



2016/0151(COD)

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AMENDMENTS

879 - 1044

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 879

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Those measures shall consist of, as appropriate:

deleted

(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

Amendment 880

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Those measures shall consist of, as appropriate:

deleted

(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

Amendment 881

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 2 – introductory part

Text proposed by the Commission

Amendment

Those measures shall consist of, as appropriate:

Measures **outlined in such a code of conduct** shall consist of, as appropriate:

Or. en

Amendment 882

Marietje Schaaake

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

Those measures **shall** consist of, as appropriate:

Those measures **may** consist of, as appropriate:

Or. en

Amendment 883

Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

Those measures **shall** consist of, as appropriate:

Those measures **may** consist of, as appropriate:

Or. en

Amendment 884

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(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;*** ***deleted***

Or. en

Amendment 885

Zdzisław Krasnodębski

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) ***defining and*** applying in the terms

(a) applying in the terms and

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;

conditions of the video-sharing platform providers the concepts **and definitions adopted by the Member States** 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;

Or. en

Amendment 886
Marietje Schaake

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

(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;

Amendment

(a) **setting out the rights and duties of users**, in the terms and conditions of the video-sharing platform providers, **with regard to** 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;

Or. en

Amendment 887
Yana Toom, Frédérique Ries, Marju Lauristin, Hannu Takkula, Morten Løkkegaard, Kaja Kallas

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

(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;

Amendment

(a) defining and applying ***the rights and duties of users*** in the terms and conditions of the video-sharing platform providers ***with regard to*** incitement to violence or hatred as referred to in point (b) of paragraph 1 and of content which may impair the physical ***or mental*** development of minors, in accordance with Articles 6 and 12 respectively;

Or. en

Amendment 888

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

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

(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;

Amendment

(a) ***specifying the characteristics of*** and applying in the terms and conditions of the video-sharing platform providers incitement to violence or hatred as referred to in point (b) of paragraph 1 and of content which may impair the physical ***or mental*** development of minors, in accordance with Articles 6 and 12 respectively;

Or. en

Amendment 889

Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(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;

(a) defining and applying in the terms and conditions of the video-sharing platform providers the concepts of incitement to violence or hatred, ***of illegal content***, and of content which may impair the physical, mental or moral development of minors, in accordance with Articles 6 and 12 respectively;

Or. en

Amendment 890
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 2 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(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;***

deleted

Or. en

Amendment 891
Angelika Mlinar, Cecilia Wikström, Kaja Kallas, Filiz Hyusmenova, Fredrick Federley

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 2 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) establishing and operating

(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;

transparent 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;

Or. en

Amendment 892

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 2 – subparagraph 2 – point b

Text proposed by the Commission

(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;

Amendment

(b) establishing and operating **easy to use** 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;

Or. en

Amendment 893

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 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the mechanism established according to point (b) shall be constituted by transparency and must inform the user of the video-sharing platform and publicly disclose the measures taken regarding the reported and/or flagged content.

Or. en

Amendment 894

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 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) 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

Previously point (f). Moved as logically sits better after point (b), which also deals with reporting and flagging mechanisms.

Amendment 895

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(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; ***deleted***

Or. en

Amendment 896
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(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;

(c) establishing and operating age verification systems for users of video-sharing platforms with respect to **known** content which may impair the physical, mental or moral development of minors;

Or. en

Justification

This Directive should not go beyond what is set out in Directive 2000/31/EC.

Amendment 897
Sophia in 't Veld, Daniele Viotti, Ulrike Lunacek

Proposal for a directive
Article 1 – paragraph 1 – point 19

Directive 2010/13/EU (Audiovisual Media Services Directive)

Article 28 a – paragraph 2 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(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;

(c) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical **or mental** development of minors;

Or. en

Amendment 898
Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) *establishing and operating systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1;* **deleted**

Or. en

Amendment 899

Marietje Schaake

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2 – point e

Text proposed by the Commission

Amendment

(e) *providing for parental control systems with respect to content which may impair the physical, mental or moral development of minors;* **deleted**

Or. en

Justification

Superfluous since parental controls can be installed on a network or software level.

Amendment 900

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2 – point e

Text proposed by the Commission

Amendment

(e) providing for parental control systems with respect to content which may impair the physical, mental or moral development of minors; *deleted*

Or. en

Amendment 901

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 2 – point e

Text proposed by the Commission

Amendment

*(e) providing for parental control systems with respect to content which may impair the physical, **mental or moral** development of minors;*

*(e) providing for parental control systems with respect to content which may impair the physical **or mental** development of minors;*

Or. en

Amendment 902

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2 – point f

Text proposed by the Commission

Amendment

(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). *deleted*

Amendment 903
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 2 – subparagraph 2 – point f

Text proposed by the Commission

Amendment

(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). **deleted**

Or. en

Justification

This Directive should not go beyond what is set out in Directive 2000/31/EC.

Amendment 904
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 2 – point f

Text proposed by the Commission

Amendment

(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).

(f) establishing and operating transparent, easy to use and effective procedures for the handling and resolution of disputes between the video-sharing platform provider and its users in relation to the implementation of the measures referred to in points (b) to (e) and the extent to which those measures conform with the code of conduct.

Justification

The need to develop dispute resolution mechanisms, and to define who should develop them in respect of any extension of scope of this Directive to VSPs, is not clear from the Commission proposal. This amendments seeks to address this.

Amendment 905

Angelika Mlinar, Cecilia Wikström, Kaja Kallas, Filiz Hyusmenova, Fredrick Federley

Proposal for a directive**Article 1 – paragraph 1 – point 19**

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2 – point f

Text proposed by the Commission

(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).

Amendment

(f) establishing and operating systems through which providers of video-sharing platforms explain to users of video-sharing platforms ***the validity of and*** what effect has been given to the reporting and flagging referred to in point (b).

Or. en

Amendment 906

Kaja Kallas, Marietje Schaake

Proposal for a directive**Article 1 – paragraph 1 – point 19**

Directive 2010/13/EU

Article 28 a – paragraph 2 – subparagraph 2 – point f

Text proposed by the Commission

(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).

Amendment

(f) establishing and operating systems ***that provide transparency*** to users of video-sharing platforms what effect has been given to the reporting and flagging referred to in point (b).

Amendment 907

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 a (new)

Text proposed by the Commission

Amendment

2a. 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.

Or. en

Justification

This amendment is linked to the deletion of Article 1, paragraph 1, point 19 (Article 28a paragraph 2). If both are adopted this text should become Article 1, paragraph 1, point 19 (Article 28a – paragraph 2a).

Amendment 908

Silvia Costa

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 3

Text proposed by the Commission

Amendment

3. For the purposes of the implementation of the measures referred to in paragraphs 1 and 2, Member States **deleted**

shall encourage co-regulation as provided for in Article 4(7).

Or. en

Justification

See Article -2

Amendment 909

Angelika Mlinar, Yana Toom, Cecilia Wikström, Filiz Hyusmenova

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 3

Text proposed by the Commission

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).

Amendment

3. For the purposes of the implementation of the measures referred to in paragraphs 1 and 2, **the European Commission** shall encourage co-regulation as provided for in Article 4(7), **through the adoption of guidelines ensuring that Codes of Conducts are compliant with the provisions of this directive and fully respect the obligations of the Charter of Fundamental Rights, in particular Article 52 thereof.**

Or. en

Amendment 910

Ramon Tremosa i Balcells

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 3

Text proposed by the Commission

3. For the purposes of the

Amendment

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).

implementation of the measures referred to in paragraphs 1 and 2, Member States shall encourage co-regulation **and self-regulation** as provided for in Article 4(7) **among social networking platforms that meet the requirements of a video-sharing platform service.**

Or. es

Amendment 911
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 3

Text proposed by the Commission

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).

Amendment

3. For the purposes of the implementation of the measures referred to in paragraphs 1 and 2, **without prejudice to the adoption of regulatory measures**, Member States **may** encourage co-regulation **initiatives** as provided for in Article 4(7).

Or. en

Amendment 912
Milan Zver

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 3

Text proposed by the Commission

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).

Amendment

3. For the purposes of the implementation of the measures referred to in paragraphs 1 and 2, Member States **may** encourage co-regulation as provided for in Article 4(7).

Amendment 913

Kaja Kallas

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 3

Text proposed by the Commission

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)*.

Amendment

3. For the purposes of the implementation of the measures referred to in paragraphs 1 and 2, Member States shall encourage *self-regulation*.

Or. en

Amendment 914

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 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that video-sharing platform providers conduct and publish regular audits of their performance in accordance with the code of conduct referred to in paragraph 1.

Or. en

Amendment 915

Silvia Costa

Proposal for a directive

Article 1 – paragraph 1 – point 19

Text proposed by the Commission

Amendment

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.

deleted

Or. en

Justification

See Article -2

Amendment 916

Yana Toom, María Teresa Giménez Barbat, Ilhan Kyuchyuk, Marju Lauristin, Hannu Takkula, Morten Løkkegaard, Kaja Kallas

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 4

Text proposed by the Commission

Amendment

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.

