predictability in their planning. Preferably, such funding should be decided and appropriated on a multi-year basis, in line with the public service *mission* of public service media providers, to avoid potential for undue influence from yearly budget negotiations. The requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to *universal and varied offers including* quality information, *and balanced* and impartial media coverage, as part of their *remit*. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, *that Member States* to put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their *remit* that enables predictability in their planning. Preferably, such funding should be decided and appropriated on a multi-year basis, in line with the public service *remit* of public service media providers, to avoid potential for undue influence from yearly budget negotiations. *The transparency requirements under this Regulation for the appointment procedures for public service media's heads of management and members of governing bodies do not require the disclosure of the candidates' identity.* The requirements laid down in this Regulation do not affect the *application of the State aid rules as applied on a case by case basis or the* competence of Member States to *define a broad and dynamic remit, organise and* provide for the funding of public service media as enshrined in Protocol 29 on the system of public

broadcasting in the Member States,
annexed to the Treaty on European Union
and to the Treaty on the Functioning of the
European Union.

Or. en

Amendment 182
Lukas Mandl

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to quality information and impartial media coverage, as part of their *mission*. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, *to* put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their *mission* that enables predictability in their planning. *Preferably*, such funding should be decided and appropriated on a *multi-year* basis, in line with the public service *mission* of public

Amendment

(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to *universal and varied offers including* quality information, *and balanced* and impartial media coverage, as part of their *remit*. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, *that Member States* put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their *remit* that enables predictability in their planning. Such funding should be decided and appropriated on a *multi-year*

service media providers, to avoid potential for undue influence from *yearly* budget negotiations. The requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

basis, in line with the public service *remit* of public service media providers, to avoid potential for undue influence from budget negotiations. The requirements laid down in this Regulation do not affect the *application of the State aid rules as applied on a case-by-case basis or the competence of Member States to define a broad and dynamic remit, organise and provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.*

Or. en

Amendment 183

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to quality information and *impartial* media coverage, as part of their *mission*. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal

Amendment

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Or. en

Amendment 184
Elena Yoncheva

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to quality information and impartial media coverage, as part of their mission. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to

Amendment

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biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their mission that enables predictability in their planning. *Preferably*, such funding should be decided and appropriated on a multi-year basis, in line with the public service mission of public service media providers, to avoid potential for undue influence from yearly budget negotiations. The requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

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Or. en

Amendment 185

Nathalie Colin-Oesterlé

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to quality information and impartial media coverage, as part of their mission.

Amendment

(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to *a variety of* quality information and impartial *and balanced* media coverage, as part of

However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, *to* put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their mission that enables predictability in their planning. Preferably, such funding should be decided and appropriated on a multi-year basis, in line with the public service mission of public service media providers, to avoid potential for undue influence from yearly budget negotiations. The requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

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Or. fr

Amendment 186
Elena Yoncheva

Proposal for a regulation
Recital 19

(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the *news* media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. *Such* transparency is *also* an effective tool to limit risks of interference with editorial independence. It is *thus* necessary to introduce common information requirements for all relevant media service providers across the Union that should include proportionate requirements to disclose ownership information. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849⁴⁹ should not be affected. The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible.

(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. ***It is thus important for media service providers to disclose its sources of funding by making publicly available information regarding advertisers, sponsors, large donors or the provision of political advertising services, which in addition to transparency of ownership measures*** is an effective tool to limit risks of interference with editorial independence. It is necessary to introduce common information requirements for all relevant media service providers across the Union that should include proportionate requirements to disclose ownership information, ***as well as information on advertisers, sponsors, large donors or the provision of political advertising services.*** In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849⁴⁹ should not be affected. The required information ***for transparency of media ownership*** should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible. ***Establishing a National Repository of Media Ownership operated by national regulatory authorities or bodies, as well as a European Repository of Media Ownership operated by the European Board of Media Services should further strengthen and guarantee the accessibility and uniformity of the information available to recipients of media services.***

⁴⁹ Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing,

⁴⁹ Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing,

amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).

amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).

Or. en

Amendment 187

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the news media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. Such transparency is also an effective tool to limit risks of interference with editorial independence. It is thus necessary to introduce common information requirements for all relevant media service providers across the Union that should include proportionate requirements to disclose ownership information. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849⁴⁹ should not be affected. The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible.

⁴⁹ Directive (EU) 2015/849 of the European Parliament and of the Council of

Amendment

(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the news media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. Such transparency is also an effective tool to limit risks of interference with editorial independence. It is thus necessary to introduce common information requirements for all relevant media service providers across the Union that should include proportionate requirements to disclose ownership information, ***including the information on their parent and sister companies and details, if applicable, of their contracts with state bodies***. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849⁴⁹ should not be affected. The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible.

⁴⁹ Directive (EU) 2015/849 of the European Parliament and of the Council of

20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).

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Or. en

Amendment 188
Clare Daly

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the news media so that they can identify and understand potential conflicts of interest which is ***a prerequisite for*** forming well-informed opinions and consequently to actively participate in a democracy. Such transparency is also an effective tool to limit risks of interference with editorial independence. It is thus necessary to introduce common information requirements for all relevant media service providers across the Union that should include proportionate requirements to disclose ownership information. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849⁴⁹ should not be affected. The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible.

⁴⁹ Directive (EU) 2015/849 of the European Parliament and of the Council of

Amendment

(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the news media so that they can identify and understand potential conflicts of interest which is ***helpful to*** forming well-informed opinions and consequently to actively participate in a democracy. Such transparency is also an effective tool to limit risks of interference with editorial independence. It is thus necessary to introduce common information requirements for all relevant media service providers across the Union that should include proportionate requirements to disclose ownership information. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849⁴⁹ should not be affected. The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible.

⁴⁹ Directive (EU) 2015/849 of the European Parliament and of the Council of

20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).

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Or. en

Amendment 189

Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation

Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Recipients of media services shall have a right to easily identify the media service provider on any device or user interface controlling or managing access to and use of media service.

Manufacturers of devices and providers of users interfaces controlling or managing access to and use of media services shall ensure that the identity of the media service provider bearing the editorial responsibility for the content or services is clearly visible alongside the content and the services offered. Manufacturers of devices and providers of user interfaces controlling or managing access to and use of media service provider bearing the editorial responsibility for the content or services is clearly visible alongside the content and services offered.

Or. en

Amendment 190

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Transparency of media ownership is a fundament to monitor and understand the functioning of the European media market. A media ownership database serves as a one stop shop for citizens and other stakeholders with information mapping the ownership structures in the market. The Board and the Member states need to cooperate in information collecting, maintaining and updating the database as a primary source of such information.

Or. en

Amendment 191
Clare Daly

Proposal for a regulation
Recital 20

Text proposed by the Commission

Amendment

(20) Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt proportionate measures to guarantee, ***once the overall editorial line has been agreed between their owners and editors***, the freedom of the editors to take individual decisions in the course of their professional activity. The objective to shield editors from undue interference in their decisions taken on specific pieces of content as part of their everyday work contributes to ***ensuring a level playing field in the internal market for media services and*** the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of

(20) Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. Media ***owners come to media ownership with their own ideologies and preoccupations, and very often with particular political goals they wish to pursue via media ownership. It has long been recognised that media owners will populate their editorial staff with individuals who broadly toe the line in regard to media owners' own ideologies and perspectives, meaning overt editorial interference by media owners is unnecessary.*** Nonetheless, media service providers should adopt proportionate measures to guarantee, ***in line with the broad editorial line imposed by owners***, the freedom of the editors to take individual

these considerations, media service providers should also ensure transparency of actual or potential conflicts of interest to their service recipients.

decisions in the course of their professional activity. The objective to shield editors from undue interference in their decisions taken on specific pieces of content as part of their everyday work contributes to the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency of actual or potential conflicts of interest, ***including in particular business interests and political affiliations***, to their service recipients.

Or. en

Amendment 192

Nathalie Colin-Oesterlé

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt proportionate measures to ***guarantee, once the overall editorial line has been agreed between their owners and editors, the freedom of the editors to take individual decisions in the course of their professional activity***. The objective to shield editors from undue interference in their decisions taken on specific pieces of content as part of their everyday work ***contributes to ensuring a level playing field in the internal market for media services and*** the quality of ***such*** services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure

Amendment

(20) Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt proportionate measures to ***protect the editorial freedom of the media in the course of their professional activity, in particular by appointing publishing directors with legal responsibility for the publication of content***. The objective ***is*** to shield editors from undue interference in their decisions taken on specific pieces of content as part of their everyday work ***to ensure*** the quality of ***their*** services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency of actual or potential conflicts

transparency of actual or potential conflicts of interest to their service recipients.

of interest to their service recipients.

Or. fr

Amendment 193

Axel Voss

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt proportionate measures to guarantee, ***once the overall editorial line has been agreed between their owners and editors, the freedom of the editors to take individual decisions in the course of their professional activity.*** The objective to shield ***editors*** from undue interference ***in their decisions taken on specific pieces of content as part of their everyday work*** contributes to ensuring a level playing field in the internal market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency of actual or potential conflicts of interest to their service recipients.

Amendment

(20) Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt proportionate measures to guarantee editorial ***independence.***, The objective to shield ***editorial decisions*** from undue interference contributes to ensuring a level playing field in the internal market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency of actual or potential conflicts of interest to their service recipients. ***This should not affect the right of the owner to also hold a controlling editorial position, to set and change an editorial line and to determine the staffing and organisation of editorial teams.***

Or. en

Amendment 194

Nathalie Colin-Oesterlé

Proposal for a regulation

Recital 21

(21) **To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council⁵⁰ should be exempted from the requirements related to information and internal safeguards with a view to guaranteeing the independence of individual editorial decisions.** Moreover, media service providers should be free to tailor the internal safeguards to their needs, in particular if they are small and medium-sized enterprises within the meaning of **that Article**. The Recommendation that accompanies this Regulation⁵¹ provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of **private** media owners.

(21) Media service providers should be free to tailor the internal safeguards to their needs **or specific editorial line**, in particular if they are small and medium-sized enterprises within the meaning of **Article 3 of Directive 2013/34/EU of the European Parliament and of the Council referred to above**. The Recommendation that accompanies this Regulation⁵¹ provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of media owners **and with the exercise of responsibility of the publishing director**.

⁵⁰ **Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).**

⁵¹ OJ C , , p. .

⁵¹ OJ C [...], [...], p. [...].

Amendment 195

Axel Voss

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council⁵⁰ should be exempted from the requirements ***related to information and internal safeguards with a view to guaranteeing the independence of individual editorial decisions***. Moreover, media service providers should be free to tailor the internal safeguards to their needs, ***in particular if they are small and medium-sized enterprises within the meaning of that Article***. The Recommendation that accompanies this Regulation⁵¹ provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.

⁵⁰ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).

Amendment

(21) To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council⁵⁰ should be exempted from the requirements ***of Article 6***. Moreover, media service providers should be free to tailor the internal safeguards to their needs. The Recommendation that accompanies this Regulation⁵¹ provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to ***take decisions in the interest of their media service, including to set strategic or general goals and to foster the growth and financial viability of their undertakings, nor to deprive the owners of their editorial freedom***. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.

⁵⁰ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).

