



2022/0277(COD)

16.4.2023

DRAFT OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Culture and Education

on the proposal for a directive of the European Parliament and of the Council
Establishing a common framework for media services in the internal market
(European Media Freedom Act) and amending Directive 2010/13/EU
(COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

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SHORT JUSTIFICATION

Media freedom and media pluralism are the backbone of any functioning democracy under the rule of law. In spite of the increasingly important role that media plays in our society, the space for independent journalism, media freedom and media pluralism in Europe has become more and more challenging. Journalists, editors and publishers have been experiencing increasing pressure from the state and its representatives, as well as from powerful business individuals and entities. According to the results of the 2022 Media Pluralism Monitor, the state of market plurality, social inclusiveness and political independence, have all scored a medium to high risk. Finally, challenges and threats to media freedom and media pluralism have started to emerge irrespective of the geographical areas of the Union. This has demonstrated the need for a common European solution.

This Regulation aims to create a better environment for media in the European Union by laying down a set of clear legally binding and legally opposable principles. Rather than aiming to regulate a sector, which has traditionally relied on self-regulation, this Act aims to give media the tools it needs to withstand the pressure and challenges it is currently facing. The amendments submitted by the LIBE rapporteur therefore aim to strengthen the proposal, reinforcing the space for media and allowing citizens to fully exercise their civil rights and liberties guaranteed in our Union.

The Council of Europe through its soft-law and through the jurisprudence of the European Court for Human Rights, has established high standards of protection for the journalists not to be obliged to disclose their sources, unless in presence of a truly exceptional situation. Nevertheless, practice has revealed that in various Member States, these soft-law standards are not observed. Furthermore, recent revelations confirmed public authorities having deployed spyware and surveillance technologies against journalists, in particular for accessing their sources. An adequate level of protection for journalistic sources and a clear ban on the use of spyware or surveillance technologies against journalists, media companies, their families or their professional network is therefore a prerequisite of media freedom and pluralism. The aim is therefore to bring more of the already established soft-law standards to legally binding provisions throughout the Union. Such measures should only be disposed by a judge, in presence of an overriding public interest, in a proportionate manner that balances such infringements on journalists rights and freedom of expression with the need to obtain that information by the public authorities.

Public service media represents a special category within the media landscape because of their proximity to the state authorities. Adequate and predictable levels of funding, allocated through fair, proportionate and transparent procedures, as well as ensuring the independence of their management boards are essential to allowing public service media to serve their information aim and conduct their operations in absence of political or private influence.

As the media market becomes increasingly cross-border and the challenges arising often involve situations relevant to multiple Member States, it is only natural that the current ERGA evolves into an independent European Board for Media Services, able to assess situations that may impact media freedom and media pluralism throughout the Union and its Member States. As national regulatory authorities and bodies do not traditionally have competences over the published press and do not intend to develop their competences in that field, the Board should

be assisted by representatives of the self-regulatory bodies and journalistic associations, when its decisions or discussions have an impact on the functioning of this sector. Furthermore, the Board should be able to coordinate national regulatory authorities and bodies in what concerns the measures disposed to counter malign foreign interference against democracy through media service providers established or originating outside the Union, ensuring that such measures have a legal basis, are proportionate and taken in due time.

The increasingly digitalised environment for media as well as the dominance of digital actors on the ability of media to reach consumers have rendered the need to establish a fair level-playing field for the actors active on the internal media market. Journalistic content distributed through the digital means, going through a process of editorial review, should not be suspended by large online players based on their own rules. Prior notifications should therefore be issued to media service providers ahead of content being suspended or deleted and a system of self-declaration should allow media service providers to identify themselves in the relation with online gatekeepers.

Another aspect that creates challenges to the space for media and distorts the internal media market is represented by market concentration that significantly impacts media pluralism. Media market concentration should not always be regarded as negative, allowing smaller media outlets to pull resources together and ensure economic sustainability. Nevertheless, when they affect editorial independence and media pluralism, this has negative consequences both on the internal market, as on the state of the rule of law and democracy. It is therefore essential that they are independently assessed in order to prevent negative consequences to media freedom and media pluralism. Such assessments should be made taking into consideration the entirety of the media market, comprising the online sphere, while also referring to the results of the annual Commission Rule of Law Report or of risk assessment instruments such as the Media Pluralism Monitor.

Finally, an aspect that has great potential in distorting competition on the media market and in enhancing the vulnerabilities of media actors is state advertising. The unfair, disproportionate and biased use of state advertising gives certain players an unfair advantage on the market and forces other to leave it, contributing to a restricted presentation of information for the citizens. Recent emergency situations have proven that allocations related to the transmission of emergency messages in critical situations such as the COVID-19 pandemic can have a similar effect. All such allocations of public resources should be transparent, proportionate, fair and impartial.

The Media Freedom Act aims to ensure a safe and fair environment for media to operate. Through the amendments tabled, the LIBE rapporteur aims to strengthen this space by setting high standards in what concerns the protection of journalists against the disclosure of their sources and against the deployment of spyware and surveillance technologies. The ultimate aim of these amendments is to equip media workers with the right tools allowing them to counter external influence and pressure, whether this is political, exercised by state bodies and representatives, or private, exercised by powerful business individuals and entities. An optimal space for media cannot exist in the absence of clear rules concerning media ownership transparency, the fair distribution of state resources, a level-playing field in the relationship with online players such as platforms or in absence of legally binding principles setting minimum standards of protection across the Union. The rapporteur aims to encourage media to foster common self-regulatory standards in what concerns the guarantees for

editorial independence and the production of trustworthy information. Media freedom and media pluralism are the ultimate guarantee of a free and democratic society that is based on the rule of law and where citizens can exercise their civil rights and freedoms. It is only by enhancing these aspects that the society based on the values of our Union can remain strong and resilient, especially in light of current and upcoming domestic and international challenges.

AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Culture and Education, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation

Recital 3

Text proposed by the Commission

(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.

Amendment

(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, ***as new technologies and applications render media content easily accessible even to users who do not speak the language in which the content was produced.*** Global online platforms ***and online search engines*** 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.

Or. en

Amendment 2

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) 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, rendering it increasingly cross-border and fostering a true European market for media services. In this environment, media content is not only available but also easily accessible to European consumers irrespective of their Member State of origin. Media content created for consumers in one Member State is able to reach far further than initially intended. The ability of media service providers to operate in a fair level-playing field environment in order to make news and current affairs information available to the European citizens is hampered by divergent approaches at national level. These approaches have created market fragmentation, legal uncertainty and increasing compliance costs for media companies and media professionals. Therefore, it is necessary to have a single legal framework that ensures a harmonised application of rules for media service providers throughout the Union, ensuring that 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.

