European Parliament
2019-2024

Committee on Culture and Education

2022/0277(COD)

31.3.2023

***I
DRAFT REPORT

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

Committee on Culture and Education

Rapporteur: Sabine Verheyen

Symbols for procedures

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▌ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.
By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2022)0457),

– having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0309/2022),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Danish Parliament, the German Bundesrat, the French Senate and the Hungarian Parliament,

– having regard to the opinion of the European Data Protection Supervisor of 11 November 2022[1],

– having regard to the opinion of the European Economic and Social Committee of 14 December 2022[2],

– having regard to the opinion of the Committee of the Regions of 16 March 2023[3],

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the opinions of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on the Internal Market and Consumer Protection,

– having regard to the report of the Committee on Culture and Education (A9-0000/2023),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the

[1] Not yet published in the Official Journal.
[2] Not yet published in the Official Journal.
[3] Not yet published in the Official Journal.

national parliaments.

Amendment 1

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission	*Amendment*
	(1a) Article 167(4) of the Treaty on the Functioning of the European Union (TFEU) requires the Union to take cultural aspects into account in its action under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures.

Or. en

Amendment 2

Proposal for a regulation
Recital 2

Text proposed by the Commission	*Amendment*
(2) Given their unique role, the protection of media freedom and pluralism ***is an essential feature of a well-functioning*** internal market for media services ***(or 'internal media market')***. This market has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should ***help*** the media sector seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.	(2) Given their unique role, ***special attention should be paid to*** the protection of media freedom and pluralism ***in the*** internal market for media services. This market has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should ***support*** the media sector seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.

Or. en

Amendment 3

Proposal for a regulation
Recital 3

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

Or. en

Amendment 4

Proposal for a regulation
Recital 4

Text proposed by the Commission	*Amendment*
(4) ***However, the internal market for media services is insufficiently integrated. A number of national restrictions hamper free movement within the internal market.***	(4) ***Well-working*** national rules***,*** ***measures*** and approaches related to media pluralism and editorial independence ***should take into account the needs of***

In particular, different national rules and approaches related to media pluralism and editorial independence, ***insufficient*** cooperation between national regulatory authorities or bodies ***as well as*** opaque and unfair allocation of public and private economic resources make it difficult for media market players to operate and expand across borders and lead to an uneven level playing field across the Union. The integrity of the internal market for media services may also be challenged by providers that systematically engage in disinformation, including information manipulation and interference, and abuse the internal market freedoms, including by state-controlled media service providers financed by certain third countries.	***national, regional and local levels. Common minimum standards for those rules, measures and approaches should be established, while respecting the competence of the Member States. That would be likely to promote a well-functioning internal media market.*** Cooperation between national regulatory authorities or bodies ***should also be improved.*** Opaque and unfair allocation of public and private economic resources ***can*** make it difficult for media market players to operate and expand across borders and lead to an uneven level playing field across the Union. The integrity of the internal market for media services may also be challenged by providers that systematically engage in disinformation, including information manipulation and interference, and abuse the internal market freedoms, including by state-controlled media service providers financed by certain third countries.

Or. en

Amendment 5

Proposal for a regulation
Recital 5

Text proposed by the Commission	*Amendment*
(5) Moreover, in response to challenges to media pluralism and media freedom online, some Member States have taken regulatory measures and other Member States are likely to do so, with a risk of furthering the divergence in national approaches and restrictions to free movement in the internal market.	(5) Moreover, in response to challenges to media pluralism and media freedom online, some Member States have taken regulatory measures and other Member States are likely to ***continue to*** do so ***within their competence to adopt laws concerning media***, with a risk of furthering the divergence in national approaches and restrictions to free movement in the internal market.

Or. en

Amendment 6

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) ***Recipients of media services in the*** Union (natural persons who ***are nationals of Member States or*** benefit from rights conferred upon them by Union law and legal persons established in the Union***)*** should be able to effectively enjoy the freedom to receive free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards[46] .	(6) Union ***citizens or*** natural persons who benefit from rights conferred upon them by Union law and legal persons established in the Union should be able to effectively enjoy the freedom to receive free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards[46] .
[46] Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).	[46] Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).

Or. en

Amendment 7

Proposal for a regulation
Recital 10

Text proposed by the Commission	*Amendment*
(10) State advertising should be	(10) State advertising should be

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

Amendment 8

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) ***In order to ensure that society reaps the benefits of the internal media market,*** it is essential ***not only*** to guarantee ***the*** fundamental freedoms ***under*** the ***Treaty, but also the legal certainty which the recipients of media services need for the enjoyment*** of the ***corresponding benefits. Such recipients*** should have access to quality media services, which have been produced by journalists and editors in an independent manner and in line with journalistic standards and hence ***provide*** trustworthy information, including news and current affairs content. Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law. Such quality media services are also an antidote against disinformation, including foreign	(11) It is essential to guarantee fundamental freedoms ***as enshrined in*** the ***TFEU, while preserving the cultural diversity*** of the ***Union and ensuring media pluralism. Therefore, Member States should ensure that national media systems follow common values. The Union can adopt measures concerning the media in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). Citizens*** should have access to quality media services, which have been produced by journalists and editors in an independent manner and in line with journalistic standards and ***which, therefore, provide*** trustworthy information, including news and current affairs content. Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law.

information manipulation and interference.

Such quality media services are also an antidote against disinformation, including foreign information manipulation and interference.

Or. en

Amendment 9

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) Public service media established by the Member States play a particular role in ***the internal*** media ***market***, by ensuring that citizens and businesses have access to quality information and impartial media coverage, as part of their mission. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. ***This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services.*** It is thus necessary, building on the international standards developed by the Council of Europe in this regard, ***to*** put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their mission that enables predictability in their planning. Preferably, such funding should be decided and appropriated on a multi-year basis, in line with the public service mission of public service media providers, to avoid	(18) Public service media established by the Member States play a particular role in ***securing*** media ***pluralism***, by ensuring that citizens and businesses have access to ***a diverse content offer, including*** quality information and impartial media coverage, as part of their mission ***as defined at national level in accordance with Protocol No 29 on the system of public broadcasting in the Member States, annexed to the TEU and to the TFEU (the 'Amsterdam Protocol')***. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, ***that Member States*** put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their mission that enables predictability in their planning. Preferably, such funding should be decided and appropriated on a multi-year basis, in line with the public service mission of

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

public service media providers, to avoid potential for undue influence from yearly budget negotiations. The requirements laid down in this Regulation do not affect the ***application of State aid rules as applied on a case-by-case basis or the*** competence of Member States to provide for the funding of public service media ***and to confer, define and organise the public service remit*** as enshrined in ***the Amsterdam*** Protocol.