4. Member States, ***in cooperation with the Commission and ERGA***, shall ***facilitate the development of a Union code of conduct which shall include guidelines on the terms and conditions applicable to the removal of content referred to in points (a) and (b) of paragraph 1 of this Article, in accordance with Union law and the Charter of Fundamental Rights.*** ***Member States shall*** establish the necessary mechanisms to assess the appropriateness of the measures referred to in paragraphs 2 and 3 ***of this Article*** taken by video-sharing platform providers ***in particular concerning freedom of***

expression and information. Member States shall entrust this task to the authorities designated in accordance with Article 30.

Or. en

Amendment 917
Marietje Schaake

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 4

Text proposed by the Commission

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.

Amendment

4. Member States shall, ***in cooperation with the Commission and ERGA***, establish the necessary mechanisms to ***regularly*** assess the ***transparency, necessity, effectiveness and proportionality*** of the measures referred to in paragraphs 2 and 3 taken by video-sharing platform providers, ***in particular with regard to freedom of expression and information***. Member States shall entrust this task to the authorities designated in accordance with Article 30.

Or. en

Amendment 918
Sylvie Guillaume, Pervenche Berès

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 4

Text proposed by the Commission

4. Member States shall establish the necessary mechanisms to assess the appropriateness of the measures referred to

Amendment

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.

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.
Where co-regulation and self-regulation prove to be ineffective, the national regulatory authorities may exercise their effective powers.

Or. fr

Amendment 919
Dietmar Köster

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 4

Text proposed by the Commission

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.

Amendment

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 ***and shall give them effective powers in the event and to the extent that self- or co-regulation is not effective.***

Or. en

Amendment 920
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 4

Text proposed by the Commission

4. Member States shall establish the

Amendment

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.

necessary mechanisms to assess the **transparency, necessity, effectiveness and proportionality** of the measures referred to in paragraphs 2 and 3 taken by video-sharing platform providers. Member States shall entrust this task to **an appropriate national authority, which may be** the authorities designated in accordance with Article 30.

Or. en

Amendment 921
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a - paragraph 4

Text proposed by the Commission

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.

Amendment

4. Member States shall establish the necessary mechanisms to assess **transparency, necessity, proportionality and** 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.

Or. en

Amendment 922
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 4

Text proposed by the Commission

4. Member States shall establish the

Amendment

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.

necessary mechanisms to **report on the delivery and effectiveness** of the measures **taken in accordance with** paragraphs 2 and 2a. Member States shall entrust this task to the authorities designated in accordance with Article 30.

Or. en

Justification

This refers to own paragraph 2a due to future renumbering.

Amendment 923 **Isabella Adinolfi**

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 5

Text proposed by the Commission

Amendment

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. **deleted**

Or. en

Amendment 924 **Curzio Maltese, Nikolaos Chountis, Martina Michels**

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 5

Text proposed by the Commission

Amendment

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. **deleted**

Or. en

Amendment 925
Silvia Costa

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 5

Text proposed by the Commission

Amendment

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. **deleted**

*Justification**See Article -2***Amendment 926****Angelika Mlinar, Sophia in 't Veld, Cecilia Wikström, Filiz Hyusmenova, Fredrick Federley****Proposal for a directive****Article 1 – paragraph 1 – point 19**

Directive 2010/13/EU

Article 28 a – paragraph 5

Text proposed by the Commission

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.

Amendment

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, ***provided that any measure taken, for the purpose of this Directive, to restrict the online distribution, or otherwise making available, of illegal content to the public is in line with the Charter of Fundamental Rights, is limited to what is necessary and proportionate and executed on the basis of a prior judicial authorisation.*** 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.

Amendment 927**Marietje Schaake**

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/E
Article 28 a – paragraph 5

Text proposed by the Commission

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.***

Amendment

5. ***When adopting measures in relation to content that has been ruled to be illegal, Member States 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.***

Or. en

Amendment 928
Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 5

Text proposed by the Commission

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.***

Amendment

5. 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.

Amendment 929
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 5

Text proposed by the Commission

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.

Amendment

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. 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.

Justification

This Directive should not go beyond what is set out in Directive 2000/31/EC.

Amendment 930
Dietmar Köster

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 5

Text proposed by the Commission

5. Member States shall not ***impose on video-sharing platform providers measures that are stricter than the measures referred to in paragraph 1 and***

Amendment

5. Member States shall not ***be precluded from imposing more detailed or stricter measures, in particular but not only*** with respect to illegal content. When

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.

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.

Or. en

Amendment 931

Sylvie Guillaume, Pervenche Berès

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 5

Text proposed by the Commission

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.

Amendment

5. Member States shall not ***be precluded from imposing more detailed or stricter measures on video-sharing platform providers, in particular*** 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.

Or. fr

Amendment 932

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 5

Text proposed by the Commission

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.

Amendment

5. Member States ***may*** 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.

Or. fr

Amendment 933

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 6

Text proposed by the Commission

6. Member States shall ensure that complaint and redress mechanisms are available for the settlement of disputes between users and video-sharing platform providers relating to the application of the appropriate measures referred to in paragraphs 1 and 2.

Amendment

deleted

Or. en

Justification

Moved to and amended by Article 28a, paragraph 2, subparagraph 2, point f.

Amendment 934

Silvia Costa

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 6

Text proposed by the Commission

Amendment

6. *Member States shall ensure that complaint and redress mechanisms are available for the settlement of disputes between users and video-sharing platform providers relating to the application of the appropriate measures referred to in paragraphs 1 and 2.*

deleted

Or. en

Justification

See Article -2

Amendment 935
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 6

Text proposed by the Commission

Amendment

6. Member States shall *ensure that* complaint and redress mechanisms are available for the settlement of disputes between users and video-sharing platform providers relating to the application of the appropriate measures referred to in paragraphs 1 and 2.

6. Member States shall *put in place under their jurisdiction administrative* complaint and redress mechanisms, *in compliance with the freedoms and rights enshrined in the Charter of Fundamental Rights of the European Union*, are available for the settlement of disputes between users and video-sharing platform providers relating to the application of the appropriate measures referred to in paragraphs 1 and 2. *This provision shall not prejudice civil and criminal remedies, according to national law.*

Amendment 936

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 6

Text proposed by the Commission

6. Member States shall ensure that complaint and redress mechanisms are available for the settlement of disputes between users and video-sharing platform providers relating to the application of the appropriate measures referred to in paragraphs 1 and 2.

Amendment

6. Member States shall ensure that complaint and redress mechanisms are ***publicly disclosed and*** available for the settlement of disputes between users and video-sharing platform providers relating to the application of the appropriate measures referred to in paragraphs 1 and 2.

Or. en

Amendment 937

Dita Charanzová

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that complaint and redress mechanisms are available for the settlement of disputes between users and video-sharing platform providers relating to the application of the appropriate measures referred to in paragraphs 1 and 2.

Amendment

6. Member States shall ensure that ***effective*** complaint and redress mechanisms are available for the settlement of disputes between users and video-sharing platform providers relating to the application of the appropriate measures referred to in paragraphs 1 and 2.

Or. en

Amendment 938

Silvia Costa

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 7

Text proposed by the Commission

Amendment

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.* **deleted**

Or. en

Justification

See Article -2

Amendment 939

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 7

Text proposed by the Commission

Amendment

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.

7. The **Member States, the** Commission and ERGA shall encourage video-sharing platform providers to exchange best practices on 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 940
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 7

Text proposed by the Commission

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.

Amendment

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. ***The Commission shall publish these best practices in an effectively and easily accessible manner.***

Or. en

Amendment 941
Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 7

Text proposed by the Commission

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.***

Amendment

7. The Commission and ERGA shall encourage ***audiovisual media service providers such as*** video-sharing platform providers to exchange best practices on co-regulatory systems across the Union.

Or. en

Amendment 942
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 7

Text proposed by the Commission

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.

Amendment

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 **voluntary** Union codes of conduct.

Or. en

Amendment 943
Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 8

Text proposed by the Commission

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.*

Amendment

deleted

Or. en

Amendment 944
Silvia Costa

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 8

Text proposed by the Commission

Amendment

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. **deleted**

Or. en

Justification

See Article -2

Amendment 945
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 8

Text proposed by the Commission

Amendment

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

8. According to Article 4 (7), 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

opinion on the drafts, amendments or extensions of those codes of conduct. The Commission *may give appropriate publicity to those* codes of conduct.

request ERGA to give an opinion on the drafts, amendments or extensions of those codes of conduct. The Commission *shall ensure that draft Union co-regulation and self-regulation initiatives and amendments or extensions to existing Union codes of conduct shall be made effectively and easily accessible to the public, before their adoption.*

Or. en

Amendment 946

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 8

Text proposed by the Commission

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.*

Amendment

8. Video-sharing platform providers or, where applicable, the organisations representing those providers in this respect shall submit to the Commission draft codes of conduct and amendments to existing codes of conduct. The Commission *shall give appropriate publicity to those codes of conduct in order to promote the exchange of best practice.*

Or. en

Amendment 947

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 8

Text proposed by the Commission

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.