Amendment 3

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 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.

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

Amendment 4

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, very large online platforms **or very large online search engines** may fall under the definition of media service provider. In general, such providers play a key role in the content organisation, including by automated means or algorithms, but do not exercise editorial responsibility over the content to which they provide access. However, in the increasingly convergent media environment, some providers of video-sharing platforms or very large online platforms have started to exercise editorial control over a section or sections of their services. Therefore, **when such entities exercise editorial control, they** 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 5

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

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. 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.*

level, or local governments of territorial entities.

Or. en

Amendment 6

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(10 a) Emergency messages by public authorities should be understood broadly as different from state advertising and should refer to messages or information campaigns conducted by the public authorities in emergency situations such as cases of natural or sanitary disasters, accidents or any other sudden incidents or critical situations that can cause harm to individuals. Such messages may be conducted on behalf of a wide variety of public authorities or entities, including central or local governmental institutions, regulatory authorities or bodies, as well as state owned or state controlled enterprises and entities in different sectors, at national, regional or local level.

Or. en

Amendment 7

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

(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, ***editors-in-chief*** 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.

Or. en

Amendment 8

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

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 ***represents an infringement of the rule of law and*** can be direct or indirect, from the State or other actors, including ***business representatives***, public authorities, elected officials, government officials and

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 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.

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 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 9

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

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. 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.

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.*** 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, ***building up from already established soft law by the Council of Europe and the European Court of Human Rights, 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 10

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

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 quality information and impartial media coverage, as part of their mission. *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 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*

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.

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, 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 and allows them to maintain a competitive position on the internal media market. Preferably, such funding should be decided and appropriated on the basis of predictable, transparent, independent, impartial and non-discriminatory procedures, on a multi-year basis, in line with the public service mission of public service media providers, to avoid potential for undue influence from yearly budget negotiations. 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 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 11

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 ***the*** proportionate measures ***they deem appropriate, in a self-regulatory manner,*** 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 ***from owners or other company management*** 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.

Or. en

Amendment 12

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***

Amendment

(21) Media service providers should be free to tailor the internal safeguards to their needs, in particular if they are small and

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).

⁵¹ OJ C , , p. .

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).

⁵¹ OJ C , , p. .

Or. en

Amendment 13

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 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. ***Considering that press publications are traditionally not subject to regulatory oversight, the interaction between press publications and national regulatory authorities sitting in the Board, should be strictly limited to the purpose of implementing Chapter III of this Regulation.***

Or. en

Amendment 14

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 ***or, where applicable, a common representative of self-regulatory or co-regulatory systems*** to participate, as appropriate, in the meetings of the Board. ***Considering that press publications are traditionally not subject to regulatory oversight, when its discussions or decisions concern press publications, the Board should invite two national experts from each Member State, representing self-regulatory bodies, or where such bodies do not exist, representatives of civil society or journalistic organisations to sit on the Board and advise on those matters. In cases where Member States have several relevant such bodies, the Board should aim to include as many of those bodies as possible through the alternation of invited representatives over time.*** The Board should also have the possibility to invite to attend its meetings, experts and observers ***established within the Union. When such experts are established outside the Union and include*** in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities, ***such***

decisions should be taken only in agreement with the Commission. 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. ***The Board should be represented by a Chair and four Vice-Chairs. The election of the Chair and Vice-Chairs should take into account the principle of geographical balance.***

Or. en

Amendment 15

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

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 ***at its own initiative, upon the Commission's request, or at the request of the European Parliament*** 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 ***an independent*** secretariat. ***The*** secretariat should provide administrative and organisational support

carrying out its tasks.

to the Board, and help the Board in carrying out its tasks. ***The secretariat should be provided with sufficient budgetary and human resources.***

Or. en

Amendment 16

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

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 established ***or originating from*** 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 ***national and*** public security and defence, ***public health, incite to violence, hatred or promote terrorist activities, including committing terrorist acts***. 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

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.

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 **national and** public security and defence threats by media services established **or originating from** outside of the Union and targeting audiences in the Union, including the possibility for the **Board to** issue opinions on such measures, **at its own initiative or at the request of a national regulatory authority**, 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 17

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

Amendment

(31) Very large online platforms **and very large online search engines** act for many users as a gateway for access to media services, **in particular when providing access to news and current affairs information**. 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

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]**.

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 *and very large search engines providing access to news and current affairs information* 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) **2022/2065 of the European Parliament and of the Council**^{53a}, they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) **2022/2065** 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 submit the *detailed* statement of reasons prior to the restriction taking effect without prejudice to their obligations under Regulation (EU) **2022/2065**. In particular, this Regulation should not prevent a provider of a very large online platform *or a very large online search engine* 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**.

^{53a} **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**

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).

Act) (OJ L 277, 27.10.2022, p. 1).

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 18

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 where media service providers adhere to certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms **and very large online search engines** are treated with priority and without undue delay.

Or. en

Amendment 19

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

Amendment

(33) To this end, providers of very large online platforms **and very large online search engines, which provide access to news and current affairs information,** 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

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.

retaining the possibility not to accept such self-declaration where they consider that these conditions are not met. ***Media service providers should have the possibility to appeal against the refusal of providers of very large online platforms or very large online search engines to accept their declaration. Providers of very large online platforms and very large search engines*** may rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative, ***the recognition of audiovisual media service providers by national regulatory authorities, self-regulation mechanisms*** or other relevant codes of conduct. Guidelines ***issued*** by the Commission, ***under the form of a delegated act***, may be useful to facilitate an effective implementation of such functionality, including on ***the template of the self declaration, the*** modalities of involvement of relevant civil society ***or self-regulatory*** 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 20

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) This Regulation recognises the importance of self-regulatory mechanisms in the context of the provision of media services on very large online platforms. They represent a type of voluntary initiatives, for instance in a form of codes of conduct, which enable media service providers or their representatives to adopt common guidelines, including on ethical

Amendment

(34) This Regulation recognises the importance of self-regulatory mechanisms in the context of the provision of media services on very large online platforms ***and very large online search engines***. They represent a type of voluntary initiatives, for instance in a form of codes of conduct, which enable media service providers or their representatives to adopt common

standards, correction of errors or complaint handling, amongst themselves and for themselves. Robust, inclusive and widely-recognised media self-regulation represents an effective guarantee of quality and professionalism of media services and is key for safeguarding editorial integrity.

guidelines, including on ethical standards, correction of errors or complaint handling, amongst themselves and for themselves. Robust, inclusive and widely-recognised media self-regulation represents an effective guarantee of quality and professionalism of media services and is key for safeguarding editorial integrity.

Or. en

Amendment 21

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 **and very large online search engines** 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 **and very large online search engines** should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.

