



2016/0151(COD)

27.10.2016

AMENDMENTS

600 - 878

Draft report

Sabine Verheyen, Petra Kammerevert
(PE587.655v01-00)

on the proposal for a directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities

Proposal for a directive
(COM(2016)0287 – C8-0193/2016 – 2016/0151(COD))

Amendment 600

Andrew Lewer, Angel Dzhambazki, Emma McClarkin, Vicky Ford, Daniel Dalton, Helga Stevens, Jana Žitňanská

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2010/13/EU

Article 7

Text proposed by the Commission

Amendment

(10) Article 7 is deleted;

deleted

Or. en

Justification

This deletion seeks to reinstate Article 7 of the current Directive, which is deleted by the Commission proposal, to ensure that Member States and audiovisual media services providers are encouraged to make audiovisual content more accessibility for people with a wide range of disabilities. A new Article 7a will be added to strengthen it.

Amendment 601

Zdzisław Krasnodebski

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2010/13/EU

Article 7

Text proposed by the Commission

Amendment

(10) Article 7 is deleted;

deleted

Or. en

Amendment 602

Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2010/13/EU

Article 7

(10) Article 7 is *deleted*;

(10) Article 7 is *replaced by the following*:

‘Article 7

1. The audiovisual media service providers shall ensure that their services are gradually made accessible to persons with disabilities. Five years after the entry into force of this Directive, audiovisual media service providers shall provide:

(i) At least 75 % of the overall programming with subtitles for the deaf and hard of hearing;

(ii) At least 75 % of the overall programming subtitled into the national language shall include spoken subtitles;

(iii) At least 15 % of the overall programming with audio description and spoken subtitles;

(iv) At least 5 % of the overall programming with sign language interpretation;

2. Every following year the audiovisual media service providers shall increase the provision of access services as follows:

(i) 5 % more of the overall programming with subtitles for the deaf and hard of hearing;

(ii) 5 % more of the overall programming subtitled into the national language with spoken subtitles;

(iii) 2 % more of the overall programming with audio description;

(iv) 2 % more of the overall programming with sign language interpretation.

3. The audiovisual media service providers achieving an average audience share of all households over a 12 month period of less than 1% shall be exempted

from paragraphs 1 and 2.

4. The access services shall be provided for different types of programmes, including those for children, and at different times during the day, without concentrating the accessible content in the least common time slots for the general audience.

Member States shall encourage audiovisual media service providers to consult users organisations, including organisations representing of persons with disabilities, to prioritise the programmes to be made accessible.

5. The audiovisual media service providers should promote, through their content acquisition, programming and editorial policies, the delivery of access services as part of content producers' packages.

6. The audiovisual media service providers shall make their websites, online applications and mobile-based services, including mobile apps, used for the provision of the service accessible in a consistent and adequate way for users' perception, operation and understanding, and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level. The programmes provided through these means shall only comply with paragraphs 1 and 2.

7. Where a programme includes access services, these shall be clearly indicated in the programme information, as well as in the electronic programming guide.

8. The audiovisual media service providers shall ensure that the electronic programming guides are accessible for persons with disabilities.

9. The audiovisual media service providers shall provide accessible information about their services and, in

particular, shall list and explain how to use the accessibility features of the services, including the complementarities with assistive technologies and other access services provided by a third party.

10. *In consultation with users' organisations, including organisations representing persons with disabilities, the audiovisual media service providers shall ensure the quality of the access services by adopting self- and co-regulation measures resulting in codes of conduct or quality standards. These should tackle quality requirements for:*

(i) *subtitles for the deaf and hard of hearing that are well synchronised with the video, readable, accurate and comprehensible in order to effectively reflect the audio information. This includes setting up quality specifications covering at least the font type, font size, contrast and use of colours as well as, where possible, the necessary requirements to ensure users' control over the subtitles for the deaf and hard of hearing;*

(ii) *audio description and spoken subtitles that are well synchronized with the video. This includes setting up quality specifications related to audio placement and clarity of the audio description and spoken subtitles, as well as the necessary requirements to ensure users' control over them;*

(iii) *sign language interpretation that is accurate and comprehensible in order to effectively reflect the audio information. This includes setting up professional requirements for the interpreters and quality specifications for the way the signing is provided. Where possible, requirements to ensure users' control over the signing provision shall be adopted.*

12. *User-generated content is excluded from the requirements laid down in this*

Article.

13. The audiovisual service providers should facilitate and encourage the provision of access services in commercial communications, but these must not be deemed accountable for the purpose of paragraphs 1 and 2.

14. Emergency information, including public communications and announcements in natural disaster situations, made available to the public through audiovisual media services shall be provided in an accessible manner for persons with disabilities, including with subtitles for the deaf and hard of hearing, sign language interpretation and audio message and audio description for any visual information.’;

Or. en

Justification

This is the re-introduction of accessibility requirements.

Amendment 603
Julie Ward, Sylvie Guillaume

Proposal for a directive
Article 1 – paragraph 1 – point 10
Directive 2010/13/EU
Article 7

Text proposed by the Commission

(10) Article 7 is *deleted*;

Amendment

(10) Article 7 is *replaced by the following*:

‘Article 7

1. Member States shall ensure that media service providers under their jurisdiction make their services continuously and progressively more accessible to people with disabilities including visual or hearing impairments, aiming to provide, five years after the

entry into force of this Directive:

- (i) at least 75 % of the overall programming with subtitles for the deaf and hard of hearing (SDH);*
- (ii) at least 75 % of the overall programming subtitled into the national language shall include spoken subtitles;*
- (iii) at least 15 % of the overall programming with audio description and spoken subtitles;*
- (iv) at least 5 % of the overall programming with sign language interpretation;*

2. Every following year the audiovisual media service providers shall increase the provision of access services as follows:

- (i) 5 % more of the overall programming with SDH;*
- (ii) 5 % more of the overall programming subtitled into the national language with spoken subtitles;*
- (iii) 2 % more of the overall programming with audio description;*
- (iv) 2 % more of the overall programming with sign language interpretation.*

3. The access services shall be provided for different types of programmes, including those for children, and at different times during the day, without concentrating the accessible content in the least common time slots for the general audience. Audiovisual media service providers should be encouraged to consult user organisations, including those representing persons with disabilities, to prioritise the programmes to be made accessible.

4. Where a programme includes access services, these shall be clearly indicated in the programme information, as well as in the electronic programming guide.

5. The audiovisual media service providers shall ensure that the Electronic Programming Guides are accessible for persons with disabilities.

6. The audiovisual media service providers shall provide accessible information about their services and, in particular, shall list and explain how to use the accessibility features of the services, including the complementarities with assistive technologies and other access services provided by a third party.

7. With regard to the implementation of this Article, Member States shall encourage the development of self- and co-regulatory codes of conduct, in consultation with users' organisations, including those representing persons with disabilities. The Commission and ERGA shall encourage media service providers to exchange best practices on self-regulatory systems across the Union.

These should tackle quality requirements for:

(i) subtitles for the deaf and hard of hearing that are well synchronised with the audiovisual content, readable, accurate and comprehensible in order to effectively reflect the audio information. This includes setting up quality specifications covering at least the font type, font size, contrast and use of colours as well as, where possible, the necessary requirements to ensure users' control over the SDH;

(ii) audio description and spoken subtitles that are well synchronized with the audiovisual content. This includes setting up quality specifications related to audio placement and clarity of the audio description and spoken subtitles, as well as the necessary requirements to ensure users' control over them;

(iii) sign language interpretation that is accurate and comprehensible in order to effectively reflect the audio

information. This includes setting up professional requirements for the interpreters and quality specifications for the way the signing is provided. Where possible, requirements to ensure users' control over the signing provision shall be adopted.

8. By ... [three years after the entry into force of this Directive] and every three years thereafter, the Commission shall submit to the European Parliament, to the Council and to the European Economic and Social Committee a report on the application of this Article.';

Or. en

Justification

Percentages set out in paragraph 1 take into account the results of the Commission Study on Assessing and Promoting E-Accessibility (November 2013) and the need for a progressive and realistic, yet targeted, approach. Paragraph 7 refers to criteria indispensable to ensure a minimum level of quality in order to deliver access services that are meaningful for the viewers, and in this regard self- and co-regulation measures, codes of practice or quality standards in consultation with persons with disabilities could be an appropriate way to ensure this.

Amendment 604

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2010/13/EU

Article 7

Text proposed by the Commission

(10) Article 7 is *deleted*;

Amendment

(10) Article 7 is *replaced by the following*:

'Article 7

1. Member States shall ensure that audiovisual media service providers secure that they gradually make their services accessible to persons with disabilities. Member States shall ensure

that audiovisual media service providers provide access to SDH, audio description, spoken subtitles or audio subtitles and sign language interpretation, immediately after the entry into force of this Directive.

2. Access services shall be provided for different types of programmes, including those for children, and at different times during the day, without concentrating accessible content in the least common time slots for the general audience. Member States shall encourage audiovisual media service providers to consult users' organisations, including organisations representing persons with disabilities, as regards prioritising the programmes to be made accessible.

3. Member States shall ensure that the audiovisual media service providers make their websites, online applications and mobile-based services, including mobile apps, which are used for the provision of their services, accessible in a consistent and adequate way in order to facilitate the perception and understanding of and operation by users, and in a robust way in order to facilitate interoperability with a variety of user agents and assistive technologies available at Union and international level.

4. Member States shall ensure that audiovisual media service providers provide accessible information about their services and, in particular, list and explain how to use the accessibility features of their services, including the complementarities with assistive technologies and other access services provided by third parties.

5. Emergency information, including public communications and announcements in natural disaster situations, which is made available to the public through audiovisual media services shall be provided in an accessible manner for persons with disabilities, including with SDH, sign language interpretation

and audio message and audio description for any visual information.';

Or. en

Amendment 605
Michaela Šojdrová

Proposal for a directive
Article 1 – paragraph 1 – point 10
Directive 2010/13/EU
Article 7

Text proposed by the Commission

(10) Article 7 is *deleted*;

Amendment

(10) Article 7 is *replaced by the following*:

‘Article 7

1. Member States shall ensure that media service providers under their jurisdiction make their services continuously and progressively more accessible to people with a visual or hearing disability aiming for an almost complete accessibility by the end of 2027.

2. With regard to the fulfilment of the obligation under paragraph 1, the Commission shall assist Member States by creating conditions for financing the development of relevant tools necessary to ensure accessibility of the audiovisual media services to people with a visual or hearing disability.

3. With regard to the implementation of this Article, Member States shall encourage the development of self- and co-regulatory codes of conduct. The Commission and ERGA shall encourage media service providers to exchange best practices on self-regulatory systems across the Union.

4. By ... [three years after the entry into force of this Directive] and every three years thereafter, the Commission shall submit to the European Parliament,

to the Council and to the European Economic and Social Committee a report on the application of this provision.';

Or. en

Justification

The legal base for the Commission's assistance to the Member States in respect of creating conditions for financing the development of relevant tools necessary to ensure accessibility of the audiovisual media services to people with a visual or hearing disability is based on the provisions of Art. 6 (c) in conjunction with Art. 167 (2) of TFEU.

Amendment 606

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2010/13/EU

Article 7

Text proposed by the Commission

(10) Article 7 is *deleted*;

Amendment

(10) Article 7 is *replaced by the following*:

'Article 7

- 1. Member States shall ensure that media service providers under their jurisdiction make their services continuously and progressively more accessible to people with a visual or hearing disability aiming for an almost complete accessibility by the end of 2027.*
- 2. With regard to the implementation of this Article, Member States shall encourage the development of self-co-regulatory codes of conduct. The Commission and ERGA shall encourage media service providers to exchange best practices on self-regulatory systems across the Union.*
- 3. By ... [three years after the entry into force of this Directive] and every three years thereafter, the Commission shall submit to the European Parliament,*

to the Council and to the European Economic and Social Committee a report on the application of this Article.';

Or. en

Amendment 607

Marc Joulaud, Bogdan Brunon Wenta, Jean-Marie Cavada, Louis Michel, Frédérique Ries, Andrea Bocskor

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2010/13/EU

Article 7

Text proposed by the Commission

(10) Article 7 is *deleted*;

Amendment

(10) Article 7 is *replaced by the following* :

'Article 7

1. Member States shall ensure that media service providers under their jurisdiction make their services progressively accessible to people with a visual or hearing disability aiming for a complete accessibility by the end of 2027.

2. With regard to the implementation of this Article, Member States shall encourage self and co-regulatory codes of conduct. The Commission and ERGA shall encourage media service providers to exchange best practices across the Union.

3. By ..; [three years after the entry into force of this Directive] and every three years thereafter, the Commission shall submit to the European Parliament, to the Council and the European Economic and Social Committee a report on the application of this Article.';

Or. en

Justification

It is necessary to maintain the accessibility requirement within this Directive and set clear objectives in this regard.

Amendment 608

Eider Gardiazabal Rubial, Sergio Gutiérrez Prieto, José Blanco López

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2010/13/EU

Article 7

Text proposed by the Commission

(10) Article 7 is *deleted*;

Amendment

(10) Article 7 is *replaced by the following*:

'Article 7

1. Member States shall take measures to ensure that services provided by media service providers under their jurisdiction are made gradually accessible to people with a visual or hearing disability in line with their obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

2. Member States shall require an annual report from the media service providers under their jurisdiction on the process towards increased accessibility for their services.

3. The European Commission and ERGA shall promote the exchange of best practices within the field of accessibility between different Member States and media service providers.'

Or. en

Amendment 609

Zdzisław Krasnodębski

Proposal for a directive

Article 1 – paragraph 1 – point 10

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PE592.349v01-00

Text proposed by the Commission

(10) Article 7 is *deleted*;

Amendment

(10) Article 7 is *replaced by the following*:

‘Article 7

1. Member States shall ensure that media service providers under their jurisdiction make their services continuously and progressively more accessible to people with a visual or hearing disability by means of sign language, subtitles, audio-description and easily understandable menu navigation.

2. With regard to the implementation of this Article, Member States shall encourage the development of self- and co-regulatory codes of conduct. The Commission and ERGA shall encourage media service providers to exchange best practices on self-regulatory systems across the Union.

3. By ... [three years after the entry into force of this Directive] and every three years thereafter, the Commission shall submit to the European Parliament, to the Council and to the European Economic and Social Committee a report on the application of this Article.’;

Or. en

Amendment 610

Yana Toom, María Teresa Giménez Barbat, Ilhan Kyuchyuk, Hannu Takkula, Marietje Schaake

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2010/13/EU

Article 7

Text proposed by the Commission

(10) Article 7 is *deleted*;

Amendment

(10) Article 7 is *replaced by the following*:

'Article 7

1. Member States shall facilitate the development of a code of conduct applicable to media service providers under their jurisdiction to ensure that audiovisual media services shall be made accessible to persons with disabilities without undue delay.

2. Such codes of conduct may be a self-regulatory or co-regulatory measure. The Commission and ERGA shall support the exchange of best practice between audiovisual media service providers for the purpose laid down in paragraph 1.

3. Such codes of conduct shall include a requirement that media service providers report on an annual basis to the Member State in which they are established about steps taken and progress made in respect of paragraph 1.'

Or. en

Amendment 611

Marita Ulvskog, Anna Hedh, Jens Nilsson, Olle Ludvigsson, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2010/13/EU

Article 7

Text proposed by the Commission

(10) Article 7 is *deleted*;

Amendment

(10) Article 7 is *replaced by the following*:

'Article 7

1. Member States shall take measures to ensure that services provided by media service providers under their

jurisdiction are made gradually accessible to people with a visual or hearing disability in line with their obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

2. Member States shall require an annual report from the media service providers under their jurisdiction on the process towards increased accessibility for their services.

3. The European Commission and ERGA shall promote the exchange of best practices within the field of accessibility between different Member States and media service providers.';

Or. en

Amendment 612
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 10
Directive 2010/13/EU
Article 7

Text proposed by the Commission

(10) Article 7 is *deleted*;

Amendment

(10) Article 7 is *replaced by the following*:

‘Article 7

‘Member States shall ensure that media service providers under their jurisdiction, in particular the subjects in charge of public service obligations, provide their services in means, modes and formats accessible and usable for persons with disabilities and functional limitations, in order to reach a high quality accessibility throughout the Union.’;

Or. en

Amendment 613
Pervenche Berès

Proposal for a directive
Article 1 – paragraph 1 – point 10 a (new)
Directive 2010/13/EU
Article 7

Text proposed by the Commission

(10) Article 7 is *deleted*;

"Article 7

Member States shall *encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible* to people with a visual or hearing disability.

