



2022/0277(COD)

29.6.2023

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Culture and Education

on the proposal for a regulation of the European Parliament and of the Council on 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))

Rapporteur for opinion: Geoffroy Didier

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SHORT JUSTIFICATION

The EMFA aims to recognize the crucial importance of the media in the European Union, considering that their plurality and independence are necessary for the proper functioning of democracy. In recent years, the European Union has seen a decline in the independence and pluralism of the audiovisual and press media in a certain number of its Member States. The objective of this proposal is therefore to guarantee the independence and pluralism of the media and to ensure their proper functioning in the internal market, particularly in the light of the digital transition and emergence of new actors.

It is important to keep in mind the fact that online platforms, social networks and search engines have a massive impact on the way the information is processed and shared. Studies have shown that the vast majority of consumers now receive their information from the internet, and more particularly from social networks. This development has a profound effect on the way media consumption and the media market is structured and the way citizens receive and perceive information. It is a matter of fact that some of these actors are important sources of disinformation and fake news, remaining partly unregulated. Moreover, these new actors must be considered as direct competitors to the traditional media (written press and audio-visual media). It is therefore of utmost importance to establish rules which allow finding a certain equality of conduct. It is essential to better include those players in the scope of the Regulation, in the sense that clearer obligations regarding the management and moderation of content provided by media services on very large online platforms and search engines are necessary. Clarifying the obligations regarding audience measurement, which must be based on common standards, must also encompass online platforms, so that actors such as VLOPs, very large search engines, video-sharing platforms or social networks also adhere to the highest standards of audience measurement.

The EMFA is currently not in line with the institutional, legal and economic framework of the media, which differs widely across the EU. Considering that, the Rapporteur proposes several modifications to better fit with EU law and especially the current ecosystem in place in many EU countries. It is important to remind that the press and audiovisual sectors are distinct, do not operate in the same way, operate in different markets and are regulated by different systems. It is necessary to separate them in order to take account of their specificities and to adapt the requirements of the text in the light of the press regulation in the Member States, which already guarantees a high level of protection of media pluralism.

More specifically, on the press, the EMFA gives the editor exclusive control over all editorial decisions, thus depriving the publisher of any capacity to direct his publication, even though he is legally and financially responsible for the content on it. There is a risk that journalists will themselves become primarily criminally liable for their writings, which could only restrict their capacity for initiative and encourage self-censorship. Editorial freedom is primarily the responsibility of the publisher and editorial authority and responsibility cannot be dissociated. In addition, freedom, independence and pluralism of the media should be reinforced by creating the obligation for newsrooms to adopt an ethical charter. This charter would be negotiated

between the publisher and the journalists and established with reference to the main ethical principles specific to the journalistic profession.

Finally, the EMFA proposes changes to the Audiovisual Media Services Directive, replacing the ERGA with a new structure (the "Board"). Incidentally, these provisions risk undermining the cultural exception protections, offering a better choice to consumers, laid down in the AVMSD. Therefore, the Rapporteur proposes to clarify the scope to ensure the consistency with relevant legislation. The provisions of the EMFA should offer maximum guarantees for the independence and decision-making of the Board and mainly focus on the audiovisual sector and digital services. Also, it is crucial that the EMFA emphasises stronger and more binding provisions for Member States to ensure an effective and adequate level of resources for the National Regulatory Authorities to carry out all their new tasks.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Culture and Education, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 3

Text proposed by the Commission

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

Amendment

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

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

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

Amendment

(4) However, the internal market for media services is insufficiently integrated. A number of ***unjustified*** national restrictions hamper free movement within the internal market. Different national rules and approaches related ***for example*** 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.

Amendment 3

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Recipients of media services in the Union (natural persons who are nationals of Member States or benefit from rights conferred upon them by Union law and legal persons established in the Union) should be able to effectively enjoy the freedom to receive free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11

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 their own language, and related to their own cultural preferences***, 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

of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards⁴⁶.

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

Amendment 4

Proposal for a regulation Recital 8

Text proposed by the Commission

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

compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards⁴⁶.

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

Amendment

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

Amendment 5

Proposal for a regulation Recital 9

Text proposed by the Commission

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

Amendment

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

Amendment 6

Proposal for a regulation Recital 10

Text proposed by the Commission

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

Amendment

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

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.

the everyday business and has influence or control over advertising strategies.

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 *unforeseen, major* incidents that can cause harm to individuals *or significant portions of the population*.

Amendment 7

Proposal for a regulation

Recital 11

Text proposed by the Commission

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

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Amendment 8

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) This Regulation does not affect the freedom of expression guaranteed to individuals under the Charter. The European Court of Human Rights has observed that in such a sensitive sector as audiovisual media, in addition to its negative duty of non-interference, the public powers have a positive obligation to put in place an appropriate legislative and administrative framework to guarantee effective pluralism⁴⁷.

⁴⁷ Centro Europa 7 S.R.L. and Di Stefano v. Italy [GC], no 38433/09, § 134, ECHR 2012.

Amendment

(12) This Regulation does not affect the freedom of expression **and information** guaranteed to individuals under the Charter. The European Court of Human Rights has observed that in such a sensitive sector as audiovisual media, in addition to its negative duty of non-interference, the public powers have a positive obligation to put in place an appropriate legislative and administrative framework to guarantee effective pluralism⁴⁷.

⁴⁷ Centro Europa 7 S.R.L. and Di Stefano v. Italy [GC], no 38433/09, § 134, ECHR 2012.