Amendment

8. Video-sharing platform providers or, where applicable, the organisations representing those providers in this respect shall submit to the **Member States** draft Union codes of conduct and amendments to existing Union codes of conduct. The **Member States** may request ERGA to give an opinion on the drafts, amendments or extensions of those codes of conduct. **The Member States and, secondarily,** the Commission may give appropriate publicity to those codes of conduct.

Or. fr

Amendment 948
Dita Charanzová

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 8

Text proposed by the Commission

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.

Amendment

8. Video-sharing platform providers or, where applicable, the organisations representing those providers in this respect shall submit to the Commission draft **voluntary** Union codes of conduct and amendments to existing **voluntary** 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

Amendment 949
Yana Toom, María Teresa Giménez Barbat, Ilhan Kyuchyuk, Marju Lauristin, Hannu

Takkula, Morten Løkkegaard, Kaja Kallas

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 a – paragraph 8

Text proposed by the Commission

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.

Amendment

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 *shall* give appropriate publicity to those codes of conduct.

Or. en

Amendment 950

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 8

Text proposed by the Commission

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.

Amendment

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 *shall* 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

Amendment 951
Sylvie Guillaume, Pervenche Berès

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Member States shall ensure that video-sharing platform providers take on the same obligations as media service providers, in accordance with the provisions laid down in Articles 9-11 for audiovisual commercial communications made available on their platform, given that:

- they are based on an economic model that is similar to that of audiovisual media service providers,**
- they are involved in the sale and placement of audiovisual commercial communications**
- or share in the resultant operating income.**

Or. fr

Amendment 952
Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 a - paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. To the extent that video-sharing platform providers are involved in the sale or placement of audiovisual commercial communications, Member States shall ensure that they assume the same

obligations as media service providers with regard to the requirements of Articles 9 to 11 for audiovisual commercial communications, sponsoring and product placement made available on their platform.

Or. en

Amendment 953
Sylvie Guillaume, Pervenche Berès

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 b – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that video-sharing platform providers which are not established on their territory, but which have either a parent company or a subsidiary that is established on their territory or which are part of a group and another entity of that group is established on their territory, are deemed to ***have been*** established on their territory for the purposes of Article 3(1) of Directive 2000/31/EEC.

Amendment

Member States shall ensure that video-sharing platform providers:

(a) which are not established on their territory, but which have either a parent company or a subsidiary that is established on their territory or which are part of a group and another entity of that group is established on their territory,

(b) *which are established in another Member State but target audiences on their territory,* are deemed to ***be*** established on their territory for the purposes of Article 3(1) of Directive 2000/31/EEC.

Or. fr

Amendment 954

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 b – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that video-sharing platform providers which are not established on their territory, but which have either a parent company or a subsidiary that is established on their territory or which are part of a group and another entity of that group is established on their territory, are deemed to have been established on their territory for the purposes of Article 3(1) of Directive 2000/31/EEC.

Amendment

Member States shall ensure that ***audiovisual media service providers such as*** video-sharing platform providers which are not established on their territory, but which have either a parent company or a subsidiary that is established on their territory or which are part of a group and another entity of that group is established on their territory, are deemed to have been established on their territory for the purposes of Article 3(1) of Directive 2000/31/EEC.

Or. en

Amendment 955

Sylvie Guillaume, Pervenche Berès

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 b – paragraph 1 – subparagraph 2

Text proposed by the Commission

For the purposes of applying the first subparagraph, where the parent company, the subsidiary or the other entity of the group are each established in different Member States, the provider shall be deemed to have been established in the Member State where its parent company is established or, in the absence of such an establishment in a Member State, where its subsidiary is established or, in the absence of such an establishment in a Member State, where the other entity of

Amendment

deleted

the group is established.

Or. fr

Amendment 956

Sylvie Guillaume, Pervenche Berès

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 b – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

For the purposes of applying the second subparagraph, where there are several subsidiaries each of which are established in different Member States, or where there are several other entities of the group each of which are established in different Member States, the Member States concerned shall ensure that the provider designates in which of these Member States it shall be deemed to have been established.

deleted

Or. fr

Amendment 957

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 b – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

For the purposes of applying the second subparagraph, where there are several subsidiaries each of which are established in different Member States, or where there are several other entities of the group each of which are established in different Member States, the Member States

For the purposes of applying the second subparagraph, where there are several subsidiaries each of which are established in different Member States, or where there are several other entities of the group each of which are established in different Member States, the Member States

concerned shall ensure that the provider **designates** in which of these Member States it shall be deemed to have been established.

concerned shall ensure that the provider **clearly and promptly declares** in which of these Member States it shall be deemed to have been established. ***This declaration shall not be changed during the calendar year.***

Or. en

Amendment 958

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

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 b – paragraph 1– subparagraph 3

Text proposed by the Commission

For the purposes of applying the second subparagraph, where there are several subsidiaries each of which are established in different Member States, or where there are several other entities of the group each of which are established in different Member States, ***the Member States concerned shall ensure that the provider designates in which of these Member States it shall be deemed to have been established.***

Amendment

For the purposes of applying the second subparagraph, where there are several subsidiaries each of which are established in different Member States, or where there are several other entities of the group each of which are established in different Member States, ***it shall be deemed to have been established in the Member State where the majority of the workforce operates.***

Or. en

Justification

Giving video-sharing platforms the ability to choose the Member State in which they are deemed to be established under this directive would be disproportionate as it would allow forum-shopping practices. The localisation of the majority workforce is a clear and reliable criteria to determine where the platform is established in the Union.

Amendment 959

Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 b – paragraph 2

Text proposed by the Commission

2. Member States shall communicate to the Commission a list of the video-sharing platform providers established on their territory and the criteria, set out in Article 3(1) of Directive 2000/31/EC and in paragraph 1, on which their jurisdiction is based. They shall update the list regularly. The Commission shall ensure that the competent independent regulatory authorities *have* access to this information.

Amendment

2. Member States shall communicate to the Commission a list of the video-sharing platform providers established on their territory and the criteria, set out in Article 3(1) of Directive 2000/31/EC and in paragraph 1, on which their jurisdiction is based. They shall update the list regularly. The Commission shall ensure that the competent independent regulatory authorities *and the public have easy and effective* access to this information.

Or. en

Amendment 960
Sylvie Guillaume, Pervenche Berès

Proposal for a directive
Article 1 – paragraph 1 – point 19
Directive 2010/13/EU
Article 28 b – paragraph 2

Text proposed by the Commission

2. Member States shall communicate to the Commission a list of the video-sharing platform providers established on their territory *and* the criteria, set out *in Article 3(1) of Directive 2000/31/EC and* in paragraph 1, on which their jurisdiction is based. They shall update the list regularly. The Commission shall ensure that the competent independent regulatory authorities have access to this information.

Amendment

2. Member States shall communicate to the Commission a list of the video-sharing platform providers established *or deemed to be established* on their territory *in accordance with* the criteria set out in paragraph 1, on which their jurisdiction is based. They shall update the list regularly. The Commission shall ensure that the competent independent regulatory authorities have access to this information.

Or. fr

Amendment 961

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

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/13/EU

Article 28 b – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where, in applying paragraph 1, the Member States concerned do not agree on which Member State has jurisdiction, they shall bring the matter to the Commission's attention without undue delay. The Commission may request ERGA to provide an opinion on the matter within 15 working days from the submission of the Commission's request.

Or. en

Justification

As video-sharing platforms usually target audiences in the entire Union, there could be disagreements between the Member States in the determination of the competent Member States for the purpose of this Directive. Therefore the Commission should be able to act to determine the Member State having jurisdiction, as it does for the other audiovisual media services under Article 3.

Amendment 962

Zdzisław Krasnodębski

Proposal for a directive

Article 1 – paragraph 1 – point 19 a (new)

Directive 2010/13/EU

Article 28 b a (new)

Text proposed by the Commission

Amendment

(19a) The following article is inserted:

‘Article 28ba

Member States shall ensure that audiovisual video-sharing platform providers under their jurisdiction shall

make easily, directly and permanently accessible to the recipients of a service at least the following information:

- (a) the name of the video-sharing platform provider;*
- (b) the geographical address at which the video-sharing platform provider is established;*
- (c) the details of the video-sharing platform, including its electronic mail address or website, which allow it to be contacted rapidly in a direct and effective manner;*
- (d) the Member State having jurisdiction over the video-sharing platform providers and the competent regulatory authorities or supervisory bodies;*
- (e) the details of the video-sharing platform provider's ownership structure, including information about owners with the most significant share in the provider.'*

Or. en

Justification

The aim is to align information obligations of platform with the obligations imposed on providers of audiovisual media services

Amendment 963
Zdzisław Krasnodębski

Proposal for a directive
Article 1 – paragraph 1 – point 19 b (new)
Directive 2010/13/EU
Article 28 b b (new)

Text proposed by the Commission

Amendment

(19b) The following article is inserted:
'Article 28bb
Member States shall ensure that

audiovisual commercial communications provided by video-sharing platform providers under their jurisdiction comply with the requirements set in Article 9 paragraph 1, Article 10 and Article 11.'

Or. en

Justification

The aim is to introduce basic obligations in the field of commercial communications distributed on platforms. These obligations are aligned with the obligations which in this area are imposed on audiovisual media services on demand.