Amendment 196

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council⁵⁰ should be exempted from **the requirements related to information and internal safeguards with a view to guaranteeing the independence of individual editorial decisions**. Moreover, media service providers should be free to tailor the internal safeguards to their needs, in particular if they are **small and medium-sized** enterprises within the meaning of **that** Article. The Recommendation that accompanies this Regulation⁵¹ provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.

⁵⁰ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of

Amendment

(21) To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council⁵⁰ should be exempted from **some requirements related to information on transparency of media ownership**. Moreover, media service providers should be free to tailor the internal safeguards to their needs, in particular if they are **micro** enterprises within the meaning of **Article 3 of Directive 2013/34/EU**. The Recommendation that accompanies this Regulation⁵¹ provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.

⁵⁰ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of

undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).

⁵¹ OJ C , , p. .

undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).

⁵¹ OJ C , , p. .

Or. en

Amendment 197

Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. ***In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case***

Amendment

(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. ***Therefore, given the importance and extensive nature of the new tasks conferred by this Regulation to these authorities, directly or indirectly, it is of utmost importance to ensure that the financial, human and technical resources of the national regulatory authorities or bodies are adequately and sufficiently increased. In this sense, Member states could make use of national resources coming from the auctioning of the spectrum, the digital dividend or the introduction of levy on regulated entities. Member States should also provide the Commission with all relevant information concerning the increase of financial, human and technical resources. Moreover, within the framework of the applicable public function, and budgetary regulations, the NRA should have full***

as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union.

authority over the recruitment and management of the staff, who should be hired under clear and transparent rules. The capacity over the management of the staff should include autonomy to decide the required profile, qualification, expertise, and other human resources features, including salary and retribution, with independence from other public bodies. The NRA should also have full autonomy and decision-making control in terms of management of internal structure, organization, and procedures for the effective performance of their duties and the effective exercise of their powers. Without prejudice to national budgetary rules and procedures. NRAs should have allocated a separated annual budget. Member States should ensure that national authorities are granted full autonomy in the spending of the allocated budget for the purpose of carrying out their duties. Any control on the budget of NRAs should be exercised in a transparent manner. Annual accounts of regulatory Authorities should have an ex post control by an independent auditor, and should be made public.

Or. en

Amendment 198
Cristian Terheş

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media

Amendment

(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media

services, envisaged in Chapter III of this Regulation. *In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union.*

services, envisaged in Chapter III of this Regulation. *Therefore, given the importance and the extensive nature of the new tasks conferred by this Regulation to these authorities, directly or indirectly, it is of utmost importance to ensure that the financial, human and technical resources of the national regulatory authorities or bodies are adequately and sufficiently increased. In this sense, Member States could make use of national resources coming from the auctioning of the spectrum, the digital dividend or the introduction of a levy on regulated entities. Member States should also provide the Commission with all relevant information concerning the increase of financial, human and technical resources. Moreover, within the framework of the applicable public function, and budgetary regulations, the national regulatory authorities should have full authority over the recruitment and management of the staff, who should be hired under clear and transparent rules. The capacity over the management of the staff should include autonomy to decide the required profile, qualification, expertise, and other human resources features, including salary and retribution, with independence from other public bodies. The national regulatory authorities should also have full autonomy and decision-making control in terms of management of internal structure, organization, and procedures for the effective performance of their duties and the effective exercise of their powers. Without prejudice to national budgetary rules and procedures, national regulatory authorities should have allocated a separated annual budget. Member states should ensure that national authorities are granted full autonomy in the spending of the allocated budget for the purpose of carrying out their duties. Any control on the budget of the national regulatory authorities should be exercised in a transparent manner. Annual accounts of regulatory*

Authorities should have an ex post control by an independent auditor, and should be made public.

Or. en

Amendment 199

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the

Amendment

(22) Independent national regulatory authorities or bodies are key for **media pluralism and media freedom** and the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. **They are the primary enforcers and guardians of media freedom and pluralism at the national level. As independent regulatory authorities, they should be able to set their own priorities guided by the general interest of safeguarding media pluralism and freedom and decide independently about the allocation of their resources. Their decisions should respect the European Charter of Fundamental Rights, in particular Article 11 thereof.** In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for

Union.

Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union.

Or. en

Justification

This amendment is based on a recommendation from Judit Bayer, University of Münster, Institute for Information, Telecommunication and Media Law, and Budapest Economic University, Department of Communication and KJ Cseres, University of Amsterdam, Amsterdam Centre for European Law & Governance.

Amendment 200

Axel Voss

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA),

Amendment

(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA),

established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union.

established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union. ***Considering that press publications are traditionally not subject to regulatory oversight, for the purpose of Chapter III, Section 2 of this Regulation, "media service" shall be understood as any media service with the exception of media services providing press publications, unless otherwise specified.***

Or. en

Amendment 201
Clare Daly

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union

Amendment

(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union

level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union.

level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union. ***Considering that press publications are traditionally not subject to mandatory regulatory oversight, the regulation of press publications is outside the scope of this Regulation.***

Or. en

Amendment 202

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) Given the importance and the extensive nature of the new tasks conferred by this Regulation to independent national regulatory authorities or bodies, directly or indirectly, it is of utmost importance to ensure that the financial, human and technical resources of the national regulatory authorities or bodies are adequately and sufficiently increased. In this sense, Member States could make use of national resources coming from the auctioning of the spectrum, the digital

dividend or the introduction of a levy on regulated entities. Member States should also provide the Commission with all relevant information concerning the increase of financial, human and technical resources. Moreover, within the framework of the applicable public function, and budgetary regulations, the NRA should have full authority over the recruitment and management of the staff, who should be hired under clear and transparent rules. The capacity over the management of the staff should include autonomy to decide the required profile, qualification, expertise, and other human resources features, including salary and retribution, with independence from other public bodies. The NRA should also have full autonomy and decision-making control in terms of management of internal structure, organisation, and procedures for the effective performance of their duties and the effective exercise of their powers. Without prejudice to national budgetary rules and procedures, NRAs should have allocated a separated annual budget. Member states should ensure that national authorities are granted full autonomy in the spending of the allocated budget for the purpose of carrying out their duties. Any control on the budget of the NRAs should be exercised in a transparent manner. Annual accounts of regulatory Authorities should have an ex post control by an independent auditor, and should be made public.

Or. en

Amendment 203
Cristian Terheş

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) (22a) In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union.

Or. en

Amendment 204
Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of the Directive. The European Board for Media Services ('the Board') should therefore build on ERGA

and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union.

Or. en

Amendment 205

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board. The Board should *also* have the possibility to *invite to attend its meetings, in agreement with the Commission, experts and observers, including in particular* regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions

Amendment

(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board *as observers. In agreement with the Commission*, the Board should have the possibility to *designate as* observers *also* regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. *The Board should also have the possibility to invite to attend its meetings experts, civil society organisations and representatives of*

in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes.

media service providers. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes.

Or. en

Amendment 206
Cristian Terheş

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite to attend its meetings, *in agreement* with the Commission, *experts and* observers, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes.

Amendment

(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite, *on a case by case basis, external experts* to attend its meetings. *The Board, in consultation* with the Commission, *should have the possibility to designate permanent* observers, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or *to invite* ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a

two-thirds majority of the votes.

Or. en

Amendment 207

Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite to attend its meetings, *in agreement* with the Commission, *experts and* observers, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes.

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Or. en

Amendment 208

Clare Daly

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite to attend its meetings, ***in agreement with the Commission***, experts and observers, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes.

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Or. en

Amendment 209

Elena Yoncheva

Proposal for a regulation

Recital 23

Text proposed by the Commission

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(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite to attend its meetings, *in agreement with the Commission*, experts and observers, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes.

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Or. en

Amendment 210
Daniel Freund

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, the Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules

Amendment

(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, the Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules

implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions *in agreement with* the Commission or *upon its request* in the cases envisaged by this Regulation. In order to effectively fulfil its tasks, the Board should be able to rely on the expertise and human resources of a secretariat provided by the Commission. The Commission secretariat should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks.

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Or. en

Justification

Parts of this amendment are based on a recommendation from Judit Bayer, University of Münster, Institute for Information, Telecommunication and Media Law, and Budapest Economic University, Department of Communication and KJ Cseres, University of Amsterdam, Amsterdam Centre for European Law & Governance.

Amendment 211
Clare Daly

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) ***Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, the Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions in agreement with the Commission or upon its request in the cases envisaged by this Regulation.*** In order to effectively fulfil its tasks, the Board should be able to rely on the expertise and human resources of a secretariat ***provided by the Commission.*** ***The Commission*** secretariat should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks.

Amendment

(24) In order to effectively fulfil its tasks, the Board should be able to rely on the expertise and human resources of a secretariat. ***The*** secretariat should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks. ***The secretariate should be appointed through open competition, and be furnished with adequate budgetary and human resources to fulfil its functions.***

Or. en

Amendment 212
Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, the Board should actively

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support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions ***in agreement with the Commission*** or upon ***its*** request in the cases envisaged by this Regulation. In order to effectively fulfil its tasks, the Board should be able to rely on the expertise and human resources of a ***secretariat provided by the Commission***. ***The Commission secretariat*** should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks.

support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions ***on its own initiative*** or upon ***the Commission's*** request in the cases envisaged by this Regulation. In order to effectively ***and independently*** fulfil its tasks, the Board should be able to rely on the expertise and human resources of a ***body of the Union having legal personality, an independent Bureau dedicated to the Board. The Bureau of the European Board for Media Services*** should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks.

Or. en

Amendment 213
Elena Yoncheva

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, the Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective

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exchange of information, experience and best practices and draw up opinions in **agreement with the Commission or upon its request** in the cases envisaged by this Regulation. In order to effectively fulfil its tasks, the Board should be able to rely on the expertise and human resources of a secretariat provided by the Commission. The Commission secretariat should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks.

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Or. en

Amendment 214

Andrzej Halicki, Vladimír Bilčík

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, the Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions **in agreement with the Commission or upon its request** in the cases envisaged by this Regulation. In order to effectively fulfil its tasks, the Board should be able to rely on the expertise and human resources of a secretariat provided by the Commission. The **Commission** secretariat should provide administrative and organisational support to the Board, and help the Board in

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carrying out its tasks.

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Or. en

Amendment 215

Cristian Terheş

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, the Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions *in agreement with the Commission* or upon its request in the cases envisaged by this Regulation. In order to effectively fulfil its tasks, the Board should be able to rely on the expertise and human resources of *a* secretariat *provided by the Commission*. *The Commission* secretariat should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks.