Amendment 9

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Media services of general interest play a unique role in the internal market by providing access to a plurality of views and reliable sources of information, freedom of speech, social cohesion and cultural diversity to consumers. However, some Member States have adopted various national rules related to the prominence of media services of general interest, while others have no rules at all. Divergent approaches at national level, have created fragmentation in the internal market, causing legal uncertainty, market fragmentation, an unfair level-playing field and increasing compliance costs for media companies. In addition, the internal media market has become increasingly digital as media services are provided and accessed through the internet, which is by nature cross-border. In the last decade, European media

companies have faced fierce competition from global online platforms. While such platforms have become gateways to media content, their business models tend to surface, promote and amplify content that provides the best economic outcome, and is thus often to the detriment of media content of general interest providing reliable information to consumers.

Amendment 10

Proposal for a regulation Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) In order to be effective, audiovisual and audio media services of general interest should be prominently placed at the first selection level on devices or user interfaces and should be accessible through a single action by the user, including clicking or scrolling. General interest audiovisual and audio media services should be made prominent in their entirety. Items of content of general interest services could be prioritised on user interfaces where only individual content items are selectable.

Amendment 11

Proposal for a regulation Recital 14

Text proposed by the Commission

Amendment

(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. Editorial independence is especially important for media service providers providing news and current affairs content given its societal role as a public good.

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Media service providers should be able to exercise their economic activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.

Without affecting the rules of Directive 2010/13/EU and their implementation by the Member States, media service providers should be able to exercise their economic activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.

Amendment 12

Proposal for a regulation

Recital 16

Text proposed by the Commission

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

Amendment

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

Amendment 13

Proposal for a regulation

Recital 18

Text proposed by the Commission

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

Amendment

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

European Union.

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.

Amendment 14

Proposal for a regulation Recital 20

Text proposed by the Commission

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

Amendment

(20) **It is important to ensure that national and regulatory systems in Europe should operate in a manner that ensures effective editorial independence and integrity.** Media integrity **can be supported by promoting** editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt proportionate measures to guarantee **that editorial staff can operate freely. These measures can help to improve competitive condition.** 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 **improve** the quality of services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency of actual or potential conflicts of interest to their service recipients. **This is without prejudice to national provisions that govern liability rules applicable to the editorial content of media services. Editorial independence safeguards should not prevent or otherwise restrict managerial decisions where the principal purpose of such decisions is to shield the media service provider or the editors from liability risks.**

Amendment 15

Proposal for a regulation Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) The freedom, independence and pluralism of the media should be reinforced by encouraging media service providers to develop and adopt codes of conducts and ensure compliance with ethical principles, These codes are to be developed in cooperation with organizations or associations of journalists, shareholders, directors and editorial managers of publications and newsrooms and established with reference to the main ethical principles specific to the journalistic profession; in addition to the general principles of independence, freedom and reliability of information.

Amendment 16

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 Council⁵⁰ should be exempted from the requirements related to information and internal safeguards with a view to guaranteeing the independence of individual editorial decisions. Moreover, media service providers should be free to tailor the internal safeguards to their needs, in particular if they are small and medium-sized enterprises within the meaning of that Article. The Recommendation that accompanies this Regulation⁵¹ provides a catalogue of

deleted

voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.

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

⁵¹ *OJ C* , , p. .

Amendment 17

Proposal for a regulation Recital 22

Text proposed by the Commission

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

Amendment

(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. ***Therefore, given the importance and the extensive nature of the tasks conferred by this Regulation to***

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.

these authorities, directly or indirectly it is of utmost importance to ensure that the financial, human and technical resources of the national regulatory authorities or bodies are adequately and sufficiently allocated in order to comply with the obligations laid down in this regulation. National Regulatory Authorities or bodies should have full authority over the recruitment and management of the staff, who should be hired under clear and transparent rules. National Regulatory Authorities or bodies should also have full autonomy and decision-making control in terms of management of internal structure, organization, and procedures for the effective performance of their duties and the effective exercise of their powers. Without prejudice to national budgetary rules and procedures, National Regulatory Authorities or bodies should have allocated a separated annual budget. Member states should ensure that National Regulatory Authorities or bodies are granted full autonomy in the spending of the allocated budget for the purpose of carrying out their duties. Any control on the budget of the National Regulatory Authorities should be exercised in a transparent manner. Annual accounts of regulatory Authorities should have an ex post control by an independent auditor, and should be made public. Considering that press publications are traditionally not subject to regulatory oversight, for the purpose of Chapter III, Section 2 of this Regulation, "media service" shall be understood as any media service with the exception of media services providing press publications, unless otherwise specified.

Amendment 18

Proposal for a regulation Recital 22 a (new)

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

Amendment 19

Proposal for a regulation Recital 23

(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**

(23) The Board should bring together **high-level** representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite **on a case-by-case basis, external experts** to attend its

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.

meetings. **The Board should have the possibility to designate** experts and observers **to attend its meetings**, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or **to invite** ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes.

Amendment 20

Proposal for a regulation

Recital 24

Text proposed by the Commission

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

Amendment

(24) 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 the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions **on its own initiative** or upon **the Commission's** request in the cases envisaged by this Regulation. In order to effectively **and independently** fulfil its tasks, the Board should be able to rely on the expertise and human resources of a **body of the Union, an independent Bureau dedicated to the Board**. **The Bureau of the European Board for Media Services** should provide administrative and organisational support to the Board, and

help the Board in carrying out its tasks.