Or. en

Amendment 10

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt proportionate measures to ***guarantee, once the overall*** editorial ***line has been agreed between their owners and editors, the freedom of the editors to take individual decisions in the course of their professional activity. The objective to shield editors from undue interference in their decisions taken on specific pieces of*** content ***as part of their everyday work contributes to ensuring a level playing field in the internal market for*** media services ***and the quality of such services. That objective is also in conformity with the fundamental*** right ***to receive and impart information under Article 11*** of the ***Charter. In view of these considerations,*** media service providers should also ensure transparency of actual or potential conflicts of interest to their service recipients.	(20) Media integrity also requires a proactive approach to promote ***journalistic standards across the Union and*** editorial independence by news media companies, in particular through internal safeguards ***in order to ensure that information is trustworthy***. Media service providers should adopt proportionate measures to ***allow*** editorial ***staff to work and make decisions freely. However, that should be without prejudice to the existing legal and self-regulatory frameworks of Member States that govern liability rules applicable to the editorial*** content ***of*** media services***, to the*** right ***of owners of media service providers to take managerial decisions, and to the right*** of ***such owners to assume a leading editorial role.*** Media service providers should also ensure transparency of actual or potential conflicts of interest to their service recipients.

Or. en

Amendment 11

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) To mitigate regulatory burdens, micro ***enterprises*** within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council[50] should be exempted from the requirements related to information and internal safeguards with a view to ***guaranteeing*** the independence of individual editorial decisions. Moreover, media service providers should be free to tailor the internal safeguards to their needs***, in particular if they are small and medium-sized enterprises within the meaning of that Article***. The Recommendation that accompanies this Regulation[51] provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. ***The present*** Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.	(21) To mitigate regulatory burdens, micro***-undertakings and small undertakings*** within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council[50] should be exempted from the requirements related to information and internal safeguards with a view to ***fostering*** the independence of individual editorial decisions. Moreover, media service providers should be free to tailor the internal safeguards to their needs. The Recommendation that accompanies this Regulation[51a] provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. ***This*** Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative ***to exercise their editorial freedom and to take managing decisions, including*** to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.
[50] Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).	[50] Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).

[51] OJ C , , p. .

[51] OJ C , , p. .

Or. en

Amendment 12

Proposal for a regulation
Recital 22

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

Or. en

Amendment 13

Proposal for a regulation
Recital 23

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

Or. en

Amendment 14

Proposal for a regulation
Recital 24

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

Or. en

Amendment 15

Proposal for a regulation
Recital 26

Text proposed by the Commission	*Amendment*
(26) To ensure the effective enforcement of Union media ***law***, to prevent ***the*** possible circumvention of the applicable ***media*** rules by rogue media service providers and to avoid ***the raising of*** additional barriers in the internal market ***for media services, it is essential to provide for a clear, legally binding***	(26) ***In order*** to ensure the effective enforcement of Union ***measures concerning the*** media, to prevent possible circumvention of the applicable rules by rogue media service providers and to avoid additional barriers ***to the provision of media services*** in the internal market***, effective and efficient cooperation***

framework for national regulatory authorities or bodies ***to cooperate effectively and efficiently***.

between national regulatory authorities or bodies ***is essential***.

Or. en

Amendment 16

Proposal for a regulation
Recital 28

Text proposed by the Commission	*Amendment*
(28) Ensuring a consistent regulatory practice regarding this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ***ensuring a convergent*** implementation of EU media ***law***, the Commission may issue guidelines on ***matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular*** regulatory issues affecting a significant number of Member States or those with a cross-border element***. This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest***. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help ***achieving a level playing field in the internal market and*** compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. ***Given the possible impact of the*** national measures ***taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field***. It would also be useful to provide guidance on national measures taken under Article 5(2) of	(28) Ensuring a consistent regulatory practice regarding this Regulation and ***an effective application of*** Directive 2010/13/EU is essential. For this purpose, and to contribute to ***the consistent*** implementation of EU ***law concerning*** media ***services***, the Commission may issue guidelines on regulatory issues affecting a significant number of Member States or those with a cross-border element. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. ***Such guidelines should respect the Member States' competence in cultural matters with a view to promoting media pluralism, be principle-based and without prejudice to existing*** national measures. It would also be useful to provide guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the

Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.

respective guidelines.

Or. en

Amendment 17

Proposal for a regulation
Recital 30

Text proposed by the Commission	*Amendment*
(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers established outside the Union that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to public security and defence. In this regard, the coordination between national regulatory authorities or bodies to face together ***possible public security and defence*** threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. In order to ensure that media services suspended in certain Member States under Article 3(3) and 3(5)	(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers established outside the Union that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to public security***, including the safeguarding of national security*** and defence***, public health, where their programmes contain an incitement to hatred on the grounds of race, sex, religion or nationality, or where their programmes violate the human dignity of individual persons***. In this regard, the coordination between national regulatory authorities or bodies to face together threats stemming from such media services needs to be strengthened and given a legal

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

Or. en

Amendment 18

Proposal for a regulation
Recital 31

Text proposed by the Commission	*Amendment*
(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, also in	(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, also in

view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act], they should ***duly consider*** freedom and pluralism of media***, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act]*** and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council[54] . To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should endeavour to submit the statement of reasons prior to the restriction taking effect without prejudice to their obligations under Regulation (EU) 2022/XXX [the Digital Services Act]. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law***, in particular pursuant to Regulation (EU) 2022/XXX [the Digital Services Act]***.

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

view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act], they should ***respect*** freedom and pluralism of media and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council[54] . To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should endeavour to submit the statement of reasons ***and to provide the media service provider with an opportunity to reply to the statement of reasons, within 48 hours,*** prior to the restriction taking effect without prejudice to their obligations under Regulation (EU) 2022/XXX [the Digital Services Act]***. Very large online platforms should refrain from suspending or restricting access to the legal content of media service providers***. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law.

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

Or. en

Amendment 19

Proposal for a regulation
Recital 32

Text proposed by the Commission	*Amendment*
(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that where media service providers adhere to certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms are treated with priority and without undue delay.	(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that where media service providers adhere to certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms are treated with priority and without undue delay ***and that very large online platforms do not block or delete, or otherwise restrict the distribution of, their content or services***.