Amendment 964

Zdzisław Krasnodębski

Proposal for a directive

Article 1 – paragraph 1 – point 19 c (new)

Directive 2010/13/EU

Article 28 b c (new)

Text proposed by the Commission

Amendment

(19c) The following article is inserted:

'Article 28bc

- 1. Member States shall ensure that video-sharing platform services provided by video-sharing platform providers under their jurisdiction promote, where practicable and by appropriate means access to European works. Such promotion could relate, inter alia to the share and/or prominence of European works in the catalogue of programmes offered by the video-sharing platform service.***
- 2. Member States shall report to the Commission no later [date –no later than three years after adoption] and every 4 years thereafter on the implementation of paragraph 1.***
- 3. 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 paragraph 1, taking into account the market and technological developments and the objective of cultural diversity.'

Or. en

Justification

The purpose of this amendment is the introduction of minimum obligations on platform for the promotion of European works. The proposal assumes much lower duties than the current directive requires VOD service providers, who are already at this time may be required to invest in production. As proposed, platforms would only promote European works posted by users.

Amendment 965

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 19 a (new)

Directive 2010/13/EU

Article 29 – paragraph 2 – point a

Present text

(a) to facilitate effective implementation of this Directive through regular consultation on any practical problems arising from its application, and particularly from the application of Article 2, *as well as on any other matters on which exchanges of views are deemed useful;*

Amendment

(19a) In Article 29 (2) point a is replaced by the following:

(a) to facilitate effective implementation of this Directive through regular consultation on any practical problems arising from its application, and particularly from the application of Article 2;

Or. en

(The amendment seeks to amend a provision within the existing act - Article 29, paragraph 2, point a - that was not referred to in the Commission proposal.)

Amendment 966

Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 19 b (new)
Directive 2010/13/EU
Article 29 – paragraph 2 – point b

Present text

(b) to deliver own-initiative opinions *or opinions* requested by the Commission *on the application by the Member States of this Directive*;

Amendment

(19b) In Article 29 (2), point b is replaced by the following:

(b) to deliver opinions *on the application by the Member States of this Directive, either at its own-initiative or* requested by the Commission *or by ERGA*;

Or. en

(The amendment seeks to amend a provision within the existing act - Article 29, paragraph 2, point b - that was not referred to in the Commission proposal.)

Amendment 967
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 19 c (new)
Directive 2010/13/EU
Article 29 – paragraph 2 – point d

Present text

(d) to discuss the outcome of regular consultations which the Commission holds with *representatives of broadcasting organisations, producers, consumers, manufacturers, service providers and trade unions and the creative community*;

Amendment

(19c) In Article 29 (2), point d is replaced by the following:

(d) to discuss the outcome of regular consultations which the Commission holds with *all stakeholders involved in this Directive*;

Or. en

(The amendment seeks to amend a provision within the existing act - Article 29, paragraph 2, point d - that was not referred to in the Commission proposal.)

Amendment 968
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 19 d (new)
Directive 2010/13/EU
Article 29 – paragraph 2 – point e

Present text

(e) to facilitate the exchange of information between the Member States and the Commission on the situation and the development of regulatory activities regarding audiovisual media services, ***taking*** account of the Union's audiovisual policy, ***as well as relevant developments in the technical field;***

Amendment

(19d) In Article 29 (2), point e is replaced by the following:

(e) to facilitate the exchange of information between the Member States and the Commission on the situation and the development of regulatory activities regarding audiovisual media services;

Or. en

(The amendment seeks to amend a provision within the existing act - Article 29, paragraph 2, point e - that was not referred to in the Commission proposal.)

Amendment 969
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 19 e (new)
Directive 2010/13/EU
Article 29 – paragraph 2 – point f

Present text

(f) to examine any development arising in the sector on which an exchange of views appears useful.

Amendment

(19e) In Article 29 (2), point f is replaced by the following:

(f) to ***discuss or*** examine any ***regulatory or technical matter or*** development arising in the sector, ***either in the Union or in third countries,*** on which an exchange of views appears useful.

Or. en

(The amendment seeks to amend a provision within the existing act - Article 29, paragraph 2, point f - that was not referred to in the Commission proposal.)

Amendment 970
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 19 f (new)
Directive 2010/13/EU
Article 29 – paragraph 2 a (new)

Present text

Amendment

(19f) In Article 29, the following paragraph is added:

‘2a. The contact committee shall define and publish its own rules of procedure. The discussions, exchanges and opinions of the Contact Committee shall take account of the Union’s audiovisual policy. They shall be made available to the public in an easily accessible and transparent manner, with the exception of duly justified requests of its members for confidential handling of sensitive information.’

Or. en

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

Amendment 971
Petra Kammerevert, Sabine Verheyen

Proposal for a directive
Article 1 – paragraph 1 – point 19 a (new)
Directive 2010/13/EU
Article 29 – paragraph 1

Present text

Amendment

(19a) In Article 29, paragraph 1, is replaced by the following:

1. A contact committee is established

1. A contact committee is established

under the aegis of the Commission. It shall be composed of representatives of the competent authorities of the Member States. It shall be chaired by a representative of the Commission and meet either on his initiative or at the request of the delegation of a Member State.

under the aegis of the Commission. It shall be composed of representatives of the competent **bodies or** authorities of the Member States **and four Members of the European Parliament as observers, nominated every three years.** It shall be chaired by a representative of the Commission and meet either on his initiative or at the request of the delegation of a Member State.

Or. en

(The amendment seeks to amend a provision within the existing act - Article 29, paragraph 1 - that was not referred to in the Commission proposal.)

Amendment 972

Petra Kammerevert, Sabine Verheyen

Proposal for a directive

Article 1 – paragraph 1 – point 19 a (new)

Directive 2010/13/EU

Article 29 – paragraph 2 – point f

Present text

Amendment

(f) to examine any development arising in the sector on which an exchange of views appears useful."

(19a) In Article 29 (2), point f is replaced by the following:

(f) to examine **and give opinions to the Commission on** any development arising in the sector on which an exchange of views appears useful."

Or. en

(The amendment seeks to amend a provision within the existing act - Article 29, paragraph 1, point f - that was not referred to in the Commission proposal.)

Amendment 973

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 19 a (new)

Directive 2010/13/EU
Article 29 – paragraph 1

Present text

"1. A contact committee is established under the aegis of the Commission. It shall be composed of representatives of the competent authorities of the Member States. It shall be chaired by a representative of the Commission and meet either on his initiative or at the request of the delegation of a Member State."

Amendment

(19a) In Article 29, paragraph 1 is replaced by the following:

"1. A contact committee is established under the aegis of the Commission. It shall be composed of representatives of the competent authorities of the Member States. It shall be chaired by a representative of the Commission and meet either on his initiative or at the request of the delegation of a Member State. ***Gender parity shall be observed in the composition of the contact committee.***"

Or. en

(The amendment seeks to amend a provision within the existing act - Article 29, paragraph 1 - that was not referred to in the Commission proposal)

Amendment 974

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 20

Directive 2010/13/EU

Chapter XI – title

Text proposed by the Commission

REGULATORY AUTHORITIES OF THE
MEMBER STATES;

Amendment

REGULATORY AUTHORITIES ***AND***
BODIES OF THE MEMBER STATES;

Or. en

Amendment 975

Louise Bours

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30

(21) Article 30 is replaced by the following: **deleted**

‘Article 30

1. Each Member State shall designate one or more independent national regulatory authorities. Member States shall ensure that they are legally distinct and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

2. Member States shall ensure that national regulatory authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural diversity, consumer protection, internal market and the promotion of fair competition.

National regulatory authorities shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with national constitutional law.

3. The competences and powers of the independent regulatory authorities, as well as the ways of making them accountable shall be clearly defined in law.

4. Member States shall ensure that national regulatory authorities have adequate enforcement powers to carry out their functions effectively.

5. The Head of a national regulatory authority or the members of the collegiate body fulfilling that function within a national regulatory authority, may be dismissed only if they no longer fulfil the conditions required for the performance

of their duties which are laid down in advance in national law. A dismissal decision shall be made public and a statement of reasons shall be made available.

6. Member States shall ensure that independent national regulatory authorities have separate annual budgets. The budgets shall be made public. Member States shall also ensure that national regulatory authorities have adequate financial and human resources to enable them to carry out the task assigned to them and to actively participate in and contribute to ERGA.

7. Member States shall ensure that effective mechanisms exist at national level under which any user or media services provider or video-sharing platform provider who is affected by a decision of a national regulatory authority has the right of appeal against the decision to an appeal body. The appeal body shall be independent of the parties involved in the appeal.

That appeal body, which should be a court, shall have the appropriate expertise to enable it to carry out its functions effectively. Member States shall ensure that the merits of the case are duly taken into account and that there is an effective appeal mechanism.

Pending the outcome of the appeal, the decision of the national regulatory authority shall stand, unless interim measures are granted in accordance with national law.'