Amendment 21

Proposal for a regulation

Recital 25

Text proposed by the Commission

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

⁵² Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media

Amendment

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

⁵² Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media

Services Directive) in view of changing market realities (OJ L 303, 28.11.2018, p. 69-92).

Services Directive) in view of changing market realities (OJ L 303, 28.11.2018, p. 69-92).

Amendment 22

Proposal for a regulation Recital 26

Text proposed by the Commission

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

Amendment

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

Amendment 23

Proposal for a regulation Recital 27

Text proposed by the Commission

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

Amendment

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

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

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

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

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

Amendment 24

Proposal for a regulation

Recital 28

Text proposed by the Commission

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

Amendment

(28) Ensuring a consistent regulatory practice regarding this Regulation and Directive 2010/13/EU *and an effective application of these two instruments* 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 *and proper application and*

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

enforcement of Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services. 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 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. ***Such guidelines should respect the Member States' competence in cultural matters with a view to promoting media pluralism, be principle-based and be without effect to existing national prominence 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 respective guidelines.

Amendment 25

Proposal for a regulation Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) Transparency of media ownership is a fundament to monitor and understand the functioning of the European media market. Media ownership databases can

serve as a one-stop shop for citizens and other stakeholders to provide them with information mapping the ownership structures in the market.

Amendment 26

Proposal for a regulation

Recital 29

Text proposed by the Commission

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

Amendment

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

Amendment 27

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from

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) 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.

activities of media service providers established **or originating from** outside of the Union, **irrespective of the means and distribution or access** that target **or reaches** 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, **public health, or where their programs include incitement to violence or hatred or public provocation to commit a terrorist offence.** In this regard, the **cooperation** between national regulatory authorities or bodies to face together possible 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 Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance, **pursuant to the opinion of the Board**, should also be available to guarantee the ‘effet utile’ of the relevant national measures, in compliance with Union law. **Following a request of the authority or body from another Member State, the competent national authority or body could be invited by the Board to undertake certain measures where the threats stemming from such media services are prejudicing or presenting a serious and grave risk of prejudice for several Member States.** 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.

Amendment 28

Proposal for a regulation Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) The implication of the Board should be limited to what is strictly necessary and therefore should be triggered following a request of a minimum number of Board members to be defined in the Board's Rules of procedure. Once adopted, the opinions of the Board should be taken into utmost account by the national regulatory authorities or bodies concerned.

Amendment 29

Proposal for a regulation Recital 30 b (new)

Text proposed by the Commission

Amendment

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

contain incitement to violence or hatred or public provocation to commit a terrorist offence.

Amendment 30

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, *while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act]*, they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act] and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council⁵⁴. To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should *endeavour to* submit the statement of reasons prior to the restriction taking effect without prejudice to their

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, *providers of very large online platforms also have to take due account of users' freedom of information, freedom and media pluralism in accordance with Regulation (EU) 2022/2065 and shall contribute in an appropriate manner to the plurality of the media.* 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, they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/2065 and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council⁵⁴. To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms

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).

should submit the *detailed* statement of reasons prior to the restriction taking effect without prejudice to their obligations under Regulation (EU) **2022/2065**. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) **2022/2065**.

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).

Amendment 31

Proposal for a regulation Recital 32

Text proposed by the Commission

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

Amendment 32

Proposal for a regulation Recital 33

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 *within a 24-hour period*.

Text proposed by the Commission

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

Amendment

(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, ***(including the supervision by an audiovisual media regulatory authority or body, or a press council), and which supervision they are subject to,*** while at the same time ***to have such a*** self-declaration ***verified*** where they consider that these conditions are not met. ***When a media service provider declares itself subject to regulatory requirements or adhering to co- or self-regulatory mechanisms, it should be able to provide contact details of the relevant national regulatory authority or body or of the representatives of the co- or self-regulatory mechanism. In case of reasonable doubts, which could be based on information coming from relevant civil society organisations, this would enable the very large online platform to confirm with these authorities or bodies that the media service provider is subject to such requirements or mechanisms. Where relevant,*** providers of very large online platforms ***should*** rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative, ***the recognition of the status of press publication used by media service providers in certain Member States*** or other relevant codes of conduct. ***In order for the self-declaration system to work effectively and be as fair and transparent as possible, media service provide should have the possibility to appeal against the refusal by very large online platforms to accept their declaration. The Commission should develop guidelines setting out the concrete modalities and basic requirements for these external complaint mechanisms.*** Guidelines by the

Commission **are key** to facilitate an effective implementation of such functionality, **ensuring consultations with the national regulatory authorities or bodies or co- or self-regulatory bodies**, including on modalities of involvement of relevant civil organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.

Amendment 33

Proposal for a regulation Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) To avoid an eventual abuse of the declaration system by media service providers which do not effectively comply with the requirements stipulated in Article 17(1) of this Regulation, in case of repeated violation of the law or breach of terms and conditions, the provider of a very large online platform should invalidate a declaration of a media service provider and should inform the supervising or regulatory entity about the invalidation of such declaration. If a media service provider is operating in more than one Member State and is violating the law or breaching terms and conditions in one Member State, the provider of a very large online platform may inform the Board, which will have to notify the regulatory authorities and bodies in the other states where the media service provider operates about the situation created by the respective media service provider.

Amendment 34

Proposal for a regulation
Recital 35

Text proposed by the Commission

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

Amendment

(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that their content **is** frequently **objected to** 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. ***In accordance with Regulation 2022/2065, and without prejudice to the right of effective judicial redress, media service providers should have access to the certified out-of-court dispute settlement mechanism in case a provider of very large online platform decides to suspend or otherwise restrict content.***

Amendment 35

Proposal for a regulation
Recital 36

Text proposed by the Commission

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

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.