Or. en

Amendment 20

Proposal for a regulation
Recital 33

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

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

Or. en

Amendment 21

Proposal for a regulation
Recital 35

Text proposed by the Commission	*Amendment*
(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that restrictions on their content are frequently imposed by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.	(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that restrictions on their content are frequently imposed by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information. ***Where the provider of a very large online platform and a media service provider fail to find an amicable solution, it should be possible to refer the matter to the Board. The Board should be able to issue an opinion on such matters and recommend measures to be taken.***

Or. en

Amendment 22

Proposal for a regulation
Recital 36

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

Or. en

Amendment 23

Proposal for a regulation
Recital 37

Text proposed by the Commission	*Amendment*
(37) Recipients of audiovisual media services should be able to effectively choose the audiovisual content they want to watch according to their preferences. Their freedom in this area may however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between	(37) Recipients of audiovisual media services should be able to effectively choose the audiovisual content they want to watch according to their preferences. Their freedom in this area may however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between

manufacturers of devices or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected televisions, and media service providers. Prioritisation can be implemented, for example, on the home screen of a device, through hardware or software shortcuts, applications and search areas, which have implications on the recipients' viewing behaviour, who may be unduly incentivised to choose certain audiovisual media offers over others. Service recipients should have the possibility to change, in a simple and user-friendly manner, the default settings of a device or user interface controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest implementing Article 7a of Directive ***2010/13/EC***, taken in the pursuit of legitimate public policy considerations.

manufacturers of devices or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected televisions, and media service providers. Prioritisation can be implemented, for example, on the home screen of a device, through hardware or software shortcuts, applications and search areas, which have implications on the recipients' viewing behaviour, who may be unduly incentivised to choose certain audiovisual media offers over others. Service recipients should have the possibility to change, in a simple and user-friendly manner, the default settings of a device or user interface controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest***, in particular measures*** implementing Article 7a of Directive ***2010/13/EU***, taken in the pursuit of legitimate public policy considerations.

Or. en

Amendment 24

Proposal for a regulation
Recital 38

Text proposed by the Commission	*Amendment*
(38) Different legislative, regulatory or administrative measures can negatively affect the operation of media service providers in the internal market. They include, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors; they also include decisions related to licensing, authorisation or prior notification for media service providers. In order to mitigate their potential negative impact on the functioning of the internal market for	(38) Different legislative, regulatory or administrative measures can negatively affect ***and restrict*** the operation of media service providers in the internal market. They include, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors***. The disproportionate or distorted implementation at national level of the minimum requirements provided for in Directive 2010/13/EU can create new barriers to the internal market.*** They also

media services and enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.

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

Or. en

Amendment 25

Proposal for a regulation
Recital 39

Text proposed by the Commission	*Amendment*
(39) It is also key that the Board is empowered to issue an opinion***, on the Commission's request***, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, or when the concerned media service provider has a significant influence on the formation of public opinion in that Member State.	(39) It is also key that the Board is empowered to issue an opinion, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, or when the concerned media service provider has a significant influence on the formation of public opinion in that Member State ***or if such a measure prevents a media service established in one Member State from providing services or starting operations in another Member State. A media service provider individually and directly affected by such a measure and the Commission should be able to request that the Board draw up opinions on such measures.***

Or. en

Amendment 26

Proposal for a regulation
Recital 40

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

Or. en

Amendment 27

Proposal for a regulation
Recital 41

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

Or. en

Amendment 28

Proposal for a regulation
Recital 42

Text proposed by the Commission	*Amendment*
(42) When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004[55] , the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their assessment of the impact of media market concentrations on media pluralism ***and editorial independence*** should therefore be aimed at protecting legitimate interests within the meaning of Article 21(4), third subparagraph, of Regulation (EC) No	(42) When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004[55] , the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their assessment of the impact of media market concentrations on media pluralism should therefore be aimed at protecting ***freedom and pluralism of the media as a*** legitimate interests within the meaning of Article 21(4), third subparagraph, of Regulation (EC) No

139/2004, and should be in line with the general principles and other provisions of Union law.

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

139/2004, and should be in line with the general principles and other provisions of Union law.

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

Or. en

Amendment 29

Proposal for a regulation
Recital 43

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

its own opinions following the opinions drawn up by the Board.

Board.

Or. en

Amendment 30

Proposal for a regulation
Recital 44

Text proposed by the Commission	*Amendment*
(44) ***With a view to ensuring*** pluralistic media markets, ***the national authorities or bodies and the Board*** should ***take account of a set of*** criteria. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. ***Concurrently, it should be considered*** whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. ***Assessment of safeguards for editorial independence should include*** the examination of potential risks of undue interference by the prospective owner, management or governance structure in the individual editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should ***also*** be taken into account. In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media	(44) ***In order to ensure*** pluralistic media markets, ***Member States*** should ***establish a number of relevant*** criteria. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. ***That also includes the necessity to consider*** whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. ***As a result, it might be necessary to permit mergers only subject to supplementary diversity-protection requirements. Additionally,*** the examination of potential risks of undue interference by the prospective owner, management or governance structure in the individual editorial decisions of the acquired or merged entity ***should be taken into account***. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should ***therefore*** be taken into account. In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable,

services in the market**.**	adequately resourced and technologically adapted quality media services in the market

Or. en

Amendment 31

Proposal for a regulation
Recital 45

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

Or. en

Amendment 32

Proposal for a regulation
Recital 49

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

Or. en

Amendment 33

Proposal for a regulation
Recital 50

Text proposed by the Commission	*Amendment*
(50) Risks to the functioning and resilience of the internal media market should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of concentration of the market at	(50) Risks to the functioning and resilience of the internal media market should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of concentration of the market at

national and regional level and risks of foreign information manipulation and interference. It should be conducted independently, on the basis of a robust list of key performance indicators, developed and regularly updated by the Commission, in consultation with the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to alert about vulnerabilities around media pluralism ***and editorial independence***, and to help efforts to improve governance, data quality and risk management. In particular, the level of cross-border activity and investment, regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including in a digital environment, as well as transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market ***and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions, including those proposed in the accompanying Recommendation***. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved.

national and regional level and risks of foreign information manipulation and interference. It should be conducted independently, on the basis of a robust list of key performance indicators, developed and regularly updated by the Commission, in consultation with the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to alert about vulnerabilities around media pluralism, and to help efforts to improve governance, data quality and risk management. In particular, the level of cross-border activity and investment, regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including in a digital environment, as well as transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved. ***Such monitoring should also take existing monitoring exercises into account, such as the ones referred to in the Media and Audiovisual Action Plan, established in the communication of the Commission of 3 December 2020 entitled 'Europe's Media in the Digital Decade: An Action Plan to Support Recovery and Transformation'.***

Or. en

Amendment 34

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This Regulation lays down common rules for the proper functioning of the internal market for media services, including the establishment of the European Board for Media Services***, while preserving the quality of media services***.	1. This Regulation lays down common rules for the proper functioning of the internal market for media services, including the establishment of the European Board for Media Services.

Or. en

Amendment 35

Proposal for a regulation
Article 1 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. This Regulation also lays down, to the extent necessary for the common rules for the proper functioning of the internal market for media services, common basic principles to serve as minimum standards for the safe and unhindered operation of media services and the activities of journalists, while ensuring the independence and plurality of the media.