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Or. en

Amendment 216

Clare Daly

Proposal for a regulation

Recital 25

(25) *Regulatory cooperation between independent media regulatory authorities or bodies is essential to make the internal market for media services function properly. However, Directive 2010/13/EU does not provide for a structured cooperation framework for national regulatory authorities or bodies. Since the revision of the EU framework for audiovisual media services by Directive 2018/1808/EU of the European Parliament and of the Council⁵², which extended its scope to video-sharing platforms, there has been an ever-increasing need for close cooperation among national regulatory authorities or bodies, in particular to resolve cross-border cases. Such a need is also justified in view of the new challenges in the EU media environment that this Regulation seeks to address, including by entrusting national regulatory authorities or bodies with new tasks.* **deleted**

⁵² *Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303, 28.11.2018, p. 69-92).*

Or. en

Amendment 217
Clare Daly

Proposal for a regulation
Recital 26

(26) To ensure the effective enforcement of Union media law, to prevent the possible circumvention of the applicable media rules by rogue media service providers and to avoid the raising of additional barriers in the internal market for media services, it is essential to provide for a clear, legally binding framework for national regulatory authorities or bodies to cooperate effectively and efficiently.

deleted

Or. en

**Amendment 218
Cristian Terheş**

**Proposal for a regulation
Recital 26**

(26) To ensure the effective enforcement of Union media law, to prevent the possible circumvention of the applicable media rules by rogue media service providers and to avoid the raising of additional barriers in the internal market for media services, it is essential to provide for a clear, legally binding framework for national regulatory authorities or bodies to cooperate effectively and efficiently.

(26) Aware of these challenges, the European Regulators' Group for Audiovisual Media Services adopted in 2020 a Memorandum of Understanding, a voluntary framework for cooperation to strengthen cross-border enforcement of media rules on audiovisual media services and video-sharing platforms. Building on this voluntary framework, in order to ensure the *comprehensive and* effective enforcement of Union media law, to prevent the possible circumvention of the applicable media rules by rogue media service providers and to avoid the raising of additional barriers in the internal market for media services, it is essential to provide for a clear, legally binding framework for national regulatory authorities or bodies to cooperate effectively and efficiently.

Or. en

Amendment 219
Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) To ensure the effective enforcement of Union media law, to prevent the possible circumvention of the applicable media rules by rogue media service providers and to avoid the raising of additional barriers in the internal market for media services, it is essential to provide for a clear, legally binding framework for national regulatory authorities or bodies to cooperate effectively and efficiently.

Amendment

(26) ***Aware of these challenges the European Regulators' Group for Audiovisual Media Services adopted in 2020 a memorandum of Understanding, a voluntary framework for cooperation to strengthen cross-border enforcement of media rules on audiovisual media services and video-sharing platforms. Building on this voluntary framework, in order*** to ensure the ***comprehensive and*** effective enforcement of Union media law, to prevent the possible circumvention of the applicable media rules by rogue media service providers and to avoid the raising of additional barriers in the internal market for media services, it is essential to provide for a clear, legally binding framework for national regulatory authorities or bodies to cooperate effectively and efficiently.

Or. en

Amendment 220
Cristian Terheş

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect viewers of video-sharing platform services from certain illegal and harmful content, including commercial communications. In particular, a mechanism is needed to allow any relevant national regulatory authority or body to request its peers to take

Amendment

(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect viewers of video-sharing platform services from certain illegal and harmful content, including commercial communications. In particular, ***and without prejudice to the country-of-origin principle***, a mechanism is needed to allow any relevant national

necessary and proportionate actions to ensure enforcement of obligations under this Article by video-sharing platform providers. In case the use of such mechanism does not lead to an amicable solution, the freedom to provide information society services from another Member State can only be restricted if the conditions set out in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council⁵³ are met and following the procedure set out therein.

⁵³ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1-16).

regulatory authority or body to request its peers to take necessary and proportionate actions to ensure enforcement of obligations under this Article by video-sharing platform providers. In case the use of such mechanism does not lead to an amicable solution, the freedom to provide information society services from another Member State can only be restricted if the conditions set out in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council⁵³ are met and following the procedure set out therein.

⁵³ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1-16).

Or. en

Amendment 221

Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect viewers of video-sharing platform services from certain illegal and harmful content, including commercial communications. In particular, a mechanism is needed to allow any relevant national regulatory authority or body to request its peers to take necessary and proportionate actions to ensure enforcement of obligations under this Article by video-sharing platform providers. In case the use of such mechanism does not lead to an amicable

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Or. en

Amendment 222

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 28

Text proposed by the Commission

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

Amendment

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

important to ensure prominence for content of general interest, in order to help achieving a level playing field in the internal market and compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field. ***It would also be useful to provide guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.***

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Or. en

Amendment 223
Anna Júlia Donáth

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) Ensuring a consistent regulatory practice regarding this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission may issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant

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Or. en

Amendment 224

Carles Puigdemont i Casamajó

Proposal for a regulation

Recital 28

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Amendment

(28) Ensuring ***an effective application of*** this Regulation and Directive

Directive 2010/13/EU is essential. For this purpose, **and to contribute to ensuring a convergent implementation of EU media law**, the Commission may issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. **This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest.** In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help **achieving a level playing field in the internal market and** compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. **Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field.** It would **also** be useful to provide guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.

2010/13/EU is essential. For this purpose, the Commission may issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. **Such guidelines should respect the Member States' as well as Regional Governments' competences in cultural matters with a view to promoting media pluralism, be principle-based and be without effect to existing national prominence measures.** It would be useful to provide guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.

Or. en

Amendment 225
Clare Daly

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) Ensuring a consistent regulatory practice regarding this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission may issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help achieving a level playing field in the internal market and compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field. It would also be useful to provide guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be *assisted* by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the

Amendment

(28) Ensuring a consistent regulatory practice regarding this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission may issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help achieving a level playing field in the internal market and compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field. It would also be useful to provide guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be *advised* by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the

respective guidelines.

respective guidelines.

Or. en

Amendment 226

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) Minimum harmonisations of rules regarding restrictions on media ownership across the European Union is one of the fundamentals in order to guarantee a fair plurality and to protect fair competition among media services providers within the European media market and to uphold the right for consumers to receive variety of diverse information and opinions in an impartial and pluralistic manner. For this purpose, certain politically exposed persons, as defined in Article 3 of Directive (EU) 2015/849, such as heads of State, heads of government, ministers, deputy or assistant ministers, members of parliament or of similar legislative bodies, should after being appointed as such terminate their business relations with a media service provide.

Or. en

Amendment 227

Anna Júlia Donáth

Proposal for a regulation

Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) Transparency of media ownership is the precondition to a fuller understanding of media ownership in

Europe and makes media pluralism effective. A media ownership database constitutes a valuable resource for citizens and a wide range of stakeholders, but collecting such information in a comprehensive manner remains a challenge. Therefore, Member States and the Board actively participate in information gathering, updating and dissemination activities relating to media-ownership issues.

Or. en

Amendment 228
Anna Júlia Donáth

Proposal for a regulation
Recital 28 b (new)

Text proposed by the Commission

Amendment

(28b) National regulatory authorities or bodies established in accordance with Directive 2010/13/EU uphold a media ownership database in order to ensure the public interest because the media helps form public opinion and has direct influence on the outcome of elections. The Commission provides guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.

Or. en

Amendment 229

Proposal for a regulation

Recital 29

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 230

Clare Daly

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. ***This is key in particular when it comes to protecting the internal market from activities of media service providers established outside the Union that target audiences in the Union where, inter alia in view of the control that may be***

Amendment

(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression.

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

Or. en

Justification

Foreign policy and defence matters are the exclusive competence of Member States, and while Member States may, if they wish, coordinate on certain matters, including decisions to ban third-country media, there should be no pressure or obligation on them to do so. Efforts to undermine Member State sovereignty on foreign policy issues through ‘backdoor’ measures like this are ill-suited to a Union that purports to venerate democratic values.

Amendment 231

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers established outside the *Union* that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to public security and defence. In this regard, the *coordination* between national regulatory authorities or bodies to face together possible *public security and defence* threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. *In order to ensure that media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance should also be available to guarantee the ‘effet utile’ of the relevant national measures, in compliance with Union law. Additionally, it is necessary to coordinate the national measures that may be adopted to counter public security and defence threats by media services established outside of the Union and targeting audiences in the Union, including the possibility for the Board, in agreement with the*

Amendment

(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers *originating from outside the Union (either established outside of the EU, established outside the EU but under jurisdiction of an EU Member State through the Directive 2010/13/EU satellite criteria or established in the EU) irrespective of the means of distribution or access*, that target *or reach* audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to public security and defence. In this regard, the *cooperation* between national regulatory authorities or bodies to face together possible threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation.

Commission, to issue opinions on such measures, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.

Or. en

Amendment 232
Cristian Terheş

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers established outside *the Union* that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to public security and defence. In this regard, the ***coordination between*** national regulatory authorities or bodies to face together possible ***public security and defence*** threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. ***In order to ensure that media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not***

Amendment

(30) ***National*** regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers ***originating from outside the Union (either established outside of the EU, established outside of the EU but under jurisdiction of an EU Member State based on the Directive 2010/13/EU satellite criteria or established in the EU), irrespective of the means of distribution or access that target or reach*** audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to public security and defence, ***or where their programs include incitement to violence or hatred or public provocation to commit a terrorist offence.*** In this regard, the ***cooperation among*** national regulatory authorities or bodies to face together possible threats stemming

continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance should also be available to guarantee the ‘effet utile’ of the relevant national measures, in compliance with Union law. Additionally, it is necessary to coordinate the national measures that may be adopted to counter public security and defence threats by media services established outside of the Union and targeting audiences in the Union, including the possibility for the Board, in agreement with the Commission, to issue opinions on such measures, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.

from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation.

Or. en

Amendment 233

Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers established outside *the Union* that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may

Amendment

(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers *originating from outside the Union (either established outside of the EU, established outside of the EU but under jurisdiction of the EU Member state through the*

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

Directive 2010/13/EU satellite criteria or established in the EU), irrespective of the means of distribution or access, that target or reach audiences in the Union where, inter alia in view of the control that may be exercised by third countries State authorities over them, they may prejudice or pose risks of prejudice to public security, including the safeguarding of national security and defence, public health, or where their programs include incitement to violence or hatred or public provocation to commit a terrorist offence. In this regard, the *cooperation* between national regulatory authorities or bodies to face together possible threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation.

Or. en

Amendment 234

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) In the case of audiovisual media services providers under jurisdiction of EU Member States pursuant to Article 2 of Directive 2010/13/EU, in order to ensure that audiovisual media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance, pursuant to an opinion of the Board, should also be available to guarantee the ‘effet utile’ of the relevant national measures, in compliance with Union law. Following the request of the authority or body from another Member State, the competent national authority or body could be invited by the opinion of the Board to undertake certain measures, where the threats mentioned above are proven and are prejudicing or presenting a serious and grave risk of prejudice for several Member States or the Union. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.

Or. en

Amendment 235
Cristian Terheş

Proposal for a regulation
Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) In the case of audiovisual media services providers under jurisdiction of EU Member States pursuant to Article 2 of Directive 2010/13/EU, in order to ensure that audiovisual media services suspended in certain Member States

under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance, pursuant to an opinion of the Board, should also be available to guarantee the 'effet utile' of the relevant national measures, in compliance with Union law. Following the request of the authority or body from another Member State, the competent national authority or body could be invited by the opinion of the Board to undertake certain measures, where the threats mentioned above are proven and are prejudicing or presenting a serious and grave risk of prejudice for several Member States or the Union. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.