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, *as well as to assess possible negative effects of these initiatives or of content moderation policies by very large online platforms on the freedom and pluralism of the media. Providers of very large online platforms may be invited to participate in the meetings organised by the Board and to engage in the dialogue in good faith.* The Commission *should* examine the reports on the results of such structured dialogues when assessing systemic *risks* and emerging issues across the Union under Regulation (EU) 2022/2065 and may ask the Board to support it to this effect.

Amendment 36

Proposal for a regulation Recital 36 a (new)

Text proposed by the Commission

Amendment

(36a) In order to ensure that the Board involvement and contribution in the relationship between the providers of very large online platforms with media service providers in the online environment is as effective and useful as possible, it is of utmost importance that the Board, upon request, is entitled to receive all the necessary information from the providers of very large online platforms, including the exchange of information between the providers of very large online platforms and the medias services providers.

Amendment 37

Proposal for a regulation Recital 36 b (new)

(36b) In collaboration with national regulatory agencies or bodies, the Board should issue an annual report on media freedom in each Member State. The report must include a transparency index and other criteria deemed necessary to assess the state of media freedom, such as the independence of media outlets, the level of media pluralism, journalists' access to information, journalists' safety, the level of media ownership concentration, the effectiveness of media self-regulation, public trust in the media, the existence of public funding for media, and the level of media literacy among the general public. The report should also include suggestions for each Member State based on the study cases chosen in consultation with national regulatory authorities or bodies to improve cooperation among national regulatory authorities or bodies and promote media freedom and plurality in the Union. The Commission should consider the report and suggestions when reviewing systematic and emergent concerns across the Union under Regulation (EU) 2022/2065, and may request Board cooperation in this regard.

Amendment 38

Proposal for a regulation

Recital 37

Text proposed by the Commission

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

Amendment

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

manufacturers of devices or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected televisions, and media service providers. Prioritisation can be implemented, for example, on the home screen of a *device*, through hardware or software shortcuts, applications and search areas, 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 *user interface* through hardware *shortcuts such as dedicated buttons on remote controls* 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. *User interface elements or hardware elements that are unrelated to controlling or accessing audiovisual media services as such should not be subject to the requirement for changing settings. For instance, user interface elements primarily serving the operation of the device such as menu guides or buttons dedicated to regulating volume or brightness should not be subject to this obligation.*

Amendment 39

Proposal for a regulation Recital 37 a (new)

Text proposed by the Commission

Amendment

(37a) Recipients of media services increasingly face difficulties in identifying who bears the editorial responsibility for the content or services they consume, in

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

Amendment 40

Proposal for a regulation Recital 37 b (new)

Text proposed by the Commission

Amendment

(37b) Audiovisual media services are subject to various obligations to meet important public policy goals such as supporting cultural diversity and a pluralistic media environment. It is therefore important that devices be designed in a way that ensures fair access to audiovisual media services, from the perspective of both viewers and media service providers. Logical channel numbers on numeric pads should allow viewers to directly access the audiovisual media service and help ensuring a fair and direct access to audiovisual media services.

Amendment 41

Proposal for a regulation
Recital 38

Text proposed by the Commission

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

Amendment

(38) Different legislative, regulatory or administrative measures can negatively affect **either media pluralism or the editorial independence** of media service providers in the internal market, **or are likely to affect fundamental freedoms as defined in the Charter of fundamental rights of the European Union.** In order to mitigate their potential negative impact and enhance legal certainty, it is important that such measures comply with the principles of objective justification, **adequacy**, transparency, non-discrimination and proportionality. **Concerning national measures implementing Directive 2010/13/EU or otherwise governed by State aid rules, while some may affect media pluralism or the editorial independence of media services, or may affect fundamental rights as defined in the European Union's Fundamental Charter, others may aim to protect a section of the population (national measures aiming at protecting minors or minorities, for example) or cultural diversity.**

Amendment 42

Proposal for a regulation
Recital 39

Text proposed by the Commission

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

Amendment

(39) It is also key that the Board is empowered to issue an opinion, where national measures are likely to affect **either media pluralism or the editorial independence of media service providers in the internal market or are likely to affect fundamental freedoms as defined in the Charter of fundamental rights of the European Union.** This is, for example, the

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

case when a national administrative measure is addressed to a media service provider *for its services provided outside the national borders*, or when the concerned media service provider has a significant influence on the formation of public opinion in that Member State, *or if it is preventing a media service provider established in one Member State to provide services or start operations in another Member State*.

Amendment 43

Proposal for a regulation

Recital 40

Text proposed by the Commission

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

Amendment

(40) Media play a decisive role in shaping public opinion and helping citizens participate in democratic processes. This is why Member States should provide for rules and procedures in their legal systems to ensure assessment of market concentrations that could have a significant impact on media pluralism *and* 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. 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 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.
Such rules should also take into account the media market in its entirety, including the online environment and very large online platforms as well as sectoral specificities, including the economic sustainability of the sector as a whole.

Amendment 44

Proposal for a regulation

Recital 41

Text proposed by the Commission

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

Amendment

(41) National regulatory authorities or bodies, who have specific expertise in the area of media pluralism, should be involved in the assessment of the impact of 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 market concentrations on media pluralism and editorial independence are set out in advance.