Amendment

(10) Article 7 is *replaced by the following*:

‘Article 7

Member States shall *take the necessary and appropriate steps to ensure that media providers under their jurisdiction increase in a constant and stepwise manner their general supply of services and content adapted to suit* people with a visual or hearing disability.’;

Or. fr

(Amendment aimed at amending a provision within the existing legislation – Article 7 – that was not referenced in the Commission proposal)

Amendment 614
Jana Žitňanská

Proposal for a directive
Article 1 – paragraph 1 – point 10
Directive 2010/13/EU
Article 7

Text proposed by the Commission

10. Article 7 is *deleted*;

Amendment

10. Article 7 is *replaced by the following*:

‘Article 7

Member States shall ensure that media service providers under their jurisdiction make their services accessible, pursuant to the UN Convention on the Rights of Persons with Disabilities, to people with a

visual or hearing disability and shall aim for complete accessibility by the end of 2022’;

Or. sk

Amendment 615

Andrew Lewer, Angel Dzhambazki, Emma McClarkin, Vicky Ford, Daniel Dalton, Helga Stevens, Jana Žitňanská

Proposal for a directive

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

Directive 2010/13/EU

Article 7 a (new)

Text proposed by the Commission

Amendment

(10a) The following article is inserted:

'Article 7a

1. Member States shall take steps to develop codes of conduct applicable to media service providers under their jurisdiction intended to ensure that their services are made progressively more accessible to persons with visual and/or hearing disabilities.

2. Such codes of conduct may be a self- or co-regulatory measure. The Commission and ERGA shall facilitate the exchange of best practice between audiovisual media service providers.

3. Such codes of conduct shall include a requirement that media service providers report on an annual basis to Member States about the steps taken and progress made in respect of progressively making their services more accessible to persons with visual and/or hearing disabilities. Member States shall ensure that this information is made publically available.

4. Such codes of conduct shall encourage audiovisual media service providers to develop, and make publicly available, accessibility action plans made

in respect of progressively making their services more accessible to persons with visual and/or hearing disabilities. Such action plans shall be communicated to national regulatory authorities.';

Or. en

Justification

This amendment seeks to strengthen Article 7 of Directive 2010/13/EU.

Amendment 616
Zdzisław Krasnodębski

Proposal for a directive
Article 1 – paragraph 1 – point 10 a (new)
Directive 2010/13/EU
Article 7 a (new)

Text proposed by the Commission

Amendment

(10a) The following article is inserted:

'Article 7a

1. Member States shall ensure that media service providers under their jurisdiction make their services continuously and progressively more accessible to people with a visual or hearing disability by means of sign language, subtitles, audio-description and easily understandable menu navigation.

2. With regard to the implementation of this Article, Member States shall encourage the development of self- and co-regulatory codes of conduct. The Commission and ERGA shall encourage media service providers to exchange best practices on self-regulatory systems across the Union.

3. By ... [three years after the entry into force of this Directive] and every three years thereafter, the Commission shall submit to the European Parliament, to the Council and to the European

Amendment 617

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Anna Hedh, Olle Ludvigsson

Proposal for a directive

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

Directive 2010/13/EU

Article 7 a (new)

Text proposed by the Commission

Amendment

(10a) The following article is inserted:

'Article 7a

1. Member States shall take measures to ensure that services provided by media service providers under their jurisdiction are made gradually accessible to people with a visual or hearing disability in line with their obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

2. Member States shall require an annual report from the media service providers under their jurisdiction on the process towards increased accessibility for their services.

3. The European Commission and ERGA shall promote the exchange of best practices within the field of accessibility between different Member States and media service providers.';

Amendment 618

Jana Žitňanská

Proposal for a directive
Article 1 – paragraph 1 – point 10 a (new)
Directive 2010/13/EU
Article 8

Text proposed by the Commission

‘Article 8

Member States shall ensure that media service providers under their jurisdiction do not transmit *cinematographic works outside periods agreed with the rights holders.*’

Amendment

(10a) Article is replaced by the following:

‘Article 8

Member States shall ensure that media service providers under their jurisdiction do not transmit *audiovisual commercial communications that are inappropriate for minors in the periods immediately preceding and immediately following content intended for a children’s audience.*’

Or. sk

Amendment 619
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 10 a (new)
Directive 2010/13/EU
Article 8

Present text

"Article 8

Member States shall ensure that media service providers under their jurisdiction do not transmit cinematographic works outside periods agreed with the rights holders."

Amendment

(10a) Article 8 is replaced by the following:

‘Article 8

Member States shall ensure that media service providers under their jurisdiction do not transmit cinematographic works outside periods agreed with the rights holders, *without prejudice to the rights of the authors, creators and performers. Member States shall encourage authors, creators and performers to make use of creative commons licences.*’

Or. en

(The amendment seeks to amend a provision within the existing act - Article 8 - that was not referred to in the Commission proposal.)

Amendment 620

Louise Bours

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 2010/13/EU

Article 9

Text proposed by the Commission

Amendment

(11) Article 9 is amended as follows: *deleted*

(a) paragraph 2 is replaced by the following:

‘2. Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in programmes with a significant children’s audience, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Those codes should be used to effectively reduce the exposure of minors to audiovisual commercial communications of foods and beverages that are high in salt, sugars or fat or that otherwise do not fit national or international nutritional guidelines. Those codes should provide that the audiovisual commercial communications are not to emphasise the positive quality of the nutritional aspects of such foods and beverages.

The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.’

(b) the following paragraphs 3 and 4 are inserted:

‘3. Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes should be used to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic beverages.

4. The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. If considered appropriate, the Commission shall facilitate the development of Union codes of conduct.;’

Or. en

Amendment 621

Marc Joulaud, Bogdan Brunon Wenta, Jean-Marie Cavada, Louis Michel

Proposal for a directive

Article 1 – paragraph 1 – point 11 – introductory part

Directive 2010/13/EU

Article 9

Text proposed by the Commission

Amendment

(11) Article 9 is ***amended as follows***:

(11) Article 9 is ***deleted***.

Or. en

Justification

This deletion is necessary to reflect the creation of Article -2a, which includes Article 9.

Amendment 622

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point -a (new)

Directive 2010/13/EU
Article 9 – paragraph 1 – introductory part

Present text

1. **Member States shall ensure that** audiovisual commercial communications provided by media service providers under **their** jurisdiction comply with the following requirements:

Amendment

(-a) In Article 9 (1), the introductory part is replaced by the following:

1. Audiovisual commercial communications provided by media service providers under **the** jurisdiction **of Member States shall be permitted on condition that they** comply with the following requirements:

Or. en

(The amendment seeks to amend a provision within the existing act - Article 9, introductory part - that was not referred to in the Commission proposal.)

Amendment 623
Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point -a a (new)

Directive 2010/13/EU

Article 9 – paragraph 1 – point a

Present text

(a) audiovisual commercial communications shall be readily recognisable as such. Surreptitious audiovisual commercial communication shall be prohibited;

Amendment

(-aa) In paragraph 1, point a is replaced by the following:

(a) audiovisual commercial communications shall be readily recognisable as such **by viewers. Any kind of** surreptitious audiovisual commercial communication shall **therefore** be prohibited;

Or. en

(The amendment seeks to amend a provision within the existing act - Article 9, paragraph 1, point a - that was not referred to in the Commission proposal.)

Amendment 624
Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point -a b (new)

Directive 2010/13/EU

Article 9 – paragraph 1 – point c – point ii

Present text

Amendment

(ii) include or promote any discrimination ***based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation***;

(-ab) In point c of paragraph 1, point ii is replaced by the following:

(ii) include, ***tolerate*** or promote any discrimination ***as provided for in Article 21 of the Charter of Fundamental Rights of the European Union***;

Or. en

(The amendment seeks to amend a provision within the existing act - Article 9, paragraph 1, point c, point ii - that was not referred to in the Commission proposal.)

Amendment 625

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point -a c (new)

Directive 2010/13/EU

Article 9 – paragraph 1 – point c – point iv

Present text

Amendment

(iv) encourage behaviour ***grossly*** prejudicial to the protection of the environment;

(-ac) In point c of paragraph 1, point iv is replaced by the following:

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

Or. en

(The amendment seeks to amend a provision within the existing act - Article 9, paragraph 1, point c, point iv - that was not referred to in the Commission proposal.)

Amendment 626

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point -a d (new)

Directive 2010/13/EU

Article 9 – paragraph 1 – point c – point iv a (new)

Present text

Amendment

(-ad) In point c of paragraph 1, the following point is added:

‘(iva) encourage behaviour prejudicial to animal welfare;’

Or. en

(The amendment seeks to amend a provision within the existing act that was not referred to in the Commission proposal.)

Amendment 627

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point -a e (new)

Directive 2010/13/EU

Article 9 – paragraph 1 – point e

Present text

Amendment

(-ae) In paragraph 1, point e is replaced by the following:

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

(e) all forms of audiovisual commercial communications that feature and/or promote gambling, gaming and collection of bets shall be prohibited;

Or. en

(The amendment seeks to amend a provision within the existing act – Article 9, paragraph 1, point e - that was not referred to in the Commission proposal.)

Amendment 628

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point -a f (new)

Directive 2010/13/EU
Article 9 – paragraph 1 – point f

Present text

(f) audiovisual commercial communication for medicinal products and medical treatment ***available only on prescription in the Member State within whose jurisdiction the media service provider falls*** shall be prohibited;

Amendment

(-af) In paragraph 1, point f is replaced by the following:

(f) audiovisual commercial communication for medicinal products and medical treatment shall be prohibited;

Or. en

(The amendment seeks to amend a provision within the existing act – Article 9, paragraph 1, point f - that was not referred to in the Commission proposal.)

Amendment 629
Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point -a g (new)

Directive 2010/13/EU

Article 9 – paragraph 1 – point g

Present text

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

Amendment

(-af) In paragraph 1, point g is replaced by the following:

(g) ***all forms of*** audiovisual commercial communications ***that feature and/or promote financial products and services that prove to be harmful for consumers, especially those containing intrinsic risks which are not easily and immediately recognisable by the layperson, shall be prohibited;***

Or. en

(The amendment seeks to amend a provision within the existing act – Article 9, paragraph 1, point g - that was not referred to in the Commission proposal.)

Amendment 630
Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point -a h (new)

Directive 2010/13/EU

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

Present text

Amendment

(-ah) In paragraph 1, the following point is added:

‘(ga) audiovisual commercial communications, during and between programmes, targeting children's audience shall be prohibited;’

Or. en

(The amendment seeks to amend a provision within the existing act that was not referred to in the Commission proposal.)

Amendment 631
Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point -a i (new)

Directive 2010/13/EU

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

Present text

Amendment

(-ai) In paragraph 1, the following point is added:

‘(gb) audiovisual commercial communications shall not cause physical, mental or moral detriment to adolescents. Therefore they shall not exhort adolescents to buy or hire a product or service by exploiting their inexperience or credulity, encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust adolescents place in

parents, teachers or other persons, or unreasonably show adolescents in dangerous situations, or in attractive situations that are not linked to the nature of the product advertised.'

Or. en

(The amendment seeks to amend a provision within the existing act that was not referred to in the Commission proposal.)

Amendment 632

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in programmes with a significant children's audience, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

deleted

Or. en

Amendment 633

Julie Ward, Sylvie Guillaume

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States and the Commission ***shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in programmes with a significant children's audience, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.***

Amendment

Member States and the Commission ***should effectively minimise the exposure of children and minors to audiovisual commercial communications for foods and non-alcoholic beverages high in fat, trans-fatty acids, salt or sodium and sugars in television broadcasts, on-demand audiovisual media services and video-sharing platform services, by introducing legislation or encouraging the development of co-regulatory codes of conduct. Member States are encouraged to use the WHO Regional Office for Europe's nutrient profile model to differentiate foods and non-alcoholic beverages on the basis of their nutritional composition.***

Or. en

Amendment 634

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States ***and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in programmes with a significant children's audience, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.***

Amendment

Member States shall ***adopt measures to minimise the exposure of adolescents to commercial communications of foods and non-alcoholic beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended in particular fat, trans-fatty acids, salt or sodium and sugars. The Commission and the Member States shall take into consideration the WHO Regional Office for Europe's nutrient profile model, in order to achieve the objective laid down in the first***

subparagraph.

Or. en

Amendment 635

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 — subparagraph 1

Text proposed by the Commission

"2. Member States and the Commission *shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate* audiovisual commercial communications, *accompanying or included in programmes with a significant children's audience, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.*

Amendment

"2. Member States and *subsidiarily* the Commission *must seek to effectively reduce the exposure of children and minors to* audiovisual commercial communications *for alcoholic beverages and for non-alcoholic food and beverages that are rich in fats, trans-fatty acids, salt or sodium and sugars.*
In the light of that objective, no such commercial communications should be broadcast between 6.00 a.m. and 11 p.m. Member States and, subsidiarily, the Commission may seek to further reduce the exposure of minors to such commercial communications by encouraging the development of codes of conduct.

Or. fr

Amendment 636

Andrew Lewer, Angel Dzhambazki, Emma McClarkin, Vicky Ford, Daniel Dalton

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States and the Commission shall

Amendment

Member States and the Commission shall

encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in programmes with a significant children's audience, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in programmes with a **reasonable expectation of a** significant children's audience, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Or. en

Justification

A "significant children's audience" can be difficult to ascertain and apply in respect of product placement, where programme producers cannot predict when a broadcaster will schedule or repeat a programme. However, in respect of spot advertising (i.e. television advertising occupying a short break during or between programmes) schedulers can make a reasonable assessment in advance of whether or not a significant children's audience is likely. Our amendment reflects this realistic approach.

Amendment 637

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States and the Commission shall encourage the development of **self- and** co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in **programmes with a significant** children's **audience**, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty

Amendment

Member States and the Commission shall encourage the development of co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in children's **programmes**, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

acids, salt or sodium and sugars.

Or. en

Amendment 638

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States and the Commission shall encourage ***the development of self- and co-regulatory codes of conduct*** regarding inappropriate audiovisual commercial communications, accompanying or included in programmes with a significant children's audience, of foods ***and beverages*** containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Amendment

Member States and the Commission shall encourage ***self- and co-regulation*** regarding inappropriate audiovisual commercial communications, accompanying or included in programmes with a significant children's audience, of foods, ***beverages and other products*** containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Or. en

Amendment 639

Zdzisław Krasnodębski

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or

Amendment

Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or

included in *programmes with a significant* children's *audience*, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

included in children's *programmes* of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Or. en

Justification

This amendment aims is to clarify the provision of the directive.

Amendment 640

Yana Toom, María Teresa Giménez Barbat, Frédérique Ries, Ilhan Kyuchyuk, Marju Lauristin, Hannu Takkula, Morten Løkkegaard

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in *programmes with a significant* children's *audience*, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Amendment

Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in children's *programmes*, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Or. en

Amendment 641 **Henna Virkkunen**

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in **programmes with a significant** children's **audience**, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Amendment

Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in children's **programmes**, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.

Or. en

Justification

"Programmes with a significant children's audience" is an unclear definition. Children watch a lot of different programmes, often with their parents, that might not be originally directed to them (such as sports programmes). Therefore this provision will be difficult to apply and to supervise. The definition also leaves open, what is 'significant'. Developing media literacy is a better tool to develop children's capabilities to understand commercial communications than indefinite restrictions.

Amendment 642

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point –a (new)

Directive 2010/13/EU

Article 9 – paragraph 1 – point a

Present text

(a) audiovisual commercial

Amendment

(-a) In paragraph 1, point a is replaced by the following:

(a) audiovisual commercial

communications shall be readily
recognisable as such. ***Surreptitious
audiovisual commercial
communication shall be prohibited;***

communications shall be readily
recognisable as such ***and distinguishable
from editorial content, without prejudice
to Articles 10 and 11;***

Or. en

Amendment 643

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

***Those codes should be used to effectively
reduce the exposure of minors to
audiovisual commercial communications
of foods and beverages that are high in
salt, sugars or fat or that otherwise do not
fit national or international nutritional
guidelines. Those codes should provide
that the audiovisual commercial
communications are not to emphasise the
positive quality of the nutritional aspects
of such foods and beverages.***

deleted

Or. en

Amendment 644

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Those ***codes*** should be used to effectively
reduce the exposure of minors to
audiovisual commercial communications
of foods ***and beverages*** that are high in

Those ***steps*** should be used to effectively
reduce the exposure of minors to
audiovisual commercial communications
of foods, ***beverages and other products***

salt, sugars or fat or that otherwise do not fit national or international nutritional guidelines. Those *codes* should provide that the audiovisual commercial communications are not to emphasise the positive quality of the nutritional aspects of such foods *and beverages*.

that are high in salt, sugars or fat or that otherwise do not fit national or international nutritional guidelines. Those *steps* should provide that the audiovisual commercial communications are not to emphasise the positive quality of the nutritional aspects of such foods, *beverages and other products*.