Or. en

Amendment 22

Proposal for a regulation

Recital 36

Text proposed by the Commission

(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.

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 **and very large online search engines**, representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large online platforms **and very large online search engines**, 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) 2022/2065 and may ask the Board to support it to this effect. ***The results of the dialogue should be made available to the European Parliament upon its request.***

Or. en

Amendment 23

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

Amendment

(37) Recipients of audiovisual media services should be able to effectively choose the audiovisual content they want to watch according to their preferences, ***customise and easily access their preferences***. Their freedom in this area

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 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.

may however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between manufacturers of devices, **such as remote controls**, or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected televisions, **connected cars, smart speakers** 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 **customise**, in a simple and user-friendly manner, the default **layout** of a device or user interface controlling **such as a remote control or the home screen** 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 24

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

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

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 non-media related sectors, **the disproportionate or distorted implementation at national level of minimum requirements foreseen in Directive 2010/13/EU, which can create new barriers in the internal market, 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 25

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, when the concerned media service provider has a significant influence on the formation of public opinion in that Member State, **or when it is preventing a media service provider established in one Member State from providing media services in another Member State. Any media service provider considering to be directly affected by such a measure should be able to request the Board to issue an opinion on such**

measures.

Or. en

Amendment 26

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.*** 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.*** 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 27

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 press self-regulatory bodies or 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 28

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, ***at its own initiative or*** upon request of the Commission. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.

Or. en

Amendment 29

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. 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 30

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

Amendment

(48) State advertising is an important source of revenue for many media service providers, ***including for providers of very large online platforms and very large online search engines***, 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. ***Furthermore, the unfair allocation of state advertising creates disruptions in the internal media market, creates an unfair level-playing field and deters players on the market to either enter it or to continue their operations in a particular Member State. This is why, in order to address such situations, state advertising allocations directed by a public authority, state-controlled or state-owned enterprise to a single media service provider or provider of a very large online platform or very large online search engine should not exceed 20% of the total budget allocated to state advertising by the said public authority, state-owned or state-***

another.

controlled enterprise. 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 Council ⁵⁶ does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on 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).

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 31

Proposal for a regulation Recital 48 a (new)

Text proposed by the Commission

Amendment

(48 a) Emergency measures by public authorities are a necessary form of informing the general public about the risks in case of a sanitary or natural disaster, accidents, other sudden incidents or critical situations that may cause harm to individuals. Crisis situations have a great potential of creating new or enhancing existing vulnerabilities in the media sector. Thus, the allocation of state funding through the transmission of

emergency messages by public authorities is essential to the economic viability of media service providers. In this context, the allocation of state resources for transmitting emergency messages may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Unfair, opaque disproportionate and biased allocations in this regard create unfair advantages for certain players on the market and distort competition, deterring new players from joining the market or determining others to leave the market in a certain Member State. The fair, transparent, proportionate, independent and predictable allocation of such state funding is therefore essential for the well-functioning of the internal market, also having implications on media freedom and the fundamental rights of individuals, including on the right to information. Crises are becoming increasingly cross-border, while rules on such allocations differ from one Member State to another, creating fragmentation and legal uncertainty in the market. Therefore, such allocations should in principle follow the same harmonised rules as those for state advertising, as detailed in this Regulation. Nevertheless, recognising the urgency to take measures during a crisis period, special provisions should apply, allowing state authorities, state-owned or state-controlled companies and entities to comply with reporting obligations once the crisis situation has ended.

Or. en

Amendment 32

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 state advertising, ***emergency messages by public authorities*** and of state resources to media service providers for the purpose of purchasing goods or services from them other than state advertising ***or funding for transmitting emergency messages by public authorities***, 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.

Or. en

Amendment 33

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(1 a) 'news and current affairs' means the news and current affairs as defined in Directive 2019/789/EU;

Or. en

Amendment 34

Proposal for a regulation

Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

(7 a) ‘editor-in-chief’ means a natural person who takes or supervises editorial decisions within a media service provider;

Or. en

Amendment 35

Proposal for a regulation

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

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;

(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. en

Amendment 36

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(9 a) ‘online platform’ means a service as defined in Article 3, point (i) of Regulation (EU) 2022/2065;

Or. en

Amendment 37

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(9 b) 'online search engine' means a service as defined in Article 3, point (j) of Regulation (EU) 2022/2065;

Or. en

Amendment 38

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

Amendment

(10) 'provider of very large online platform' means a provider of an online platform that has been designated as a very large online platform pursuant to Article 25(4) of Regulation (EU) 2022/XXX *[Digital Services Act]*;

(10) 'provider of very large online platform' means a provider of an online platform that has been designated as a very large online platform pursuant to Article 33(4) of Regulation (EU) 2022/2065;

Or. en

Amendment 39

Proposal for a regulation

Article 2 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10 a) 'provider of a very large online search engine' means a provider of an online search engine that has been designated as a very large online search engine pursuant to Article 33(4) of Regulation (EU) 2022/2065;

Or. en

Amendment 40

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 media service provider, **which may include providers of very large online platforms or of very large online search engines**;

Or. en

Amendment 41

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 online platforms** for the purposes of decisions regarding advertising allocation or prices or the related **buying**, planning, **selling** or distribution of content;

Or. en

Amendment 42

Proposal for a regulation Article 2 – paragraph 1 – point 15

Text proposed by the Commission

(15) ‘State advertising’ means the

Amendment

(15) ‘State advertising’ means the

placement, publication or dissemination, in any media service, of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of any national or regional public authority, such as national, federal or regional governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government of a territorial entity ***of more than 1 million inhabitants***;

placement, publication or dissemination, in any media service ***or online platform or search engine that provides media services***, of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of any national or regional public authority, such as national, federal or regional governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government of a territorial entity;

Or. en

Amendment 43

Proposal for a regulation

Article 2 – paragraph 1 – point 15 a (new)

Text proposed by the Commission

Amendment

(15 a) 'Emergency messages by public authorities' means the placement, publication or dissemination, in any media service, of a message of informative nature, considered necessary by the public authorities in the event of natural or sanitary disasters, accidents, other sudden incidents or critical situations that may cause harm to individuals;

Or. en

Amendment 44

Proposal for a regulation

Article 2 – paragraph 1 – point 17 a (new)

Text proposed by the Commission

Amendment

(17 a) 'user interface' means a service or facility that provides a textual or visual overview of audiovisual media services or

their content, which serves the purpose of orientating, discovering, finding, selecting or accessing audiovisual content or services by the user;

Or. en

Amendment 45

Proposal for a regulation

Article 2 – paragraph 1 – point 17 b (new)

Text proposed by the Commission

Amendment

(17 b) ‘user interface provider’ means a natural or legal person providing a user interface, determining predominantly the design of the overview of audiovisual media services and the order or manner in which they are presented to the user.