Amendment 45

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) When a **media** market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004⁵⁵, the application of this Regulation or of any rules and procedures adopted by Member

Amendment

(42) When a market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004⁵⁵, the application of this Regulation or of any rules and procedures adopted by Member States on the basis of

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 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).

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 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 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).

Amendment 46

Proposal for a regulation Recital 43

Text proposed by the Commission

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

Amendment

(43) ***Media play a decisive role in shaping public opinion and helping citizens participate in democratic processes.*** 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 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 market. Moreover, where the concentration has not been

or where the national regulatory authorities or bodies have not consulted the Board regarding a given *media* market concentration, but that *media* market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, *upon request of the Commission*. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.

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 market concentration, but that market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.

Amendment 47

Proposal for a regulation Recital 44

Text proposed by the Commission

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

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, *focusing on activities directly related to the provision of media services, such as the provision of information*, taking into account of the online environment *and the important role of public service media providers*. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the 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 editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the editorial decisions

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

within the media undertakings involved should also be taken into account. In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market. ***Consideration should also be given to competition with online platforms and publicly funded public service broadcasters, as well as whether the concentration would stimulate investments for a vital media market.***

Amendment 48

Proposal for a regulation Recital 45

Text proposed by the Commission

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

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. Accordingly, media market players, in particular media service providers, ***right holders*** and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience ***or consumption and performance*** measurement solutions. However, certain new players, ***such as online platforms*** that have emerged in the media ecosystem provide their own measurement services without making available information on their methodologies. This could result in ***incomparable measurement systems and information asymmetries*** among media market players and in potential market

market players and in potential market distortions, to the detriment of equality of opportunities for media service providers in the market.

distortions, to the detriment of equality of opportunities for media service providers in the market. ***To secure impartiality in measurement, the methodology used in audience measurement should be audited by independent bodies.***

Amendment 49

Proposal for a regulation Recital 45 a (new)

Text proposed by the Commission

Amendment

(45a) Online platforms' capacity to offer content without exercising editorial responsibility over it and market the ability to target users with advertising allows them to act as direct competitors to media service providers whose content they intermediate and distribute. Given the transfer of economic value in favour of online platforms, the audience measurement definition should take into account content consumed by users of media services and users of online platforms. This will ensure that all intermediaries involved in content distribution are transparent about their audience measurement methodologies so as to enable advertisers to make informed choices that drive competition.

Amendment 50

Proposal for a regulation Recital 46

Text proposed by the Commission

Amendment

(46) In order to enhance the verifiability and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by

(46) In order to enhance the verifiability, ***comparability*** and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by

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

the industry benchmarks agreed within the relevant self-regulatory bodies. Under these obligations, such actors, when requested and to the extent possible, should provide advertisers and media service providers or parties acting on their behalf, with information describing the methodologies employed for the measurement of the audience. ***The methodology and its application shall be audited at least once a year by an independent body. The information must be as granular as the information provided by the rest of the media market, including non-aggregated data.*** Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error as well as the measurement period ***and the coverage of measurement.*** The obligations imposed under this Regulation are without prejudice to any obligations that apply to providers of audience measurement services under Regulation 2019/1150 or Regulation (EU) 2022/1925, including those concerning ranking or self-preferencing.

Amendment 51

Proposal for a regulation

Recital 47

Text proposed by the Commission

(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, ***can*** contribute to the effective application of this Regulation and should, therefore, be encouraged. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry to agree on the

Amendment

(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, ***together with media service providers, their representative organisations, online platform providers, civil society and any other interested parties*** contribute to the effective application of this Regulation and should, therefore, be encouraged. Self-regulation has already been used to foster high quality

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

standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, **comparability**, impartiality, inclusiveness, proportionality, non-discrimination and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

Amendment 52

Proposal for a regulation Recital 48

Text proposed by the Commission

(48) State advertising is an important source of revenue for many media service providers, contributing to their economic sustainability. Access to it must be granted in a non-discriminatory way to any media service provider **from any Member State which can adequately reach some or all of the relevant members of the public**, in order to ensure equal opportunities in the internal market. Moreover, State advertising may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of state advertising is therefore a powerful tool to exert influence or ‘capture’ media service providers. The distribution and transparency of state advertising are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, however, may not cover all

Amendment

(48) State advertising is an important source of revenue for many media service providers **and providers of online platforms**, contributing to their economic sustainability. Access to it must be granted in a non-discriminatory way to any media service provider in order to ensure equal opportunities in the internal market. Moreover, State advertising may make media service providers **and providers of online platforms** vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of state advertising is therefore a powerful tool to exert influence or ‘capture’ media service providers **and providers of online platforms**. The distribution and transparency of state advertising are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, however, may not cover all

state advertising expenditure nor offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council⁵⁶ does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on state advertising, where they exist, diverge significantly from one Member State to another.

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

state advertising expenditure nor offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council⁵⁶ does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on state advertising, where they exist, diverge significantly from one Member State to another.

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

Amendment 53

Proposal for a regulation

Recital 49

Text proposed by the Commission

(49) In order to ensure undistorted competition between media service providers and to avoid the risk of covert subsidies and of undue political influence on the media, it is necessary to establish common requirements of transparency, objectivity, proportionality and non-discrimination in the allocation of state advertising and of state resources to media service providers for the purpose of purchasing goods or services from them other than state advertising, including the requirement to publish information on the beneficiaries of state advertising expenditure and the amounts spent. It is important that Member States make the necessary information related to state advertising publicly accessible in an electronic format that is easy to view, access and download, in compliance with

Amendment

(49) In order to ensure undistorted competition between media service providers **and providers of online platforms**, and to avoid the risk of covert subsidies and of undue political influence on the media, 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,

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.

access and download, in compliance with Union and national rules on commercial confidentiality. ***Media service providers receiving public funds or any other economic advantage for the purposes of advertising from third-countries shall annually submit a report to the national regulatory authority or body. The relevant authority shall make these reports publicly available.*** This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.