Or. en

Amendment 645
Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Those codes should be used to effectively reduce the exposure of minors to audiovisual commercial communications of foods and beverages that are high in salt, sugars or fat or that otherwise do not fit national or international nutritional guidelines. Those codes should provide that the audiovisual commercial communications are not to emphasise the positive quality of the nutritional aspects of such foods and beverages.

Amendment

Without prejudice to the adoption of regulatory measures, Member States and the Commission shall encourage development of self- and co-regulatory initiatives, including codes of conduct, to further minimise the exposure of adolescents to the commercial communications referred to in the first subparagraph accompanying or included in programmes targeting adolescents' audience.

Or. en

Amendment 646
Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.;

deleted

Or. en

Amendment 647

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. Where appropriate, **the Commission shall facilitate the development of** Union codes of conduct.";

The **Member States**, Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. Where appropriate, **Member States shall work together to develop incentivising** Union codes of conduct, **with the Commission playing a coordinating role if necessary**;

Or. fr

Amendment 648

Andrew Lewer, Angel Dzhambazki, Emma McClarkin, Vicky Ford, Daniel Dalton

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

The Commission and ERGA shall encourage the exchange of best practices

The Commission and ERGA shall encourage the exchange of best practices

on self- and co-regulatory systems across the Union. Where appropriate, the Commission shall *facilitate* the development of Union codes of conduct.;

on self- and co-regulatory systems across the Union. Where appropriate *and in accordance with the principles of subsidiarity and proportionality*, the Commission shall *consider facilitating* the development of Union codes of conduct.

Or. en

Justification

This amendment seeks to ensure any proposals for Union codes of conduct remain in line with core EU principles of subsidiarity and proportionality.

Amendment 649

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2010/13/EU

Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The Commission and ERGA shall encourage the exchange of best practices on *self- and* co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.;

Amendment

The Commission and ERGA shall encourage the exchange of best practices on co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.;

Or. en

Amendment 650

Curzio Maltese, Nikolaos Chountis, Martina Michels, Liadh Ní Riada

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a (new)

Directive 2010/13/EU

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(aa) The following paragraph is

inserted:

'2a. Member States and the Commission shall effectively prevent and minimise the exposure of children and minors to audiovisual commercial communications for foods and non-alcoholic beverages high in fat, trans-fatty acids, salt or sodium and sugars in television broadcasts, on-demand audiovisual media services and video-sharing platform services. To that end, no such audiovisual commercial communications shall be broadcast in the Union between 7:00 and 23:00. Member States and the Commission shall further prevent and minimise the exposure of minors to such audiovisual commercial communications by adopting legislation or encouraging the development of co-regulatory codes of conduct.'

Or. en

Amendment 651
Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point -a (new)

Directive 2010/13/EU

Article 9 – paragraph 1 – point e

Present text

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

Amendment

(-a) In paragraph 1, point e is replaced by the following:

(e) audiovisual commercial communications for alcoholic or ***high caffeine content*** beverages shall not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages;

Or. en

Justification

Limit on the advertising on the energy drinks.

Amendment 652

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes should be used to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic beverages.

deleted

Or. en

Amendment 653

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes should be used to effectively limit the exposure of minors to audiovisual

3. Member States shall adopt measures to minimise the exposure of adolescents to commercial communications of alcoholic beverages. Commercial communications preceding, following or interrupting programmes targeting adolescents' audience between 7:00 and 23:00 shall be prohibited.

commercial communications *for alcoholic beverages*.

Without prejudice to the adoption of regulatory measures, Member States and the Commission shall encourage the development of self- and co-regulatory initiatives, including code of conducts, to further minimise the exposure of adolescents to such commercial communications accompanying or included in programmes with a significant minors' audience.

Or. en

Amendment 654

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 3

Text proposed by the Commission

3. Member States and the Commission shall encourage the development of self- and *co-regulatory codes of conduct* regarding inappropriate audiovisual commercial communications for alcoholic *beverages*. Those *codes* should be used to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic *beverages*.

Amendment

3. Member States and the Commission shall encourage the development of self- and *co-regulation* regarding inappropriate audiovisual commercial communications for alcoholic *products*. Those *steps* should be used to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic *products, for instance prohibiting commercial communications for alcoholic products during times when children are most likely to be exposed through audiovisual media services*.

Or. en

Amendment 655

Morten Løkkegaard, Yana Toom

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Text proposed by the Commission

3. Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes should be used to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic beverages.

Amendment

3. Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes, ***based on best practices in Member States***, should be used to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic beverages.

Or. en

Amendment 656
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 11 – point b
Directive 2010/13/EU
Article 9 – paragraph 4

Text proposed by the Commission

4. The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. ***If considered*** appropriate, the Commission shall facilitate the development of Union codes of conduct.

Amendment

4. The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union ***for the purpose set out in paragraph 2, subparagraph 4, and paragraph 3, subparagraph 3. Where*** appropriate, the Commission shall facilitate the development of Union codes of conduct. ***The Commission shall make these best practices effectively and easily accessible to the public.***

Or. en

Amendment 657
Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 4

Text proposed by the Commission

4. The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. If considered appropriate, the **Commission shall facilitate the development** of Union codes of conduct.";

Amendment

4. The **Member States**, Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. Where appropriate, the **Member States shall work together to develop incentivising** Union codes of conduct, **with the Commission playing a coordinating role if necessary**.

Or. fr

Amendment 658

Andrew Lewer, Angel Dzhambazki, Emma McClarkin, Vicky Ford, Daniel Dalton

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 4

Text proposed by the Commission

4. The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. **If considered appropriate**, the Commission shall **facilitate** the development of Union codes of conduct.

Amendment

4. The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. **Where appropriate and in accordance with the principles of subsidiarity and proportionality**, the Commission shall **consider facilitating** the development of Union codes of conduct.

Or. en

Justification

This amendment seeks to ensure any proposals for Union codes of conduct remain in line with core EU principles of subsidiarity and proportionality.

Amendment 659

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b

Directive 2010/13/EU

Article 9 – paragraph 4

Text proposed by the Commission

4. The Commission and ERGA shall encourage the exchange of best practices on *self-* and co-regulatory systems across the Union. *If considered* appropriate, the Commission shall facilitate the development of Union codes of conduct.

Amendment

4. The Commission and ERGA shall encourage the exchange of best practices on *regulatory* and co-regulatory systems across the Union. *Where* appropriate, the Commission shall facilitate the development of Union codes of conduct.

Or. en

Amendment 660

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point -a (new)

Directive 2010/13/EU

Article 9 – paragraph 1 – point e

Present text

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

Amendment

(-a) In paragraph 1, point e is replaced by the following:

(e) audiovisual commercial communications for alcoholic beverages shall not be *created in a way to be attractive to* minors and shall not encourage consumption of such beverages;

Or. en

Amendment 661

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point b a (new)

Text proposed by the Commission

Amendment

(ba) *The following paragraph is added:*

‘4a. *Member States and the Commission shall effectively prevent and minimise the exposure of children and minors to audiovisual commercial communications for alcoholic beverages in television broadcasts, on-demand audiovisual media services and video-sharing platform services. To that end, no such audiovisual commercial communications shall be broadcast in the Union between 07:00 and 23:00. Member States and the Commission shall further prevent and minimise the exposure of children and minors to such commercial communications by introducing legislation or encouraging the development of co-regulatory codes of conduct.’;*

Or. en

Amendment 662

Marc Joulaud, Bogdan Brunon Wenta, Jean-Marie Cavada, Louis Michel

Proposal for a directive

Article 1 – paragraph 1 – point 11 a (new)

Directive 2010/13/EU

Article 9 a (new)

Text proposed by the Commission

Amendment

(11a) *The following article is inserted :*

‘Article 9a

Member States remain free to take appropriate measures ensuring the non-discriminatory appropriate prominence of audiovisual media services of general interest. Such measures shall be proportionate and meet general objectives such as media pluralism, freedom of

speech, and cultural diversity clearly defined by Member States in accordance with Union law.

Such obligations should only be imposed where they are necessary to meet general interest objectives clearly defined by Member States in conformity with Union law. In this respect, Member States should in particular examine the need for regulatory intervention against the results of the outcome of market forces. Where Member States decide to impose discoverability rules, they should only impose proportionate obligations on undertakings, in the interest of legitimate public policy considerations. ';

Or. en

Amendment 663

Iratxe García Pérez

on behalf of the Committee on Women's Rights and Gender Equality

Mary Honeyball

Proposal for a directive

Article 1 – paragraph 1 – point 11 a (new)

Directive 2010/13/EU

Article 9 a (new)

Text proposed by the Commission

Amendment

(11a) The following article is inserted:

'Article 9a

Member States remain free to take appropriate measures ensuring the appropriate prominence of audiovisual media services of general interest.

Such measures shall be proportionate and meet general objectives such as media pluralism, freedom of speech, cultural diversity and equality between women and men clearly defined by Member States in accordance with Union law. Member States may require providers of audiovisual media services which target

audiences in their territories but are established in another Member State to adopt to those measures.';

Or. en

Amendment 664

Petra Kammerevert, Sabine Verheyen

Proposal for a directive

Article 1 – paragraph 1 – point 11 a (new)

Directive 2010/13/EU

Article 9 b (new)

Text proposed by the Commission

Amendment

(11a) The following article is inserted:

'Article 9b

Member States shall ensure that the programmes and services of media service providers are not modified without their explicit consent except for services initiated by the recipient of a service for private use.';

Or. en

Amendment 665

Stefano Maullu

Proposal for a directive

Article 1 – paragraph 1 – point 11 b (new)

Directive 2010/13/EU

Article 9 b (new)

Text proposed by the Commission

Amendment

(11b) The following article is inserted:

'Article 9b

Member States shall ensure that third parties other than the recipient of a service and that cannot enjoy the copyright exception do not modify the programmes and services of media service

providers concerned without their explicit consent.'

Or. en

Amendment 666

Marc Joulaud, Bogdan Brunon Wenta, Jean-Marie Cavada, Louis Michel

Proposal for a directive

Article 1 – paragraph 1 – point 12 – introductory part

Directive 2010/13/EU

Article 10

Text proposed by the Commission

Amendment

(12) *in Article 10, point (b) is replaced by the following:*

(12) *Article 10 is deleted*

Or. en

Justification

This deletion is necessary to reflect the creation of Article -2c, which includes Article 10.

Amendment 667

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/13/EU

Article 10 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *they shall not directly encourage the purchase or rental of goods or services;;*

deleted

Or. en

Amendment 668

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/13/EU

Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) *they shall not directly encourage the purchase or rental of goods or services;*

Amendment

(b) *news and current affairs programmes shall not be sponsored. Members States shall prohibit the showing of a sponsorship logo during children's programmes, documentaries and religious programmes;*

Or. en

Amendment 669

Zdzislaw Krasnodebski

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/13/EU

Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) they shall not directly encourage the purchase or rental of goods or services;

Amendment

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

Or. en

Justification

This amendment aims to restore the current wording of the Directive.

Amendment 670

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/13/EU
Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) they shall not **directly** encourage the purchase or rental of goods or services;

Amendment

(b) they shall not encourage the purchase or rental of goods or services;

Or. en

Amendment 671

Marita Ulvskog, Anna Hedh, Jytte Guteland, Jens Nilsson, Olle Ludvigsson

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/13/EU

Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) they shall not **directly** encourage the purchase or rental of goods or services;

Amendment

(b) they shall not encourage the purchase or rental of goods or services;

Or. en

Amendment 672

Julie Ward, Sylvie Guillaume

Proposal for a directive

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

Directive 2010/13/EU

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

Text proposed by the Commission

Amendment

(12a) In Article 10, the following point is inserted:

‘(ba) audiovisual media services, user-generated videos or programmes should not be sponsored by undertakings whose principal activity is the manufacture or sale of alcoholic beverages;’

Or. en

Amendment 673

Isabella Adinolfi

Proposal for a directive

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

Directive 2010/13/EU

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

Text proposed by the Commission

Amendment

(12a) In Article 10, the following point is inserted:

‘(ba) their content shall not mislead or deceive viewers by using surreptitious commercial communications or subliminal techniques;’

Or. en

Amendment 674

Julie Ward, Sylvie Guillaume

Proposal for a directive

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

Directive 2010/13/EU

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

Text proposed by the Commission

Amendment

(12a) In Article 10, the following point is inserted:

‘(ba) Audiovisual media services, video-sharing platform services, user-generated videos or programmes should not be sponsored by referencing food and non-alcoholic beverages high in fat, trans fatty acids, salt or sodium and sugars. The WHO Regional Office for Europe’s nutrient profile model shall be used to differentiate foods and non-alcoholic beverages on the basis of their nutritional composition.’

Or. en

Amendment 675

Isabella Adinolfi

Proposal for a directive

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

Directive 2010/13/EU

Article 10 – paragraph 1 – point c

Present text

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

Amendment

(12b) In Article 10, paragraph 1, point c is replaced by the following:

"(c) viewers shall be clearly, ***properly and effectively*** informed of the existence of a sponsorship agreement. Sponsored programmes shall be clearly, ***properly and effectively*** identified as such by the name, logo, ***symbol*** and/or any other ***distinctive sign*** of the sponsor ***in an appropriate way for programmes, at the beginning, at the end as well as after any interruption of the programmes. An additional clear distinctive indication, common for all sponsored programmes, shall be maintained on the screen, or equivalent interface, for all the duration of the programme.***";

Or. en

(The amendment seeks to amend a provision within the existing act - Article 10, paragraph 1, point c - that was not referred to in the Commission proposal.)

Amendment 676

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 12 c (new)

Directive 2010/13/EU

Article 10 – paragraph 2

Present text

Amendment

(12b) In Article 10, paragraph 2 is

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

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

4. ***News and current affairs programmes shall not be sponsored. Member States may choose to prohibit the showing of a sponsorship logo during children's programmes, documentaries and religious programmes.***"

replaced by the following:

"2. Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is:

(a) ***gambling, gaming and collection of bets;***

(b) ***the manufacture or sale of cigarettes and other tobacco products, alcoholic beverages, or medicinal products and medical treatments;***

(c) ***the sale of financial investment products and services;***

(d) ***the manufacture or sale of food and non-alcoholic beverages barred from advertising according to the WHO Regional Office for Europe's nutrient profile model.***"

Or. en

(The amendment seeks to amend a provision within the existing act - Article 10, paragraph 2 - that was not referred to in the Commission proposal.)

Amendment 677
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 12 c (new)
Directive 2010/13/EU
Article 10 – paragraph 3

Present text

Amendment

(12c) Article 10, paragraph 3 is deleted

Or. en

(The amendment seeks to amend a provision within the existing act - Article 10, paragraph 3 - that was not referred to in the Commission proposal.)

Amendment 678
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 12 e (new)
Directive 2010/13/EU
Article 10 – paragraph 4

Present text

Amendment

"4. News and current affairs programmes shall not be sponsored. Member States may choose to prohibit *the showing of a sponsorship logo during children's programmes*, documentaries and religious programmes."

(12e) In Article 10, paragraph 4 is replaced by the following:

"4. ***Programmes targeting a children's audience***, news and current affairs programmes shall not be sponsored. Member States may choose to prohibit ***or restrict the sponsorship of programmes targeting an adolescents' audience***, documentaries and religious programmes."

Or. en

(The amendment seeks to amend a provision within the existing act - Article 10, paragraph 4 - that was not referred to in the Commission proposal.)

Amendment 679
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 12 f (new)
Directive 2010/13/EU
Article 10 a (new)

Text proposed by the Commission

Amendment

(12f) The following article is inserted:

'Article 10a

Branded entertainment shall be subject to the rules laid down in Articles 9 and 10.'

Or. en

Amendment 680

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11

Text proposed by the Commission

Amendment

Article 11 is replaced by the following:

deleted

"Article 11

1. Paragraphs 2, 3 and 4 shall apply only to programmes produced after 19 December 2009.

2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and programmes with a significant children's audience.