Or. en

Amendment 236
Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation
Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) In the case of audiovisual media services providers under jurisdiction of EU Member States pursuant to article 2 of Directive 2010/13/EU, in order to ensure that audiovisual media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance, pursuant to an opinion of the Board, should also be

available to guarantee the 'effet utile' of the relevant national measures, in compliance with Union law. Following the request of the authority or body from another Member State, the competent national authority or body could be invited by the opinion of the Board to undertake certain measures, where the threats mentioned above are proven and are prejudicing or presenting a serious and grave risk of prejudice for several Member States or the Union. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.

Or. en

Amendment 237

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 30 b (new)

Text proposed by the Commission

Amendment

(30b) As any measures limiting the freedom of media and of speech can only be envisaged in highly exceptional and justified cases, the implication of the Board should be limited to what is strictly necessary and in line with international and European standards, therefore should be triggered following a request of a minimum number of Board members to be defined in the Board's Rules of procedure. Once adopted, the opinions of the Board should be taken into utmost account by the national regulatory authorities or bodies concerned.

Or. en

Amendment 238
Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation
Recital 30 b (new)

Text proposed by the Commission

Amendment

(30b) .As any measures limiting the freedom of media and of speech can only be envisaged in highly exceptional and justified cases, the implication of the Board should be limited to what is strictly necessary and therefore should be triggered following a request of a minimum number of Board members to be defined in the Board's Rules of procedure. Once adopted, the opinions of the Board should be taken into utmost account by the national regulatory authorities or bodies concerned.

Or. en

Amendment 239
Cristian Terheş

Proposal for a regulation
Recital 30 b (new)

Text proposed by the Commission

Amendment

(30b) As any measures limiting the freedom of media and of speech can only be envisaged in highly exceptional and justified cases, the implication of the Board should be limited to what is strictly necessary and therefore should be triggered following a request of a minimum number of Board members to be defined in the Board's Rules of procedure. Once adopted, the opinions of the Board should be taken into utmost account by the national regulatory authorities or bodies concerned.

Or. en

Amendment 240
Cristian Terheş

Proposal for a regulation
Recital 30 c (new)

Text proposed by the Commission

Amendment

(30c) In order to foster the coherence of decisions and facilitate the eventual cooperation between national regulatory authorities or bodies, the Board should develop a set of basic criteria on the media service providers established or originating from outside the Union. Such a list would help national regulatory authorities or bodies in situations when a relevant media service provider seeks jurisdiction in a Member State, or when a media service provider already under the jurisdiction of a Member State, appears to pose serious and grave risks to national security and defence. The criteria should inter alia cover content, ownership, financing structures, editorial independence from third countries or adherence to a co-regulatory or self-regulatory mechanism governing editorial standards in one or more Member States. These criteria should allow relevant authorities or bodies to identify, and if needed prevent, the entry into the EU market, of media service providers which present a serious and grave risk of prejudice to public security and defence or where their programs contain incitement to violence or hatred or public provocation to commit a terrorist offence.

Or. en

Amendment 241
Vincenzo Sofò, Carlo Fidanza, Chiara Gemma

Proposal for a regulation
Recital 30 c (new)

(30c) In order to foster the coherence of decisions and facilitate the eventual cooperation between national regulatory authorities or bodies, the Board should develop a set of basic criteria on the service provider and the services provided. Those criteria should be used by national regulatory authorities or bodies, when media service provider originating from outside of the Union seeks jurisdiction in one of the Member States, or when it is already under the jurisdiction of a Member State. The criteria should inter alia cover content, ownership, economic and financial connections, editorial independence or lack thereof from the third country state and should allow relevant authorities or bodies to identify, and if needed prevent, the entry into the EU market, of media service providers which present a serious and grave risk of prejudice to public security and defence, public health, or where their programs contain incitement to violence or hatred or public provocation to commit a terrorist offence.

Or. en

Amendment 242

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 30 c (new)

(30c) In order to foster the coherence of decisions and facilitate the eventual cooperation between national regulatory authorities or bodies, the Board should develop a set of basic criteria on the service provider and the service provided. Those criteria should be used by national regulatory authorities or bodies, when a

media service provider originating from outside of the Union seeks jurisdiction in one of the Member States, or when it is already under the jurisdiction of a Member State.

Or. en

Amendment 243
Lukas Mandl

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act], they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act] and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council⁵⁴. To minimise the impact of any

Amendment

(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act], they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act] and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council⁵⁴. To minimise the impact of any

restriction to that content on users' freedom of information, very large online platforms should *endeavour to* submit the statement of reasons prior to the restriction taking effect without prejudice to their obligations under Regulation (EU) 2022/XXX[the Digital Services Act]. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/XXX[the Digital Services Act].

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

restriction to that content on users' freedom of information, very large online platforms should submit the statement of reasons prior to the restriction taking effect without prejudice to their obligations under *in accordance with Article 4(1) of Regulation (EU) 2019/1150 and Article 17(3) of Regulation (EU) 2022/XXX2065*[the Digital Services Act] *and grant the affected media service a right to reply to this statement of reasons prior to the suspension or restriction taking effect.* In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/2065[the Digital Services Act].

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

Or. en

Amendment 244

Carles Puigdemont i Casamajó

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online.

Amendment

(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online.

When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act], they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act] and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council⁵⁴. To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should *endeavour to* submit the statement of reasons prior to the restriction taking effect without prejudice to their obligations under Regulation (EU) 2022/XXX [the Digital Services Act]. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/XXX [the Digital Services Act].

When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act], they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act] and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council. To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should submit the statement of reasons prior to the restriction taking effect without prejudice to their obligations under *in accordance with Article 4(1) of Regulation (EU) 2019/1150 and Article 17(3) of Regulation (EU) 2022/XXX2065* [the Digital Services Act] *and grant the affected media service a right to reply to this statement of reasons prior to the suspension or restriction taking effect*. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/2065 [the Digital Services Act].

⁵⁴ Regulation (EU) 2019/1150 of the

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

Or. en

Amendment 245

Nathalie Colin-Oesterlé

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an *important* role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act], they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act] and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council⁵⁴. To minimise the impact of any

Amendment

(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an *essential* role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act], they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act] and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council⁵⁴. To minimise the impact of any

restriction to that content on users' freedom of information, very large online platforms should endeavour to submit the statement of reasons *prior to the restriction taking effect without prejudice to their obligations under* Regulation (EU) 2022/XXX [the Digital Services Act]. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/XXX [the Digital Services Act].

restriction to that content on users' freedom of information, very large online platforms should endeavour to submit the statement of reasons *in accordance with Article 4(1) of Regulation (EU) 2019/1150 and Article 17(3) of* Regulation (EU) 2022/2065 [Digital Services Act] *and grant the media service concerned a right to respond to this statement of reasons prior to the suspension or restriction taking effect.* In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/XXX [the Digital Services Act].

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

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

Or. fr

Amendment 246

Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act

Amendment

(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act

diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act], they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act] and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council⁵⁴. To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should endeavour to submit the statement of reasons *prior to the restriction taking effect without prejudice to their obligations under Regulation (EU) 2022/XXX*[the Digital Services Act]. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/XXX[the Digital Services Act].

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

diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act], they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act] and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council⁵⁴. To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should endeavour to submit the statement of reasons *in accordance with Article 4(1) of Regulation (EU) 2019/1150*[the Digital Services Act] *and grant the affected media service a right to reply to this statement of reasons prior to the suspension or restriction taking effect*. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/2065[the Digital Services Act].

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

Amendment 247**Daniel Freund, Diana Riba i Giner, Marcel Kolaja****Proposal for a regulation****Recital 31***Text proposed by the Commission*

(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory *or* self-regulatory **requirements** they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content **provided** by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act], they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act] and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council⁵⁴. To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should endeavour to submit the statement of reasons **prior to the**

Amendment

(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory **requirements and** self-regulatory **commitments** they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content **uploaded** by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act], they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act] and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council⁵⁴. To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should endeavour to submit the statement

restriction taking effect without prejudice to their obligations under Regulation (EU) 2022/XXX [the Digital Services Act]. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/XXX [the Digital Services Act].

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

of reasons **without undue delay** **and** without prejudice to their obligations under Regulation (EU) 2022/XXX [the Digital Services Act]. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/XXX [the Digital Services Act].

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

Or. en

Amendment 248 **Clare Daly**

Proposal for a regulation **Recital 32**

Text proposed by the Commission

(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that where media service providers adhere to certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms are treated with priority and without undue delay.

Amendment

deleted

Or. en

Amendment 249 **Daniel Freund, Diana Riba i Giner, Marcel Kolaja**

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that *where* media service providers *adhere to certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms* are treated with priority and without undue delay.

Amendment

(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that *complaints against unjustified removals of content made by representative bodies of* media service providers, are treated with priority and without undue delay, *in accordance with Regulation (EU) 2022/2065*.

Or. en

Amendment 250
Carles Puigdemont i Casamajó

Proposal for a regulation
Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) Media companies must give equal prominence to corrections related to proven fake news, occupying at least half of the physical space and time devoted to disseminating the fake news in question. Member States must establish legal mechanisms to enable swift correction of fake news and prevent its further dissemination.

Or. en

Amendment 251
Clare Daly

Proposal for a regulation
Recital 33

Text proposed by the Commission

Amendment

(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility not to accept such self-declaration where they consider that these conditions are not met. Providers of very large online platforms may rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative or other relevant codes of conduct. Guidelines by the Commission may be useful to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.

deleted

Or. en

Amendment 252

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility not to accept such self-declaration where they consider that these conditions are not met. **Providers of very large online platforms may rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust**

Amendment

(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable **representative bodies of** media service providers to declare that they meet certain requirements, while at the same time retaining the possibility not to accept such self-declaration where they consider that these conditions are not met. Guidelines by the Commission may be useful to facilitate an effective implementation of such functionality, including on modalities of involvement of

Initiative or other relevant codes of conduct. Guidelines by the Commission may be useful to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.

relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.

Or. en

Amendment 253

Nathalie Colin-Oesterlé

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, ***while at the same time retaining*** the possibility not to accept such self-declaration where they consider that these conditions are not met. Providers of very large online platforms may rely on information regarding adherence to these requirements, such as the ***machine-readable*** standard of the Journalism Trust Initiative or other relevant codes of conduct. Guidelines by the Commission may be useful to facilitate an effective implementation of such functionality, ***including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.***

Amendment

(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements. ***On the basis of transparent, objective and proportionate criteria, providers of very large platforms shall retain*** the possibility not to accept such self-declaration where they consider that these conditions are not met. Providers of very large online platforms may rely on information regarding adherence to these requirements, such as the standard of the Journalism Trust Initiative or other relevant codes of conduct. Guidelines by the Commission may be useful to facilitate an effective implementation of such functionality ***to address any potential abuse of the functionality by very large online platforms.***

Or. fr

Amendment 254
Andrzej Halicki, Vladimír Bilčík

Proposal for a regulation
Recital 33

Text proposed by the Commission

(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility not to accept such self-declaration where they consider that these conditions are not met. Providers of very large online platforms may rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative or other relevant codes of conduct. Guidelines by the Commission *may* be useful to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.

Amendment

(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility not to accept such self-declaration where they consider that these conditions are not met. Providers of very large online platforms may rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative or other relevant codes of conduct. Guidelines by the Commission *should* be useful to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.