Or. en

Amendment 46

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

Recipients of media services in the Union shall have the right to receive a plurality of news and current affairs content, produced with respect for editorial freedom of media service providers, to the benefit of the public discourse.

Recipients of media services in the Union shall have the right to receive, ***in an easily accessible manner***, a plurality of news and current affairs content, produced with respect for editorial freedom of media service providers, ***in absence of any state interference***, to the benefit of the public discourse.

Or. en

Amendment 47

Proposal for a regulation

Article 4 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) oblige media services providers and their employees to disclose any information about their sources, unless this is justified by an overriding requirement in the public interest, provided for in national law, in accordance with Article 52(1) of the Charter and in compliance with Union law;

Or. en

Amendment 48

Proposal for a regulation

Article 4 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) access encrypted communications in any device or machine used by media service providers or, if applicable, their families or their employees or their families or, if applicable, any other subject belonging to their professional network, on the grounds that they refuse to disclose information on their sources;

Or. en

Amendment 49

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) deploy spyware in any device or

(c) deploy spyware in any device or

machine used by media service providers or, if applicable, their family members, or their employees or their family members, ***unless the deployment is justified, on a case-by-case basis, on grounds of national security and is in compliance with Article 52(1) of the Charter and other Union law or the deployment occurs in serious crimes investigations of one of the aforementioned persons, it is provided for under national law and is in compliance with Article 52(1) of the Charter and other Union law, and measures adopted pursuant to sub-paragraph (b) would be inadequate and insufficient to obtain the information sought.***

machine used by media service providers or, if applicable, their family members, or their employees or their family members.

Or. en

Amendment 50

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Measures pursuant to points (ba) and (c) of paragraph 2, first subparagraph, of this Article, shall not be deployed unless the deployment is justified, on a case-by-case basis, on the grounds of national security and is in compliance with Article 52(1) of the Charter and other Union law or the deployment occurs in serious crimes, as defined in Article 2(17) of this Regulation, investigations of one of the aforementioned persons, it is provided for under national law and is in compliance with Article 52(1) of the Charter and other Union law, and measures adopted pursuant to points (aa) or (b) would be inadequate and insufficient to obtain the information sought.

Measures pursuant to first subparagraph shall not be deployed unless their deployment is, ex ante, exclusively

ordered by a court of law or by a judge.

The safeguards provided for by this paragraph, applicable to media service providers or their employees, shall also extend to natural persons in non-standard forms of employment, such as free-lancers, exercising activities in the same field as media service providers and their employees.

Breaches of the obligations set out under this paragraph shall constitute a breach of the principles of the rule of law, within the meaning of Article 3 or Regulation 2020/2092.

Or. en

Amendment 51

Proposal for a regulation Article 4 – paragraph 3

Text proposed by the Commission

3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate an independent authority or body to handle complaints lodged by media service providers or, if applicable, their family members, their employees or their family members, regarding breaches of paragraph 2, points **(b)** and (c). Media service providers shall have the right to request that authority or body to issue, within three months of the request, an opinion regarding compliance with paragraph 2, points **(b)** and (c).

Amendment

3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate an independent authority or body, **such as an ombudsperson**, to handle complaints lodged by media service providers or, if applicable, their family members, their employees or their family members, regarding breaches of paragraph 2, **first subparagraph**, points **(aa)**, **(b)**, **(ba)** and (c). Media service providers shall have the right to request that authority or body to issue, within three months of the request, an opinion regarding compliance with paragraph 2, **first subparagraph**, points **(aa)**, **(b)**, **(ba)** and (c).

Or. en

Amendment 52

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

1. Public service media providers shall provide in an impartial manner a plurality of information and opinions to their audiences, in accordance with their public service mission.

Amendment

1. Public service media providers shall provide in an ***independent and*** impartial manner a plurality of information and opinions to their audiences, in accordance with their public service mission.

Or. en

Amendment 53

Proposal for a regulation Article 5 – paragraph 3 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Member States shall ensure that the allocation of financial resources to the public service media providers is conducted through predictable, transparent, independent, impartial and non-discriminatory procedures and on the basis of transparent, objective and proportionate criteria laid down in advance by national law. Those procedures shall be such that editorial independence is safeguarded.

Or. en

Amendment 54

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall designate one

4. Member States shall ***put in place***

or more independent authorities or bodies in order to monitor compliance with paragraphs 1 to 3.

mechanisms and may designate one or more independent authorities or bodies in order to monitor compliance with paragraphs 1 to 3.

Or. en

Amendment 55

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) the name(s) of their direct or indirect owner(s) with shareholdings ***enabling them to exercise influence on the operation and strategic decision making;***

Amendment

(b) the name(s), ***and where applicable its registered office, legal form and name(s) of legal representative(s)*** of their direct or indirect owner(s) with shareholdings ***of at least 15% of its capital;***

Or. en

Amendment 56

Proposal for a regulation

Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

2. Without prejudice to national constitutional laws consistent with the Charter, media service providers providing news and current affairs content shall take measures that they deem appropriate with a view to guaranteeing the independence of individual editorial decisions. ***In particular, such measures shall aim to:***

Amendment

2. Without prejudice to national constitutional laws consistent with the Charter, media service providers providing news and current affairs content shall take ***self-regulatory*** measures that they deem appropriate with a view to guaranteeing the independence of individual editorial decisions.

Or. en

Amendment 57

Proposal for a regulation

Article 6 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) guarantee that editors are free to take individual editorial decisions in the exercise of their professional activity; and

deleted

Or. en

Amendment 58

Proposal for a regulation

Article 6 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) ensure disclosure of any actual or potential conflict of interest by any party having a stake in media service providers that may affect the provision of news and current affairs content.

deleted

Or. en

Amendment 59

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Without prejudice to the right of owners to set out the general editorial line, owners or other company management of media service providers shall not overrule the editors-in-chief and editors, with respect to individual editorial decisions taken in the exercise of their profession, nor demand to see print, text or images or hear or see program material before it is made available to the public.

Amendment 60

Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Without prejudice to national constitutional laws consistent with the Charter, media service providers providing news and current affairs content shall take self-regulatory measures that they deem appropriate to disclose conflict of interest by any party having a stake in media service providers that may affect the provision of news and current affairs content.

Or. en

Amendment 61

Proposal for a regulation

Article 6 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Media service providers are encouraged to develop self-regulatory instruments, as they deem appropriate, such as codes of conduct, in cooperation with professional associations or organisations of journalists, representatives of publishers and other stakeholders, establishing the principles of independence, reliability and freedom of information, as well as the roles, rights and obligations of the various actors involved in the information process.