Or. en

**Amendment 976
Isabella Adinolfi**

**Proposal for a directive
Article 1 – paragraph 1 – point 21**

Text proposed by the Commission

1. Each Member State **shall designate one or more** independent national regulatory authorities. Member States shall ensure that **they** are legally distinct and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Amendment

1. Each Member State **may, according to their national constitutional law, designate** independent national regulatory authorities **or equivalent public bodies for the application of this Directive**. Member States shall ensure that **the designated independent national regulatory authorities or equivalent public bodies** are legally distinct and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Or. en

Amendment 977
Julie Ward

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 1

Text proposed by the Commission

1. Each Member State shall designate one or more independent national regulatory **authorities**. Member States shall ensure that they are legally **distinct** and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Amendment

1. Each Member State shall designate one or more independent national regulatory **bodies as far as necessary for the application of this Directive**. Member States shall ensure that they are legally **separated from government** and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Or. en

Amendment 978

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 1

Text proposed by the Commission

1. Each Member State shall designate one or more independent national regulatory authorities. Member States shall ensure that they are legally distinct and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Amendment

1. Each Member State shall designate one or more independent national regulatory authorities ***in order to monitor the correct implementation of this Directive***. Member States shall ensure that they are legally distinct and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Or. en

Amendment 979

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 1

Text proposed by the Commission

1. Each Member State shall designate one or more independent national regulatory authorities. Member States shall ensure that they are legally ***distinct*** and functionally independent of any other public or private body. ***This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.***

Amendment

1. Each Member State shall designate one or more independent national regulatory ***bodies and*** authorities. Member States shall ensure that they are legally ***free from any governmental power or influence*** and functionally independent of any other public or private body.

Or. en

Amendment 980

Angelika Mlinar, Sophia in 't Veld, Cecilia Wikström, Kaja Kallas, Filiz Hyusmenova, Fredrick Federley

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 1

Text proposed by the Commission

1. Each Member State shall designate one or more independent national regulatory authorities. Member States shall ensure that they are legally distinct and functionally independent *of* any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Amendment

1. Each Member State shall designate one or more independent national regulatory authorities. Member States shall ensure that they are legally distinct and functionally independent **from the governments or** any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Or. en

Amendment 981

Dietmar Köster

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 1

Text proposed by the Commission

1. Each Member State shall designate one or more independent national regulatory authorities. Member States shall ensure that they are legally distinct and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Amendment

1. Each Member State shall designate one or more independent national regulatory authorities. Member States shall ensure that they are legally distinct **from the government** and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Or. en

Amendment 982
Giorgos Grammatikakis

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 - paragraph 1

Text proposed by the Commission

1. Each Member State shall designate one or more independent national regulatory authorities. Member States shall ensure that they are legally distinct and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Amendment

1. Each Member State shall designate one or more independent national regulatory authorities. Member States shall ensure that they are legally distinct and functionally **and effectively** independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.

Or. en

Amendment 983
Angelika Mlinar, Sophia in 't Veld, Cecilia Wikström, Filiz Hjusmenova

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that the nomination process of the Head of a national regulatory authority or the members of the collegiate body fulfilling that function within a national regulatory authority is transparent and guarantees the requisite degree of independence for the fulfilment of its functions.

Or. en

Amendment 984
Julie Ward, Sylvie Guillaume

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that national regulatory authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural diversity, consumer protection, internal market and the promotion of fair competition.

Amendment

Member States shall ensure that national regulatory authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural diversity, consumer protection, ***accessibility of the audiovisual services***, internal market and the promotion of fair competition. ***National regulatory bodies can be entrusted as an additional point of complaints for recipients of a service.***

Or. en

Amendment 985
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that national regulatory authorities exercise their ***powers*** impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural diversity, consumer protection, internal market and the ***promotion of fair competition***.

Amendment

Member States shall ensure that ***independent national regulatory authorities or equivalent public bodies*** exercise their ***competences*** impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural diversity, consumer protection, ***accessibility of the audiovisual media services, protection of fair competition in the*** internal market and the ***implementation of public service obligations***.

Amendment 986
Giorgos Grammatikakis

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that national regulatory authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural diversity, consumer protection, internal market and the promotion of fair competition.

Amendment

Member States shall ensure that national regulatory authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural diversity, consumer protection, internal market and the promotion of fair competition. ***Member States may entrust national regulatory authorities with additional powers, if they deem it necessary, in accordance with those objectives.***

Amendment 987
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 21
Directive 2010/13/EU
Article 30 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that national regulatory authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural diversity, consumer protection,

Amendment

Member States shall ensure that national regulatory authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural diversity, consumer protection,

internal market and the promotion of fair competition.

internal market and the promotion of fair competition. ***Without prejudice to the structural organisation of a national regulatory body, Member States shall observe gender parity within the body.***

Or. en

Amendment 988

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 2– subparagraph 1

Text proposed by the Commission

Member States shall ensure that national regulatory authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural diversity, consumer protection, internal market and the promotion of fair competition.

Amendment

Member States shall ensure that national regulatory ***bodies and*** authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural ***and regional*** diversity, ***language preservation***, consumer protection, internal market and the promotion of fair competition.

Or. en

Amendment 989

Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that national regulatory authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism,

Amendment

Member States shall ensure that national regulatory authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism,

cultural diversity, consumer protection, internal market and the promotion of fair competition.

cultural diversity, consumer protection, ***accessibility of audiovisual media services***, internal market and the promotion of fair competition.

Or. en

Amendment 990

Angelika Mlinar, Soraya Post, Sophia in 't Veld, Cecilia Wikström, Yana Toom, Filiz Hyusmenova, Cécile Kashetu Kyenge, Fredrick Federley

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that national regulatory authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural diversity, consumer protection, internal market and the promotion of fair competition.

Amendment

Member States shall ensure that national regulatory authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, ***non-discrimination***, cultural diversity, consumer protection, internal market and the promotion of fair competition.

Or. en

Amendment 991

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 2 – subparagraph 2

Text proposed by the Commission

National regulatory authorities shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with

Amendment

Independent national regulatory authorities shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with

national constitutional law.

national constitutional law. ***Independent national regulatory authorities shall delegate a high level representative for the participation in ERGA activities, according to Article 30a (2).***

Or. en

Amendment 992

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

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 2 – subparagraph 2

Text proposed by the Commission

National regulatory authorities shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with national constitutional law.

Amendment

National regulatory authorities shall not seek or take instructions from any other body, ***public or private***, in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with national constitutional law.

Or. en

Amendment 993

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

‘2a. Members of independent national regulatory authorities or equivalent public bodies shall be publicly selected amongst the persons with objectively demonstrated high professional experience and competence in the field. They shall not

have held government office, elective office at any level, assignments or any other office in political parties, during the seven years prior to the appointment. Members of independent national regulatory authorities shall not engage, directly or indirectly, during their term of office, in any occupation or consulting activity, serve as directors or employees of public or private entities, hold public offices of any kind or have direct or indirect interests, in companies operating in the same field of expertise of the national regulatory authority.'

Or. en

Amendment 994
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 3

Text proposed by the Commission

3. The competences **and powers** of the independent regulatory authorities, as well as the ways of making them accountable shall be clearly defined in law.

Amendment

3. The competences of the independent **national** regulatory authorities **or equivalent public bodies**, as well as the ways of making them accountable, shall be clearly defined in law. **They may include the delegation of specific executive powers, where retained necessary for the application of this Directive.**

Or. en

Amendment 995
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 4

Text proposed by the Commission

4. Member States ***shall ensure that*** national regulatory authorities ***have adequate*** enforcement powers ***to carry out their functions effectively.***

Amendment

4. ***Where*** Member States ***assign executive enforcement powers regarding the application of this Directive to independent*** national regulatory authorities ***or equivalent public bodies, they shall ensure that such executive*** enforcement powers ***are exercised in strict respect of freedoms and rights enshrined in the Charter of Fundamental Rights of the European Union.***

Or. en

Amendment 996

Julie Ward, Sylvie Guillaume

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

‘4a. Member States shall ensure that national regulatory authorities designate a single and publicly available point-of-contact for information and complaints about the accessibility issues referred to in article 7. This point-of-contact shall be entitled to:

(i) raise awareness on viewers' rights in regards to accessibility;

(ii) conduct surveys and consultations to monitor the compliance of accessibility requirements;

(iii) issue recommendations to audiovisual media service providers to improve the quality of their access services;

(iv) adopt standards, where available, to ensure the interoperability of television services and equipment enabling users to

receive, decode and display access services for persons with disabilities, and to mandate the use of such standards. Organisations representing persons with disabilities, audiovisual media service providers and equipment manufacturers should be consulted in determining any equipment standards;

(v) handle viewers' complaints in regards to accessibility and carrying out its enforcement powers accordingly.'

Or. en

Amendment 997
Giorgos Grammatikakis

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

'4a. Member States shall ensure that national regulatory authorities shall be responsible for granting and renewing broadcasting licences. The basic conditions and criteria governing the granting and renewal of broadcasting licences shall be clearly defined by national law. The regulations governing the procedure for the granting and renewal of broadcasting licences shall be clear and precise and shall be applied in an open, transparent and impartial manner and decisions shall be made public. Calls for tenders shall also be made public and specify the conditions to be met by applicants and the content of the licence application. The criteria for specifying the total number of licenses to be granted shall be clear, transparent and reflect technological capability and progress.'