3. Programmes that contain product placement shall meet the following requirements:

(a) their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;

(b) they shall not directly encourage the purchase or rental of goods or services;

(c) viewers shall be clearly informed of

the existence of product placement.

Programmes containing product placement shall be appropriately identified at the start and the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer;

By way of exception, Member States may choose to waive the requirements set out in point (c) provided that the programme concerned has neither been produced nor commissioned by the media service provider itself or a company affiliated to the media service provider.

4. In any event programmes shall not contain product placement of:

(a) tobacco products or cigarettes or product placement from undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products;

(b) specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls.";

Or. en

Amendment 681

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and

deleted

programmes with a significant children's audience.

Or. en

Amendment 682

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 2

Text proposed by the Commission

2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and programmes with a significant children's audience.

Amendment

2. What is more, it should be emphasised that product placement should not be admissible in news and current affairs programmes, consumer affairs programmes, religious programmes, ***cultural and educational programmes, family programmes, such as entertainment broadcasts, children's programmes*** and programmes with a significant children's audience.

Or. fr

Amendment 683

Andrew Lewer, Angel Dzhambazki, Emma McClarkin, Vicky Ford, Daniel Dalton

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 2

Text proposed by the Commission

2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and programmes ***with a significant children's audience.***

Amendment

2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and ***children's programmes, which should be understood as programmes produced for***

and aimed at children.

Or. en

Justification

This amendment reflects the justification, and is consistent with the change of wording proposed for, Recital 16, relating to product placement and "significant children's audience".

Amendment 684

Zdzisław Krasnodębski

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 2

Text proposed by the Commission

2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and programmes *with a significant children's audience*.

Amendment

2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and programmes *produced as aimed mainly at children*.

Or. en

Justification

The aim is to clarify the rules on product placement, as well as the prevention of excessive commercialisation of programs.

Amendment 685

Henna Virkkunen

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 2

Text proposed by the Commission

2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and ***programmes with a significant children's audience.***

Amendment

2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and children's ***programmes.***

Or. en

Justification

"Programmes with a significant children's audience" is an unclear definition. Children watch a lot of different programmes, often with their parents, that might not be originally directed to them (such as sports programmes). Therefore this provision will be difficult to apply and to supervise. The definition also leaves open, what is 'significant'. Developing media literacy is a better tool to develop children's capabilities to understand commercial communications than indefinite restrictions.

Amendment 686

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 2

Text proposed by the Commission

2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and ***programmes with a significant children's audience.***

Amendment

2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and children's ***programmes.***

Or. en

Amendment 687

Yana Toom, María Teresa Giménez Barbat, Frédérique Ries, Ilhan Kyuchyuk, Marju

Lauristin, Hannu Takkula, Morten Løkkegaard

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 2

Text proposed by the Commission

2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and ***programmes with a significant children's audience.***

Amendment

2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and children's ***programmes.***

Or. en

Amendment 688

Zdzisław Krasnodębski

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(a) their content and, in the case of television broadcasting, ***their scheduling*** shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;

Amendment

(a) their content and ***their scheduling (in the case of television broadcasting) or placing (in the case of on-demand audiovisual media service)*** shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;

Or. en

Justification

The aim is clarify the rules on product placement, as well as the prevention of excessive commercialisation of programs.

Amendment 689

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) they shall not directly encourage the purchase or rental of goods or services; **deleted**

Or. en

Amendment 690

Zdzisław Krasnodębski

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) they shall not directly encourage the purchase or rental of goods or services;

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

Or. en

Justification

The aim is clarify the rules on product placement, as well as the prevention of excessive commercialisation of programs.

Amendment 691

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU
Article 11 – paragraph 3 – point b

Text proposed by the Commission

(b) they shall not **directly** encourage the purchase or rental of goods or services;

Amendment

(b) they shall not encourage the purchase or rental of goods or services;

Or. en

Amendment 692
Zdzisław Krasnodebski

Proposal for a directive
Article 1 – paragraph 1 – point 13
Directive 2010/13/EU
Article 11 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

‘(ba) they shall not give undue prominence to the product in question;’

Or. en

Justification

The aim is clarify the rules on product placement, as well as the prevention of excessive commercialisation of programs.

Amendment 693
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 13 a (new)
Directive 2010/13/EU
Article 11 – paragraph 3 – subparagraph 2

Present text

The derogation provided for in point (a) shall not apply **to children’s** programmes.

Amendment

The derogation provided for in point (a) shall not apply programmes **targeting minors’ audience**.

Or. en

(The amendment seeks to amend a provision within the existing act - Article 11, paragraph 3, subparagraph 2 - that was not referred to in the Commission proposal.)

Amendment 694
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 13 b (new)
Directive 2010/13/EU
Article 11 – paragraph 3 – subparagraph 4

Present text

Amendment

By way of exception, Member States may choose to waive the requirements set out in point (d) provided that the programme in question has neither been produced nor commissioned by the media service provider itself or a company affiliated to the media service provider.

deleted

Or. en

(The amendment seeks to amend a provision within the existing act - Article 11, paragraph 3, subparagraph 4 - that was not referred to in the Commission proposal.)

Amendment 695
Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive
Article 1 – paragraph 1 – point 13
Directive 2010/13/EU
Article 11 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

By way of exception, Member States may choose to waive the requirements set out in point (c) provided that the programme concerned has neither been produced nor commissioned by the media service provider itself or a company affiliated to the media service provider.

deleted

Or. fr

Amendment 696
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 13
Directive 2010/13/EU
Article 11 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

By way of exception, Member States may choose to waive the requirements set out in point (c) provided that the programme concerned has neither been produced nor commissioned by the media service provider itself or a company affiliated to the media service provider.

deleted

Or. en

Amendment 697
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 13
Directive 2010/13/EU
Article 11 – paragraph 4

Text proposed by the Commission

Amendment

4. In any event programmes shall not contain product placement of:

(a) tobacco products or cigarettes or product placement from undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products;

(b) specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls.;

deleted

Or. en

Amendment 698

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) tobacco products or cigarettes or product placement from undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products; *deleted*

Or. en

Amendment 699

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls; *deleted*

Or. en

Amendment 700

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 4 – point b

Text proposed by the Commission

(b) specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls;

Amendment

(b) specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls ***or in the Member State targeted by the media service provider;***

Or. en

Amendment 701

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

‘(ba) alcoholic beverages and other alcoholic products or product placement from undertakings whose principal activity is the manufacture or sale of alcohol and other alcoholic products.’

Or. en

Amendment 702

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/13/EU

Article 11 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

‘(ba) alcoholic beverages;’

Or. en

Amendment 703
Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive
Article 1 – paragraph 1 – point 13
Directive 2010/13/EU
Article 11 – paragraph 4 – point b b (new)

Text proposed by the Commission

Amendment

‘(bb) foods and non-alcoholic beverages high in fat, trans-fatty acids, salt or sodium and sugars.’

Or. en

Amendment 704
Sylvie Guillaume, Pervenche Berès

Proposal for a directive
Article 1 – paragraph 1 – point 13
Directive 2010/13/EU
Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that media providers’ programmes and services are not modified without their consent, such as through ‘cover-up’ advertising or similar practices.

Or. fr

Amendment 705
Silvia Costa

Proposal for a directive
Article 1 – paragraph 1 – point 14 – introductory part
Directive 2010/13/EU
Article 12

Text proposed by the Commission

Amendment

(14) Article 12 is ***replaced by the***

(14) Article 12 is ***deleted***

following and moved to Chapter III:

Or. en

Justification

See Article -2

Amendment 706

Marc Joulaud, Bogdan Brunon Wenta, Jean-Marie Cavada, Louis Michel

Proposal for a directive

Article 1 – paragraph 1 – point 14 – introductory part

Directive 2010/13/EU

Article 12

Text proposed by the Commission

Amendment

(14) Article 12 is ***replaced by the following and moved to Chapter III:***

(14) Article 12 is ***deleted.***

Or. en

Justification

This deletion is necessary to reflect the creation of Article -2, which includes Article 12.

Amendment 707

Andrew Lewer, Angel Dzhambazki, Emma McClarkin, Vicky Ford, Daniel Dalton

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that

Member States shall ensure that audiovisual media service providers provide sufficient information to viewers about content which may impair the physical, mental or moral development of minors. For this purpose, Member States may use a system of descriptors indicating

minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.

the nature of the content of an audiovisual media service. For the implementation of paragraph 1, Member States shall encourage co-regulation. The Commission and ERGA shall encourage media service providers to exchange best practices on co-regulatory systems across the Union. Where this results in the recognition of common approaches, the Commission shall consider facilitating the development of Union codes of conduct, in accordance with the principles of subsidiarity and proportionality. Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.

Or. en

Justification

This amendment sees provisions in Article 6a of the amending Directive moved to, and incorporated in, Article 12 (paragraphs 1-3), which deals with the same type of content. The original text of Article 12, paragraph 1, is retained in this amendment.

Amendment 708

Zdzisław Krasnodebski

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – subparagraph -1 (new)

Text proposed by the Commission

Amendment

Member States shall take appropriate

measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.

Or. en

Justification

This amendment aims to strengthen the protection of minors.

Amendment 709

Zdzisław Krasnodębski

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – subparagraph 1

Text proposed by the Commission

Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.

Amendment

Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme. ***When such programmes are broadcast in unencoded form Member States shall ensure that they are preceded by an acoustic warning or are identified by the presence of a visual symbol throughout their duration.***

Or. en

Justification

This amendment aims to strengthen the protection of minors.

Amendment 710

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – subparagraph 1

Text proposed by the Commission

Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which **may** impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.

Amendment

Member States shall take ***all the necessary and*** appropriate measures to ensure that programmes provided by audiovisual media service providers ***and video-sharing platform providers*** under their jurisdiction, which ***might*** impair the physical, mental or moral development of minors, ***or harm the physical, mental or moral integrity of elderly people and vulnerable categories*** are only made available in such a way as to ensure that minors ***and such categories*** will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other ***adequate and effective*** technical measures. They shall be proportionate to the potential harm of the programme.

Or. en

Amendment 711

Angelika Mlinar, Cécile Kashetu Kyenge, Sophia in 't Veld, Cecilia Wikström, Filiz Hyusmenova

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – subparagraph 1

Text proposed by the Commission

Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical, **mental or moral** development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.

Amendment

Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical **or mental** development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.

Or. en

Amendment 712

Yana Toom, María Teresa Giménez Barbat, Frédérique Ries, Ilhan Kyuchyuk, Marju Lauristin, Hannu Takkula, Morten Løkkegaard

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – subparagraph 1

Text proposed by the Commission

Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical, **mental or moral** development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.

Amendment

Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical **or mental** development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.

Or. en

Amendment 713

Sophia in 't Veld, Daniele Viotti, Ulrike Lunacek

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – subparagraph 1

Text proposed by the Commission

Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical, **mental or moral** development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.

Amendment

Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical **or mental** development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.

Or. en

Amendment 714

Zdzisław Krasnodębski

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – subparagraph 2

Text proposed by the Commission

The most harmful content, such as gratuitous violence **and pornography**, shall be subject to the strictest measures, such as encryption and effective parental controls.

Amendment

Programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence **on-demand audiovisual media services** shall be subject to the strictest measures, such as encryption and effective parental controls.

Or. en

Justification

This amendment aims to strengthen the protection of minors.

Amendment 715

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – subparagraph 2

Text proposed by the Commission

The most harmful content, such as gratuitous violence *and pornography*, shall be subject to the strictest measures, such as encryption and effective parental controls.

Amendment

The most harmful content, such as gratuitous violence, *bullying, racism, consumerism, classism, bullying, endangerment or exploitation of environment, pornography* shall be subject to the strictest measures, such as encryption and effective parental controls.

Or. en

Amendment 716

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – subparagraph 2

Text proposed by the Commission

The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures, such as encryption and effective parental controls.

Amendment

The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures, such as encryption and effective parental controls, *together with the measures mentioned above.*

Or. en

Amendment 717

Angelika Mlinar, Sophia in 't Veld, Cecilia Wikström, Yana Toom, Filiz Hyusmenova, Fredrick Federley

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that the measures implemented to protect minors from content that may impair their physical or mental development are necessary and proportionate and fully respect the obligations of the Charter of Fundamental Rights, in particular Title III and Article 52 thereof.

Or. en

Amendment 718

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/13/EU

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In any case, Member States shall define a precise set of safeguard measures aiming at protecting viewers according to consumer and civic constitutional rights and Article 2 and 3 of TEU.

Or. en

Amendment 719

Louise Bours

Proposal for a directive

Article 1 – paragraph 1 – point 15

Text proposed by the Commission

Amendment

(15) Article 13 is replaced by the following:

deleted

‘Article 13

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a 20% share of European works in their catalogue and ensure prominence of these works.

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

3. Member States shall report to the Commission by [date – no later than three years after adoption] at the latest and every two years thereafter on the implementation of paragraphs 1 and 2.

4. The Commission shall, on the basis of the information provided by Member States and of an independent study, report to the European Parliament and to the Council on the application of paragraphs 1 and 2, taking into account

the market and technological developments and the objective of cultural diversity.

5. Member States shall waive the requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience or if they are small and micro enterprises. Member States may also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the on-demand audiovisual media services.'

Or. en

Amendment 720
Henna Virkkunen

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a 20% share of European works in their catalogue and ensure prominence of these works. **deleted**

Or. en

Justification

The catalogue should be based on demand, not legislative quotas.

Amendment 721
Morten Løkkegaard

Proposal for a directive
Article 1 – paragraph 1 – point 15

Text proposed by the Commission

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a 20% share of European works in their catalogue and ensure prominence of these works.

Amendment

deleted

Or. en

Amendment 722
Ramon Tremosa i Balcells

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a **20%** share of European works in their catalogue **and ensure** prominence of **these** works.

Amendment

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a **50%** share of European works in their catalogue, **as well as ensuring** prominence of **those** works, **and take into account the cultural and linguistic diversity of the territory in which they provide their service, or at which their service is aimed. In that connection, providers of on-demand audiovisual media services must ensure that at least 30% of the European works in their catalogue are available in the official languages of the territory in which they provide their service, or at which their service is aimed. Furthermore, the aforementioned service providers shall ensure the promotion of the languages referred to in the Council of Europe's European Charter for Regional or Minority Languages.**

Justification

Although setting a minimum of 20% is seen as an improvement on the current situation, this would seem to be insufficient if the aim is to place the provision of European content on an equal footing and to promote Europe's audiovisual industries and make them more dynamic with a view to helping to establish a shared European audiovisual culture.

Amendment 723**Dominique Bilde, Marie-Christine Boutonnet****Proposal for a directive****Article 1 – paragraph 1 – point 15**

Directive 2010/13/EU

Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a **20%** share of European works in their catalogue and ensure prominence of these works.

Amendment

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a **30%** share of European works in their catalogue, ***more if they so wish or at a level in line with their current requirements***, and ensure prominence of these works. ***Member States shall also retain the possibility of ensuring that providers of on-demand audiovisual media services under their jurisdiction also propose a share of European works in their catalogue, with that share to be established by the Member States;***

Or. fr

Amendment 724**Sylvie Guillaume, Pervenche Berès****Proposal for a directive****Article 1 – paragraph 1 – point 15**

Directive 2010/13/EU

Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a **20%** share of European works in their catalogue and ensure ***prominence of these works***.

Amendment

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a **30%** share of European works in their catalogue and ensure ***their visibility***. ***Member States may require their providers of on-demand audiovisual media services which are established in another Member State but target audiences on their territory to include a proportion of European audiovisual works as laid down in the Member State targeted.***

Or. fr

Amendment 725

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a **20%** share of European works in their catalogue and ensure prominence of these works.

Amendment

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a **30%** share of European ***national and non-national*** works in their catalogue and ensure prominence of these works. ***The European non-national and national quota of 30% shall include works in the official languages of the territory in which they are or are distributed.***

Or. en

Amendment 726

Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that ***providers of*** on-demand audiovisual media services under their jurisdiction ***secure at least a 20% share of*** European works ***in their catalogue and ensure prominence of these works.***

Amendment

1. Member States shall ensure that on-demand audiovisual media services ***provided by media service providers*** under their jurisdiction ***adequately and effectively promote and produce quality*** European works. ***Member States shall lay down specific rules addressed to subjects in charge of public service obligations in order to fulfil the objective set out in the first subparagraph.***

Or. en

Amendment 727
Marc Joulaud

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a ***20%*** share of European works in their catalogue and ensure prominence of these works.