Or. en

Amendment 62

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. *The obligations under this Article shall not apply to media service providers that are micro enterprises within the meaning of Article 3 of Directive 2013/34/EU.* **deleted**

Or. en

Amendment 63

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources to carry out their tasks under this Regulation.

3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources to carry out their tasks under this Regulation. ***Such allocations shall be proportional to the additional tasks conferred under this Regulation.***

Or. en

Amendment 64

Proposal for a regulation Article 7 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall guarantee the organisational and functional autonomy of the national regulatory authorities or bodies.

Or. en

Amendment 65

Proposal for a regulation Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. National regulatory authorities or bodies shall organise annual consultations with representatives of the media services providers established in the Union, civil society members, media experts. The results of these consultations shall be reflected in reports published annually.

Or. en

Amendment 66

Proposal for a regulation Article 7 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. National regulatory authorities or bodies shall provide the Board with relevant data and information necessary to compile the annual report on media freedom in their respective Member States. This information shall be delivered promptly and in a format compatible with the Board's reporting requirements.

Or. en

Amendment 67

Proposal for a regulation Article 10 – paragraph 4

Text proposed by the Commission

Amendment

4. The Board shall be represented by

4. The Board shall be represented by

its Chair. The Board shall elect a Chair from amongst its members by a two-thirds majority of its members with voting rights. The *term* of office of the Chair shall be two years.

its Chair *and its Vice-Chairs*. The Board shall elect a Chair *and four Vice-Chairs* from amongst its members by a two-thirds majority of its members with voting rights. The *terms* of office of the Chair *and the Vice-Chairs* shall be two years.

Or. en

Amendment 68

Proposal for a regulation

Article 10 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. *The Board may invite experts from the Member States to attend its meetings.*

Or. en

Amendment 69

Proposal for a regulation

Article 10 – paragraph 6

Text proposed by the Commission

Amendment

6. The Board, in agreement with the Commission, may invite experts and observers to attend its meetings.

6. The Board, in agreement with the Commission, may invite experts and observers *from outside the Union* to attend its meetings.

Or. en

Amendment 70

Proposal for a regulation

Article 10 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. *The Board, in particular when*

discussing matters or taking decisions that concern press publications, shall invite two national experts from each Member State, such as representatives of press self-regulatory bodies, or in particular in the case of Member States where such bodies are not established, representatives of journalistic organisations or associations, or members of the civil society to consult with and advise the Board on its decisions.

Or. en

Amendment 71

Proposal for a regulation Article 10 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6 b. *The Board shall organise annual consultations with representatives of the media services providers established in the Union, civil society members, media experts. The results of these consultations shall be reflected in the preparation of its work programme and main deliverables.*

Or. en

Amendment 72

Proposal for a regulation Article 10 – paragraph 8

Text proposed by the Commission

Amendment

8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights, in **agreement** with the Commission.

8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights, in **consultation** with the Commission. **The Board shall inform the European Parliament of any substantial changes it adopts to its rules of procedure.**

Amendment 73

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

1. The Board shall *have* a secretariat, *which* shall be provided *by the Commission*.

Amendment

1. The Board shall ***be supported by*** a secretariat ***independent from the Commission and the Member States, acting on the instructions of the Board.*** ***The secretariat*** shall be provided ***with sufficient budgetary and human resources.***

Or. en

Amendment 74

Proposal for a regulation Article 12 – paragraph 1 – point c

Text proposed by the Commission

(c) advise the Commission, where requested by it, on regulatory, technical or practical aspects pertinent to the consistent application of this Regulation and implementation of Directive 2010/13/EU as well as all on other matters related to media services within its competence. Where the Commission requests advice or opinions from the Board, it may indicate a time limit, taking into account the urgency of the matter;

Amendment

(c) advise the Commission, ***on its own initiative or*** where requested by it, on regulatory, technical or practical aspects pertinent to the consistent application of this Regulation and implementation of Directive 2010/13/EU as well as all on other matters related to media services within its competence. Where the Commission requests advice or opinions from the Board, it may indicate a time limit, taking into account the urgency of the matter;

Or. en

Amendment 75

Proposal for a regulation

Article 12 – paragraph 1 – point d

Text proposed by the Commission

(d) when requested by the Commission, provide opinions on the technical and factual issues that arise with regard to Article 2(5c), Article 3(2) and (3), Article 4(4), point (c) and Article 28a(7) of Directive 2010/13/EU;

Amendment

(d) ***on its own initiative, or*** when requested by the Commission, provide opinions on the technical and factual issues that arise with regard to Article 2(5c), Article 3(2) and (3), Article 4(4), point (c) and Article 28a(7) of Directive 2010/13/EU;

Or. en

Amendment 76

Proposal for a regulation

Article 12 – paragraph 1 – point e – introductory part

Text proposed by the Commission

(e) ***in agreement with the Commission,*** draw up opinions with respect to:

Amendment

(e) draw up opinions with respect to:

Or. en

Amendment 77

Proposal for a regulation

Article 12 – paragraph 1 – point f – introductory part

Text proposed by the Commission

(f) upon request of the Commission, draw up opinions with respect to:

Amendment

(f) ***on its own initiative,*** upon request of the Commission ***or of the European Parliament,*** draw up opinions with respect to:

Or. en

Amendment 78

Proposal for a regulation

Article 12 – paragraph 1 – point g

Text proposed by the Commission

(g) draw up opinions on draft national opinions or decisions assessing the impact on media pluralism and editorial independence of a notifiable media market concentration where such a concentration may affect the functioning of the internal market, in accordance with Article 21(5) of this Regulation;

Amendment

(g) draw up opinions on draft national opinions or decisions assessing the impact on media pluralism and editorial independence of a notifiable media market concentration where such a concentration may affect the functioning of the internal market, in accordance with Article 21(5) of this Regulation, ***and make these findings available to the European Parliament upon its request; when drawing up such opinions, the Board, in its assessment, shall take into consideration the findings of the Commission's Annual Rule of Law report, as well as those of instruments such as the Media Pluralism Monitor in determining the overall risk towards media pluralism;***

Or. en

Amendment 79

Proposal for a regulation

Article 12 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(g a) assess the state of media freedom in each Member State and issue an annual report in accordance with Article 15(4a) of this Regulation;

Or. en

Amendment 80

Proposal for a regulation

Article 12 – paragraph 1 – point m a (new)

Text proposed by the Commission

Amendment

(m a) draw up and make available to national regulatory authorities and bodies established according to Directive 2010/13/EU a template for reporting on the allocation of state resources according to Article 24(2a) of this Regulation.

Or. en

Amendment 81

Proposal for a regulation

Article 12 – paragraph 1 – point m b (new)

Text proposed by the Commission

Amendment

(m b) establish and operate a European Repository of State Advertising allocated to media service providers.