Amendment 998
Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

‘4a. Member States shall ensure that national regulatory bodies and authorities designate a single and publicly available point-of-contact for information and complaints about the accessibility issues referred to in article 7.’

Or. en

Justification

To support the implementation of accessibility requirements

Amendment 999
Giorgos Grammatikakis

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

‘4b. Member States shall lay down in national law the procedure for the appointment of the head of a national regulatory authority or the members of the collegiate body fulfilling that function. Member States shall ensure that the procedure is open to all interested parties, the call for expressions of interest is made public and the requested professional requirements reflect the tasks to be

performed.'

Or. en

Amendment 1000

Milan Zver

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 5

Text proposed by the Commission

Amendment

5. The Head of a national regulatory authority or the members of the collegiate body fulfilling that function within a national regulatory authority, may be dismissed only if they no longer fulfil the conditions required for the performance of their duties which are laid down in advance in national law. A dismissal decision shall be made public and a statement of reasons shall be made available.

deleted

Or. en

Amendment 1001

Giorgos Grammatikakis

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 - paragraph 5

Text proposed by the Commission

Amendment

5. The Head of a national regulatory authority or the members of the collegiate body fulfilling that function within a national regulatory authority, may be dismissed only if they no longer fulfil the conditions required for the performance of their duties which are laid down in advance

5. The Head of a national regulatory authority or the members of the collegiate body fulfilling that function within a national regulatory authority, may be dismissed only if they no longer fulfil the conditions required for the performance of their duties which are laid down in advance

in national law. A dismissal decision shall be made public and a statement of reasons shall be made available.

in national law. A dismissal decision shall be made public and a statement of reasons shall be made available. ***The duration of the mandate of the head of a national regulatory authority or the members of the collegiate body fulfilling that function shall be set in advance by national law and shall in no way be altered before the termination of the mandate.***

Or. en

Amendment 1002

Angelika Mlinar, Sophia in 't Veld

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 5

Text proposed by the Commission

5. The Head of a national regulatory authority or the members of the collegiate body fulfilling that function within a national regulatory authority, may be dismissed only if they no longer fulfil the conditions required for the performance of their duties which are laid down in advance in national law. A dismissal decision shall be made public and a statement of reasons shall be made available.

Amendment

5. The Head of a national regulatory authority or the members of the collegiate body fulfilling that function within a national regulatory authority, may be dismissed only if they no longer fulfil the conditions required for the performance of their duties which are laid down in advance in national law ***and on the basis of a justified prior notification***. A dismissal decision shall be made public and a statement of reasons shall be made available.

Or. en

Amendment 1003

Marc Joulaud, Bogdan Brunon Wentz, Jean-Marie Cavada, Tadeusz Zwiefka, Louis Michel

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 5

Text proposed by the Commission

5. The Head of a national regulatory authority or the members of the collegiate body fulfilling that function within a national regulatory authority, may be dismissed only if they no longer fulfil the conditions required for the performance of their duties which are laid down in advance in national law. A dismissal decision shall be made public and a statement of reasons shall be made available.

Amendment

5. The Head of a national regulatory authority or the members of the collegiate body fulfilling that function within a national regulatory authority, may be dismissed only if they no longer fulfil the conditions required for the performance of their duties which are laid down in advance in national law. A **duly justified** dismissal decision shall be made public and a statement of reasons shall be made available **to the public**.

Or. en

Justification

Given the potential impact of the dismissal of the Head of a national regulatory body, it is necessary to reinforce the publicity such dismissal and to guarantee that this decision is reasoned i.e. duly justified.

Amendment 1004
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 5

Text proposed by the Commission

5. The **Head of a** national regulatory authority or **the members of the collegiate body fulfilling that function within a national regulatory authority**, may be dismissed only if they no longer fulfil the conditions required for the performance of their duties which are laid down in advance in national law. A dismissal decision **shall be made public and a** statement of reasons shall be made **available**.

Amendment

5. The **members of the independent** national regulatory authority or **equivalent public body, including its Head**, may be dismissed only if they no longer fulfil the conditions required for the performance of their duties which are laid down in advance in national law. A dismissal decision, **including the corresponding** statement of reasons, shall be made **public in an easily accessible and transparent manner**.

Or. en

Amendment 1005

Milan Zver

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 - paragraph 6

Text proposed by the Commission

6. Member States shall ensure that independent national regulatory authorities have separate annual budgets. The budgets shall be made public. ***Member States shall also ensure that national regulatory authorities have adequate financial and human resources to enable them to carry out the task assigned to them and to actively participate in and contribute to ERGA.***

Amendment

6. Member States shall ensure that independent national regulatory authorities have separate annual budgets. The budgets shall be made public.

Or. en

Amendment 1006

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that independent national regulatory authorities have separate annual budgets. The budgets shall be made public. Member States shall also ensure that national regulatory authorities have adequate financial and human resources to enable them to ***carry out the task*** assigned to them ***and to actively participate*** in and ***contribute*** to ERGA.

Amendment

6. Member States shall ensure that independent national regulatory authorities have separate annual budgets. The budgets shall be made public ***in an easily accessible and transparent manner.*** Member States shall also ensure that ***independent*** national regulatory authorities have adequate financial and human resources to enable them to ***exercise the competences*** assigned to them, ***including the necessary organization arrangements for enabling their active participation*** in

and *contribution* to ERGA.

Or. en

Amendment 1007

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

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that independent national regulatory authorities have separate annual budgets. The budgets shall be made public. Member States shall also ensure that national regulatory authorities have adequate financial and human resources to enable them to carry out the task assigned to them and to actively participate in and contribute *to ERGA*.

Amendment

6. Member States shall ensure that independent national regulatory authorities have separate annual budgets. The budgets shall be made public. Member States shall also ensure that national regulatory authorities have adequate financial and human resources to enable them to carry out the task assigned to them and to actively participate in and contribute *effectively to the tasks carried out by ERGA under this Directive*.

Or. en

Justification

National regulatory bodies should be granted enough resources to participate and to carry out effectively the tasks of ERGA

Amendment 1008

Giorgos Grammatikakis

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/13/EU

Article 30 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

‘6a. Member States shall ensure that the national regulatory authority is functional at all times. When the mandate of the head of a national regulatory authority or a member of the collegiate body fulfilling that function terminates, the post shall be filled immediately or, failing that, the mandate shall be extended until a successor has been formally appointed.’

Or. en

Amendment 1009
Dietmar Köster

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that effective mechanisms exist at national level under which any user or media services provider or video-sharing platform provider who is affected by a decision of a national regulatory authority has the right of appeal against the decision to an appeal body. The appeal body shall be independent of the parties involved in the appeal.

Amendment

Member States shall ensure that effective mechanisms exist at national level under which any user ***whose personal rights are directly affected by the audiovisual media content*** or media services provider or video-sharing platform provider who is affected by a decision of a national regulatory authority has the right of appeal against the decision to an appeal body. The appeal body shall be independent of the parties involved in the appeal.

Or. en

Amendment 1010
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 21

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Directive 2010/13/EU
Article 30 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that effective mechanisms exist at national level ***under which any user or media services provider or video-sharing platform provider who is affected by a decision of a national regulatory authority has the right of appeal against the decision to an appeal body. The appeal body shall be independent of the parties involved in the appeal.***

Amendment

Member States shall ensure that effective, ***swift and affordable appeal*** mechanisms exist at national level ***against any decision of an independent national regulatory authority or equivalent public body. The appeal body shall be independent of the parties involved in the appeal and shall ensure, among others, the respect of the principles laid down in paragraphs 2 and 4.***

Or. en

Amendment 1011
Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that effective mechanisms exist at national level under which any user or media services ***provider or video-sharing platform*** provider who is affected by a decision of a national regulatory authority has the right of appeal against the decision to an appeal body. The appeal body shall be independent of the parties involved in the appeal.

Amendment

Member States shall ensure that effective mechanisms exist at national level under which any user or ***audiovisual*** media services provider who is affected by a decision of a national regulatory authority has the right of appeal against the decision to an appeal body. The appeal body shall be independent of the parties involved in the appeal.

Or. en

Amendment 1012
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 21

Directive 2010/13/EU
Article 30 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

That appeal body, which should be a court, shall have the appropriate expertise to enable it to carry out its functions effectively. Member States shall ensure that the merits of the case are duly taken into account and that there is an effective appeal mechanism.

deleted

Or. en

Amendment 1013
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2010/13/EU
Article 30 – paragraph 7 – subparagraph 3

Text proposed by the Commission

Amendment

Pending the outcome of the appeal, the decision of the national regulatory authority shall stand, unless interim measures are granted in accordance with national law.;

deleted

Or. en

Amendment 1014
Louise Bours

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/13/EU
Article 30 a (new)

Text proposed by the Commission

Amendment

(22) the following Article 30a is inserted:

deleted

'Article 30a

1. The European Regulators Group for Audiovisual Media Services (ERGA) is hereby established.

2. It shall be composed of national independent regulatory authorities in the field of audiovisual media services. They shall be represented by the heads or by nominated high level representatives of the national regulatory authority with primary responsibility for overseeing audiovisual media services, or in cases where there is no national regulatory authority, by other representatives as chosen through their procedures. A Commission representative shall participate in the group meetings.