Or. en

Amendment 36

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

Text proposed by the Commission	*Amendment*
	(ba) Directive 2010/13/EU, with the exception of the amendments made by Article 27 of this Regulation;

Or. en

Amendment 37

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission	*Amendment*
3. This Regulation shall not affect the possibility for Member States to adopt more detailed rules in the fields covered by Chapter II ***and*** Section 5 of Chapter III, provided that those rules comply with Union law.	3. This Regulation shall not affect the possibility for Member States to adopt more detailed ***or strict*** rules in the fields covered by Chapter II**,** Section 5 of Chapter III ***and Article 24***, provided that those rules comply with Union law.

Or. en

Amendment 38

Proposal for a regulation
Article 2 – paragraph 1 – point 3

Text proposed by the Commission	*Amendment*
(3) 'public service media provider' means a media service provider which is entrusted with a public service mission under national law ***or*** receives national public funding for the fulfilment of such a mission;	(3) 'public service media provider' means a media service provider which is entrusted with a public service mission under national law ***and*** receives national public funding for the fulfilment of such a mission;

Or. en

Amendment 39

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

Text proposed by the Commission	*Amendment*
	(3a) 'very large online platform' means an online platform or online search engine which has a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, and which is designated as a very large online platform or a very

large online search engine pursuant to Article 33(4) of Regulation (EU) 2022/2065 of the European Parliament and of the Council[1a].

[1a] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).

Or. en

Amendment 40

Proposal for a regulation
Article 2 – paragraph 1 – point 9

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

Or. en

Amendment 41

Proposal for a regulation
Article 2 – paragraph 1 – point 13

Text proposed by the Commission	*Amendment*
(13) 'media market concentration' means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one media service provider;	(13) 'media market concentration' means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one media service provider ***at least one provider of very large***

	online platform or at least one provider of very large online search engine, and which has a significant impact on the structure and pluralism of the media market;

Or. en

Amendment 42

Proposal for a regulation
Article 2 – paragraph 1 – point 14

Text proposed by the Commission	*Amendment*
(14) 'audience measurement' means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services for the purposes of decisions regarding advertising allocation or prices or the related planning, production or distribution of content;	(14) 'audience measurement' means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services ***or of users of online platforms that provide media services*** for the purposes of decisions regarding advertising allocation or prices or the related ***buying,*** planning, production***, selling*** or distribution of content;

Or. en

Amendment 43

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

Text proposed by the Commission	*Amendment*
(15) 'State advertising' means the placement, publication or dissemination, in any media service, of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of any ***national or regional*** public authority, such as national, federal or regional governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the	(15) 'State advertising' means the placement, publication or dissemination, in any media service ***or online platform that provides media services***, of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of any public authority, such as ***Union institutions, bodies, offices or agencies,*** national, federal or regional governments, regulatory authorities or bodies as well as

national or regional level, or any local government of a territorial entity of more than 1 million inhabitants;	state-owned enterprises or other state-controlled entities***, where the State is involved in the day-to-day business of such enterprises or entities or has an influence on their advertising strategies or spending on and placement of such messages,*** at the national or regional level, or any local government of a territorial entity of more than 1 million inhabitants;

Or. en

Amendment 44

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
Recipients of media services in the Union shall have the right to receive a plurality of news and current affairs content***,*** produced ***with respect for editorial freedom of*** media ***service*** providers, ***to the benefit of the*** public discourse.	***Member States shall ensure, in accordance with Article 11 of the Charter of Fundamental Rights of the European Union (the 'Charter') and with the other fundamental rights set out therein, that Union citizens or natural persons who benefit from rights conferred upon them by Union law and legal persons established in the Union benefit from*** a plurality of news and current affairs content produced ***by*** media ***service*** providers ***with editorial independence***, ***for the purposes of free and democratic*** public discourse.

Or. en

Amendment 45

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Media service providers ***shall have the right to*** exercise their economic activities in the internal market without	1. ***Member States shall take appropriate measures to ensure that*** media service providers ***can*** exercise their

restrictions other than those ***allowed under*** Union law.	economic activities in the internal market without restrictions other than those ***that are in compliance with*** Union law.

Or. en

Amendment 46

Proposal for a regulation
Article 4 – paragraph 3

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

Or. en

Amendment 47

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Public service media providers ***shall*** provide in an impartial manner a plurality of information and opinions to their audiences, in accordance with their public service mission.	1. ***Where Member States decide, within their sole competence as laid down in Protocol No 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union (TEU) and to the Treaty on the Functioning of the European Union (TFEU) (the 'Amsterdam Protocol'), to***

provide for the funding of public service media and to confer, define and organise the public service remit, they shall ensure that public service media providers provide ***independently and*** in an impartial manner a plurality of information and opinions to their audiences, in accordance with their public service mission.

Or. en

Amendment 48

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission	*Amendment*
The head of management and the members of the governing board of public service media providers ***shall be*** appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria laid down in advance by national law.	***Member States shall ensure that*** the head of management and the members of the governing board of public service media providers ***are*** appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria laid down in advance by national law.

Or. en

Amendment 49

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall ensure that public service media providers have ***adequate*** and stable financial resources for the fulfilment of their public service mission. Those resources shall be such that editorial independence is safeguarded.	3. Member States shall ensure that public service media providers have ***predictable*** and stable financial resources for the fulfilment of their public service mission ***and to meet the objectives thereof***. Those resources ***and the mechanism by which they are allocated*** shall be such that editorial independence is safeguarded.

Or. en

Amendment 50

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Member States shall ***designate one or more independent authorities or bodies in order*** to monitor ***compliance with*** paragraphs 1 to 3.	4. Member States shall ***put in place mechanisms*** to monitor ***the application of*** paragraphs 1 to 3.

Or. en

Amendment 51

Proposal for a regulation
Article 6 – paragraph 1 – introductory sentence

Text proposed by the Commission	*Amendment*
1. ***M***edia service providers providing news and current affairs content shall make easily and directly accessible to the recipients of their services the following information:	1. ***Without prejudice to Article 5 of Directive 2010/13/EU, m***edia service providers providing news and current affairs content shall make easily and directly accessible to the recipients of their services the following information:

Or. en

Amendment 52

Proposal for a regulation
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. Without prejudice to national constitutional laws consistent with the Charter, media service providers providing news and current affairs content shall take measures that they deem appropriate with a view to guaranteeing the independence of	2. Without prejudice to national constitutional laws consistent with the Charter, media service providers providing news and current affairs content shall take measures that they deem appropriate with a view to guaranteeing the independence of

individual editorial decisions. In particular, such measures shall aim to:	editorial decisions. In particular, such measures shall aim to:

Or. en

Amendment 53

Proposal for a regulation
Article 6 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) guarantee that editors are free to take individual editorial decisions in the exercise of their professional activity; and	(a) guarantee that editors are free to take individual editorial decisions in the exercise of their professional activity***, without prejudice to the right of the owner of the media service provider to assume a leading editorial role and to decide on the structure and composition of editorial teams***; and

Or. en

Amendment 54

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The obligations under this Article shall not apply to media service providers that are micro ***enterprises*** within the meaning of Article 3 of Directive 2013/34/EU.	3. The obligations under this Article shall not apply to media service providers that are micro***-undertakings or small undertakings*** within the meaning of Article 3 of Directive 2013/34/EU.