Or. en

Amendment 82

Proposal for a regulation

Article 13 – paragraph 7

Text proposed by the Commission

Amendment

7. Where the requesting authority does not consider the measures taken by the requested authority to be sufficient to address and reply to its request, it shall inform the requested authority without undue delay, explaining the reasons for its position. If the requested authority does not agree with that position, or if the requested authority's reaction is missing, either authority may refer the matter to the Board. Within 14 calendar days from the receipt of that referral, the Board shall issue, ***in agreement with the Commission***, an

7. Where the requesting authority does not consider the measures taken by the requested authority to be sufficient to address and reply to its request, it shall inform the requested authority without undue delay, explaining the reasons for its position. If the requested authority does not agree with that position, or if the requested authority's reaction is missing, either authority may refer the matter to the Board. Within 14 calendar days from the receipt of that referral, the Board shall issue an opinion on the matter, including

opinion on the matter, including recommended actions. The requested authority shall do its utmost to take into account the opinion of the Board.

recommended actions. The requested authority shall do its utmost to take into account the opinion of the Board.

Or. en

Amendment 83

Proposal for a regulation Article 14 – paragraph 3

Text proposed by the Commission

3. In the event of a disagreement between the requesting national authority or body and the requested authority or body regarding actions taken pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.

Amendment

3. In the event of a disagreement between the requesting national authority or body and the requested authority or body regarding actions taken, **or a refusal to take action** pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.

Or. en

Amendment 84

Proposal for a regulation Article 14 – paragraph 4

Text proposed by the Commission

4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a request referred to in paragraph 1. If the Board considers that the requested authority has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its

Amendment

4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a request referred to in paragraph 1. If the Board considers that the requested authority has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its

opinion, *in agreement with the Commission*, without undue delay.

opinion without undue delay.

Or. en

Amendment 85

Proposal for a regulation Article 15 – paragraph 2 – point b

Text proposed by the Commission

(b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU.

Amendment

(b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU, , *as well as of their parent or sister companies or of their subsidiaries.*

Or. en

Amendment 86

Proposal for a regulation Article 15 – paragraph 4

Text proposed by the Commission

4. The Board shall *foster* cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to *facilitate* the development of *technical* standards related to digital signals or design of devices or user interfaces controlling or managing access to and use of audiovisual media services.

Amendment

4. The Board shall *facilitate* cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to *promote* the development of *EU-wide harmonised* standards related to digital signals or design of devices or user interfaces controlling or managing access to and use of audiovisual media services.

Or. en

Amendment 87

Proposal for a regulation Article 15 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Board shall organise consultations with relevant stakeholders, including media organizations and civil society groups, in order to develop the criteria necessary for assessing the state of media freedom in each Member State and issuing a report on this matter, such as the state of the independence of media outlets, the level of media pluralism, journalists' access to information, journalists' safety, the level of media ownership concentration, the effectiveness of media self-regulation, public trust in the media, the existence of public funding for media, and the level of media literacy among the general public.

The Board shall annually review the criteria on which this assessment is made in order to reflect the concerns and priorities of the consulted stakeholders and ensure that they remain relevant and effective in promoting media freedom and plurality.

Or. en

Amendment 88

Proposal for a regulation Article 16 – title

Text proposed by the Commission

Amendment

Coordination of measures concerning media service providers established outside the Union

Coordination of measures concerning media service providers established **or originating from** outside the Union

Or. en

Amendment 89

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

1. The Board shall coordinate measures by national regulatory authorities or bodies related to the dissemination of or access to media services provided by 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, such media services prejudice or present a serious and grave risk of prejudice to public security and defence.

Amendment

1. ***Without prejudice to Article 3 of Directive 2010/13/EU, the Board shall, upon the request of the national regulatory authorities or bodies from at least two Member States, coordinate relevant measures by national regulatory authorities or bodies concerned, related to the dissemination of or access to media services provided by media service providers established or originating from outside the Union that, irrespective of their means of distribution, target or reach audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to national and public security and defence, public health, or where they incite to violence, hatred or promote terrorist activities, including committing terrorist acts***

Or. en

Amendment 90

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

2. The Board, ***in agreement with the Commission***, may issue opinions on appropriate national measures under paragraph 1. ***All*** competent national authorities, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board.

Amendment

2. The Board, may issue opinions on appropriate national measures under paragraph 1. ***National regulatory authorities or bodies of a country of destination may request the Board to issue an opinion advising the competent national authorities to take appropriate measures against the media service provider established or originating from***

outside the Union. The Board shall issue guidelines on the format of such requests. When the request is formulated by a minimum number of Board members, defined in the Board's rules of procedure, the Board shall be automatically triggered to issue an opinion. The Board may consult the Commission in issuing such opinions, where deemed appropriate. Without prejudice to their powers under national law, the competent national authorities concerned, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board. .

Or. en

Amendment 91

Proposal for a regulation Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States shall ensure that when relevant, national regulatory authorities or bodies, when deciding to take action against a media service provider originating from outside of the Union, have a legal basis to take into account at least one of the following conditions:

(a) a decision taken against that provider by a national regulatory authority or body from another Member State;

(b) an opinion of the Board relating to that provider and taken on the grounds of this article.

Or. en

Amendment 92

Proposal for a regulation Article 16 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Very large online platforms and very large online search engines shall monitor and assess media services published by providers from outside the Union and targeting audiences in the Member States. They shall find the necessary expertise and resources to identify and evaluate content that may present a risk to public security and defence and shall work in close coordination with national regulatory authorities or bodies and the Board to ensure that such content does not pose a threat to the safety and well-being of Union citizens.

Or. en

Amendment 93

Proposal for a regulation Article 16 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2 c. Online platforms and online search engines shall regularly review and update their technical and organizational measures to prevent such content from being disseminated on their platforms in compliance with the Union law and the requirements of Regulation (EU) 2022/2065. Those measures shall be designed to be effective, proportionate, and transparent.

Or. en

Amendment 94

Proposal for a regulation Article 16 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2 d. Online platforms and online search engines shall establish a transparent and accountable process for reporting on their compliance with this Regulation, including the measures taken to prevent the dissemination of content coming from media service providers from outside the Union, that may present a risk to public security and defence. Those reports shall be made publicly available on the platforms' websites and shall include the following:

- (a) information on the number of media services assessed;**
- (b) the number of content items restricted or suspended;**
- (c) the reasons for such restrictions or suspensions.**

The reports shall also include information on the measures taken to ensure compliance with this Regulation, including any changes to the technical or organizational measures used to prevent the dissemination of such content.