Or. en

Amendment 255
Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency *and that consider that restrictions on their content are frequently imposed by providers of*

Amendment

(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency *where audits undertaken pursuant to Article 37 of Regulation (EU) 2022/2065 demonstrate*

very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.

that a VLOP's content moderation practices are negatively impacting freedom and pluralism of the media, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.

Or. en

Amendment 256
Clare Daly

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) Providers of very large online platforms should engage with media service providers *that respect standards of credibility and transparency and* that consider that restrictions on their content are frequently imposed by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.

Amendment

(35) Providers of very large online platforms should engage with media service providers that consider that restrictions on their content are frequently imposed by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.

Or. en

Amendment 257
Clare Daly

Proposal for a regulation
Recital 36

(36) ***Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation***, the Board should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large online platforms, discuss experience and best practices related to the application of the relevant provisions of this Regulation and ***to*** monitor adherence to self-regulatory initiatives aimed at ***protecting society from harmful content, including those aimed at countering disinformation***. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) 2022/XXX [Digital Services Act] and may ask the Board ***to support it*** to this effect.

(36) The Board should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large online platforms, discuss experience and best practices related to the application of the relevant provisions of this Regulation and monitor adherence to self-regulatory initiatives aimed at ***improving the public's access to reliable information***. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) 2022/XXX [Digital Services Act] and may ask ***for advice from*** the Board to this effect.

Or. en

Amendment 258

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 36

Text proposed by the Commission

Amendment

(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large online platforms, discuss experience and

(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large online platforms, discuss experience and

best practices related to the application of the relevant provisions of this Regulation and to monitor **adherence to** self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) 2022/XXX [Digital Services Act] and may ask the Board to support it to this effect.

best practices related to the application of the relevant provisions of this Regulation and to monitor **compliance with** self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) 2022/XXX [Digital Services Act] and may ask the Board to support it to this effect.

Or. en

Amendment 259

Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation

Recital 37

Text proposed by the Commission

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

Amendment

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

managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest implementing Article 7a of Directive 2010/13/EC, taken in the pursuit of legitimate public policy considerations.

device or user interface controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest implementing Article 7a of Directive 2010/13/EC, taken in the pursuit of legitimate public policy considerations.

Or. en

Amendment 260

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 37 a (new)

Text proposed by the Commission

Amendment

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

systems to pre-select the content to which recipients are exposed to. These conditions can be created by imposing pro-competitive remedies to lower barriers to entry for recommender systems providers, such as those based on unbundling and interoperability.

Or. en

Amendment 261
Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation
Recital 37 a (new)

Text proposed by the Commission

Amendment

(37a) Recipients of media services increasingly face difficulties in identifying who bears the editorial responsibility for the content or services they consume, in particular when they access media services through connected devices or on-line platforms. Failure to clearly indicate editorial responsibility for media content or services (e.g., through incorrect attribution of logos, trademarks, or other characteristic traits) deprives recipients of media services of the possibility to understand and assess the information they receive, which is a prerequisite for forming well-informed opinions and consequently to actively participate in democracy. Recipients of media services should therefore be enabled to easily identify the media service provider bearing the editorial responsibility over any given media service on all devices and user interfaces controlling or managing access to and use of media services

Or. en

Amendment 262
Carles Puigdemont i Casamajó

Proposal for a regulation
Recital 37 a (new)

Text proposed by the Commission

Amendment

(37a) Recipients of media services increasingly face difficulties in identifying who bears the editorial responsibility for the content or services they consume, in particular when they access media services through connected devices or online platforms. Failure to clearly indicate editorial responsibility for media content or services (e.g., through incorrect attribution of logos, trademarks, or other characteristic traits) deprives recipients of media services of the possibility to understand and assess the information they receive, which is a prerequisite for forming well-informed opinions and consequently to actively participate in democracy. Recipients of media services should therefore be enabled to easily identify the media service provider bearing the editorial responsibility over any given media service on all devices and user interfaces controlling or managing access to and use of media services.

Or. en

Amendment 263
Lukas Mandl

Proposal for a regulation
Recital 37 a (new)

Text proposed by the Commission

Amendment

(37a) Recipients of media services increasingly face difficulties in identifying who bears the editorial responsibility for the content or services they consume, in particular when they access media services through connected devices or online platforms. Failure to clearly

indicate editorial responsibility for media content or services (e.g., through incorrect attribution of logos, trademarks, or other characteristic traits) deprives recipients of media services of the possibility to understand and assess the information they receive, which is a prerequisite for forming well-informed opinions and consequently to actively participate in democracy. Recipients of media services should therefore be enabled to easily identify the media service provider bearing the editorial responsibility over any given media service on all devices and user interfaces controlling or managing access to and use of media services.

Or. en

Amendment 264

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 37 b (new)

Text proposed by the Commission

Amendment

(37b) Recipients of media services increasingly face difficulties in identifying who bears the editorial responsibility for the content or services they consume, in particular when they access media services through connected devices or online platforms. Failure to clearly indicate editorial responsibility for media content or services (e.g., through incorrect attribution of logos, trademarks, or other characteristic traits) deprives recipients of media services of the possibility to understand and assess the information they receive, which is a prerequisite for forming well-informed opinions and consequently to actively participate in democracy. Recipients of media services should therefore be enabled to easily identify the media service provider bearing the editorial

responsibility over any given media service on all devices and user interfaces controlling or managing access to and use of media services.

Or. en

Justification

This amendment is based on a recommendation from the European Broadcasting Union.

Amendment 265

Yana Toom

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) Different legislative, regulatory or administrative measures can negatively affect the operation of media service providers in the internal market. They include, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors; ***they also include*** decisions related to licensing, authorisation or prior notification for media service providers. In order to mitigate their potential negative impact on the functioning of the internal market for media services and enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.

Amendment

(38) Different legislative, regulatory or administrative measures can negatively affect ***and restrict*** the operation of media service providers in the internal market. They include, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors; ***disproportionate or distorted implementation at national level of the minimum requirements foreseen in the Audiovisual Media Services Directive which can create obstacles in the internal market, and*** decisions related to licensing, authorisation or prior notification for media service providers. In order to mitigate their potential negative impact on the functioning of the internal market for media services and enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.

Or. en

Amendment 266

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) Different legislative, regulatory or administrative measures can negatively affect **the operation** of media service providers in the internal market. **They include**, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors; **they also include** decisions related to licensing, authorisation or prior notification for media service providers. In order to mitigate their potential negative impact on the functioning of the internal market for media services and enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.

Amendment

(38) Different legislative, regulatory or administrative measures can negatively affect **media pluralism and editorial independence by restricting the possibility** of media service providers in the internal market **to provide access to a plurality of views and to reliable sources of information. Such measures can take various forms**, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors, **or** decisions related to licensing, authorisation or prior notification for media service providers. In order to mitigate their potential negative impact on the functioning of the internal market for media services and enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.

Or. en

Amendment 267

Clare Daly

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) Different legislative, regulatory or administrative measures can **negatively** affect the operation of media service providers in the internal market. They include, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors; they also include decisions related to licensing,

Amendment

(38) Different legislative, regulatory or administrative measures can affect the operation of media service providers in the internal market. They include, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors; they also include decisions related to licensing, authorisation or prior

authorisation or prior notification for media service providers. In order to **mitigate their potential negative impact on the functioning of the internal market for media services and** enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.

notification for media service providers. In order to enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.

Or. en

Amendment 268

Nathalie Colin-Oesterlé

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) Different legislative, regulatory or administrative measures can **negatively** affect **the operation** of media service providers in the internal market. They include, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors; they also include decisions related to licensing, authorisation or prior notification for media service providers. In order to mitigate their potential negative impact on the functioning of the internal market for media services and enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.

Amendment

(38) Different legislative, regulatory or administrative measures can affect **or even restrict transborder operations of news and current affairs programmes** of media service providers in the internal market. They include, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors; they also include decisions related to licensing, authorisation or prior notification for media service providers. In order to mitigate their potential negative impact on the functioning of the internal market for media services and enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.

Or. fr

Amendment 269

Andrzej Halicki, Vladimír Bilčík

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) It is also key that the Board is empowered to issue an opinion, on the Commission's request, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, or when the concerned media service provider has a significant influence on the formation of public opinion in that Member State.

Amendment

(39) It is also key that the Board is empowered to issue an opinion, on ***its own initiative or upon*** the Commission's request, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, or when ***such measure is preventing a media service provider established in one Member States from providing services in another Member State, or when*** the concerned media service provider has a significant influence on the formation of public opinion in that Member State. ***Media service providers that consider to be directly affected by specific measures should also be able to request the Board to issue an opinion on the measures in question.***

Or. en

Amendment 270

Clare Daly

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) It is also key that the Board is empowered to issue an opinion, ***on the Commission's request***, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, ***or when the concerned media service provider has a***

Amendment

(39) It is also key that the Board is empowered to issue an opinion where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State.

significant influence on the formation of public opinion in that Member State.

Or. en

Amendment 271

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) It is also key that the Board is empowered to issue an opinion, on the Commission's request, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, or when the concerned media service provider has a significant influence on the formation of public opinion in that Member State.

Amendment

(39) It is also key that the Board is empowered to issue an opinion, on ***its own initiative or at*** the Commission's request, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, or when the concerned media service provider has a significant influence on the formation of public opinion in that Member State.

Or. en

Amendment 272

Elena Yoncheva

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) It is also key that the Board is empowered to issue an opinion, ***on the Commission's request***, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards

Amendment

(39) It is also key that the Board is empowered to issue an opinion where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, or when the

more than one Member State, or when the concerned media service provider has a significant influence on the formation of public opinion in that Member State.

concerned media service provider has a significant influence on the formation of public opinion in that Member State.

Or. en

Amendment 273

Carles Puigdemont i Casamajó

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) Media play a decisive role in shaping public opinion and helping citizens participate in democratic processes. This is why Member States should provide for rules and procedures in their legal systems to ensure assessment of media market concentrations that could have a significant impact on media pluralism or editorial independence. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration.

Amendment

(40) Media play a decisive role in shaping public opinion and helping citizens participate in democratic processes. ***Moreover, providers of very large online platforms and of very large online search engines play a significant role in the access to information and in the presentation of this information to the consumers. Concentration of ownership of the media system can create an environment favouring the monopolisation of the advertising market, introduce barriers to the entry of new market players and also lead to uniformity of media content. Media ownership concentration must be limited to prevent a single entity from owning a disproportionate share of the market. Media companies must publicly disclose their ownership structure and any changes in ownership.*** This is why Member States should provide for rules and procedures in their legal systems to ensure assessment of media market concentrations that could have a significant impact on media pluralism or editorial independence, ***in its entirety, including the providers of very large online platforms and very large online search engines, as well as public service media. National governments must establish an independent regulatory body to oversee media ownership and prevent monopolies.***

Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion in a given media market, ***including by means of carrying content provided by media service providers or by controlling access and visibility to such content***, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration. ***Therefore, taking such measures is essential, in order to guarantee access, competition and quality and avoid conflicts of interests between media ownership concentration and political power, which are detrimental to free competition, a level playing field and pluralism.***

Or. en

Amendment 274

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) Media play a decisive role in shaping public opinion and helping citizens participate in democratic processes. This is why Member States should provide for rules and procedures in their legal systems to ensure ***assessment of media market*** concentrations that could have a significant impact on media pluralism or editorial

Amendment

(40) Media play a decisive role in shaping public opinion and helping citizens participate in democratic processes. This is why Member States should provide for rules and procedures in their legal systems to ensure ***ex-ante and ex-post quality assessments of*** concentrations ***affecting the media market*** that could have a

independence. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration.

significant impact on media pluralism or editorial independence, ***including existing concentrations at the time of entry into force of this Regulation***. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration. ***Taking such measures is essential, in order to guarantee access, competition and quality and avoid conflicts of interests between media ownership concentration and political power, which are detrimental to free competition, a level playing field and pluralism. A detailed assessment of such media market concentrations capable of distorting media pluralism and competition should always be made by the competent national regulatory authorities or other bodies without any political interference.***

Or. en

Justification

Parts of this amendment are based on a recommendation from Judit Bayer, University of Münster, Institute for Information, Telecommunication and Media Law, and Budapest Economic University, Department of Communication and KJ Cseres, University of Amsterdam, Amsterdam Centre for European Law & Governance.