Amendment

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a ***40%*** share of European works in their catalogue, ***ensure that the quality of the acquired European works is equivalent to the rest of the catalogue,*** and ensure prominence of these works.

Or. en

Justification

As video on-demand services already respect the 20% requirement, it is necessary to improve the presence of European works on these platforms and to introduce qualitative criteria, to avoid the use of low-quality content for the fulfilment of the share required by this Article.

Amendment 728

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 1

Text proposed by the Commission

1. Member States ***shall ensure that*** providers of on-demand audiovisual media services under their jurisdiction ***secure at least a 20%*** share of European works in their catalogue ***and ensure prominence of these works.***

Amendment

1. Member States ***should encourage*** providers of on-demand audiovisual media services under their jurisdiction ***to provide a*** share of European works in their catalogue, ***provided that this do not affect the consumer negatively by altering the service provided in a way which was not agreed upon by the consumer.***

Or. en

Amendment 729

Giorgos Grammatikakis

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a 20% share of European works in their catalogue and ensure prominence of these works.

Amendment

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a 20% share of European works in their catalogue and ensure prominence of these works ***in terms of their visibility and accessibility.***

Or. en

Amendment 730

Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 1

Text proposed by the Commission

1. Member States **shall ensure** that providers of on-demand audiovisual media services under their jurisdiction secure **at least a 20%** share of European works in their catalogue **and ensure prominence of these works**.

Amendment

1. Member States **may require** that providers of on-demand audiovisual media services under their jurisdiction secure **a** share of European works in their catalogue.

Or. en

Justification

This should be an option for the Member States to require European works, but not a requirement.

Amendment 731
Andrew Lewer, Angel Dzhambazki, Emma McClarkin, Vicky Ford

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a 20% share of European works in their catalogue **and ensure prominence of these works**.

Amendment

1. Member States shall ensure that, **where practical and by appropriate means**, providers of on-demand audiovisual media services under their jurisdiction secure at least a 20% share of European works in their catalogue.

Or. en

Justification

See justification of amendment to Recital 22.

Amendment 732
Theodoros Zagorakis, Stefano Maullu

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a 20% share of European works in their catalogue **and ensure prominence of these works**.

Amendment

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a 20% share of European works in their catalogue.

Or. en

Justification

While the promotion of the visibility and accessibility of European works is essential, the lack of a clear definition of what prominence is and how it should be achieved, can be counterproductive, creating new EU internal fractures during the implementation of this provision.

Amendment 733
Zdzisław Krasnodębski

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a **20%** share of European works in their catalogue and ensure prominence of these works.

Amendment

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a **35%** share of European works in their catalogue and ensure prominence of these works.

Or. en

Amendment 734

Yana Toom, María Teresa Giménez Barbat, Ilhan Kyuchyuk, Hannu Takkula, Morten Løkkegaard, Kaja Kallas, Hilde Vautmans, Marietje Schaake

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction ***secure at least a 20% share of European works in their catalogue and ensure prominence of these*** works.

Amendment

1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction ***promote, where practicable, the production of and access to European*** works.

Or. en

Amendment 735

Yana Toom, Hannu Takkula, Morten Løkkegaard, Kaja Kallas

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content ***and*** contributions to national funds. ***Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall***

Amendment

2. Member States may require providers of on-demand audiovisual media services ***established*** under their jurisdiction to contribute financially to the production of European works, including via direct investment in content ***or*** contributions to national funds.

take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

Or. en

Amendment 736

Andrew Lewer, Angel Dzhambazki, Emma McClarkin, Vicky Ford, Daniel Dalton

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content *and* contributions to national funds. ***Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.***

Amendment

2. Member States may require providers of on-demand audiovisual media services ***established*** under their jurisdiction to contribute financially to the production of European works ***within their territory***, including via direct investment in content ***or*** contributions to national funds.

Or. en

Justification

This amendment seeks to protect the integrity of the country of origin principle, which is key

to the effective functioning of a single market in broadcasting. Further derogations to the country of origin principle should only be permitted in serious circumstances, such as those already outlined by this Directive, or on grounds of national security. In addition, the Commission has not provided evidence that existing, or additional, levies have or would increase investment in quality European content. See also amendment to Recital 22.

Amendment 737
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. ***Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States.*** Any financial contribution shall comply with Union law, in particular with State aid rules.

Amendment

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Any financial contribution shall comply with Union law, in particular with State aid rules.

Or. en

Justification

As set out, it is not possible to guarantee that financial contributions from provider established in another Member State will be used support production of works by that provider. It would require payment into a system without the possible benefit from that system

as it is established in another Member State.

Amendment 738

Zdzisław Krasnodębski

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, ***but established in other Member States*** to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the ***targeted Member States***. ***If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States.*** Any financial contribution shall comply with Union law, in particular with State aid rules.

Amendment

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

Or. en

Amendment 739

Milan Zver

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States may require providers of ***on-demand*** audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of ***on-demand*** audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

Amendment

2. Member States may require providers of audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. ***Furthermore, Member States may not impose a levy on an ancillary on-demand audiovisual media service if it has already imposed a levy on the corresponding broadcasting service.*** Any financial contribution shall comply with Union law, in particular with State aid rules.

Or. en

Amendment 740

Marian Harkin, Seán Kelly

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States may require providers of ***on-demand*** audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct

Amendment

2. Member States may require providers of audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in

investment in content and contributions to national funds. Member States may require providers of *on-demand* audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

content and contributions to national funds. Member States may require providers of audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. ***Furthermore, Member States may not impose a levy on an ancillary on-demand audiovisual media service if it has already imposed a levy on the corresponding broadcasting service.*** Any financial contribution shall comply with Union law, in particular with State aid rules.

Or. en

Amendment 741
Ramon Tremosa i Balcells

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the

Amendment

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. ***Furthermore, those service providers must take into account the cultural and linguistic diversity of the territory in which they provide their service, or at which their service is aimed.*** Member States may require providers of on-demand audiovisual media services,

targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

Or. es

Amendment 742

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with

Amendment

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, ***taking into account the cultural and linguistic diversity of the territorial area in which they are located or are conducting their service***, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial

State aid rules.

contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

Or. en

Amendment 743

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 2

Text proposed by the Commission

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

Amendment

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of ***national and*** European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

Or. fr

Amendment 744

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

Amendment

2. Member States may require providers of on-demand audiovisual media services **established** under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

Or. en

Amendment 745
Giorgos Grammatikakis, Sylvie Guillaume

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States **may** require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to

Amendment

2. Member States **shall** require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to

national funds. Member States *may* require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

national funds. Member States *shall* require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

Or. en

Amendment 746
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but *established in other Member States* to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted

Amendment

2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but *not established therein* to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member

Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.

States. Any financial contribution shall comply with Union law, in particular with State aid rules.

Or. en

Amendment 747
Sylvie Guillaume, Pervenche Berès

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that providers of on-demand audiovisual media ensure the prominence of European works in their catalogues. This could take the form of:

- (a) a section accessible straight from the home page which is devoted to European works;***
- (b) a minimum number or percentage of European works available on the home page;***
- (c) the promotion of such works by means of recommendation and promotion tools or services available as part of the on-demand audiovisual media services.***

Member States may require providers of on-demand audiovisual media services which are established in another Member State but target audiences on their territory to apply the measures for ensuring the visibility of European audiovisual works as laid down in the Member State targeted.

Or. fr

Amendment 748
Zdzisław Krasnodębski

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

‘2a. On-demand audiovisual media service providers should make European works clearly visible in their selective catalogue offers.’

Or. en

Amendment 749
Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall **report** to the Commission by [date – no later than three years after adoption] at the latest and every two years thereafter on the implementation of paragraphs 1 and 2.

3. Member States shall **forward** to the Commission by [date – no later than three years after adoption] at the latest and every two years thereafter on the implementation of paragraphs 1 and 2.

Or. fr

Amendment 750
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 4

Text proposed by the Commission

4. The Commission shall, on the basis of the information provided by Member States and ***of an independent study***, report to the European Parliament and to the Council on the application of paragraphs 1 and 2, taking into account the market and technological developments and the objective of cultural diversity.

Amendment

4. The Commission shall, on the basis of the information provided by Member States and ***ERGA***, report to the European Parliament and to the Council on the application of paragraphs 1 and 2, taking into account the market and technological developments and the objective of cultural diversity.

Or. en

Amendment 751

Kaja Kallas, Marietje Schaake, Yana Toom

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall ensure adequate and geographically-diversified funding under the MEDIA programme of Creative Europe to support the circulation of creative content across borders, including improvement of the digital distribution of European audiovisual works and the development of innovative financing models for creative content.

Or. en

Amendment 752

Marc Joulaud, Bogdan Brunon Wentz

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 5

Text proposed by the Commission

5. Member States **shall** waive the requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience or if they are small and micro enterprises. Member States may also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the on-demand audiovisual media services.

Amendment

5. Member States **may** waive the requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience **as regards the targeted market** or if they are small and micro enterprises. Member States may also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the on-demand audiovisual media services **and would not disproportionately compete with equivalent European works.**

Or. en

Justification

It is necessary to provide a reference point to determine what constitute a low turnover or a low audience, in order to prevent unjustified exemption from the obligations set out in this Directive. The competition of the content of a themed service with equivalent European work should also be taken into account, in order to avoid artificial specialisation of on-demand service in order to be exempted from the requirement of this Directive.

Amendment 753
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 – paragraph 5

Text proposed by the Commission

5. Member States shall waive the requirements laid down in **paragraphs 1 and 2** for providers with a low turnover or low audience or if they are small and micro enterprises. **Member States may also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the on-demand audiovisual media services.**

Amendment

5. Member States shall waive the requirements laid down in **paragraph 2** for providers **under their jurisdiction** with a low turnover or low audience or if they are small and micro enterprises, **start-ups or independent producers. Member States shall adopt measures to achieve the goal set out in paragraph 1 with regard to independent producers, small and micro enterprises and start-ups.**

Amendment 754

Kaja Kallas, Marietje Schaake, Morten Løkkegaard

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 5

Text proposed by the Commission

5. Member States shall waive the requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience or if they are small and micro enterprises. Member States *may* also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the on-demand audiovisual media services.

Amendment

5. Member States shall waive the requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience or if they are small and micro enterprises. Member States *shall* also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the on-demand audiovisual media services.

Amendment 755

Marian Harkin, Seán Kelly

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/13/EU

Article 13 – paragraph 5

Text proposed by the Commission

5. Member States shall waive the requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience or if they are small and micro enterprises. Member States may also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the *on-demand* audiovisual media services.

Amendment

5. Member States shall waive the requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience or if they are small and micro enterprises. Member States may also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the audiovisual media services.

Amendment 756
Milan Zver

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2010/13/EU
Article 13 - paragraph 5

Text proposed by the Commission

5. Member States shall waive the requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience or if they are small and micro enterprises. Member States may also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the ***on-demand*** audiovisual media services.

Amendment

5. Member States shall waive the requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience or if they are small and micro enterprises. Member States may also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the audiovisual media services.

Or. en

Amendment 757
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 15 a (new)
Directive 2010/13/EU
Article 14 – paragraph 1

Present text

1. Each Member State may take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free

Amendment

(15a) In Article 14, paragraph 1 is replaced by the following:

1. Each Member State may take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free

television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.

television. ***Member States shall also require broadcasters under its jurisdiction to broadcast these events of major importance for society in an accessible way for those with functional limitations, including persons with disabilities.*** If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.

Or. en

Justification

Amendment linked to the re-introduction of accessibility requirements in Article 7

Amendment 758

Zdzisław Krasnodębski

Proposal for a directive

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

Directive 2010/13/EU

Article 16 – paragraph 2 a (new)

Present text

Amendment

(15a) In Article 16, the following paragraph is inserted:

‘2a. Member States may require broadcasters under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require broadcasters, targeting audiences in their territories, but established in other Member States to make such financial

contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the broadcaster is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.'

Or. en

Justification

The aim is to align regulations for VOD service providers and broadcasters. According to the proposed by the European Commission Article. 13 paragraph. 2 VOD service providers may be required to invest in film production in the country, to which its service is directed. The proposal of adding a new paragraph 2a to Article 16 introduces the possibility of imposing such an obligation also on broadcasters.

Amendment 759 **Isabella Adinolfi**

Proposal for a directive
Article 1 – paragraph 1 – point 15 a (new)
Directive 2010/13/EU
Article 14 – paragraph 1

Present text

"Article 14

"1. Each Member State *may* take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the

Amendment

(15a) Article 14, paragraph 1, is replaced by the following:

"Article 14

1. Each Member State *shall* take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the

possibility of following such events by live coverage or deferred coverage on free television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.

possibility of following such events by live coverage or deferred coverage on free television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or appropriate **and proportionate** for objective reasons in the public interest, whole or partial deferred coverage.

Or. en

(The amendment seeks to amend a provision within the existing act - Article 14 - that was not referred to in the Commission proposal.)

Amendment 760
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 15 b (new)
Directive 2010/13/EU
Article 14 – paragraph 1 a (new)

Present text

Amendment

(15b) In Article 14 the following paragraph is added:

1a. Member States shall give preference to subjects in charge of public services obligations for the broadcasting of events of major importance for society.

Or. en

(The amendment seeks to amend a provision within the existing act - Article 14 - that was not referred to in the Commission proposal.)

Amendment 761
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 15 c (new)
Directive 2010/13/EU
Article 14 – paragraph 1 b (new)

Present text

Amendment

(15c) In Article 14 the following paragraph is added:

1b. Member States shall also require broadcasters under their jurisdiction to broadcast such events in an accessible and usable way for persons with functional limitations and disabilities, as laid down in Article 7, with particular regard to subjects in charge of public services obligations.

Or. en

(The amendment seeks to amend a provision within the existing act - Article 14 - that was not referred to in the Commission proposal.)

Amendment 762
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 15 d (new)
Directive 2010/13/EU
Article 14 – paragraph 3

Present text

Amendment

3. Member States shall ensure, by appropriate means within the framework of their legislation, that broadcasters under their jurisdiction do not exercise the exclusive rights purchased by those broadcasters after 18 December 2007 in such a way that a substantial proportion of the public in another Member State is deprived of the possibility of following events which are designated by that other Member State in accordance with

(15d) Article 14, paragraph 3, is replaced by the following:

3. Member States shall ensure, by appropriate means within the framework of their legislation, that broadcasters under their jurisdiction do not exercise the exclusive rights purchased by those broadcasters after 18 December 2007 in such a way that a substantial proportion of the public in another Member State is deprived of the possibility of following events which are designated by that other Member State in accordance with

paragraphs 1 and 2 by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage on free television as determined by that other Member State in accordance with paragraph 1.

paragraphs 1 and 2 by whole or partial live coverage or, where necessary or appropriate **and proportionate** for objective reasons in the public interest, whole or partial deferred coverage on free television as determined by that other Member State in accordance with paragraph 1.

Or. en

(The amendment seeks to amend a provision within the existing act - Article 14 - that was not referred to in the Commission proposal.)

Amendment 763

Julie Ward, Sylvie Guillaume

Proposal for a directive

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

Directive 2010/13/EU

Article 14 – paragraph 1

Present text

1. Each Member State may take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or

Amendment

(15a) In Article 14, paragraph 1 is replaced by the following:

1. Each Member State may take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free television. ***Member States shall also require broadcasters under its jurisdiction to broadcast these events of major importance for society in an accessible way for those with functional limitations, including persons with disabilities.*** If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It

appropriate for objective reasons in the public interest, whole or partial deferred coverage.

shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage."

Or. en

(The amendment seeks to amend a provision within the existing act - Article 14, paragraph 1, point n - that was not referred to in the Commission proposal.)

Amendment 764

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

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

Directive 2010/13/EU

Article 4 – paragraph 1

Present text

1. Each Member State may take measures *in accordance with Union law* to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or

Amendment

(15a) In Article 14, paragraph 1 is replaced by the following:

1. Each Member State may take measures in accordance with Community law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or

appropriate for objective reasons in the public interest, whole or partial deferred coverage.

appropriate for objective reasons in the public interest, whole or partial deferred coverage.

Or. fr

(Amendment aimed at amending a provision within the existing legislation – Article 14(1) – that was not referenced in the Commission proposal)

Amendment 765

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1 – point 15 b (new)

Directive 2010/13/EU

Article 4 – paragraph 2

Present text

2. Member States shall immediately notify to the Commission any measures taken or to be taken pursuant to paragraph 1. Within a period of three months from the notification, the Commission shall verify that such measures are ***compatible with Union law*** and communicate them to the other Member States. It shall seek the opinion of the contact committee established pursuant to Article 29. It shall forthwith publish the measures taken in the Official Journal of the European Union and at least once a year the consolidated list of the measures taken by Member States.