Or. en

Amendment 95

Proposal for a regulation Article 16 – paragraph 2 e (new)

Text proposed by the Commission

Amendment

2 e. Online platforms and online search engines shall cooperate fully with any investigations or inquiries conducted by regulatory authorities or bodies on

media service providers from outside the Union, that may present a risk to public security and defence, and shall provide all required information and data to support such investigations or inquiries.

Or. en

Amendment 96

Proposal for a regulation Article 17 – title

Text proposed by the Commission

Content of media service providers on very large online platforms

Amendment

Content of media service providers on very large online platforms ***and very large online search engines providing access to news and current affairs information***

Or. en

Amendment 97

Proposal for a regulation Article 17 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of very large online platforms shall provide a functionality allowing recipients of their services to declare that:

Amendment

1. Providers of very large online platforms ***and very large online search engines*** shall provide a functionality allowing recipients of their services to declare that:

Or. en

Amendment 98

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Where a provider of very large online platform **or of a very large online search engine**, decides to suspend the provision of its online intermediation services in relation to content provided by a media service provider that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content is incompatible with its terms and conditions, without that content contributing to a systemic risk referred to in Article 26 of the Regulation (EU) **2022/2065**, it shall take all possible measures, to the extent consistent with their obligations under Union law, including Regulation (EU) **2022/2065**, to communicate to the media service provider concerned the **detailed** statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150, prior to the suspension taking effect.

Or. en

Amendment 99

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission

3. Providers of very large online platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 by media service providers that submitted a declaration pursuant to paragraph 1 of this Article are processed and decided upon with priority and without undue delay.

Amendment

3. Providers of very large online platforms **and very large online search engines**, shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 by media service providers that submitted a declaration pursuant to paragraph 1 of this Article are processed and decided upon with priority and without undue delay.

Or. en

Amendment 100

Proposal for a regulation Article 17 – paragraph 4

Text proposed by the Commission

4. Where a media service provider that submitted a declaration pursuant to paragraph 1 considers that a provider of very large online platform frequently restricts or suspends the provision of its services in relation to content provided by the media service provider without sufficient grounds, the provider of very large online platform shall engage in a meaningful and effective dialogue with the media service provider, upon its request, in good faith with a view to finding an amicable solution for terminating unjustified restrictions or suspensions and avoiding them in the future. The media service provider may notify the outcome of such exchanges to the Board.

Amendment

4. Where a media service provider that submitted a declaration pursuant to paragraph 1 considers that a provider of very large online platform ***or of a very large online search engine*** frequently restricts or suspends the provision of its services in relation to content provided by the media service provider without sufficient grounds, the provider of very large online platform shall engage in a meaningful and effective dialogue with the media service provider, upon its request, in good faith with a view to finding an amicable solution for terminating unjustified restrictions or suspensions and avoiding them in the future. The media service provider may notify the outcome of such exchanges to the Board.

Or. en

Amendment 101

Proposal for a regulation Article 17 – paragraph 5 – introductory part

Text proposed by the Commission

5. Providers of very large online platforms shall make publicly available on an annual basis information on:

Amendment

5. Providers of very large online platforms ***or of very large online search engines***, shall make publicly available on an annual basis information on:

Or. en

Amendment 102

Proposal for a regulation Article 17 – paragraph 5 – point a

Text proposed by the Commission

(a) the number of instances where they imposed any restriction or suspension on the grounds that the content provided by a media service provider that submitted a declaration in accordance with paragraph 1 of this Article is incompatible with their terms and conditions; **and**

Amendment

(a) the number of instances where they imposed any restriction or suspension on the grounds that the content **or services** provided by a media service provider that submitted a declaration in accordance with paragraph 1 of this Article is incompatible with their terms and conditions;

Or. en

Amendment 103

Proposal for a regulation Article 17 – paragraph 5 – point b

Text proposed by the Commission

(b) the grounds for imposing such restrictions.

Amendment

(b) the grounds for imposing such restrictions;

Or. en

Amendment 104

Proposal for a regulation Article 17 – paragraph 5 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the number of declarations set out in paragraph 1 that they accepted and refused, outlining the grounds for the latter decisions.

Or. en

Amendment 105

Proposal for a regulation Article 17 – paragraph 6

Text proposed by the Commission

6. With a view to facilitating the consistent and effective implementation of this Article, the Commission *may* issue guidelines to establish the form and details of the declaration set out in paragraph 1.

Amendment

6. With a view to facilitating the consistent and effective implementation of this Article, the Commission ***shall adopt a delegated act in order to*** issue guidelines to establish the form and details of the declaration set out in paragraph 1, ***the criteria for accepting or refusing the declarations set out in paragraph 1, as well as any possible sanctions to be taken against natural or legal persons abusing the system of self-declaration.***

Or. en

Amendment 106

Proposal for a regulation Article 17 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. Providers of very large online platforms and very large online search engines shall be subject to the application of the provisions of this Article only when providing access to news and current affairs information.

Or. en

Amendment 107

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. The Board shall regularly organise

1. The Board shall regularly organise

a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation, to foster access to diverse offers of independent media on very large online platforms and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference.

a structured dialogue between providers of very large online platforms **and very large online search engines**, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation, to foster access to diverse offers of independent media on very large online platforms and **very large online search engines and** to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference.

Or. en

Amendment 108

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

2. The Board shall report on the results of the dialogue to the Commission.

Amendment

2. The Board shall report on the results of the dialogue to the Commission **and make the results available to the European Parliament upon request.**

Or. en

Amendment 109

Proposal for a regulation Article 19 – title

Text proposed by the Commission

Right of customisation of audiovisual media offer

Amendment

Right of customisation of **the audio and** audiovisual media offer

Or. en

Amendment 110

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 111

Proposal for a regulation Article 19 – paragraph 2

Text proposed by the Commission

2. When placing the devices and user interfaces referred to in paragraph 1 on the market, manufacturers and developers shall ensure that they include a functionality enabling users to freely and easily change the default **settings** controlling or managing access to and use of the audiovisual media services offered.

Amendment

2. When placing the devices and user interfaces referred to in paragraph 1 on the market, manufacturers and developers shall ensure that they include a functionality enabling users to freely and easily change the default **layout** controlling or managing access to and use of the audiovisual media services offered.

Or. en

Amendment 112

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

1. Any legislative, regulatory or administrative measure taken by a Member State that is liable to affect the operation of media service providers in the internal market shall be duly justified and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory.

Amendment

1. Any legislative, regulatory or administrative measure taken by a Member State, ***including, but not limited to, the implementation of Directive 2010/13/EU*** that is liable to affect the ***provision of media services or*** operation of media service providers in the internal market shall be duly justified, and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory.