Amendment 275
Clare Daly

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) Media play a decisive role in shaping public opinion and **helping citizens participate in** democratic processes. This is why Member States should provide for rules and procedures in their legal systems to ensure assessment of media market concentrations that could have a significant impact on media pluralism or editorial independence. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of **competing** views within that market as a result of the concentration.

Amendment

(40) Media play a decisive role in shaping public opinion and **can contribute to a democratic public sphere, when well-functioning and living up to normative standards, including as regards topic selection**. This is why Member States should provide for rules and procedures in their legal systems to ensure assessment of media market concentrations that could have a significant impact on media pluralism or editorial independence. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction **in access to a variety** of views within that market as a result of the concentration.

Or. en

Amendment 276
Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) National regulatory authorities or

Amendment

(41) National regulatory authorities or

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

bodies, who have specific expertise in the area of media pluralism, should be involved in the assessment of *concentrations affecting* the media market *that could have an impact* on media pluralism and editorial *independence, including existing concentrations at the time of entry into force of this Regulation*, where they are not the designated authorities or bodies themselves. In order to foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence, it is essential that objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism and editorial independence are set out in advance.

Or. en

Amendment 277

Andrzej Halicki, Vladimír Bilčík

Proposal for a regulation

Recital 41

Text proposed by the Commission

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

Amendment

(41) National regulatory authorities or bodies, *as well as self-regulatory press bodies and civil society organisations*, who have specific expertise in the area of media pluralism, should be involved in the assessment of the impact of media market concentrations on media pluralism and editorial independence where they are not the designated authorities or bodies themselves. In order to foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence, it is essential that objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism and editorial

independence are set out in advance.

Or. en

Amendment 278

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 41 a (new)

Text proposed by the Commission

Amendment

(41a) For the purpose of ensuring the protection of media freedom and pluralism, this Regulation should also apply to existing concentrations affecting the media market at the time of its entry into force.

Or. en

Amendment 279

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 42

Text proposed by the Commission

Amendment

(42) When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004⁵⁵, the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their ***assessment of the impact of media market*** concentrations on media pluralism and editorial independence should therefore be aimed at protecting legitimate interests within the meaning of Article 21(4), third

(42) When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004⁵⁵, the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their ***assessments of concentrations affecting the media market that could have an impact on*** media pluralism and editorial independence should therefore be aimed at protecting legitimate interests within the

subparagraph, of Regulation (EC) No 139/2004, and should be in line with the general principles and other provisions of Union law.

meaning of Article 21(4), third subparagraph, of Regulation (EC) No 139/2004, and should be in line with the general principles and other provisions of Union law.

⁵⁵ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1-22).

⁵⁵ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1-22).

Or. en

Amendment 280

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 43

Text proposed by the Commission

(43) The Board should ***be empowered to*** provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, ***where the notifiable concentrations may affect the functioning of the internal media market. This would be the case, for example, where such concentrations involve at least one undertaking established in another Member State or operating in more than one Member State or result in media service providers having a significant influence on formation of public opinion in a given media market.*** Moreover, where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, ***or*** where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for media services, ***the Board***

Amendment

(43) The Board should provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, ***at its own initiative, or upon request, and conduct assessments of concentrations affecting the media market that could have a significant impact on media pluralism and editorial independence, including existing concentrations at the entry into force of the present Regulation. Democratic processes across the EU are rooted in national media markets, whereas national democratic processes spill over to EU level governance. Accordingly, it is necessary to have appropriate measures to enforce and protect democratic processes both at national and EU level.*** Moreover, ***the Board should provide an assessment*** where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, where the national regulatory authorities or bodies have not consulted the Board regarding a

should be able to provide an opinion, upon request of the Commission. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.

given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for media services, *or where the National Competition Authorities do not impose proportionate remedies for concentrations distorting competitions.* The Commission *must respond to the reasoned call of the Board.* In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.

Or. en

Amendment 281
Clare Daly

Proposal for a regulation
Recital 43

Text proposed by the Commission

(43) The Board should be empowered to provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, where the notifiable concentrations may affect the functioning of the internal media market. This would be the case, for example, where such concentrations involve at least one undertaking established in another Member State or operating in more than one Member State or result in media service providers having a significant influence on formation of public opinion in a given media market. Moreover, where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for

Amendment

(43) The Board should be empowered to provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, where the notifiable concentrations may affect the functioning of the internal media market. This would be the case, for example, where such concentrations involve at least one undertaking established in another Member State or operating in more than one Member State or result in media service providers having a significant influence on formation of public opinion in a given media market. Moreover, where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for

media services, the Board should be able to provide an opinion, upon request of the Commission. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.

media services, the Board should be able to provide an opinion *on its own initiative, or, if the Board agrees*, upon request of the Commission. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.

Or. en

Amendment 282

Andrzej Halicki, Vladimír Bilčík

Proposal for a regulation

Recital 43

Text proposed by the Commission

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

Amendment

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

drawn up by the Board.

Board.

Or. en

Amendment 283

Elena Yoncheva

Proposal for a regulation

Recital 43

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 284

Proposal for a regulation
Recital 43 a (new)

Text proposed by the Commission

Amendment

(43a) In order to ensure the full and lasting achievement of the objectives of this Regulation, the Commission should be able to assess whether undertakings which are part of a media market concentration have systematically infringed the obligations laid down in this Regulation and that there is a clear risk of seriously undermining the independence, plurality and freedom of the media. Such assessment should be based on media market investigations to be carried out in an appropriate timeframe. In order to maintain or restore the independence, plurality and freedom of media as affected by the systematic non-compliance from undertakings which are part of a media market concentration, the Commission should have the power to impose any remedy, whether behavioural or structural, having due regard to the principle of proportionality. In this context, the Commission should have the power to prohibit, to the extent that such remedy is proportionate and necessary and during a limited period, that the undertakings part of the media market concentration under investigation remain or enter into further media market concentration. The power to adopt delegated acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of imposing remedies which are proportionate and necessary to ensure effective compliance with this Regulation and the protection of media freedom, pluralism and independence.

Or. en

Amendment 285

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 44

Text proposed by the Commission

(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the individual editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should also be taken into account. In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.

Amendment

(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria ***as well as the criteria that should take precedence or prevail in case of conflicts***. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the individual editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should also be taken into account. ***Furthermore, the results of the annual Commission Rule of Law report presented in the chapters on press freedom as well as the risk assessment made annually by instruments such as the Media Pluralism Monitor should be considered in determining the overall climate for media and the effects of the concentration in question over media pluralism and editorial independence, under these specific conditions.*** In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the

absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.

Or. en

Amendment 286

Clare Daly

Proposal for a regulation

Recital 44

Text proposed by the Commission

(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the individual editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should also be taken into account. ***In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the***

Amendment

(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the individual editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should also be taken into account.

concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.

Or. en

Amendment 287

Andrzej Halicki, Vladimír Bilčík

Proposal for a regulation

Recital 44

Text proposed by the Commission

(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the individual editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should also be taken into account. In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the

Amendment

(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the individual editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should also be taken into account. ***The Board should also take into account the chapters and any country specific recommendations on media pluralism and media freedom in the Commission's annual rule of law report as well as the Media Pluralism Monitor.***

concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.

In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.

Or. en

Amendment 288

Nathalie Colin-Oesterlé

Proposal for a regulation

Recital 45

Text proposed by the Commission

(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future production of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience measurement solutions. However, certain new players that have emerged in the media ecosystem provide their own measurement services without making available information on their methodologies. This could result in information asymmetries among media market players and in potential market distortions, to the detriment of equality of opportunities for media service providers in the market.

Amendment

(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future production of content. Accordingly, media market players, in particular media service providers, ***rights holders*** and advertisers should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience measurement solutions. However, certain new players, ***such as very large online platforms and very large search engines***, that have emerged in the media ecosystem provide their own measurement services without making available information on their methodologies. This ***does not allow for the comparison of audiences between actors and*** could result in information asymmetries among media market players and in potential market distortions, to the detriment of equality of

opportunities for media service providers in the market.

Or. fr

Amendment 289

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 45

Text proposed by the Commission

(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future production of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience measurement solutions. However, certain new players that have emerged in the media ecosystem provide their own measurement services without making available information on their methodologies. This could result in information asymmetries among media market players and in potential market distortions, to the detriment of equality of opportunities for media service providers in the market.

Amendment

(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future production, **buying, planning or selling** of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience measurement solutions, **which should be in compliance with EU data protection and privacy rules**. However, certain new players that have emerged in the media ecosystem provide their own measurement services without making available information on their methodologies. This could result in information asymmetries among media market players and in potential market distortions, to the detriment of equality of opportunities for media service providers in the market.

Or. en

Amendment 290

Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation

Recital 45

Text proposed by the Commission

(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future *production* of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience measurement solutions. However, certain new players that have emerged in the media ecosystem provide their own measurement services without making available information on their methodologies. This could result in information asymmetries among media market players and in potential market distortions, to the detriment of equality of opportunities for media service providers in the market.

Amendment

(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future *buying, planning and selling* of content *and advertising inventory*. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience measurement solutions. However, certain new players that have emerged in the media ecosystem provide their own measurement services without making available information on their methodologies. This could result in information asymmetries among media market players and in potential market distortions, to the detriment of equality of opportunities for media service providers in the market.

Or. en

Amendment 291

Carles Puigdemont i Casamajó

Proposal for a regulation

Recital 46

Text proposed by the Commission

(46) In order to enhance the verifiability and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under

Amendment

(46) In order to enhance the verifiability, *comparability* and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under

these obligations, such actors, when requested and to the extent possible, should provide advertisers and media service providers or parties acting on their behalf, with information describing the methodologies employed for the measurement of the audience. Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error as well as the measurement period. The obligations imposed under this Regulation are without prejudice to any obligations that apply to providers of audience measurement services under Regulation 2019/1150 or Regulation (EU) 2022/XX [Digital Markets Act], including those concerning ranking or *self-preferencing*.

these obligations, such actors, when requested and to the extent possible, should provide advertisers and media service providers or parties acting on their behalf, with information describing the methodologies employed for the measurement of the audience. Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error as well as the measurement period. ***In addition, media service providers should obtain, free of cost, data about the audiences of their content and services.*** The obligations imposed under this Regulation are without prejudice to ***audiences' right to protection of personal data as provided by Article 8 of the Charter of Fundamental Rights read in conjunction with Regulation 2016/679 (General Data Protection Regulation) as well as*** any obligations that apply to providers of audience measurement services under Regulation 2019/1150 or Regulation (EU) 2022/1925 [Digital Markets Act], including those concerning ranking or *self-preferencing*.