Or. en

Amendment 55

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
The Board shall act in full independence when performing its tasks or exercising its powers. In particular, the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from any government, institution***,*** person ***or body***. This shall not affect the competences of ***the Commission or*** the national regulatory authorities or bodies in conformity with this Regulation.	The Board shall act in full independence when performing its tasks or exercising its powers. In particular, the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from any government, ***Union institution, national*** institution ***or body or*** person. This shall not affect the competences of the national regulatory authorities or bodies in conformity with this Regulation.

Or. en

Amendment 56

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board shall be represented by its Chair. The Board shall elect a Chair from amongst its members by a two-thirds majority of its members with voting rights. The term of office of the Chair shall be two years.	4. The Board shall be represented by its Chair. The Board shall elect a Chair ***and two Vice-Chairs*** from amongst its members by a two-thirds majority of its members with voting rights. The term of office of the Chair shall be two years.

Or. en

Amendment 57

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The Commission shall designate a representative to the Board. The representative of the Commission ***shall*** participate in ***all*** activities and meetings of the Board, without voting rights. The Chair of the Board shall keep the Commission	5. The Commission shall designate a representative to the Board. The representative of the Commission ***may*** participate in activities and meetings of the Board, without voting rights. The Chair of the Board shall keep the Commission

informed about the ongoing and planned activities of the Board***. The Board shall consult the Commission in preparation of*** its work programme and main deliverables.	informed about the ongoing and planned activities of the Board ***and, in particular, on*** its work programme and main deliverables.

Or. en

Amendment 58

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The Board***, in agreement with the Commission,*** may invite experts and observers to attend its meetings.	6. The Board may invite experts and observers to attend its meetings ***or to participate, on an ad hoc basis, in its work***.

Or. en

Amendment 59

Proposal for a regulation
Article 10 – paragraph 8

Text proposed by the Commission	*Amendment*
8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights***, in agreement with*** the Commission.	8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights***. Prior to the adoption of its rules of procedure, the Board shall give*** the Commission ***an opportunity to provide comments***.

Or. en

Amendment 60

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall have a secretariat, which shall be provided ***by*** the Commission.	1. The Board shall have a secretariat, which shall be provided ***with sufficient budgetary and human resources. The secretariat shall be independent from*** the Commission ***and the Member States***.

Or. en

Amendment 61

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The secretariat shall provide administrative and organisational support to the activities of the Board. ***The secretariat shall also assist the Board in carrying out its tasks.***	3. The secretariat shall provide administrative and organisational support to the activities of the Board.

Or. en

Amendment 62

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

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

	Board shall also inform Member States about findings of general interest;

Or. en

Amendment 63

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

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

Or. en

Amendment 64

Proposal for a regulation
Article 12 – paragraph 1 – point e – introductory part

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

Or. en

Amendment 65

Proposal for a regulation
Article 12 – paragraph 1 – point f – introductory part

Text proposed by the Commission	*Amendment*
(f) ***upon request of the Commission,*** draw up opinions with respect to:	(f) draw up opinions with respect to:

Or. en

Amendment 66

Proposal for a regulation
Article 12 – paragraph 1 – point f – point ii

Text proposed by the Commission	*Amendment*
(ii) media market concentrations which are likely to affect the functioning of the internal market for media services, in accordance with Article 22(1) of this Regulation;	(ii) media market concentrations which are likely to affect the functioning of the internal market for media services ***or have a significant impact on media pluralism***, in accordance with Article 22(1) of this Regulation;

Or. en

Amendment 67

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

Text proposed by the Commission	*Amendment*
(l) organise a structured dialogue between providers of very large online platforms, representatives of media service providers and of civil society***, and report on its results to the Commission***, in accordance with Article 18 of this Regulation;	(l) organise a structured dialogue between providers of very large online platforms, representatives of media service providers and of civil society, in accordance with Article 18 of this Regulation;

Or. en

Amendment 68

Proposal for a regulation
Article 13 – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
The requested authority shall provide reasons for any refusal to address a request.	The requested authority shall provide reasons for any refusal to address a request. ***Where the requested authority refuses to***

address a request under point (a) of the first subparagraph, it shall, where possible, indicate the authority that is competent for the subject matter of the request or for the measures it was requested to take.

Or. en

Amendment 69

Proposal for a regulation
Article 13 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The requested authority shall inform the requesting authority of the results achieved or of the progress of the measures taken in response to the request.	5. The requested authority shall inform the requesting authority ***without undue delay*** of the results achieved or of the progress of the measures taken in response to the request.

Or. en

Amendment 70

Proposal for a regulation
Article 13 – paragraph 7

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

authority shall do its outmost to take into account the opinion of the Board.	account the opinion of the Board.

Or. en

Amendment 71

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission	*Amendment*
4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a request referred to in paragraph 1. If the Board considers that the requested authority has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its opinion***, in agreement with the Commission,*** without undue delay.	4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a request referred to in paragraph 1. If the Board considers that the requested authority has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its opinion without undue delay.

Or. en

Amendment 72

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The requested national authority or body shall, without undue delay and within 30 calendar days at the latest from the receipt of the opinion referred to in paragraph 4, inform the Board, the Commission and the requesting authority or body of the actions taken or planned in relation to the opinion.	5. The requested national authority or body shall, without undue delay and within 30 calendar days at the latest from the receipt of the opinion referred to in paragraph 4, inform the Board, ***where necessary*** the Commission***,*** and the requesting authority or body of the actions taken or planned in relation to the opinion.

Or. en

Amendment 73

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall foster the exchange of best practices among the national regulatory authorities or bodies, consulting stakeholders, where appropriate***, and in close cooperation with the Commission***, on regulatory, technical or practical aspects pertinent to the consistent and effective application of this Regulation and of the national rules implementing Directive 2010/13/EU.	1. The Board shall foster the exchange of best practices among the national regulatory authorities or bodies, consulting stakeholders, where appropriate, on regulatory, technical or practical aspects pertinent to the consistent and effective application of this Regulation and of the national rules implementing Directive 2010/13/EU.

Or. en

Amendment 74

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The Commission may issue an opinion on any matter related to the application of this Regulation and of the national rules implementing Directive 2010/13/EU. The Board shall assist the Commission in this regard***, where requested***.	3. The Commission may issue an opinion on any matter related to the application of this Regulation and of the national rules implementing Directive 2010/13/EU. The Board shall assist the Commission in this regard.