Amendment 54

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

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.

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 ***ensuring*** the quality of media services ***as well as cultural and linguistic diversity and a high level of consumer protection.***

Amendment 55

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

Text proposed by the Commission

Amendment

(aa) Directive 2001/29/EC;

Amendment 56

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

Text proposed by the Commission

Amendment

(ab) *Directive 2019/789/EU;*

Amendment 57

Proposal for a regulation

Article 1 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) Regulation (EU) **2022/XXX** [*the Digital Services Act*];

(d) Regulation (EU) **2022/2065**;

Amendment 58

Proposal for a regulation

Article 1 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) Regulation (EU) **2022/XXX** [*the Digital Markets Act*];

(e) Regulation (EU) **2022/1925**;

Amendment 59

Proposal for a regulation

Article 1 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Amendment 60

Proposal for a regulation

Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. This Regulation is without prejudice to Union competition rules, including antitrust, merger and State aid rules.

Amendment 61

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

Text proposed by the Commission

Amendment

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

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

Amendment 62

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 ***remit*** under national law or receives national public funding for the fulfilment of such a ***remit***;

Amendment 63

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

Text proposed by the Commission

Amendment

(6a) ‘publishing director’, means the legal representative of the media service provider who assumes legal and other responsibility for the provision of a media service;

Amendment 64

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Text proposed by the Commission

Amendment

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

(7) ‘**Editorial manager**’ means a natural person or a number of natural persons possibly grouped in a body, regardless of its legal form, status and composition, that **has editorial responsibility and** takes or supervises editorial decisions within a media service provider. **Any person who has editorial responsibility over the content produced by the media service provider, regardless of their job title or role, shall be subject to the same obligations and responsibilities as an ‘editorial manager’ under this regulation;**

Amendment 65

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 press publications **contents** and over their organisation, for the purposes of the provision of a media service;

Amendment 66

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 67

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

Amendment

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

(10) ‘provider of very large online platform’ means a provider of an online platform that has been designated as a very large online platform pursuant to Article 25(4) of Regulation (EU) **2022/2065**;

Amendment 68

Proposal for a regulation

Article 2 – paragraph 1 – point 12

Text proposed by the Commission

Amendment

(12) ‘national regulatory authority or body’ means **the** authority or body designated by Member States pursuant to Article 30 of Directive 2010/13/EU;

(12) ‘national regulatory authority or body’ means **any** authority or body designated by Member States pursuant to Article 30 of Directive 2010/13/EU;

Amendment 69

Proposal for a regulation

Article 2 – paragraph 1 – point 13

Text proposed by the Commission

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

Amendment

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

Amendment 70

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

Text proposed by the Commission

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

Amendment

(14) ‘audience measurement’ means the activity of collecting, interpreting or otherwise processing **comparable** data about the number and characteristics of users of media services **programs or online platforms, to determine the audience size, reach and frequency** for the purposes of decisions regarding advertising allocation or prices or **regarding** planning, **buying, selling**, production **dissemination** or distribution of content;

Amendment 71

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

Text proposed by the Commission

(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

Amendment

(15) ‘State advertising’ means the placement, **promotion**, publication or dissemination, in any media service **or online platform**, 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 at Union**, national or regional **level**, such as **the European Commission**, national,

bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government of a territorial entity *of more than 1 million inhabitants*;

federal or regional governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government of a territorial entity *in which the State is involved in the everyday business and has influence or control over advertising strategies*;

Amendment 72

Proposal for a regulation Chapter II – title

Text proposed by the Commission

Rights and duties of media service providers and recipients

Amendment

Rights and duties of media service providers and recipients [*prominence of media services of general interest*]

Amendment 73

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

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.

Amendment

Recipients of media services in the Union shall have the right to receive *and have access to* a plurality of news and current affairs content, *in their own language, and related to their own cultural references* produced with respect for editorial freedom of media service providers, to the benefit of the public discourse;

Amendment 74

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

Text proposed by the Commission

Amendment

Member States shall take measures to ensure the appropriate prominence of

audiovisual and audio media services of general interest, in order to guarantee the right of consumers to access a broad range of information sources.

Amendment 75

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. Media service providers shall have the right to exercise their economic activities in the internal market without restrictions other than those *allowed under* Union law.

Amendment

1. Media service providers shall have the right to exercise their economic activities in the internal market without restrictions other than those *in conformity with* Union law.

Amendment 76

Proposal for a regulation Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate an independent authority or body 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). *Each independent authority or body handling complaints under this Article shall act with complete independence and remain free from external influence, whether direct or indirect, and shall neither seek nor take instructions in performing its tasks and*

exercising its powers in accordance with this Regulation.

Amendment 77

Proposal for a regulation Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *Nothing in this Regulation shall be construed as prohibiting, restricting or undermining the provision or the use of encrypted services.*

Amendment 78

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. ***Member States shall ensure that*** public service media providers shall provide in an impartial manner a plurality of information and opinions to their audiences, in ***an impartial and independent manner, in*** accordance with their public service ***remit***.

Amendment 79

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.

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, ***ensuring media pluralism***, laid down by national law.