3. ERGA's shall have the following tasks:

(a) to advise and assist the Commission in its work to ensure a consistent implementation in all Member States of the regulatory framework for audiovisual media services;

(b) to advise and assist the Commission as to any matter related to audiovisual media services within the Commission's competence. If justified in order to advise the Commission on certain issues, the group may consult market participants, consumers and end-users in order to collect the necessary information;

(c) to provide for an exchange of experience and good practice as to the application of the regulatory framework for audiovisual media services;

(d) to cooperate and provide its members with the information necessary for the application of this Directive, in particular as regards Articles 3 and 4 thereof;

(e) to give opinions, when requested by the Commission, on the issues envisaged in Articles 2(5b), 6a(3), 9(2), 9(4) and on any matter relating to

audiovisual media services, in particular on the protection of minors and incitement to hatred.";

4. The Commission shall be empowered to adopt, by means of an implementing act, the rules of procedure for ERGA.;

Or. en

Amendment 1015
Ramon Tremosa i Balcells

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/13/EU
Article 30 a – paragraph 2

Text proposed by the Commission

2. It shall be composed of national independent regulatory authorities in the field of audiovisual media services. They shall be represented by the heads or by nominated high level representatives of the national regulatory authority with primary responsibility for overseeing audiovisual media services, or in cases where there is no national regulatory authority, by other representatives as chosen through their procedures. A Commission representative shall participate in the group meetings.

Amendment

2. It shall be composed of national independent regulatory authorities in the field of audiovisual media services, ***including sub-state independent regulatory authorities that are fully competent for audiovisual media services.*** They shall be represented by the heads or by nominated high level representatives of the national regulatory authority with primary responsibility for overseeing audiovisual media services, or in cases where there is no national regulatory authority, by other representatives as chosen through their procedures. A Commission representative shall participate in the group meetings.

Or. es

Justification

La propuesta de nuevo artículo únicamente prevé como miembros de ERGA “a las autoridades reguladoras independientes nacionales”, sin tener en cuenta a otras autoridades reguladoras independientes existentes en el territorio de la Unión Europea con competencias plenas respecto a los servicios de comunicación audiovisual. Por consiguiente, se considera conveniente modificar el apartado 2 del nuevo artículo 30 bis de la Propuesta de directiva

para que se incluyan como miembros de ERGA a las autoridades reguladoras independientes de carácter sub-estatal existentes en la Unión Europea.

Amendment 1016

Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/13/EU

Article 30 a - paragraph 2

Text proposed by the Commission

2. It shall be composed of national independent regulatory authorities in the field of audiovisual media services. They shall be represented by the heads or by nominated high level representatives of the national regulatory authority with primary responsibility for overseeing audiovisual media services, or in cases where there is no national regulatory authority, by other representatives as chosen through their procedures. A Commission representative shall participate in the group meetings.

Amendment

2. It shall be composed of national independent regulatory authorities in the field of audiovisual media services, ***which may include those regional independent regulatory bodies and authorities with full competencies in the field of audiovisual media services.*** They shall be represented by the heads or by nominated high level representatives of the national regulatory authority with primary responsibility for overseeing audiovisual media services, or in cases where there is no national regulatory authority, by other representatives as chosen through their procedures. A Commission representative shall participate in the group meetings.

Or. en

Amendment 1017

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/13/EU

Article 30 a – paragraph 2

Text proposed by the Commission

2. It shall be composed of national ***independent*** regulatory authorities ***in the field of*** audiovisual media services. ***They shall be represented by the heads or by***

Amendment

2. It shall be composed of ***independent*** national regulatory authorities ***or equivalent public bodies with primary responsibility for overseeing*** audiovisual

nominated high level representatives of the national regulatory authority with primary responsibility for overseeing audiovisual media services, or in cases where there is no national regulatory authority, by other representatives as chosen through their procedures. A Commission representative shall participate in the group meetings.

media services, in the sense of Article 29. Each independent national regulatory authority or equivalent public body shall appoint a high-level representative to ERGA, who shall be heard by the European Parliament previously to his/her appointment. These representatives shall endeavour to ensure that ERGA carries out its tasks impartially, transparently, and in the best interests of the Union. The Commission shall appoint a senior-level liaison representative to ERGA.

Or. en

Amendment 1018

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/13/EU

Article 30 a – paragraph 3 – point a

Text proposed by the Commission

(a) to advise and assist the Commission in its work to ensure a consistent implementation in all Member States of the regulatory framework for audiovisual media services;

Amendment

(a) to advise and assist the **Member States and the** Commission in its work to ensure a consistent implementation in all Member States of the regulatory framework for audiovisual media services;

Or. fr

Amendment 1019

Giorgos Grammatikakis

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/13/EU

Article 30 a - paragraph 3 - point a

Text proposed by the Commission

(a) to advise and assist the Commission

Amendment

(a) to advise and assist the Commission

in its work to ensure a consistent implementation in all Member States of the regulatory framework for audiovisual media services;

in its work to ensure a consistent implementation in all Member States of the **Union's** regulatory framework for audiovisual media services;

Or. en

Amendment 1020
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/13/EU
Article 30 a – paragraph 3 – point – -a (new)

Text proposed by the Commission

Amendment

(-a) to provide strategic inputs to the Commission for its audiovisual media policy, including all stages of the policy cycle;

Or. en

Amendment 1021
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/13/EU
Article 30 a – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) to advise and assist the Commission as to any matter related to audiovisual media services within the Commission's competence. ***If justified in order to advise the Commission on certain issues, the group may*** consult market participants, consumers and end-users ***in order to collect*** the necessary information;

(b) to advise and assist the Commission as to any matter related to audiovisual media services within the Commission's competence. ***Where possible, ERGA shall*** consult market participants, consumers and end-users, ***and collect from them*** the necessary information ***in order to form its positions***;

Or. en

Amendment 1022
Giorgos Grammatikakis

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/13/EU
Article 30 a - paragraph 3 - point b

Text proposed by the Commission

(b) to advise and assist the Commission as to any matter related to audiovisual media services within the Commission's competence. If justified in order to advise the Commission on certain issues, the group may consult market participants, consumers and end-users in order to collect the necessary information;

Amendment

(b) to advise and assist the Commission as to any matter related to audiovisual media services within the Commission's competence, ***including any threats to media pluralism and the independence of national regulatory authorities***. If justified in order to advise the Commission on certain issues, the group may consult ***the contact committee***, market participants, consumers and end-users in order to collect the necessary information;

Or. en

Amendment 1023
Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/13/EU
Article 30 a - paragraph 3 - point b

Text proposed by the Commission

(b) to advise and assist the Commission as to ***any matter*** related to audiovisual media services within the Commission's competence. If justified in order to advise the Commission on certain issues, the group may consult market participants, consumers and end-users in order to collect the necessary information;

Amendment

(b) to advise and assist the Commission as to ***matters*** related to audiovisual media services within the Commission's competence, ***and within the competence of the regulatory bodies and authorities that are members of ERGA***. If justified in order to advise the Commission on certain issues, the group may consult market participants, consumers and end-users in order to collect the necessary information;

Amendment 1024

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/13/EU

Article 30 a – paragraph 3 – point b

Text proposed by the Commission

(b) to advise and assist the Commission as to any matter related to audiovisual media services within the Commission's competence. If justified in order to advise the Commission on certain issues, the group may consult market participants, consumers and end-users in order to collect the necessary information;

Amendment

(b) to advise and assist the **Member States and the** Commission as to any matter related to audiovisual media services within the Commission's competence. If justified in order to advise the Commission on certain issues, the group may consult market participants, consumers and end-users in order to collect the necessary information;

Or. fr

Amendment 1025

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/13/EU

Article 30 a – paragraph 3 – point d

Text proposed by the Commission

(d) to cooperate and provide its members with the information necessary for the application of this Directive, in particular as regards Articles 3 and 4 thereof;

Amendment

(d) to cooperate and provide its members with the information necessary for the application of this Directive, in particular as regards Articles 3, and 4 **and** 7 thereof;

Or. en

Amendment 1026
Helga Trüpel, Josep-Maria Terricabras

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/13/EU
Article 30 a - paragraph 3 - point d

Text proposed by the Commission

(d) to cooperate and provide its members with the information necessary for the application of this Directive, in particular as regards Articles 3 *and 4* thereof;

Amendment

(d) to cooperate and provide its members with the information necessary for the application of this Directive, in particular as regards Articles 3, *4 and 7* thereof;

Or. en

Justification

It is necessary to add this responsibility to ERGA for observation or facilitation of accessibility as required by Article 7.