Or. en

Amendment 75

Proposal for a regulation
Article 15 – paragraph 4

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

Or. en

Amendment 76

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall coordinate measures by national regulatory authorities or bodies related to the dissemination of or access to media services provided by media service providers established outside the Union that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to public security and defence.	1. The Board shall ***facilitate and*** coordinate measures by national regulatory authorities or bodies related to the dissemination of or access to media services provided by media service providers established outside the Union that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to public security and defence ***or public health, where their programmes contain an incitement to hatred on the grounds of race, sex, religion or nationality, or where their programmes violate the human dignity of individual persons***.

Or. en

Amendment 77

Proposal for a regulation
Article 16 – paragraph 2

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

Or. en

Amendment 78

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

Text proposed by the Commission	*Amendment*
	2a. Where a media service provider established outside the Union falls under the territorial jurisdiction of a Member State pursuant to Article 2(4) of Directive 2010/13/EU, in addition to a possible intervention by the Board under paragraph 2 of this Article, a regulatory authority or body of another Member State may request the authorities or bodies of the competent Member State to take appropriate action against the media service provider where it assesses that the media service provider has manifestly, seriously and gravely infringed Article 6(1), point (b), of Directive 2010/13/EU or has prejudiced or presented a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence. The Board shall develop a set of basic principle-based common criteria concerning the media service and the media service provider. Where the authorities or bodies of the competent Member State take action against that media service provider, they shall do their utmost to take into account that set of

common criteria.

Or. en

Amendment 79

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

Text proposed by the Commission	*Amendment*
	2b. For urgent opinions under paragraphs 1 and 2a, an ad-hoc group may be formed within the Board. That ad-hoc group shall be established by a consensual decision of the Chair and the Vice-Chairs and shall comprise at least three different Member States.

Or. en

Amendment 80

Proposal for a regulation
Article 17 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Where media service providers consider that very large online platforms have unjustly declined their declaration under paragraph 1, they may ask the respective national authority to provide a clarification. Where the very large online platform does not accept the clarification of the relevant national authority, the media service provider may consult the Board.

Or. en

Amendment 81

Proposal for a regulation
Article 17 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. Very large online platforms which allow for the dissemination of media services shall respect the right to freedom of expression and freedom of the media and shall ensure the fair and non-discriminatory distribution on their services of media services provided by media service providers.

Or. en

Amendment 82

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where a provider of very large online platform decides to suspend the provision of its online intermediation services in relation to content provided by a media service provider that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content is incompatible with its terms and conditions, without that content contributing to a systemic risk referred to in Article 26 of the Regulation (EU) ***2022/XXX [Digital Services Act]***, it shall take all possible measures, to the extent consistent with ***their*** obligations under Union law, including Regulation (EU) ***2022/XXX [Digital Services Act]***, to communicate to the media service provider concerned the statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150, prior to the suspension taking effect.	2. Where a provider of very large online platform decides to ***restrict or*** suspend the provision of its online intermediation services in relation to content ***or services*** provided by a media service provider that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content ***or service*** is incompatible with its terms and conditions, without that content contributing to a systemic risk referred to in Article 26 of the Regulation (EU) ***2022/2065***, it shall take all possible measures, to the extent consistent with ***its*** obligations under Union law, including Regulation (EU) ***2022/2065***, to communicate to the media service provider concerned the statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150, ***and to provide the media service provider concerned with an opportunity to reply to the statement of reasons within 48 hours***

	prior to the ***restriction or*** suspension taking effect. ***A provider of a very large online platform shall not restrict or suspend the provision of its online intermediation services in relation to content or services provided by a media service provider where that that media service provider has reasonably demonstrated that the content or services in question are in accordance with the national law of the Member State concerned. The media service provider may notify the outcome of such exchanges to the Board.***

Or. en

Amendment 83

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Providers of very large online platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 by media service providers that submitted a declaration pursuant to paragraph 1 of this Article are processed and decided upon with priority and without undue delay.	3. Providers of very large online platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 by media service providers that submitted a declaration pursuant to paragraph 1 of this Article are processed and decided upon with priority and ***no later than 24 hours after submission of the complaint. Where the very large online platform fails to adhere to that time limit, it shall make visible or reinstate the content or service*** without undue delay.

Or. en

Amendment 84

Proposal for a regulation
Article 17 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. Where the provider of a very large online platform and a media service provider fail to find an amicable solution, the media service provider may lodge a complaint with the Board. The Board may issue an opinion on that complaint.

Or. en

Amendment 85

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall regularly organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation, to foster access to diverse offers of independent media on very large online platforms ***and*** to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference.	1. The Board shall regularly organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation, to foster access to diverse offers of independent media on very large online platforms**,** to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference, ***and to assess the possible negative effects that such initiatives might have on the freedom and pluralism of the media***.

Or. en

Amendment 86

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Board shall report on the results of the dialogue to the Commission.	2. The Board shall report on the results of the dialogue to the Commission ***and to the Member States***.

Or. en

Amendment 87

Proposal for a regulation
Article 19 – paragraph 1

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

Or. en

Amendment 88

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Any legislative, regulatory or administrative measure taken by a Member State that is liable to affect the operation of media service providers in the internal market shall be duly justified and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory.	1. Any legislative, regulatory or administrative measure taken by a Member State that is liable to affect the ***provision of media services or the*** operation of media service providers in the internal market shall be duly ***and objectively*** justified and proportionate ***and shall minimise disruptions on the operation of media service providers***. Such measures shall be reasoned, transparent, objective and non-

discriminatory.

Or. en

Amendment 89

Proposal for a regulation
Article 20 – paragraph 4

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

Or. en

Amendment 90

Proposal for a regulation
Article 20 – paragraph 5

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

concerned.	concerned. ***A media service provider affected individually and directly by a measure may contact the Board to request an opinion on that measure.***

Or. en

Amendment 91

Proposal for a regulation
Article 21 – title

Text proposed by the Commission	*Amendment*
Assessment of media market concentrations	Assessment of media market concentrations ***significantly impacting media pluralism***

Or. en

Amendment 92

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Member States ***shall provide,*** in their national legal systems***, substantive and procedural rules*** which ensure ***an assessment of*** media market ***concentrations that could have a significant impact on*** media pluralism ***and editorial independence.*** These rules shall:	***Where*** Member States ***lay down rules*** in their national legal systems which ensure ***that concentrations in the*** media market ***are assessed with a view to safeguarding, maintaining and promoting*** media pluralism***,*** these rules shall:

Or. en

Amendment 93

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) require the parties to a media market concentration that could have a significant impact on media pluralism ***and editorial independence*** to notify that concentration in advance to the relevant national authorities or bodies;	(b) require the parties to a media market concentration that could have a significant impact on media pluralism to notify that concentration in advance to the relevant national authorities or bodies;