Amendment 80

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. Member States shall ensure that public service media providers have adequate and stable financial resources for the fulfilment of their public service **remit and to meet the objectives therein**. Those resources **and the process by which they are allocated** shall be such that editorial independence is safeguarded.

Amendment 81

Proposal for a regulation

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. Media service providers providing news and current affairs content shall make easily and directly accessible to the recipients of their services the following **information**:

Amendment

1. Media service providers providing news and current affairs content shall make easily and directly accessible to the recipients of their services **including, to the extent possible, to persons with disabilities, detailed, comprehensive and regularly updated information, in particular** the following:

Amendment 82

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) their legal name and contact details;

Amendment

(a) their legal name and contact details, **registered office, legal form and the names of its legal representatives**;

Amendment 83

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

Text proposed by the Commission

Amendment

(ca) whether their direct or beneficial ownership is held by the government, a state institution, a state-owned enterprise or other public body;

Amendment 84

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

Text proposed by the Commission

Amendment

(cb) the business interests or other corporate links or professional activities of their owners in other media service providers;

Amendment 85

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

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 **protecting** the independence of editorial decisions. In particular, such measures **may** aim to:

Amendment 86

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

Text proposed by the Commission

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

Amendment

(a) ***protect the freedom of editorial managers and, where applicable, publishing directors*** to take editorial decisions in the exercise of their professional activity, ***including the exercise of the responsibility entrusted to the publishing director***; and

Amendment 87

Proposal for a regulation

Article 6 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) ***disclose any*** conflict of interest by any party having a stake in media service providers that may affect the provision of news and current affairs content.

Amendment 88

Proposal for a regulation

Article 6 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) develop codes of conduct, in cooperation with organisations or associations of journalists, shareholders, publishing directors and editorial managers of publications and newsrooms. These codes of conduct shall be in line with widely recognised and accepted standards of professional and ethical journalism, such as ISO-type standards. The Board shall encourage all the actors referred to endorse the commitments stated in the codes of conduct, and to comply with them.

Amendment 89

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

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.*

Amendment

deleted

Amendment 90

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. The national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU shall be responsible for the application of Chapter III of this Regulation.

Amendment

1. The national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU shall be responsible for the application of Chapter III of this Regulation ***unless otherwise specified.***

Amendment 91

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources to carry out their tasks ***conferred*** under this Regulation. ***The organisational and functional autonomy of the national regulatory authorities or bodies shall be guaranteed.***

Amendment 92

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Where needed for carrying out their tasks under this Regulation, the national regulatory authorities or bodies shall have appropriate powers of investigation, with regard to the conduct of natural or legal persons to which *Chapter III* applies.

Amendment

Where needed for carrying out their tasks under this Regulation, **and while respecting all the rights and interests**, the national regulatory authorities or bodies shall have appropriate powers of investigation, with regard to the conduct of natural or legal persons to which **this Regulation** applies.

Amendment 93

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Those powers shall include in particular the power to request such persons to provide, within a reasonable time period, information that is proportionate and necessary for carrying out the tasks under Chapter III; the request can also be addressed to any other person that, for purposes related to their trade, business or profession, may reasonably be in possession of the information needed.

Amendment

Those powers shall include in particular the power to request such persons to provide, within a reasonable time period, information **and data** that is proportionate and necessary for carrying out the tasks under Chapter III; the request can also be addressed to any other person that, for purposes related to their trade, business or profession, may reasonably be **expected to be** in possession of the information needed.

Amendment 94

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

Text proposed by the Commission

Amendment

4a. Where needed for carrying out their tasks under this Regulation, the national regulatory authorities or bodies shall have appropriate powers to consult with other relevant national competent supervisory authorities, including digital service coordinators established by

Regulation 2022/2065 and data protection authorities, in the context of their investigations and compliance assessments. Those powers shall include in particular the power to cooperate with different competent supervisory authorities, each acting within their respective areas of competence.

Amendment 95

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

Text proposed by the Commission

Amendment

4b. Member States shall entrust their relevant national regulatory authorities or bodies with developing, maintaining and regularly updating an online media ownership database containing disaggregated data about different types of media service providers. These databases shall be made public.

Amendment 96

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The Board shall replace and succeed the European Regulators Group for Audiovisual Media Services (ERGA) established by Directive 2010/13/EU.

2. The Board shall replace and succeed the European Regulators Group for Audiovisual Media Services (ERGA) established by Directive 2010/13/EU.
However, a separate agenda shall be kept by the Board as for the implementation of Directive 2010/13/EU which is a Directive involving specificities due to the implementation process by the Member States.

Amendment 97

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

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.

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, ***national or European*** 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.

Amendment 98

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The Board shall be composed of representatives of national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU.

Amendment

1. The Board shall be composed of ***high-level*** representatives of national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU.

Amendment 99

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

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.

Amendment

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

Amendment 100

Proposal for a regulation Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. To ensure continuity, the Board may elect a Steering Group from amongst its members, consisting of a Chair, a Vice-Chair and 3 other members, including the outgoing Chair. The Board's Rules of procedure shall specify the roles, the tasks and the procedures for the appointment of the members of the Steering Group.

Amendment 101

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 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.

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

Amendment 102

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.

Amendment 103

Proposal for a regulation Article 10 – paragraph 8

Text proposed by the Commission

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.***

Amendment

8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights.

Amendment 104

Proposal for a regulation Article 11 – title

Text proposed by the Commission

Secretariat of the Board

Amendment

Bureau of the Board

Amendment 105

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Board shall ***be supported by a Bureau, independent from*** the Commission.