Amendment

(15b) In Article 14, paragraph 2 is replaced by the following:

2. Member States shall immediately notify to the Commission any measures taken or to be taken pursuant to paragraph 1. Within a period of 3 months from the notification, the Commission shall verify that such measures are ***objectively necessary, applied in a non-discriminatory manner and proportionate to the objectives pursued*** and communicate them to the other Member States. It shall seek the opinion of the contact committee established pursuant to Article 29. It shall forthwith publish the measures taken in the Official Journal of the European Union and at least once a year the consolidated list of the measures taken by Member States.

Or. fr

(Amendment aimed at amending a provision within the existing legislation – Article 14(2) – that was not referenced in the Commission proposal)

Amendment 766

Marc Joulaud, Bogdan Brunon Wenta, Jean-Marie Cavada, Louis Michel

Proposal for a directive
Article 1 – paragraph 1 – point 15 a (new)
Directive 2010/13/EU
Article 19 – paragraph 2

Present text

Amendment

2. Isolated advertising and teleshopping spots, ***other than in transmissions of sports events***, shall ***remain the exception***.

(15a) In Article 19, paragraph 2 is amended as follows :

2. Isolated advertising and teleshopping spots shall ***not be admissible***.

Or. en

(This amendment seeks to amend a provision within the existing act - Article 19, paragraph 2 - that was not referred to in the Commission proposal. Please note however that this amendment does not open any new substantial point in the revision of the Directive, but merely introduces a change necessary to ensure the legal consistency with the MEPs' position.)

Justification

Isolated spots give an undue prominence to a particular product and service and reduce the integrity of programmes, which is detrimental to the objective set in this Directive. It is therefore not justified to keep the exceptions that were previously provide for in the Directive.

Amendment 767
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 15 b (new)
Directive 2010/13/EU
Article 15 – paragraph 2 – paragraph 3

Present text

Amendment

3. Member States shall ensure that such access is guaranteed by allowing broadcasters to freely choose short extracts from the transmitting broadcaster's signal with, unless impossible for reasons of

(15b) In Article 15, paragraph 3 is amended as follows:

3. Member States shall ensure that such access, ***in particular in favour of independent and local, micro or small enterprises and start-ups***, is guaranteed by allowing broadcasters to freely choose

practicality, at least the identification of their source.

short extracts from the transmitting broadcaster's signal with, unless impossible for reasons of practicality, at least the identification of their source.

Or. en

(The amendment seeks to amend a provision within the existing act - Article 15, paragraph 3 - that was not referred to in the Commission proposal.)

Amendment 768
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 15 c (new)
Directive 2010/13/EU
Article 15 – paragraph 2 – paragraph 6 a (new)

Present text

Amendment

(15c) The following paragraph is inserted:

‘6a. Member States shall ensure that content broadcasted by subjects in charge of public service obligations is freely accessible by and available to other broadcasters, in particular independent and local, micro or small enterprises and start-ups.’

Or. en

(The amendment seeks to amend a provision within the existing act - Article 15, paragraph 6a - that was not referred to in the Commission proposal.)

Amendment 769
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 15 c (new)
Directive 2010/13/EU
Article 16 – paragraph 1

Present text

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

Amendment

(15c) In Article 16, paragraph 1 is replaced by the following:

1. Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve for **quality** European works **an adequate** proportion of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. **Member States may lay down rules addressed to subjects in charge of public service obligations in order to fulfil the objective set out in the first subparagraph.**

Or. en

(The amendment seeks to amend a provision within the existing act - Article 16, paragraph 1 - that was not referred to in the Commission proposal.)

Amendment 770

Zdzisław Krasnodebski

Proposal for a directive

Article 1 – paragraph 1 – point 15 b (new)

Directive 2010/13/EU

Article 16 a (new)

Text proposed by the Commission

Amendment

(15b) The following article is inserted:

'Article 16a

National regulatory authority of the Member State where the media service provider is established shall provide any necessary information, which is necessary to apply Article 13 paragraph 2 and Article 16 paragraph 2a, to national

regulatory authority of targeted Member State on its request.'

Or. en

Justification

Ensuring effective mechanisms for the application by Member States of investment obligations on service providers operating under the jurisdiction of another Member State.

Amendment 771

Julie Ward, Sylvie Guillaume

Proposal for a directive

Article 1 – paragraph 1 – point 15 b (new)

Directive 2010/13/EU

Article 17

Present text

‘Article 17

Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10 % of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, at least 10 % of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within 5 years of their production.’

Amendment

(15b) Article 17 is replaced by the following:

‘Article 17

Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10 % of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, at least 10 % of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria, ***which shall include the provision of access services for those European works.*** It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within 5 years of their production.’

(The amendment seeks to amend a provision within the existing act - Article 17 - that was not referred to in the Commission proposal)

Amendment 772

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 15 d (new)

Directive 2010/13/EU

Article 17

Present text

‘Article 17

Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least **10 %** of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, **at least 10 %** of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within 5 years of their production.’

Amendment

(15d) Article 17 is replaced by the following:

‘Article 17

Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least ***an adequate proportion*** of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, ***an adequate proportion*** of their programming budget, for ***quality*** European works created by producers who are independent of broadcasters. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within 5 years of their production. ***Member States may lay down specific rules addressed to subjects in charge of public service obligations in order to fulfil the objective set out in the first subparagraph.***’

(The amendment seeks to amend a provision within the existing act - Article 17 - that was not referred to in the Commission proposal.)

Amendment 773
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 15 e (new)
Directive 2010/13/EU
Article 19 – paragraph 1

Present text

1. Television advertising and teleshopping shall be readily recognisable and distinguishable from editorial content. Without prejudice to the use of new advertising techniques, television advertising and teleshopping shall be kept **quite** distinct from other parts of the programme by optical and/or acoustic and/or spatial means.

Amendment

(15e) In Article 19, paragraph 1 is replaced by the following:

1. Television advertising and teleshopping shall be readily **and effectively** recognisable and distinguishable from editorial content. Without prejudice to the use of new advertising techniques, television advertising and teleshopping shall be kept **clearly** distinct from other parts of the programme by optical and/or acoustic and/or spatial means.

Or. en

(The amendment seeks to amend a provision within the existing act - Article 19, paragraph 1 - that was not referred to in the Commission proposal.)

Amendment 774
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 15 f (new)
Directive 2010/13/EU
Article 19 – paragraph 2

Present text

2. Isolated advertising and teleshopping spots, other than in transmissions of sports events, shall remain the exception."

Amendment

(15f) In Article 19, paragraph 2 is replaced by the following:

2. Isolated advertising and teleshopping spots, other than in transmissions of sports events, shall remain the exception **and shall not impair the**

integrity of such events and programmes."

Or. en

(The amendment seeks to amend a provision within the existing act - Article 19, paragraph 2 - that was not referred to in the Commission proposal.)

Amendment 775

Marc Joulaud, Bogdan Brunon Wenta, Jean-Marie Cavada, Louis Michel, Andrea Bocskor

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2010/13/EU

Article 20 – paragraph 2

Text proposed by the Commission

Amendment

(16) In Article 20, paragraph 2, the first sentence is replaced by the following:

deleted

‘The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 20 minutes.’

Or. en

Justification

It is necessary to maintain the existing 30 min rules between advertising interruptions for cinematic works, as it would disproportionately affect the programmes integrity and does not correspond to the consumer habits, nor to an imperative need for the audiovisual media services.

Amendment 776

Dietmar Köster

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2010/13/EU

Article 20 – paragraph 2

Text proposed by the Commission

Amendment

(16) In Article 20, paragraph 2, the first sentence is replaced by the following:

deleted

‘The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 20 minutes.’

Or. en

Amendment 777

Silvia Costa

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2010/13/EU

Article 20 – paragraph 2

Text proposed by the Commission

Amendment

(16) In Article 20, paragraph 2, the first sentence is replaced by the following:

deleted

‘The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 20 minutes.’

Or. en

Amendment 778

Henna Virkkunen

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2010/13/EU

Article 20 – paragraph 2

(16) In Article 20, paragraph 2, the first sentence is replaced by the following:

deleted

‘The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 20 minutes.’

Or. en

Justification

The insertion of breaks should be decided between the rights holder and broadcaster. They have an incentive to please consumers and therefore there is no need to add regulatory burden and involve regulating authority in the process.

Amendment 779
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 16
Directive 2010/13/EU
Article 20 – paragraph 2

(16) In Article 20, paragraph 2, *the first sentence* is replaced by the following:

(16) In Article 20, paragraph 2, is replaced by the following:

The transmission of films made for television (***excluding series, serials and documentaries***), cinematographic works and news programmes may be interrupted by television advertising ***and/or teleshopping*** once for each scheduled period of at least ***20*** minutes.

The transmission of films made for television cinematographic works and news programmes may be interrupted by television advertising ***once for each scheduled period of at least 45 minutes. The transmission of children's programmes targeting adolescents' audience may be interrupted by television advertising*** once for each scheduled period of at least ***60 minutes, provided that the scheduled duration of the programme is greater than 60*** minutes. ***No television advertising shall be inserted during***

programmes targeting a children's audience and religious services. Member States shall ensure that broadcasters will keep detailed records of the effective programming and use of the whole commercial spaces with the clear indication of the type of commercial communication effectively broadcasted and shall make them effectively and easily accessible to the public.

Or. en

Amendment 780

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2010/13/EU

Article 20 – paragraph 2

Text proposed by the Commission

The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least **20** minutes;

Amendment

The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least **30** minutes. ***The transmission of children's programmes shall not be interrupted by television advertising, nor teleshopping. No commercial communication shall be inserted whilst audiovisual works are streamed or up-loaded through video-on demand audiovisual services, which ask already for a consequent fee to access such works.***

Or. en

Justification

There shall be no television advertising on children's programmes. In the same way, VOD services, that require a fee or a payment for the service, shall not put an extra burden on the

consumer in way of extra advertisement.

Amendment 781

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2010/13/EU

Article 20 – paragraph 2

Text proposed by the Commission

“The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 20 minutes.”;

Amendment

“The transmission of films made for television (excluding series, serials and documentaries), cinematographic works, ***excluding children’s films and those with a large child audience***, and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 20 minutes.”;

Or. fr

Amendment 782

Sylvie Guillaume, Pervenche Berès

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2010/13/EU

Article 20 – paragraph 2

Text proposed by the Commission

“The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising ***and/or*** teleshopping once for each scheduled period of at least ***20*** minutes.”;

Amendment

“The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising, teleshopping, ***or sponsorship*** once for each scheduled period of at least ***30*** minutes.”;

Or. fr

Amendment 783

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2010/13/EU

Article 20 – paragraph 2

Text proposed by the Commission

The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least **20** minutes.

Amendment

The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least **30** minutes.

Or. en

Amendment 784

Milan Zver

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2010/13/EU

Article 20 – paragraph 2

Text proposed by the Commission

The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least **20** minutes.

Amendment

The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least **30** minutes.

Or. en

Amendment 785

Zdzisław Krasnodębski

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2010/13/EU
Article 20 – paragraph 2

Text proposed by the Commission

The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least **20** minutes;

Amendment

The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least **30** minutes;

Or. en

Justification

Amendment applies to first sentence

Amendment 786
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 16 a (new)
Directive 2010/13/EU
Article 21

Present text

Amendment

(16a) Article 21 is deleted

Or. en

(The amendment seeks to amend a provision within the existing act - Article 21 - that was not referred to in the Commission proposal.)

Amendment 787
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 16 a (new)
Directive 2010/13/EU
Article 22 – paragraph 1 – introductory part

Present text

Amendment

Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:

(16a) In Article 22 (1), the introductory part, is replaced by the following:

Television advertising and teleshopping for alcoholic **and high caffeine content** beverages shall comply with the following criteria:

Or. en

(The amendment seeks to amend a provision within the existing act - Article 22, paragraph 1, introductory part- that was not referred to in the Commission proposal.)

Justification

Limit on the advertising of energy drinks

Amendment 788

Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 16 b (new)

Directive 2010/13/EU

Article 22 – paragraph 1 – point b

Present text

Amendment

(b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;

(16b) In Article 22 (1), point b, is replaced by the following:

(b) it shall not link the consumption of alcohol **or high caffeine content to enhanced physical performance** or to driving;

Or. en

(The amendment seeks to amend a provision within the existing act - Article 22, paragraph 1, point b - that was not referred to in the Commission proposal.)

Justification

Limit on the advertising of energy drinks

Amendment 789
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 16 c (new)
Directive 2010/13/EU
Article 22 – paragraph 1 – point c

Present text

(c) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;

Amendment

(16c) In Article 22 (1), point c, is replaced by the following:

(c) it shall not create the impression that the consumption of alcohol **or high caffeine content** contributes towards social or sexual success;

Or. en

(The amendment seeks to amend a provision within the existing act - Article 22, paragraph 1, point c - that was not referred to in the Commission proposal.)

Justification

Limit on the advertising of energy drinks

Amendment 790
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 16 d (new)
Directive 2010/13/EU
Article 22 – paragraph 1 – point d

Present text

(d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;

Amendment

(16d) In Article 22 (1), point d, is replaced by the following:

(d) it shall not claim that alcohol **or high caffeine content** has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;

Or. en

(The amendment seeks to amend a provision within the existing act - Article 22, paragraph 1, point d - that was not referred to in the Commission proposal.)

Justification

Limit on the advertising of energy drinks

Amendment 791
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 16 e (new)
Directive 2010/13/EU
Article 22 – paragraph 1 – point e

Present text

(e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;

Amendment

(16e) In Article 22 (1), point e, is replaced by the following:

(e) it shall not encourage immoderate consumption of alcohol **or high caffeine content** or present abstinence or moderation in a negative light;

Or. en

(The amendment seeks to amend a provision within the existing act - Article 22, paragraph 1, point e - that was not referred to in the Commission proposal.)

Justification

Limit on the advertising of energy drinks

Amendment 792
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 16 f (new)
Directive 2010/13/EU
Article 22 – paragraph 1 – point f

Present text

Amendment

(16f) In Article 22 (1), point f, is

(f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages;

replaced by the following:

(f) it shall not place emphasis on high alcoholic content *or high caffeine content* as being a positive quality of the beverages;

Or. en

(The amendment seeks to amend a provision within the existing act - Article 22, paragraph 1, point f - that was not referred to in the Commission proposal.)

Justification

Limit on the advertising of energy drinks

Amendment 793
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 16 b (new)
Directive 2010/13/EU
Article 22 – paragraph 1 – introductory part

Present text

Amendment

Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:

(16b) In Article 22 (1), the introductory part, is replaced by the following:

*Without prejudice to Article 9 (3), television advertising and teleshopping for alcoholic beverages shall **additionally** comply with the following criteria:*

Or. en

(The amendment seeks to amend a provision within the existing act - Article 22, paragraph 1, introductory part - that was not referred to in the Commission proposal.)

Amendment 794
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 16 c (new)
Directive 2010/13/EU
Article 22 – paragraph 1 – point a

Present text

Amendment

‘(a) it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages;’

(16c) In Article 22 (1), point a, is replaced by the following:

‘(a) it shall not depict minors consuming these beverages;’

Or. en

(The amendment seeks to amend a provision within the existing act - Article 22, paragraph, 1 point a - that was not referred to in the Commission proposal.)

Amendment 795

Silvia Costa

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23

Text proposed by the Commission

Amendment

(17) Article 23 is replaced by the following:

deleted

‘Article 23

1. The daily proportion of television advertising spots and teleshopping spots within the period between 7:00 and 23:00 shall not exceed 20 %.

2. Paragraph 1 shall not apply to:

(a) announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes or with programmes from other entities belonging to the same media group;

(b) sponsorship announcements;

(c) product placements;’

Or. en

Amendment 796
Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 1

Text proposed by the Commission

1. The daily proportion of television advertising spots and teleshopping spots within the period between **7:00** and 23:00 **shall** not exceed 20%.

Amendment

1. **Member States shall, according to their priorities as regards public health and cultural and education policy, determine the legal limit for television advertising spots and teleshopping spots. It is, however, recommended that** the daily proportion of television advertising spots and teleshopping spots within the period between **20:00** and 23:00 **should** not exceed 20%.