Or. en

Amendment 113

**Proposal for a regulation
Article 20 – paragraph 3**

Text proposed by the Commission

3. Without prejudice and in addition to its right to effective judicial protection, any media service provider subject to an administrative or regulatory measure referred to in paragraph 1 that concerns it individually and directly shall have the right to appeal against that measure to an appellate body. That body shall be independent of the parties involved and of any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. It shall have the appropriate expertise to enable it to carry out its functions effectively.

Amendment

3. Without prejudice and in addition to its right to effective judicial protection, any media service provider subject to an administrative or regulatory measure referred to in paragraph 1 that concerns it individually and directly shall have the right to appeal against that measure to an appellate body, ***which may be a court of law***. That body shall be independent of the parties involved and of any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. It shall have the appropriate expertise ***and funding*** to enable it to carry out its functions effectively. ***Where the Board has issued an opinion on the matter, such national appellate bodies may take this into particular consideration.***

Or. en

Amendment 114

Proposal for a regulation Article 20 – paragraph 4

Text proposed by the Commission

4. The Board, upon request of the Commission, shall draw up an opinion where a national legislative, regulatory or administrative measure is likely to affect the functioning of the internal market for media services. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter. Opinions by the Board and, where applicable, by the Commission shall be made publicly available.

Amendment

4. The Board, upon ***its own initiative or at the*** request of the Commission, shall draw up an opinion where a national legislative, regulatory or administrative measure is likely to affect the functioning of the internal market for media services. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter. Opinions by the Board and, where applicable, by the Commission shall be made publicly available.

Or. en

Amendment 115

Proposal for a regulation Article 20 – paragraph 5

Text proposed by the Commission

5. Where a national authority or body adopts a measure that affects individually and directly a media service provider and is likely to affect the functioning of the internal market for media services, it shall communicate, at the request of the Board, and where applicable, of the Commission, without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the grounds on which the national authority or body has based its measure, and, where applicable, the views of other authorities concerned.

Amendment

5. Where a national authority or body adopts a measure that affects individually and directly a media service provider and is likely to affect the functioning of the internal market for media services, it shall communicate, at the request of the Board, and where applicable, of the Commission, without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the grounds on which the national authority or body has based its measure, and, where applicable, the views of other authorities concerned. ***Media service providers considering to be directly affected by such measures shall be able to request the Board to issue an opinion.***

Amendment 116

Proposal for a regulation

Article 21 – paragraph 2 – point a

Text proposed by the Commission

(a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity of media players on the market, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;

Amendment

(a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity of media players on the market, ***focusing on the activities related to the provision of information***, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;

Or. en

Amendment 117

Proposal for a regulation

Article 21 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) the results of the risk assessment made by the annual Commission Rule of Law Report and instruments such as the Media Pluralism Monitor to identify, analyse and asses any systemic risks to media freedom and media pluralism in the particular Member State;

Or. en

Amendment 118

Proposal for a regulation

Article 21 – paragraph 2 – point b

Text proposed by the Commission

(b) the safeguards for editorial independence, including the impact of the concentration on the functioning of the editorial teams and the existence of measures by media service providers taken with a view to guaranteeing the independence of individual editorial decisions;

Amendment

(b) the safeguards for editorial independence, including the impact of the concentration on the functioning of the editorial teams and the existence of measures by media service providers taken with a view to guaranteeing the independence of individual editorial decisions, ***as well as national legislation and self-regulatory norms in this regard;***

Or. en

Amendment 119

Proposal for a regulation

Article 21 – paragraph 2 – point c

Text proposed by the Commission

(c) whether, in the absence of the concentration, the acquiring and acquired entity would remain economically sustainable, ***and*** whether there are any possible alternatives to ensure its economic sustainability.

Amendment

(c) whether, in the absence of the concentration, the acquiring and acquired entity would remain economically sustainable, whether there are any possible alternatives to ensure its economic sustainability, ***as well as the absence of the proposed concentration would have a negative impact on media pluralism;***

Or. en

Amendment 120

Proposal for a regulation

Article 21 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) consider the media market in its entirety, including the online environment actors such as the providers of very large online platforms or very large online search engines as well as public media

service providers.

Or. en

Amendment 121

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, upon request of the Commission, shall draw up an opinion on the impact of a media market concentration on media pluralism and editorial independence, where a media market concentration is likely to affect the functioning of the internal market for media services. The Board shall base its opinion on the elements set out in Article 21(2). The Board may bring media market concentrations likely to affect the functioning of the internal market for media services to the attention of the Commission.

Amendment

1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, ***at its own initiative or*** upon request of the Commission, shall draw up an opinion on the impact of a media market concentration on media pluralism and editorial independence, where a media market concentration is likely to affect the functioning of the internal market for media services. The Board shall base its opinion on the elements set out in Article 21(2). The Board may bring media market concentrations likely to affect the functioning of the internal market for media services to the attention of the Commission.

Or. en

Amendment 122

Proposal for a regulation Article 24 – paragraph 1

Text proposed by the Commission

1. Public funds or any other consideration or advantage granted by public authorities to media service providers for the purposes of advertising shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory

Amendment

1. Public funds or any other consideration or advantage granted by public authorities to media service providers, ***including to very large online platform providers and very large online search engine providers,*** for the purposes of advertising shall be awarded according to transparent, objective, proportionate and

procedures. This Article shall not affect public procurement rules.

non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. ***Such funds allocated by any public authority to a singular media service provider, including to a very large online platform provider or to a very large search online engine provider shall not exceed 20% of the total budget allocated by the said public authority to the totality of media service providers operating in the internal market;*** This Article shall not affect public procurement rules.

Or. en

Amendment 123

Proposal for a regulation

Article 24 – paragraph 2 – introductory part

Text proposed by the Commission

2. Public authorities, including national, federal or regional governments, regulatory authorities or bodies, as well as state-owned enterprises or other state-controlled entities at the national or regional level, or local governments of territorial entities ***of more than 1 million inhabitants***, shall make publicly available accurate, comprehensive, intelligible, detailed and yearly information about their advertising expenditure allocated to media service providers, which shall include at least the following details:

Amendment

2. Public authorities, including national, federal or regional governments, regulatory authorities or bodies, as well as state-owned enterprises or other state-controlled entities at the national or regional level, or local governments of territorial entities, shall make publicly available accurate, comprehensive, intelligible, detailed and yearly information about their advertising expenditure allocated to media service providers, which shall include at least the following details:

Or. en

Amendment 124

Proposal for a regulation

Article 24 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The allocation of state resources to media service providers, for the purpose of transmitting emergency messages by public authorities shall become subject to the requirements set out in paragraphs 2 and 3 once the emergency situation has ended. Such allocations shall be subject to the requirements set out in paragraph 1.

Or. en