Or. en

Amendment 94

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) designate the national regulatory authority or body as responsible for the assessment of the impact of a notifiable concentration on media pluralism ***and editorial independence*** or ensure the involvement of the national regulatory authority or body in such assessment;	(c) designate the national regulatory authority or body as responsible for the assessment of the impact of a notifiable concentration on media pluralism or ensure the involvement of the national regulatory authority or body in such assessment;

Or. en

Amendment 95

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) set out in advance objective, non-discriminatory and proportionate criteria for ***notifying media market concentrations that could have a significant impact on media pluralism and editorial independence and for*** assessing the impact of ***media*** market concentrations on media pluralism ***and editorial independence.***	(d) set out in advance objective, non-discriminatory and proportionate criteria for assessing the impact of market concentrations on media pluralism***;***

Or. en

Amendment 96

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1 – point d a (new)

Text proposed by the Commission	*Amendment*
	(da) set out, in advance, criteria, or benchmarks for the identification and setting of criteria by the competent national regulatory authority or body, against which the admissibility of a concentration is to be assessed; for that assessment, consideration shall be given as to whether the acquiring entity and the acquired entity would remain economically viable without the concentration and whether alternatives exist to ensure their economic viability.

Or. en

Amendment 97

Proposal for a regulation
Article 21 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. In the assessment referred to in paragraph 1, the following elements shall be taken into account:	2. In the assessment referred to in paragraph 1, the following elements shall***, in particular,*** be taken into account:

Or. en

Amendment 98

Proposal for a regulation
Article 21 – paragraph 2 – point -a (new)

Text proposed by the Commission	*Amendment*
	(-a) the media market in its entirety, including the online environment and

very large online platforms;

Or. en

Amendment 99

Proposal for a regulation
Article 21 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity of media players on the market, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;	(a) the impact of the concentration on media pluralism ***at Union, national and regional level***, including its effects on the formation of public opinion and on the diversity of media players ***and content*** on the market***, including economic and editorial independence***, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;

Or. en

Amendment 100

Proposal for a regulation
Article 21 – paragraph 2 – point b

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

Or. en

Amendment 101

Proposal for a regulation
Article 21 – paragraph 2 – point c

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

Or. en

Amendment 102

Proposal for a regulation
Article 21 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***The Commission, assisted by*** the Board, may issue ***guidelines*** on the factors to be taken into account when applying the criteria for assessing the impact of media market concentrations on media pluralism ***and editorial independence by the national regulatory authorities or bodies***.	3. The Board, may issue ***opinions*** on the factors to be taken into account when applying the criteria for assessing the impact of media market concentrations ***relevant for the internal market*** on media pluralism.

Or. en

Amendment 103

Proposal for a regulation
Article 21 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The national regulatory authority or body shall ***consult*** the Board in advance on any opinion or decision it aims to adopt assessing the impact on media pluralism ***and editorial independence*** of a notifiable ***media*** market concentration where such	4. The national regulatory authority or body shall ***inform*** the Board in advance on any opinion or decision it aims to adopt assessing the impact on media pluralism of a notifiable market concentration where such concentrations may affect the

concentrations may affect the functioning of the internal market.	functioning of the internal market. ***The national regulatory authority or body may ask the Board for an opinion on the impact of a merger.***

Or. en

Amendment 104

Proposal for a regulation
Article 21 – paragraph 5

Text proposed by the Commission	*Amendment*
5. ***Within 14 calendar days from the receipt of the consultation referred to in paragraph 4,*** the Board shall draw up an opinion ***on the draft national opinion or decision referred to it***, taking account of the elements referred to in paragraph 2 and transmit that opinion to the consulting authority and the Commission.	5. ***Where*** the Board ***is consulted, it*** shall draw up an opinion ***without undue delay***, taking account of the elements referred to in paragraph 2 and transmit that opinion to the consulting authority and the Commission.

Or. en

Amendment 105

Proposal for a regulation
Article 22 – title

Text proposed by the Commission	*Amendment*
Opinions on media market concentrations	Opinions on media market concentrations ***significantly impacting media pluralism***

Or. en

Amendment 106

Proposal for a regulation
Article 22 – paragraph 1

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

Or. en

Amendment 107

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Without prejudice to the protection of undertakings' business secrets, providers of proprietary audience measurement systems shall provide, without undue delay and free of costs, to media service providers and advertisers, as well as to third parties authorised by media service providers and advertisers, accurate, detailed, comprehensive, intelligible and up-to-date information on the methodology used by their audience measurement systems. This provision shall not affect the Union's data protection and privacy rules.	2. Without prejudice to the protection of undertakings' business secrets, providers of proprietary audience measurement systems shall provide, without undue delay and free of costs, to media service providers and advertisers, as well as to third parties authorised by media service providers and advertisers, accurate, detailed, comprehensive, intelligible and up-to-date information on the methodology used by their audience measurement systems. ***They shall provide free of charge to each media service provider the audience measurements relating to its content and services. An independent body shall regularly audit the methodology and the application thereof.*** This provision shall not affect the Union's data protection and privacy rules.

Or. en

Amendment 108

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission	*Amendment*
3. National regulatory authorities or bodies shall encourage the drawing up of codes of conduct by providers of audience measurement systems, together with media service providers, their representative organisations and any other interested parties, that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits.	3. National regulatory authorities or bodies shall encourage the drawing up of ***codes of conduct or compliance with existing*** codes of conduct by providers of audience measurement systems, together with media service providers***, very large online platforms***, their representative organisations and any other interested parties, that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits.

Or. en

Amendment 109

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Public funds or any other consideration or advantage granted by public authorities to media service providers for the purposes of advertising shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. This Article shall not affect public procurement rules.	1. Public funds or any other consideration or advantage granted by public authorities to media service providers ***and providers of very large online platforms*** for the purposes of advertising shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. This Article shall not affect public procurement rules.

Or. en

Amendment 110

Proposal for a regulation
Article 24 – paragraph 2 – introductory part

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

Or. en

Amendment 111

Proposal for a regulation
Article 24 – paragraph 3

Text proposed by the Commission	*Amendment*
3. National regulatory authorities or bodies shall monitor the allocation of state advertising in media markets. In order to assess the accuracy of the information on state advertising made available pursuant to paragraph 2, national regulatory authorities or bodies may request from the entities referred to in paragraph 2 further information, including information on the application of criteria referred to in paragraph 1.	3. National regulatory authorities or bodies shall monitor the allocation of state advertising in media markets ***and to providers of online platforms***. In order to assess the accuracy of the information on state advertising made available pursuant to paragraph 2, national regulatory authorities or bodies may request from the entities referred to in paragraph 2 further information, including information on the application of criteria referred to in paragraph 1.