Or. en

Amendment 292

Vincenzo Sofo, Carlo Fidanza, Chiara Gemma

Proposal for a regulation

Recital 46

Text proposed by the Commission

(46) In order to enhance the verifiability and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under

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(46) In order to enhance the verifiability, ***comparability*** and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under

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Or. en

Amendment 293

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 46

Text proposed by the Commission

(46) In order to enhance the verifiability and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under

Amendment

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Or. en

Amendment 294

Nathalie Colin-Oesterlé

Proposal for a regulation

Recital 46

Text proposed by the Commission

(46) In order to enhance the verifiability and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under these obligations, such actors, when requested and to the extent possible, should provide advertisers and media service providers or parties acting on their behalf,

Amendment

(46) In order to enhance the verifiability and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under these obligations, such actors, when requested and to the extent possible, should provide advertisers and media service providers or parties acting on their behalf,

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with information describing the methodologies employed for the measurement of the audience. Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error as well as the measurement period. ***In addition, media service providers and rights holders should be provided with free audience data for their content and services.*** The obligations imposed under this Regulation are without prejudice to any obligations that apply to providers of audience measurement services under Regulation 2019/1150 or Regulation (EU) 2022/XX [Digital Markets Act], including those concerning ranking or self-preferencing.

Or. fr

Amendment 295

Nathalie Colin-Oesterlé

Proposal for a regulation

Recital 47

Text proposed by the Commission

(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, ***can*** contribute to the effective application of this Regulation and ***should, therefore,*** be encouraged. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability. When

Amendment

(47) Codes of conduct ***shall be*** drawn up either by the providers of audience measurement systems or by organisations or associations representing them, ***with the help and advice of media service providers and their representative organisations, rights holders and any other interested parties. These codes of conduct shall*** contribute to the effective application of this Regulation and ***shall*** be encouraged. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry, ***with the support of national authorities or regulators,*** to agree on the practical solutions needed for

drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, **equivalence**, non-discrimination and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

Or. fr

Amendment 296

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 47

Text proposed by the Commission

(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, can contribute to the effective application of this Regulation and should, therefore, be encouraged. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders **and notably media service providers**, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level

Amendment

(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, **together with media service providers and/or their representatives, civil society organisations and other relevant stakeholders** can contribute to the effective application of this Regulation and should, therefore, be encouraged. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry **with the support of national regulatory authorities or bodies** to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination, **comparability** and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders

playing field among media market players.

mentioned above, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

Or. en

Amendment 297

Carles Puigdemont i Casamajó

Proposal for a regulation

Recital 47

Text proposed by the Commission

(47) Codes of conduct, drawn up either by *the* providers of audience measurement systems or by organisations or associations representing them, *can* contribute to the effective application of this Regulation *and should, therefore, be encouraged*. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, *non-discrimination* and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

Amendment

(47) Codes of conduct, drawn up either by providers of audience measurement systems or by organisations or associations representing them, *together with media service providers, their representative organisations and any other interested parties* contribute to the effective application of this Regulation. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry *with the support of national regulatory authorities or bodies* to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, *non-discrimination, comparability* and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

Or. en

Amendment 298

Vincenzo Sofo, Carlo Fianza, Chiara Gemma

Proposal for a regulation

Recital 47

Text proposed by the Commission

(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, *can* contribute to the effective application of this Regulation *and should, therefore, be encouraged*. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

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(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, *together with media service providers, their representative organizations and any other interested parties* contribute to the effective application of this Regulation. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination, *comparability* and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

Or. en

Amendment 299

Elena Yoncheva

Proposal for a regulation

Recital 48

Text proposed by the Commission

(48) *State* advertising is an important source of revenue for many media service

Amendment

(48) *Public* advertising, *financed by public funds, including national*

providers, contributing to their economic sustainability. Access to it must be granted in a non-discriminatory way to any media service provider from any Member State which can adequately reach some or all of the relevant members of the public, in order to ensure equal opportunities in the internal market. Moreover, *State* advertising may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of *state* advertising is therefore a powerful tool to exert influence or ‘capture’ media service providers. The distribution and transparency of *state* advertising are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, however, may not cover all *state* advertising expenditure nor offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council⁵⁶ does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on *state* advertising, where they exist, diverge significantly from one Member State to another.

⁵⁶ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).

governments funding or European Union funding distributed by Member States for the purpose of implementing communication plans as part of EU Operational Programmes or EU Cohesion Policy Programmes, is an important source of revenue for many media service providers, contributing to their economic sustainability. Access to it must be granted in a non-discriminatory way to any media service provider from any Member State which can adequately reach some or all of the relevant members of the public, in order to ensure equal opportunities in the internal market. Moreover, *public* advertising may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of *public* advertising is therefore a powerful tool to exert influence or ‘capture’ media service providers. The distribution and transparency of *public* advertising are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, however, may not cover all *public* advertising expenditure nor offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council⁵⁶ does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on *public* advertising, where they exist, diverge significantly from one Member State to another.

⁵⁶ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).

Or. en

Amendment 300

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 48

Text proposed by the Commission

(48) State advertising *is* an important source of revenue for many media service providers, *contributing* to their economic sustainability. *Access to it must be granted in a non-discriminatory way to any media service provider from any Member State which can adequately reach some or all of the relevant members of the public, in order to ensure equal opportunities in the internal market.* Moreover, State advertising may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of state advertising is therefore a powerful tool to exert influence or ‘capture’ media service providers. The distribution and transparency of state advertising are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, *however, may not cover all state advertising expenditure nor* offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council⁵⁶ does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on state advertising, where they exist, diverge significantly from one Member State to another.

⁵⁶ Directive 2014/24/EU of the European Parliament and of the Council of 26

Amendment

(48) State advertising *and other state financial support are* an important source of revenue for many media service providers *and contribute* to their economic sustainability. Moreover, State advertising *and other state financial support* may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of state advertising *and other state financial support* is therefore a powerful tool to exert influence or ‘capture’ media service providers. The distribution and transparency of state advertising *and other state financial support* are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which *do not* offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council⁵⁶ does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on state advertising *or other state financial support*, where they exist, diverge significantly from one Member State to another.

⁵⁶ Directive 2014/24/EU of the European Parliament and of the Council of 26

February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).

February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).

Or. en

Amendment 301
Clare Daly

Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) State advertising is an important source of revenue for many media service providers, contributing to their economic sustainability. Access to it must be granted in a non-discriminatory way to any media service provider from any Member State which can adequately reach some or all of the relevant members of the public, in order to ensure equal opportunities in the internal market. Moreover, State advertising may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services **and fundamental rights**. Opaque and biased allocation of state advertising is therefore a powerful tool to exert influence or ‘capture’ media service providers. The distribution and transparency of state advertising are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, however, may not cover all state advertising expenditure nor offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council⁵⁶ does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on state advertising, where they exist, diverge

Amendment

(48) State advertising is an important source of revenue for many media service providers, contributing to their economic sustainability. Access to it must be granted in a non-discriminatory way to any media service provider from any Member State which can adequately reach some or all of the relevant members of the public, in order to ensure equal opportunities in the internal market. Moreover, State advertising may make media service providers vulnerable to undue state influence to the detriment of **fundamental rights and** the freedom to provide services. Opaque and biased allocation of state advertising is therefore a powerful tool to exert influence or ‘capture’ media service providers. The distribution and transparency of state advertising are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, however, may not cover all state advertising expenditure nor offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council⁵⁶ does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on state advertising, where they exist, diverge

significantly from one Member State to another.

significantly from one Member State to another.

⁵⁶ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).

⁵⁶ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).

Or. en

Amendment 302

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 49

Text proposed by the Commission

(49) In order to ensure undistorted competition between media service providers and to avoid the risk of covert subsidies and of undue political influence on the media, it is ***necessary to establish common requirements*** of transparency, objectivity, proportionality and non-discrimination in the allocation of state advertising and of state resources to media service providers for the purpose of purchasing goods or services from them other than state advertising, ***including the requirement to publish information on the beneficiaries of state advertising expenditure and the amounts spent***. It is important that Member States make the necessary information related to state advertising publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.

Amendment

(49) ***Providers of online platforms are increasingly competing with media service providers for the purpose of state advertising and other financial support.*** In order to ensure undistorted competition between media service providers ***and providers of online platforms*** and to avoid the risk of covert subsidies and of undue political influence on the media, ***and on online platforms***, it is ***of particular importance that fair and transparent rules on the criteria for the allocation of state financial support and state advertising are in place, as well as them being effectively implemented. These criteria should follow principles*** of transparency, objectivity, proportionality and non-discrimination in the allocation of state advertising and of state resources to media service providers ***and of providers of online platforms*** for the purpose of purchasing goods or services from them other than state advertising. It is important that Member States make the necessary information, ***including beneficiaries and amounts spent***, related to state advertising ***and other state financial support*** publicly accessible in an electronic format that is easy to view,

access and download, in compliance with Union and national rules on commercial confidentiality. This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.

Or. en

Amendment 303

Elena Yoncheva

Proposal for a regulation

Recital 49

Text proposed by the Commission

(49) In order to ensure undistorted competition between media service providers and to avoid the risk of covert subsidies and of undue political influence on the media, it is necessary to establish common requirements of transparency, objectivity, proportionality and non-discrimination in the allocation of *state* advertising and of state resources to media service providers for the purpose of purchasing goods or services from them other than state advertising, including the requirement to publish information on the beneficiaries of *state* advertising expenditure and the amounts spent. It is important that Member States make the necessary information related to *state* advertising publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.

Amendment

(49) In order to ensure undistorted competition between media service providers and to avoid the risk of covert subsidies and of undue political influence on the media, it is necessary to establish common requirements of transparency, objectivity, proportionality and non-discrimination in the allocation of *public* advertising and of state *and European Union* resources to media service providers for the purpose of purchasing goods or services from them other than state advertising, including the requirement to publish information on the beneficiaries of *public* advertising expenditure and the amounts spent. It is important that Member States make the necessary information related to *public* advertising publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. *Establishing a European Repository of Public Funding for Advertising operated by the European Board of Media Services should further strengthen and guarantee the accessibility and uniformity of the information on public advertising for recipients of media services.* This Regulation shall not affect the application of the State aid rules, which are applied on

a case-by-case basis.