Or. fr

Amendment 797
Jana Žitňanská

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 - paragraph 1

Text proposed by the Commission

1. The daily proportion of television advertising spots and teleshopping spots within the period between 7:00 and **23:00** shall not exceed 20 %.

Amendment

1. The daily proportion of television advertising spots and teleshopping spots within the period between 7:00 and **20:00** shall not exceed 20 %. **The proportion of television advertising spots and teleshopping spots within the period between 20:00 and 23:00 shall still not exceed an hourly proportion of 20%.**

Or. sk

Amendment 798
Petra Kammerevert, Sabine Verheyen

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 1

Text proposed by the Commission

1. The daily proportion of television advertising spots and teleshopping spots within the period between 7:00 and 23:00 shall not exceed 20 %.

Amendment

1. The daily proportion of television advertising spots and teleshopping spots within the period between 7:00 and 20:00 shall not exceed 20 %. ***The proportion of television advertising spots and teleshopping spots within the period between 20:00 and 23:00 shall not exceed 20%.***

Or. en

Amendment 799
Michaela Šojdrová

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 1

Text proposed by the Commission

1. The daily proportion of television advertising spots and teleshopping spots within the period between 7:00 and 23:00 shall not exceed 20 %.

Amendment

1. The daily proportion of television advertising spots and teleshopping spots within the period between 7:00 and 23:00 shall not exceed 20 %. ***The proportion of television advertising spots and teleshopping spots within the period between 19:00 and 23:00 shall not exceed 20%.***

Or. en

Justification

Stricter limits should apply to prime time with a limit of 20% during that period. It is necessary to take into account that prime time varies from one Member State to another, therefore prime time should be defined within a wider scope.

Amendment 800

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 1

Text proposed by the Commission

1. The daily proportion of television advertising spots **and** teleshopping spots within the period between 7:00 and 23:00 shall not exceed 20 %.

Amendment

1. The daily proportion of television advertising spots, teleshopping spots, **product placement and sponsorship announcements** within the period between 7:00 and 23:00 shall not exceed 20 %.

Or. en

Amendment 801

Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 1

Text proposed by the Commission

1. The daily proportion of television advertising spots and teleshopping spots within the period between 7:00 and 23:00 shall not exceed 20 %.

Amendment

1. The daily proportion of television advertising spots and teleshopping spots within the period between **12:00** and 23:00 shall not exceed 20 % **on an hourly basis**.

Or. en

Justification

Television advertising limits should be shortened to afternoon and primetime periods

Amendment 802

Yana Toom, María Teresa Giménez Barbat, Ilhan Kyuchyuk, Hilde Vautmans, Marietje Schaake

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 1

Text proposed by the Commission

1. The daily proportion of television advertising spots and teleshopping spots within *the period* between 7:00 and 23:00 **shall not exceed 20 %**.

Amendment

1. The daily proportion of television advertising spots and teleshopping spots **shall not exceed 20 %** within **a given clock hour** between 7:00 and 23:00.

Or. en

Amendment 803
Stefano Maullu, Theodoros Zagorakis

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 1

Text proposed by the Commission

1. The daily proportion of television advertising spots and teleshopping spots **within the period between 7:00 and 23:00** shall not exceed 20 %.

Amendment

1. The daily proportion of television advertising spots and teleshopping spots shall not exceed 20 %.

Or. en

Amendment 804
Sylvie Guillaume, Pervenche Berès

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 1

Text proposed by the Commission

1. The **daily proportion** of television advertising spots and teleshopping spots within **the period between 7:00 and 23:00** shall not exceed 20%.

Amendment

1. The **percentage** of television advertising spots and teleshopping **and sponsorship** spots within **any one clock hour** shall not exceed 20%, **that is to say**

12 minutes.

Or. fr

Amendment 805
Dietmar Köster

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 1

Text proposed by the Commission

1. The *daily* proportion of television advertising spots and teleshopping spots within the period between 7:00 and 23:00 shall not exceed 20 %.

Amendment

1. The proportion of television advertising spots and teleshopping spots within the period between 7:00 and 23:00 shall not exceed 20 % *per hour*.

Or. en

Amendment 806
Santiago Fisas Aixelà

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 1

Text proposed by the Commission

1. The daily proportion of television advertising spots and teleshopping spots within the period between 7:00 and **23:00** shall not exceed 20 %.

Amendment

1. The daily proportion of television advertising spots and teleshopping spots within the period between 7:00 and **24:00** shall not exceed 20 %.

Or. es

Justification

The hourly limit for broadcast advertising needs to apply until 24:00, rather than 23:00 as proposed by the Commission, because in some Member States the ‘prime time’ schedules end at 24:00, not 23:00.

Amendment 807
Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 1

Text proposed by the Commission

1. The **daily** proportion of television advertising spots and teleshopping spots within **the period between 7:00 and 23:00** shall not exceed 20 %.

Amendment

1. The proportion of television advertising spots and teleshopping spots within **a clock hour** shall not exceed 20 %.

Or. en

Amendment 808
Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 1

Text proposed by the Commission

1. The daily proportion of television advertising spots and teleshopping spots within **the period between 7:00 and 23:00** shall not exceed 20 %.

Amendment

1. The daily proportion of television advertising spots and teleshopping spots within **a given clock hour** shall not exceed 20 %.

Or. en

Amendment 809
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 1

Text proposed by the Commission

1. The **daily** proportion of television

Amendment

1. The proportion of television

advertising spots and teleshopping spots within *the period between 7:00 and 23:00* shall not exceed 20 %.

advertising spots and teleshopping spots within *a given clock hour* shall not exceed 15 %.

Or. en

Amendment 810

Marc Joulaud, Bogdan Brunon Wenta, Jean-Marie Cavada, Louis Michel

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 1

Text proposed by the Commission

1. The *daily* proportion of television advertising spots and teleshopping spots within *the period between 7:00 and 23:00* shall not exceed 20 %.

Amendment

1. The proportion of television advertising spots and teleshopping spots within *a given clock hour* shall not exceed 20 %.

Or. en

Justification

The existing hourly quantitative rule for advertisement proved itself to be effective in striking a balance between consumer protection and the financing of audiovisual media. An abolition of the hourly quantitative rule would also affect vital non audiovisual sectors, such as the press, which rely heavily on advertising and already face financing difficulties.

Amendment 811

Andrew Lewer, Angel Dzhambazki, Emma McClarkin, Vicky Ford, Daniel Dalton

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 1

Text proposed by the Commission

1. The *daily* proportion of television advertising spots and teleshopping spots within *the period between 7:00 and 23:00* shall not exceed 20 %.

Amendment

1. The proportion of television advertising spots and teleshopping spots within *a given clock hour* shall not exceed 20 %.

Justification

This amendment reinstates the wording of Article 23, paragraph 1, and seeks to address the potential negative effect on consumers, and business models based on impact, of the Commission proposal to liberalise quantitative commercial communication rules. The per clock hour system functions well and still enables investment in quality content, whilst avoiding the saturation of prime-time viewing periods with adverts.

Amendment 812**Zdzisław Krasnodebski****Proposal for a directive****Article 1 – paragraph 1 – point 17**

Directive 2010/13/EU

Article 23 – paragraph 1

Text proposed by the Commission

1. The daily proportion of television advertising spots and teleshopping spots within ***the period between 7:00 and 23:00*** shall not exceed 20 %.

Amendment

1. The daily proportion of television advertising spots and teleshopping spots within ***a given clock hour*** shall not exceed 20 %.

Justification

The aim is to restore the current regulation. The Commission's proposal will lead to over-commercialisation of programs, especially during 'prime time'.

Amendment 813**Julie Ward****Proposal for a directive****Article 1 – paragraph 1 – point 17**

Directive 2010/13/EU

Article 23 – paragraph 1

Text proposed by the Commission

1. The daily proportion of television advertising spots and teleshopping spots

Amendment

1. The daily proportion of television advertising spots and teleshopping spots

within *the period between 7:00 and 23:00*
shall not exceed 20 %.

within *a given clock hour* shall not exceed
20 %.

Or. en

Justification

The retention of the hourly limit is necessary to safeguard the European audiovisual model which takes due account of viewers' interests, protecting them from excessive advertising during peak hours. A shift towards a daily limit would call this model into question and could have unexpected consequences on the value of television advertising. This, in turn, could negatively impact investment in original content by broadcasters, and in particular those funded largely through advertising, taking into consideration the different funding models and market conditions.

Amendment 814

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

'1a. An exception could be made to the rules laid down in paragraph 1, if a Member State and media service providers under their jurisdiction establishes a framework where a certain number of hours constitute "prime time". During these hours the proportion of commercial communication should not exceed 20% but not be restricted to each specific clock hour.'

Or. en

Amendment 815

Milan Zver

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU
Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

‘1a. In the prime time period of the maximum length of 3 hours within the daily programming the proportion of television advertising spots shall not exceed the maximum of 20 % of all the daily proportion of television advertising spots and teleshopping spots.’

Or. en

Amendment 816

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

‘1b. During the hours mentioned above as "prime time", Member States should be able to take concrete measures against audiovisual commercial communications for alcoholic products in order to protect vulnerable viewers and minors in particular. Such measures could be to prohibit audiovisual commercial communications during hours defined as "prime time”.

Or. en

Amendment 817

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 2

Text proposed by the Commission

Amendment

2. **Paragraph 1 shall not apply to:** **deleted**
- (a) **announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes or with programmes from other entities belonging to the same media group;**
 - (b) **sponsorship announcements;**
 - (c) **product placements.;**

Or. en

Amendment 818
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 2

Text proposed by the Commission

Amendment

2. **Paragraph 1 shall not apply to:** **deleted**
- (a) **announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes or with programmes from other entities belonging to the same media group;**
 - (b) **sponsorship announcements;**
 - (c) **product placements.;**

Or. en

Amendment 819
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 17

Directive 2010/13/EU
Article 23 – paragraph 2 – point (a)

Text proposed by the Commission

Amendment

(a) announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes or with programmes from other entities belonging to the same media group;

deleted

Or. en

Amendment 820
Sylvie Guillaume, Pervenche Berès

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 2

Text proposed by the Commission

Amendment

(a) announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes or ***with programmes from*** other entities belonging to the same media group;

(a) ***self-promotion and transpromotional*** announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes or ***other services containing content, including those of*** other entities belonging to the same media group ***or those in which the broadcaster depicts the interest of the material;***

Or. fr

Amendment 821
Andrew Lewer, Angel Dzhambazki, Emma McClarkin, Vicky Ford, Daniel Dalton

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes or with programmes from other entities belonging to the same media group;

(a) ***self-promotional and cross-promotional*** announcements made by the broadcaster in connection with its own programmes, ***audiovisual services*** and ancillary products directly derived from those programmes or with programmes from other entities belonging to the same media group;

Or. en

Justification

This amendment aims to facilitate liberalisation in certain areas of commercial communications in order to allow traditional commercial broadcasters to better compete with non-linear services, where there is a reduced risk of negative impact on consumers.

Amendment 822

Marc Joulaud, Bogdan Brunon Wenta, Jean-Marie Cavada, Louis Michel

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes ***or with programmes from other entities belonging to the same media group;***

(a) announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes;

Or. en

Justification

Allowing media groups to freely make announcement within all the broadcasters they own in connection to the programmes of the owned broadcasters would be detrimental to a fair competition in the sector as it would give an undue advantage to the dominant actors. It would also lead to an unnecessary increased in the amount of advertising as these announcement would be excluded from the quantitative rules.

Amendment 823

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) sponsorship announcements; **deleted**

Or. en

Amendment 824

Sylvie Guillaume, Pervenche Berès

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) sponsorship announcements; **deleted**

Or. fr

Amendment 825

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) sponsorship announcements; **deleted**

Or. en

Amendment 826

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) *product placements.;*

deleted

Or. en

Amendment 827

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) *product placements.;*

deleted

Or. en

Amendment 828

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) *product placements;*

(c) *product placements **not in conflict with provisions laid down in Article 11, paragraph 4;***

Or. en

Amendment 829

Andrew Lewer, Angel Dzhambazki, Emma McClarkin, Vicky Ford, Daniel Dalton

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

‘(ca) neutral frames used to distinguish between editorial content and commercial communications, and between commercial communications.’

Or. en

Justification

This amendment is a practical measure to ensure that split-second, neutral frames to differentiate between editorial content and commercial communications, which are a requirement on commercial broadcasters, are not included in the 20% per clock hour minutage rules. This allows best use of the time allowed for generating revenue, without unduly impacting on consumers.

Amendment 830

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2010/13/EU

Article 23 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

“(ca) public service announcements and charity appeals.”;

Or. fr

Amendment 831

Marc Joulaud, Bogdan Brunon Wenta, Jean-Marie Cavada, Louis Michel

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

‘(ca) neutral frames used to separate programmes and advertising spots;’

Or. en

Justification

Neutral frames ("black seconds") that separates programmes and advertising spots from each other are the result of technical constraints and allow the consumer to perceive clearly the beginning and the end of each separate audiovisual content. It is therefore reasonable to exclude such frames from the quantitative limit defined by this Directive.

Amendment 832
Sylvie Guillaume, Pervenche Berès

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2010/13/EU
Article 23 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

“(ca) neutral frames used to separate advertising spots.”;

Or. fr

Amendment 833
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 17 a (new)
Directive 2010/13/EU
Article 24

Present text

Amendment

Teleshopping windows shall be clearly identified as such by optical and acoustic means and shall be of a minimum uninterrupted duration of **15** minutes.

(17a) Article 24 is replaced by the following:

Teleshopping windows shall **not interrupt programmes. They shall** be clearly **and effectively** identified as such by optical and acoustic means **throughout all the duration thereof** and shall be of a minimum uninterrupted duration of **10** minutes.

Or. en

(The amendment seeks to amend a provision within the existing act - Article 24 - that was not referred to in the Commission proposal.)

Amendment 834

Isabella Adinolfi

Proposal for a directive

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

Directive 2010/13/EU

Article 26

Present text

Amendment

Without prejudice to Article 4, Member States may, with due regard for Union law, lay down **conditions other** than those laid down in Article 20(2) and Article 23 in respect of television broadcasts intended solely for the national territory which cannot be received directly or indirectly by the public in one or more other Member States.

(17b) Article 26 is replaced by the following:

Without prejudice to Article 4, Member States may, with due regard for Union law, lay down **stricter conditions** than those laid down in Article 20(2) and Article 23 in respect of television broadcasts intended solely for the national territory which cannot be received directly or indirectly by the public in one or more other Member States.

Or. en

(The amendment seeks to amend a provision within the existing act - Article 26 - that was not referred to in the Commission proposal.)

Amendment 835
Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive
Article 1 – paragraph 1 – point 18
Directive 2010/13/EU
Chapter VIII

Text proposed by the Commission

Amendment

(18) *Chapter VIII is deleted;*

deleted

Or. en

Amendment 836
Louise Bours

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Chapter IX a (new)

Text proposed by the Commission

Amendment

(19) the following *Chapter IXa* is
inserted:

(19) Chapter IXa is *deleted*.

Or. en

Amendment 837
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Chapter IX a (new) – title

Text proposed by the Commission

Amendment

PROVISION APPLICABLE TO VIDEO-
SHARING PLATFORM SERVICES

PROVISIONS APPLICABLE **ONLY** TO
VIDEO-SHARING PLATFORM
SERVICES

Or. en

Amendment 838

Marc Joulaud, Bogdan Brunon Wenta, Jean-Marie Cavada, Louis Michel

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a

Text proposed by the Commission

Amendment

‘Article 28a

deleted

1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers take appropriate measures to:

(a) protect minors from content which may impair their physical, mental or moral development;

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

2. What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.

Those measures shall consist of, as appropriate:

(a) defining and applying in the terms and conditions of the video-sharing platform providers the concepts of incitement to violence or hatred as referred to in point (b) of paragraph 1 and of content which may impair the physical,

mental or moral development of minors, in accordance with Articles 6 and 12 respectively;

(b) establishing and operating mechanisms for users of video-sharing platforms to report or flag to the video-sharing platform provider concerned the content referred to in paragraph 1 stored on its platform;

(c) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors;

(d) establishing and operating systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1;

(e) providing for parental control systems with respect to content which may impair the physical, mental or moral development of minors;

(f) establishing and operating systems through which providers of video-sharing platforms explain to users of video-sharing platforms what effect has been given to the reporting and flagging referred to in point (b).

3. For the purposes of the implementation of the measures referred to in paragraphs 1 and 2, Member States shall encourage co-regulation as provided for in Article 4(7).