Or. en

Amendment 112

Proposal for a regulation
Article 24 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The allocation of state resources to media service providers for the purpose of purchasing goods or services from them other than state advertising shall be subject to the requirements set out in paragraph 1. This Article shall not affect the application of the State aid rules.	4. The allocation of state resources to media service providers ***and providers of online platforms*** for the purpose of purchasing goods or services from them other than state advertising shall be subject to the requirements set out in paragraph 1. This Article shall not affect the application of the State aid rules.

Or. en

Amendment 113

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Commission shall ensure an independent monitoring of the internal market for media services***, including*** risks to and progress in its functioning and resilience. The findings of the monitoring exercise shall be subject to consultation with the Board.	1. The Commission shall ensure an independent monitoring of the internal market for media services ***concerning*** risks to and progress in its functioning and resilience. The findings of the monitoring exercise shall be subject to consultation with the Board.

Or. en

Amendment 114

Proposal for a regulation
Article 25 – paragraph 3 – introductory part

Text proposed by the Commission	*Amendment*
3. The monitoring exercise shall ***include***:	3. The monitoring exercise shall:

Or. en

Amendment 115

Proposal for a regulation
Article 25 – paragraph 3 – point a

Text proposed by the Commission	*Amendment*
(a) ***a detailed analysis of the resilience of*** media ***markets of all Member States, including as regards the level of media concentration and risks of foreign information manipulation and interference***;	(a) ***take into account the results of existing*** media ***monitoring exercises***;

Or. en

Amendment 116

Proposal for a regulation
Article 25 – paragraph 3 – point b

Text proposed by the Commission	*Amendment*
(b) an overview and forward-looking assessment of the resilience of the internal market for media services as a whole;	(b) ***include*** an overview and forward-looking assessment of the resilience of the internal market for media services as a whole;

Or. en

Amendment 117

Proposal for a regulation
Article 25 – paragraph 3 – point c

Text proposed by the Commission	*Amendment*
(c) an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions.	***deleted***

Or. en

EXPLANATORY STATEMENT

A. Background

On 16 September 2022, the Commission published its eagerly awaited proposal establishing a common framework for media services in the internal market (the 'European Media Freedom Act') with the overall objective of laying down common rules for the proper functioning of the internal market for media services. The proposal also provides for the establishment of a European Board for Media Services (the 'Board'), which will replace the European Regulators Group for Audiovisual Media Services (ERGA), which was established by the Audiovisual Media Services Directive. The proposal has a broad media policy perspective, covering the entire information ecosystem, affecting both media companies and journalists as providers of information services as well as citizens and businesses as recipients of information. The proposal also covers all types of media and the content of media service providers on very large online platforms.

B. Consideration of the proposal at the European Parliament

The proposal is of major political importance, particularly for the European Parliament's Committee on Culture and Education (CULT), which has the responsibility for audiovisual, information and media policies.

The Commission presented the proposal for the first time on 23 January 2023. Very soon thereafter, on 6 February 2023, a public hearing was organised by CULT in association with the European Parliament's Committee on the Internal Market and Consumer Protection (IMCO) and Committee on Civil Liberties, Justice and Home Affairs Committee (LIBE).

In order to avoid any possible delays and to allow interinstitutional negotiations to take place before the end of ninth term of Parliament in 2024, the rapporteur has decided to deal with the proposal as speedily as possible. Therefore, following intense consultations with stakeholders in February 2023 and the exchange of views in CULT on 28 March 2023, the rapporteur submitted this draft report on 31 March 2023.

The deadline for amendments set by CULT is 5 May 2023. IMCO and LIBE, as the two opinion-giving committees, will adopt their positions by the end of June 2023, allowing the report to be adopted in September 2023. Interinstitutional negotiations could then take place by the end of 2023 or in early 2024.

C. Position and key amendments proposed by the rapporteur

The rapporteur considers that media freedom and pluralism are core values, enshrined in the Charter of Fundamental Rights of the European Union. They are not limited to media ownership but also relate to access to a wide range of information. Dominant operators should not unduly influence citizens and there should be transparent mechanisms to ensure that media are truly independent. The rapporteur firmly believes that a free, diverse and dynamic media sector is key to democracy and to nurturing the Union's cultural diversity.

In economic terms, the rapporteur acknowledges the fact that the European media sector covers a variety of businesses that produce and distribute content. The sector is largely composed of SMEs but there are also some big media companies. It contributes to job creation and growth with a turnover exceeding 3 % of GDP [EC data, 2020].

It is important to highlight that media policy has an interdisciplinary and complex nature and media law has been traditionally regulated at national level. However, it is also clear that over the years, the Union has played an increasingly important role in media policy. This calls for consistency between existing legal acts and the new proposal.

Furthermore, the rapporteur considers that it is essential to recall that Parliament has always been very vocal when it comes to the need to protect media pluralism, denouncing several threats to editorial independence and journalists' freedom and continuously calling for a holistic strategy for the media sector.

Overall, the Rapporteur welcomes the proposal but recommends a series of amendments in order to clarify certain provisions. Therefore, this draft report contains a number of suggestions that the Rapporteur would like to see taken into account in the final legal text. Some of these make significant policy changes to the proposal and are briefly listed below:

(1) maintaining the right balance between national and Union competences on media pluralism and independence, while ensuring the respect for cultural diversity, national rights and duties and single market objectives;

(2) ensuring coherence and clear interlinks and complementarities between the proposal, the Audiovisual Media Services Directive and other Union efforts to promote and support media freedom and pluralism;

(3) safeguarding the independent functioning of public service media providers, while respecting and guaranteeing consistency with the Amsterdam Protocol;

(4) guaranteeing the full independence of the European Board for Media Services, which replaces the ERGA;

(5) detailing the scope of certain measures and existing structures in place and clarifying cooperation mechanisms between all the authorities involved in order to mitigate future enforcement challenges;

(6) clarifying the relationship between media service providers and very large online platforms, on the one hand, and the protection of media content and editorial independence, on the other;

(7) recommending future-oriented measures related to media pluralism and to the viability, resilience and digital transformation of the media sector.

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
ACT
Anga Der Breitbandverband e.V.
Arbeitsgemeinschaft Privater Rundfunk (APR)
ARD
Association of European Radio
Audience Measurement Coalition (AMC)
Axel Springer SE
Bertelsmann SE & Co. KGaA
Bundesverband Digitalpublisher und Zeitungsverleger e.V.
Eurocinema
European Broadcasting Union (EBU)
European Federation of Journalists
European Magazine Media Association (EMMA)
European Newspaper Publisher's Association (ENPA)
European VOD Coalition
German Media Association
Institute for Information Law (University of Amsterdam)
Medienverband der freien Presse e.V.
Netflix
News Media Europe
Regulatory Affairs
Reporters sans frontières
Schibsted (written Schibstead on the MFA's programme)
University of Amsterdam
VAUNET - Verband Privater Medien e. V.
VIVENDI
ZVEI e.V.
Zweites Deutsches Fernsehen (ZDF)