Or. en

Amendment 304

Clare Daly

Proposal for a regulation

Recital 50

Text proposed by the Commission

(50) Risks to the functioning and resilience of the internal media market should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of concentration of the market at national and regional level **and risks of foreign information manipulation and interference**. It should be conducted independently, on the basis of a robust list of **key performance indicators**, developed and regularly updated by **the Commission, in consultation with** the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular, the level of cross-border activity and investment, regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including in a digital environment, as well as transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader

Amendment

(50) Risks to the functioning and resilience of the internal media market should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of concentration of the market at national and regional level. It should be conducted independently, on the basis of a robust list of **criteria**, developed and regularly updated by the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular, the level of cross-border activity and investment, regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including in a digital environment, as well as transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service

trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved.

providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved.

Or. en

Amendment 305

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 50

Text proposed by the Commission

(50) Risks to the functioning and resilience of the internal media market should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of concentration of the market at national and regional level and risks of foreign information manipulation and interference. It should be conducted independently, on the basis of a robust list of key performance indicators, developed and regularly updated by the Commission, in consultation with the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to

Amendment

(50) Risks to the functioning and resilience of the internal media market should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of concentration of the market **also** at national and regional level and risks of foreign information manipulation and interference. It should be conducted independently, on the basis of a robust list of key performance indicators, developed and regularly updated by the Commission, in consultation with the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to

alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular, ***the level of cross-border activity and investment***, regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including in a digital environment, as well as transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved.

alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including in a digital environment, as well as transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved.

Or. en

Amendment 306

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Recital 51

Text proposed by the Commission

(51) To prepare the ground for a correct implementation of this Regulation, its provisions concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this Regulation) should apply 3 months after the entry into force of the Act, while all other provisions of this Regulation will apply 6 months after the entry into force of this Regulation. In

Amendment

(51) ***The Commission should be able to take the necessary actions to monitor the effective implementation of and compliance with the obligations laid down in this Regulation.*** To prepare the ground for a correct implementation of this Regulation, its provisions concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this

particular, this is needed to ensure that the Board will be established in time to ensure a successful implementation of the Regulation.

Regulation) should apply 3 months after the entry into force of the Act, while all other provisions of this Regulation will apply 6 months after the entry into force of this Regulation. In particular, this is needed to ensure that the Board will be established in time to ensure a successful implementation of the Regulation.

Or. en

Amendment 307

Nathalie Colin-Oesterlé

Proposal for a regulation

Article premier – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Directive 2001/29/EC;

Or. fr

Amendment 308

Nathalie Colin-Oesterlé

Proposal for a regulation

Article premier – paragraph 2 – point a b (new)

Text proposed by the Commission

Amendment

(ab) Directive 2010/13/EU;

Or. fr

Amendment 309

Nathalie Colin-Oesterlé

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ac) Directive 2018/1808/EU, with the

exception of Article 27 thereof;

Or. fr

Amendment 310
Nathalie Colin-Oesterlé

Proposal for a regulation
Article premier – paragraph 2 – point a d (new)

Text proposed by the Commission

Amendment

(ad) Directive 2019/789/EU;

Or. fr

Amendment 311
Clare Daly

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission

Amendment

3. This Regulation shall not affect the possibility for Member States to adopt more detailed rules in the fields covered by Chapter II and Section 5 of Chapter III, provided that those rules comply with Union law.

3. This Regulation shall not affect the possibility for Member States to adopt more detailed rules in the fields covered by Chapter II and Section 5 of Chapter III, provided that those rules comply with Union law ***and are in line with Council of Europe standards.***

Or. en

Amendment 312
Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission

Amendment

3. This Regulation shall not affect the possibility for Member States to adopt

3. This Regulation shall not affect the possibility for Member States to adopt

more detailed rules in the fields covered by Chapter II and Section 5 of Chapter III, provided that those rules comply with Union law.

more detailed rules in the fields covered by Chapter II and Section 5 of Chapter III **and Article 24**, provided that those rules comply with Union law.

Or. en

Amendment 313
Cristian Terheş

Proposal for a regulation
Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘media service’ means a service as defined by Articles 56 and 57 of the Treaty, where the principal purpose of the service or a dissociable section thereof consists in providing programmes or press publications to the general public, by any means, in order to inform, entertain or educate, under the editorial responsibility of **a** media service provider;

Amendment

(1) ‘media service’ means a service as defined by Articles 56 and 57 of the Treaty, where the principal purpose of the service or a dissociable section thereof consists in providing programmes or press publications to the general public, by any means, in order to inform, entertain or educate **through information, analysis, comment, opinion, education, culture, art and entertainment in text, audio, visual, audiovisual or other form and with applications which are designed to facilitate interactive mass communication (for example social networks) or other content-based large-scale interactive experiences** under the editorial responsibility of **an editor, non-commercial** media service provider **included**;

Or. en

Amendment 314
Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘media service’ means a service as

Amendment

(1) ‘media service’ means a service as

defined by Articles 56 and 57 of the Treaty, where the principal purpose of the service or a dissociable section thereof consists in providing programmes or press publications to the general public, by any means, in order to inform, entertain or educate, under the editorial responsibility of a media service provider;

defined by Articles 56 and 57 of the Treaty, ***including television, radio broadcasts, on-demand audiovisual media services, audio podcasts or press publications***, where the principal purpose of the service or a dissociable section thereof consists in providing programmes or press publications to the general public, by any means, in order to inform, entertain or educate, under the editorial responsibility of a media service provider;

Or. en

Amendment 315
Daniel Freund

Proposal for a regulation
Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) ‘media service provider’ means a natural or legal person whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organised;

Amendment

(2) ‘media service provider’ means a natural or legal person, ***including natural persons in non-standard forms of employment, such as free-lancing and independent journalism***, whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organised;

Or. en

Amendment 316
Cristian Terheş

Proposal for a regulation
Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) ‘media service provider’ means a natural or legal person whose professional activity is to provide a media service and

Amendment

(2) ‘media service provider’ means a natural or legal person whose professional activity is to provide a media service and

who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organised;

who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organised; ***this includes any professional journalist, independent of his/her employment contract;***

Or. en

Amendment 317
Elena Yoncheva

Proposal for a regulation
Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) ‘media service provider’ means a natural or legal person whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content of the media service ***and determines*** the manner in which it is organised;

Amendment

(2) ‘media service provider’ means a natural or legal person whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content of the media service, ***the approach and perspective of presenting and delivering the content and*** the manner in which it is organised;

Or. en

Amendment 318
Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 3 a (new)

Text proposed by the Commission

(3a) ‘news and current affairs’ means the news and current affairs as defined in Directive 2019/789/EU;

Amendment

Or. en

Amendment 319
Nathalie Colin-Oesterlé

Proposal for a regulation
Article 2 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

6a. *‘publishing director’ means the legal representative of the media service provider who assumes responsibility, including legal responsibility, for the provision of a media service;*

Or. fr

Amendment 320
Nathalie Colin-Oesterlé

Proposal for a regulation
Article 2 – paragraph 1 – point 7

Text proposed by the Commission

Amendment

(7) ‘editor’ means a natural person or a number of natural persons possibly grouped in a body, regardless of its legal form, status and composition, that takes or supervises editorial decisions within a media service provider;

(Does not affect the English version.)

Or. fr

Amendment 321
Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation
Article 2 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

(8) ‘editorial decision’ means a decision taken on a regular basis for the purpose of exercising editorial responsibility ***and linked to the day-to-day operation*** of a media service provider;

(8) ‘editorial decision’ means a decision taken on a regular basis for the purpose of exercising editorial responsibility of a media service provider;

Or. en

Amendment 322

Cristian Terheş

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘editorial decision’ means a decision taken on a regular basis for the purpose of exercising editorial responsibility **and linked to the day-to-day operation** of a media service provider;

Amendment

(8) ‘editorial decision’ means a decision taken on a regular basis for the purpose of exercising editorial responsibility of a media service provider;

Or. en

Amendment 323

Cristian Terheş

Proposal for a regulation

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

(9) ‘editorial responsibility’ means the exercise of effective control both over the selection of the programmes or press publications and over **their** organisation, for the purposes of the provision of a media service, regardless of the existence of liability under national law for the service provided;

Amendment

(9) ‘editorial responsibility’ means the exercise of effective control both over the selection of the programmes or **the content of** press publications and over **the organisation of programmes or such content**, for the purposes of the provision of a media service, regardless of the existence of liability under national law for the service provided;

Or. en

Amendment 324

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

(9) ‘editorial responsibility’ means the

Amendment

(9) ‘editorial responsibility’ means the

exercise of effective control both over the selection of the programmes or press publications and over their organisation, for the purposes of the provision of a media service, regardless of the existence of liability under national law for the service provided;

exercise of effective control both over the selection of the programmes or press publications, **and other media content**, and over their organisation, for the purposes of the provision of a media service, regardless of the existence of liability under national law for the service provided;

Or. en

Amendment 325

Nathalie Colin-Oesterlé

Proposal for a regulation

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

(9) ‘editorial responsibility’ means the exercise of effective control both over the selection of the programmes or press publications and over their organisation, for the purposes of the provision of a media service, regardless of the existence of liability under national law for the service provided;

Amendment

(9) ‘editorial responsibility’ means the exercise of effective control both over the selection of the programmes or **the content of** press publications and over their organisation, for the purposes of the provision of a media service, regardless of the existence of liability under national law for the service provided;

Or. fr

Amendment 326

Cristian Terheş

Proposal for a regulation

Article 2 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) online platform means a hosting service, as defined in Article 3 (i) of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act);

Amendment 327

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Article 2 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) ‘provider of online platform’ means a hosting service as defined in article 3 (I) in the of Regulation (EU) 2022/2065

Or. en

Amendment 328

Clare Daly

Proposal for a regulation

Article 2 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) ‘editorial independence’, has the meaning described in the Recommendation;

Or. en

Amendment 329

Cristian Terheş

Proposal for a regulation

Article 2 – paragraph 1 – point 9 b (new)

Text proposed by the Commission

Amendment

(9b) online search engine, means a service as defined in Article 3 (j) Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending

Directive 2000/31/EC (Digital Services Act);

Or. en

Amendment 330
Clare Daly

Proposal for a regulation
Article 2 – paragraph 1 – point 9 b (new)

Text proposed by the Commission

Amendment

(9b) ‘editor in chief’ means a person who supervises editorial decisions and, based on national rules, is liable for the content;

Or. en

Amendment 331
Cristian Terheş

Proposal for a regulation
Article 2 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) provider of a very large online search engine means a provider of an online search engine as defined in Article 33 (4) of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act);

Or. en

Amendment 332
Clare Daly

Proposal for a regulation

Article 2 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘media market concentration’ means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one media service provider;

Amendment

(13) ‘media market concentration’ means a concentration **that may have an impact on media pluralism and** as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one media service provider;

Or. en

Amendment 333

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Article 2 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘media market concentration’ means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one media **service provider**;

Amendment

(13) ‘media market concentration’ means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one **party in the media value chain**;

Or. en

Amendment 334

Daniel Freund, Diana Riba i Giner, Marcel Kolaja

Proposal for a regulation

Article 2 – paragraph 1 – point 14

Text proposed by the Commission

(14) ‘audience measurement’ means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services for the purposes of decisions regarding advertising allocation or prices or the related planning, production or distribution of content;

Amendment

(14) ‘audience measurement’ means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services **and users of providers of online platforms** for the purposes of decisions regarding advertising allocation or prices or the related **buying**, planning, production, **selling** or distribution of

content;

Or. en