4. Member States shall establish the necessary mechanisms to assess the appropriateness of the measures referred to in paragraphs 2 and 3 taken by video-sharing platform providers. Member States shall entrust this task to the authorities designated in accordance with Article 30.

5. Member States shall not impose on video-sharing platform providers measures that are stricter than the measures referred to in paragraph 1 and

2. Member States shall not be precluded from imposing stricter measures with respect to illegal content. When adopting such measures, they shall respect the conditions set by applicable Union law, such as, where appropriate, those set in Articles 14 and 15 of Directive 2000/31/EC or Article 25 of Directive 2011/93/EU.

7. The Commission and ERGA shall encourage video-sharing platform providers to exchange best practices on co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.

8. Video-sharing platform providers or, where applicable, the organisations representing those providers in this respect shall submit to the Commission draft Union codes of conduct and amendments to existing Union codes of conduct. The Commission may request ERGA to give an opinion on the drafts, amendments or extensions of those codes of conduct. The Commission may give appropriate publicity to those codes of conduct.'

Or. en

Justification

This deletion is necessary to reflect the creation of Article -2, which includes Article 28a.

Amendment 839

Silvia Costa

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a

‘Article 28a

deleted

1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers take appropriate measures to:

(a) protect minors from content which may impair their physical, mental or moral development;

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

2. What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.

Those measures shall consist of, as appropriate:

(a) defining and applying in the terms and conditions of the video-sharing platform providers the concepts of incitement to violence or hatred as referred to in point (b) of paragraph 1 and of content which may impair the physical, mental or moral development of minors, in accordance with Articles 6 and 12 respectively;

(b) establishing and operating mechanisms for users of video-sharing platforms to report or flag to the video-sharing platform provider concerned the content referred to in paragraph 1 stored

on its platform;

(c) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors;

(d) establishing and operating systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1;

(e) providing for parental control systems with respect to content which may impair the physical, mental or moral development of minors;

(f) establishing and operating systems through which providers of video-sharing platforms explain to users of video-sharing platforms what effect has been given to the reporting and flagging referred to in point (b).

3. For the purposes of the implementation of the measures referred to in paragraphs 1 and 2, Member States shall encourage co-regulation as provided for in Article 4(7).

4. Member States shall establish the necessary mechanisms to assess the appropriateness of the measures referred to in paragraphs 2 and 3 taken by video-sharing platform providers. Member States shall entrust this task to the authorities designated in accordance with Article 30.

5. Member States shall not impose on video-sharing platform providers measures that are stricter than the measures referred to in paragraph 1 and 2. Member States shall not be precluded from imposing stricter measures with respect to illegal content. When adopting such measures, they shall respect the conditions set by applicable Union law, such as, where appropriate, those set in Articles 14 and 15 of Directive 2000/31/EC or Article 25 of Directive

2011/93/EU.

7. The Commission and ERGA shall encourage video-sharing platform providers to exchange best practices on co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.

8. Video-sharing platform providers or, where applicable, the organisations representing those providers in this respect shall submit to the Commission draft Union codes of conduct and amendments to existing Union codes of conduct. The Commission may request ERGA to give an opinion on the drafts, amendments or extensions of those codes of conduct. The Commission may give appropriate publicity to those codes of conduct.'

Or. en

Justification

See Article -2

Amendment 840

Silvia Costa

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1

Text proposed by the Commission

Amendment

1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers take appropriate measures to: *deleted*

(a) protect minors from content which may impair their physical, mental or moral development;

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

Or. en

Justification

See Article -2

Amendment 841

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. ***Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers take appropriate measures to:*** ***deleted***

Or. en

Amendment 842

Andrew Lewer, Angel Dzhambazki, Emma McClarkin, Vicky Ford, Daniel Dalton

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing

1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing

platform providers *take appropriate* measures to:

platform providers *set out in a code of conduct the* measures *they will take* to:

Or. en

Justification

The Commission proposal risks creating unnecessary and potentially inappropriate obligations for VSPs, as well as disproportionately burdensome obligations for national regulators. We consider that the aim of protecting minors can be better achieved through a system of self-regulation. This approach has worked well when enhanced by action and tools to enable parents to better manage the risks to their children. This approach can also be developed and supported through co-regulation, but in a way that continues to rely on industry driven action and joint responsibility.

Amendment 843

Angelika Mlinar, Cecilia Wikström, Filiz Hyusmenova, Fredrick Federley

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers take appropriate measures to:

Amendment

1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, **the European Commission and** Member States shall ensure that video-sharing platform providers take appropriate measures to:

Or. en

Amendment 844

Sylvie Guillaume, Pervenche Berès

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers take appropriate measures to:

Amendment

1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers take appropriate ***real and effective*** measures to:

Or. fr

Amendment 845

Yana Toom, Marju Lauristin, Hannu Takkula, Morten Løkkegaard, Kaja Kallas, Marietje Schaake

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ***ensure that*** video-sharing platform providers take appropriate measures to:

Amendment

1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ***encourage*** video-sharing platform providers ***to*** take appropriate measures to:

Or. en

Amendment 846

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – introductory part

Text proposed by the Commission

1. ***Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that*** video-sharing platform providers take appropriate measures to:

Amendment

1. ***Member States shall ensure that audiovisual media service providers such as*** video-sharing platform providers take appropriate measures to:

Amendment 847

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point a

Text proposed by the Commission

(a) protect minors from content which may impair their physical, mental or moral development;

Amendment

(a) protect minors from content which may impair their physical, mental or moral development. ***Such content shall only be made available in such a way as to ensure that minors will not normally hear or see it. These measures may include selecting the time of their availability, age verification tools or other technical measures;***

Amendment 848

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a - paragraph 1 - point a

Text proposed by the Commission

(a) protect minors from content ***which*** may impair their physical, mental or moral development;

Amendment

(a) ***Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure by appropriate measures that video-sharing platform providers do not allow any harmful content on their platforms to protect minors from content that may impair their physical, mental or moral development.***

Amendment 849

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 – paragraph 1 – point a

Text proposed by the Commission

(a) protect minors from content which may impair their physical, mental or moral development;

Amendment

(a) protect minors from content which may impair their physical, mental or moral development ***or the physical, mental or moral integrity of elderly people and vulnerable categories, according to Articles 6 a and 12;***

Or. en

Amendment 850

Sylvie Guillaume, Pervenche Berès

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point a

Text proposed by the Commission

(a) protect minors from content which may impair their physical, mental or moral development;

Amendment

(a) protect ***all*** minors from content which may impair their physical, mental or moral development;

Or. fr

Amendment 851

Angelika Mlinar, Sophia in 't Veld, Cecilia Wikström, Filiz Hyusmenova, Cécile Kashetu Kyenge, Fredrick Federley

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) protect minors from content which may impair their physical, ***mental or moral*** development;

(a) protect minors from content which may impair their physical ***or mental*** development;

Or. en

Justification

The use of the word "moral" is ambiguous. Different Member States understand morality differently.

Amendment 852

Yana Toom, María Teresa Giménez Barbat, Frédérique Ries, Ilhan Kyuchyuk, Marju Lauristin, Hannu Takkula, Morten Løkkegaard

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) protect minors from content which may impair their physical, ***mental or moral*** development;

(a) protect minors from content which may impair their physical ***or mental*** development;

Or. en

Amendment 853

Sophia in 't Veld, Daniele Viotti, Ulrike Lunacek

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) protect minors from content which may impair their physical, ***mental or moral*** development;

(a) protect minors from content which may impair their physical ***or mental*** development;

Amendment 854

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point b

Text proposed by the Commission

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

Amendment

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin, ***while fully protecting freedom of expression as set out in the Universal Declaration of Human Rights and the UN Human Rights Council resolution of 1 July 2016 on the promotion, protection and enjoyment of human rights on the Internet (A/HRC/32/L.20) and, subsidiarily, as set out in Article 11 of the Charter of Fundamental Rights of the European Union.***

Or. fr

Amendment 855

Sylvie Guillaume, Pervenche Berès, Giorgos Grammatikakis

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point b

Text proposed by the Commission

(b) protect all citizens from content containing incitement to violence or hatred ***directed against*** a group of persons or a member of such a group defined by

Amendment

(b) protect all citizens from content ***and audiovisual commercial communications offending against human dignity and*** containing incitement

reference to sex, race, colour, religion,
descent or national or ethnic origin.

to violence or hatred *towards* a group of persons or a member of such a group defined by reference to sex, race, colour, *ethnic or social origins, genetic characteristics, language, religion or beliefs, political views or any other opinion, membership of a national minority, wealth, birth, a disability, age, or sexual orientation.*

Or. fr

Amendment 856

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a - paragraph 1 - point b

Text proposed by the Commission

(b) protect all citizens from content containing incitement to violence or hatred *directed* against a group of persons or a member of such a group defined by reference to sex, *race, colour*, religion, *descent or national or ethnic origin.*

Amendment

(b) *Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure by appropriate measures that video-sharing platform providers do not allow nor tolerate any harmful content on their platforms to protect all citizens from content containing incitement to violence or hatred against a group of persons or a member of such a group defined by reference to sex, *racial or ethnic origin*, religion *or belief*, *disability, age or sexual orientation.**

Or. en

Amendment 857

Angelika Mlinar, Soraya Post, Sophia in 't Veld, Yana Toom, Cecilia Wikström, Filiz Hyusmenova, Cécile Kashetu Kyenge, Fredrick Federley

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point b

Text proposed by the Commission

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to ***sex, race, colour***, religion, ***descent or national or ethnic origin***.

Amendment

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to ***race, colour, ethnic or social origin, genetic features, language***, religion ***or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health***.

Or. en

Justification

The alignment with Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

Amendment 858
Marietje Schaake

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 1 – point b

Text proposed by the Commission

(b) ***protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.***

Amendment

(b) ***act expeditiously to remove or disable access to illegal content, once it receives actual knowledge of the illegality of the content.***

Or. en

Amendment 859
Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 – paragraph 1 – point b

Text proposed by the Commission

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group ***defined by reference to sex, race, colour, religion, descent or national or ethnic origin.***

Amendment

(b) protect all citizens from content containing incitement to violence or hatred, ***in particular when*** directed against a group of persons or a member of such a group ***which may entail a discrimination as provided for in Article 21 of the Charter of Fundamental Rights of the European Union.***

Or. en

Amendment 860

Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point b

Text proposed by the Commission

(b) ***protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.***

Amendment

(b) ***upon obtaining actual knowledge or awareness of the illegality of the content, act expeditiously to remove or disable access to that information.***

Or. en

Justification

This Directive should not go beyond what is set out in Directive 2000/31/EC

Amendment 861

Momchil Nekov

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point b

Text proposed by the Commission

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

Amendment

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion **or belief**, descent or national or ethnic origin, **disability, age or sexual orientation**.

Or. en

Amendment 862

Sophia in 't Veld, Daniele Viotti, Sirpa Pietikäinen, Ulrike Lunacek

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point b

Text proposed by the Commission

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

Amendment

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion **or belief, sexual orientation, gender identity**, descent or national or ethnic origin.

Or. en

Amendment 863

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point b

Text proposed by the Commission

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

Amendment

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, **disability**, race, colour, religion, descent or national or ethnic origin.

Or. en

Amendment 864

Marita Ulvskog, Jytte Guteland, Jens Nilsson, Olle Ludvigsson, Anna Hedh

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point b

Text proposed by the Commission

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.

Amendment

(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion **or belief, disability**, descent or national or ethnic origin.

Or. en

Amendment 865

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

‘(ba) make their platform accessible in a consistent and adequate way for users’

perception, operation and understanding, and in such a way that facilitates interoperability. Video-sharing platform providers shall facilitate the necessary authoring tools for users to create and share accessible content. In this regard, Member States shall lay down specific rules addressed to subjects in charge of public service obligations.'

Or. en

Amendment 866

Julie Ward, Sylvie Guillaume

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

'(ba) address cyber bullying, stigmatisation, deliberate and continuous persecution and all other forms of online violence and discrimination directed against a person or a group of persons;'

Or. en

Amendment 867

Sylvie Guillaume, Pervenche Berès, Giorgos Grammatikakis

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

'(ba) protect all citizens from content containing incitement to commit, or seeking to justify, terrorist acts.'

Or. fr

Amendment 868

Sylvie Guillaume, Pervenche Berès, Giorgos Grammatikakis

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) protect all citizens from audiovisual commercial communications which might impair their physical, mental, or moral development.

Or. fr

Amendment 869

Zdzisław Krasnodębski

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a - paragraph 1 a (new)

Text proposed by the Commission

Amendment

(19) The following paragraph is inserted:

‘1a. Member States shall take appropriate measures to ensure that programmes provided by video-sharing platform providers under their jurisdiction, which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme. The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures, such as

Justification

This amendment is to strengthen the level of protection of minors on video sharing platforms, and to give Member States competence in this field. The amendment is linked to the amendment of art. 4 paragraph. 1, which introduces the principle of minimum harmonisation.

Amendment 870

Silvia Costa

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2

Text proposed by the Commission

Amendment

2. What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.

deleted

Those measures shall consist of, as appropriate:

(a) defining and applying in the terms and conditions of the video-sharing platform providers the concepts of incitement to violence or hatred as referred to in point (b) of paragraph 1 and of content which may impair the physical, mental or moral development of minors, in accordance with Articles 6 and 12 respectively;

(b) establishing and operating mechanisms for users of video-sharing

platforms to report or flag to the video-sharing platform provider concerned the content referred to in paragraph 1 stored on its platform;

(c) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors;

(d) establishing and operating systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1;

(e) providing for parental control systems with respect to content which may impair the physical, mental or moral development of minors;

(f) establishing and operating systems through which providers of video-sharing platforms explain to users of video-sharing platforms what effect has been given to the reporting and flagging referred to in point (b).

Or. en

Justification

See Article -2

Amendment 871

Andrew Lewer, Angel Dzhambazki, Emma McClarkin, Vicky Ford, Daniel Dalton

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category **deleted**

of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.

Or. en

Justification

This text is moved to Article 1, paragraph 1, point 19 (Article 28a, paragraph 2a).

Amendment 872
Marietje Schaake

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 2 – subparagraph 1

Text proposed by the Commission

What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.

Amendment

What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of ***actions taken upon valid and adequately substantiated notifications***, the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest, ***including the protection of freedom of expression and information. Restrictive measures implemented by providers of video-sharing platforms that are not specifically required by national law shall only be permitted if procedural rules provide a possibility for internet users to assert their rights before a relevant public authority once the implementing measures taken by the internet service provider are known.***

Amendment 873

Marita Ulvskog, Jytte Guteland, Anna Hedh, Olle Ludvigsson, Jens Nilsson

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 1

Text proposed by the Commission

What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.

Amendment

What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest. ***The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures, such as encryption and effective parental controls. Video-sharing platform providers shall give viewers sufficient information about such content, preferably using a system of descriptors indicating the nature of the content.***

Or. en

Amendment 874

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 – paragraph 2 – subparagraph 1

Text proposed by the Commission

What constitutes an appropriate measure

Amendment

What constitutes an appropriate measure

for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.

for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest, ***taking into the utmost consideration the freedoms and rights enshrined in the Charter of Fundamental Rights of the European Union.***

Or. en

Amendment 875

Kaja Kallas, Marietje Schaake, Morten Løkkegaard

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 1

Text proposed by the Commission

What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.

Amendment

What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of ***actions taken upon valid and adequately substantiated notifications***, the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest, ***the protection of freedom of expression and information.***

Or. en

Amendment 876

Zdzisław Krasnodębski

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 1

Text proposed by the Commission

What constitutes an appropriate measure for the purposes of **paragraph 1** shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.

Amendment

What constitutes an appropriate measure for the purposes of **paragraphs 1 and 2** shall be determined **by the Member States having jurisdiction over video-sharing platform providers** in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.

Or. en

Amendment 877

Yana Toom, María Teresa Giménez Barbat, Ilhan Kyuchyuk, Marju Lauristin, Hannu Takkula, Morten Løkkegaard

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 1

Text proposed by the Commission

What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.

Amendment

What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest **as well as the protection of freedom of expression and information.**

Amendment 878

Kaja Kallas, Morten Løkkegaard

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 a – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Removal of harmful content referred to in point (a) and (b) of paragraph 1 often relies upon subjective interpretation and arbitration of platform providers. Therefore, Member states shall provide the necessary guidelines to ensure that measures taken respect the freedom of expression and information of users.

Or. en