Amendment 1027
Julie Ward

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/13/EU
Article 30 a – paragraph 3 – point d

Text proposed by the Commission

(d) to cooperate and provide its members with the information necessary for the application of this Directive, in particular as regards Articles 3 *and 4* thereof;

Amendment

(d) to cooperate and provide its members with the information necessary for the application of this Directive, in particular as regards Articles 3, *4 and 7* thereof;

Or. en

Amendment 1028
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/13/EU
Article 30 a – paragraph 3 – point e

Text proposed by the Commission

(e) to give opinions, when requested by the Commission, on the issues envisaged in Articles 2(5b), 6a(3), 9(2), 9(4) and on any matter relating to audiovisual media services, in particular on the protection of minors and incitement to hatred.";

Amendment

(e) to give opinions, when requested by the Commission, on the issues envisaged in Articles 2(5b), 6a(3), 9(2), 9(4), **13(4)** and on any matter relating to audiovisual media services, in particular on the protection of minors and incitement to hatred.";

Or. en

Amendment 1029
Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/13/EU
Article 30 a – paragraph 3 – point e

Text proposed by the Commission

(e) to give opinions, when requested by the Commission, on the issues envisaged in Articles 2(5b), 6a(3), 9(2), 9(4) and on any matter relating to audiovisual media services, in particular on the protection of minors and incitement to hatred.";

Amendment

(e) to give opinions, when requested by the **Member States or the** Commission, on the issues envisaged in Articles 2(5b), 6a(3), 9(2), 9(4) and on any matter relating to audiovisual media services, in particular on the protection of minors and incitement to hatred.";

Or. fr

Amendment 1030
Isabella Adinolfi

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/13/EU
Article 30 a – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) where necessary, to provide guidelines to its members for the application of any content of this Directive.

Or. en

Amendment 1031

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/13/EU

Article 30 a – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to adopt, by means of an implementing act, the rules of procedure for ERGA.;

4. The Commission shall be empowered to adopt, by means of an implementing act, the rules of procedure for ERGA, ***according to the principles referred to in Article 30 (2), and in paragraph 2, second subparagraph, and covering the tasks referred to in paragraph 3. ERGA shall adopt a code of conduct for its high-level representatives.;***

Or. en

Amendment 1032

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/13/EU

Article 30 a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. ERGA shall prepare an annual report of its activities, and shall submit it to the European Parliament and to the

Amendment 1033

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/13/EU

Article 30 a – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. The proceedings of ERGA activities, including agendas and minutes of high-level meetings, and its annual report, shall be made available to the public in an easily accessible and transparent manner, with the exception of duly justified requests of its members for confidential handling of sensitive information.

Amendment 1034

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 22 a (new)

Directive 2010/13/EU

Article 31

Present text

Amendment

‘Article 31

In fields which this Directive does not coordinate, it shall not affect the rights and obligations of Member States resulting from existing conventions dealing with telecommunications or broadcasting.

(22a) Article 31 is replaced by the following:

‘Article 31

In fields which this Directive does not coordinate, it shall not affect the rights and obligations of Member States resulting from existing conventions dealing with telecommunications or broadcasting. **In**

order to clarify any controversies regarding the scope of this provision, Member States may request the opinion of ERGA.'

Or. en

(The amendment seeks to amend a provision within the existing act - Article 31 - that was not referred to in the Commission proposal.)

Justification

The amendment seeks to amend a provision within the existing act - Article 29 - that was not referred to in the Commission proposal.

Amendment 1035
Louise Bours

Proposal for a directive
Article 1 – paragraph 1 – point 23
Directive 2010/13/EU
Article 33

Text proposed by the Commission

Amendment

(23) Article 33 is replaced by the following:

deleted

'Article 33

The Commission shall monitor Member States' application of the Directive, including its application of co-regulation and self-regulation through codes adopted at national level.

By [date – no later than four years after adoption] at the latest, 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 Directive.

By [date - no later than 10 years after adoption] at the latest, the Commission shall submit to the European Parliament and the Council an ex post evaluation, accompanied where appropriate by

proposals for its review, in order to measure the impact of the Directive and its added value.'

Or. en

Amendment 1036

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 23

Directive 2010/13/EU

Article 33 – paragraph 1

Text proposed by the Commission

The Commission shall monitor Member States' application of the Directive, including its application of co-regulation and self-regulation through codes *adopted at national level*.

Amendment

The Commission shall monitor Member States' application of the Directive, including its application of co-regulation and self-regulation through *national level* codes *and equivalent instruments, where adopted*.

Or. en

Amendment 1037

Dominique Bilde, Marie-Christine Boutonnet

Proposal for a directive

Article 1 – paragraph 1 – point 23

Directive 2010/13/EU

Article 33 – paragraph 1

Text proposed by the Commission

The *Commission* shall *monitor Member States'* application of the Directive, including its application of co-regulation and self-regulation through codes adopted at national level.

Amendment

The *Member States* shall *inform the Commission of the monitoring of the* application of the Directive, including its application of co-regulation and self-regulation through codes adopted at national level.

Or. fr

Amendment 1038

Isabella Adinolfi

Proposal for a directive

Article 1 – paragraph 1 – point 23

Directive 2010/13/EU

Article 33 – paragraph 2

Text proposed by the Commission

By [date – no later than four years after adoption] at the latest, 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 Directive.

Amendment

By [date – no later than four years after adoption] at the latest, 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 Directive. ***This report shall include specific sections assessing in detail the actual achievements and difficulties encountered in the field of audiovisual media services regarding:***

- (a) limitation of public exposure to commercial communications, with particular regard to minors and other vulnerable categories and overall respect of this Directive,***
- (b) respect of the internal market rules,***
- (c) all dimensions of pluralism, with particular regard to information, politics and society,***
- (d) effective implementation of public service obligations,***
- (e) removal of barriers to accessibility,***
- (f) application of co-regulation and self-regulation through national level codes and equivalent instruments, where adopted, and the extent to which these tools demonstrate actual capability to achieve the goals of the Directive,***
- (g) operational capability demonstrated by INRAs or equivalent public bodies,***
- (h) operational capability demonstrated by ERGA and by the Contact Committee,***

(i) more stringent rules established by individual Member States and their application record,

(l) the actual implementation by Member States of the provisions concerning the right to reply.

Or. en

Amendment 1039

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

Proposal for a directive

Article 1 – paragraph 1 – point 23

Directive 2010/13/EU

Article 33 – paragraph 2

Text proposed by the Commission

By [date – no later than four years after adoption] at the latest, 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 Directive.

Amendment

By [date – no later than four years after adoption] at the latest, 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 Directive ***and, if necessary, make further proposals to adapt it to the developments in the field of audiovisual media services, in particular in the light of technological developments, the evolution of consumer practices, the competitiveness of the sector and the level of media literacy in all Member States. The report shall also assess the issue of advertising practices, in particular when targeting children, the effective promotion of European works, and the effectiveness of the self and co regulation practices in all Member States.***

Or. en

Justification

Given the new scope of this Directive, adaptation may be necessary in the future depending

on the way certain sensitive issue evolved in time.

Amendment 1040

Petra Kammerevert, Sabine Verheyen

Proposal for a directive

Article 1 – paragraph 1 – point 23

Directive 2010/13/EU

Article 33 – paragraph 2

Text proposed by the Commission

By [date – no later than four years after adoption] at the latest, 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 Directive.

Amendment

By [date – no later than four years after adoption] at the latest, 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 Directive ***and, if necessary, make further proposals to adapt it to the developments in the field of audiovisual media services, in particular in the light of recent technological developments, the competitiveness of the sector as well as a report on practices, policies and accompanying measures supported by Member States in the field of media literacy.***

Or. en

Amendment 1041

Zdzisław Krasnodębski

Proposal for a directive

Article 1 – paragraph 1 – point 23

Directive 2010/13/EU

Article 33 – paragraph 2

Text proposed by the Commission

By [date – no later than four years after adoption] at the latest, and every three years thereafter, the Commission shall submit to the European Parliament, to the

Amendment

By [date – no later than four years after adoption] at the latest, 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 Directive.

Council and to the European Economic and Social Committee a report on the application of this Directive, ***in particular in the light of recent technological developments, the competitiveness of the sector, child protection and levels of media literacy in all Member States.***

Or. en

Justification

Reintroduction of the reference to media literacy. See amendments on recitals 42a and 42b.

Amendment 1042
Silvia Costa

Proposal for a directive
Article 1 – paragraph 1 – point 23
Directive 2010/13/EU
Article 33 – paragraph 2

Text proposed by the Commission

By [date – no later than four years after adoption] at the latest, 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 Directive.

Amendment

By [date – no later than four years after adoption] at the latest, 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 Directive ***in all Member States, as well as a report on practices, policies and actions supported by Member States in the field of media literacy.***

Or. en

Justification

In order to make media literacy effective, it is necessary to actively involve all Member States

Amendment 1043
Curzio Maltese, Nikolaos Chountis, Martina Michels

Proposal for a directive
Article 1 – paragraph 1 – point 23
Directive 2010/13/EU
Article 33 – paragraph 1

Text proposed by the Commission

By [date – no later than **four** years after adoption] at the latest, 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 Directive.

Amendment

By [date – no later than **three** years after adoption] at the latest, 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 Directive.

Or. en

Amendment 1044
Louise Bours

Proposal for a directive
Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [date – no later than **1 year** after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [date – no later than **five years** after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. en