Amendment 106

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. The main task of the ***secretariat*** shall be to contribute to the execution of the tasks of the Board laid down in this Regulation and in Directive 2010/13/EU.

Amendment

2. The main task of the ***Bureau*** shall be ***to provide administrative and organisational support to the Board in order*** to contribute to the execution of the tasks of the Board laid down in this Regulation and in Directive 2010/13/EU.

Amendment 107

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

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.**

Amendment

3. The **Bureau** shall **act on the instructions** of the Board **and shall have sufficient human and financial resources allocated to it.**

Amendment 108

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

Text proposed by the Commission

Without prejudice to the powers granted to the Commission by the Treaties, the Board shall promote the effective and consistent application of this Regulation and of national **rules** implementing Directive 2010/13/EU throughout the Union. The Board shall:

Amendment

Without prejudice to the powers granted to the Commission by the Treaties, the Board shall promote the effective and consistent application of this Regulation and of national **measures** implementing Directive 2010/13/EU throughout the Union. The Board shall:

Amendment 109

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

Text proposed by the Commission

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

Amendment

(c) advise the Commission, **on its own initiative or** where requested by it, on regulatory, technical or practical aspects pertinent to the consistent application of this Regulation and implementation of Directive 2010/13/EU as well as all on other matters related to media services within its competence;

urgency of the matter;

Amendment 110

Proposal for a regulation

Article 12 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Amendment 111

Proposal for a regulation

Article 12 – paragraph 1 – point e – introductory part

Text proposed by the Commission

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

Amendment

(e) draw up opinions with respect to:

Amendment 112

Proposal for a regulation

Article 12 – paragraph 1 – point e – point i

Text proposed by the Commission

(i) requests for cooperation ***and mutual assistance*** between national regulatory authorities or bodies, in accordance with Article 13(7) of this Regulation;

Amendment

(i) requests for cooperation between national regulatory authorities or bodies, in accordance with Article 13(7) of this Regulation;

Amendment 113

Proposal for a regulation

Article 12 – paragraph 1 – point f – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 114

Proposal for a regulation

Article 12 – paragraph 1 – point f – point i

Text proposed by the Commission

(i) national measures which are ***likely*** to affect ***the functioning of*** the internal market ***for media services***, in accordance with Article 20(4) of this Regulation;

Amendment

(i) national measures which are ***liable*** to affect ***either media pluralism or editorial independence of media service providers in*** the internal market ***or that is likely to affect fundamental freedoms as defined in the Charter of fundamental rights of the European Union***, in accordance with Article 20(4) of this Regulation;

Amendment 115

Proposal for a regulation

Article 12 – paragraph 1 – point f – point ii

Text proposed by the Commission

(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;

Amendment

(ii) market concentrations ***with a significant impact on media pluralism and editorial independence*** likely to affect the functioning of the internal market, in accordance with Article 22(1) of this Regulation;

Amendment 116

Proposal for a regulation

Article 12 – paragraph 1 – point g

Text proposed by the Commission

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

Amendment

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

When taking decisions pursuant to paragraph g, the board shall base its opinions and decisions on the risk assessment referred to in Art. 21 (2) (a), which carefully identifies, analyses and assesses any systemic risk to media freedom and pluralism in the particular Member State. The Board shall also take into consideration the Commission's Rule of Law report as well as independent assessments of the media freedom and pluralism in Member States, such as World Press Freedom Index;

Amendment 117

Proposal for a regulation

Article 12 – paragraph 1 – point h – point ii

Text proposed by the Commission

(ii) factors to be taken into account when applying the criteria for assessing the impact of *media* market concentrations, in accordance with Article 21(3) of this Regulation;

Amendment

(ii) factors to be taken into account when applying the criteria for assessing the impact of market concentrations ***with a significant impact on media pluralism and editorial independence***, in accordance with Article 21(3) of this Regulation;

Amendment 118

Proposal for a regulation

Article 12 – paragraph 1 – point l

Text proposed by the Commission

(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;

Amendment

(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;

Amendment 119

**Proposal for a regulation
Article 12 – paragraph 1 – point m**

Text proposed by the Commission

(m) foster the exchange of best practices related to the deployment of audience measurement systems, in accordance with Article 23(5) of this Regulation.

Amendment

(m) foster the exchange of best practices ***and encourage compliance with existing codes of conduct*** related to the deployment of audience measurement systems, in accordance with Article 23(5) of this Regulation.

Amendment 120

**Proposal for a regulation
Article 12 – paragraph 1 – point m a (new)**

Text proposed by the Commission

Amendment

(ma) In so far as necessary in order to achieve the objectives set out in this Regulation and carry out its tasks, and without prejudice to the competences of the Member States and the institutions of the Union, the Board, in consultation with the Commission, may cooperate with competent Union bodies, offices, agencies and advisory groups, with competent authorities of third countries and with international organisations. To that end, the Board may establish working arrangements.

Amendment 121

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

1. A national regulatory authority or body may request ('requesting authority') cooperation **or** mutual assistance at any time from one or more national regulatory authorities or bodies ('requested authorities') for the purposes of exchange of information or taking measures relevant for the consistent and effective application of this Regulation or the national measures implementing Directive 2010/13/EU.

Amendment

1. A national regulatory authority or body may request ('requesting authority') cooperation (***exchange of information and/or*** mutual assistance) at any time from one or more national regulatory authorities or bodies ('requested authorities') for the purposes of exchange of information or taking measures relevant for the consistent and effective application of this Regulation or the national measures implementing Directive 2010/13/EU.

Amendment 122

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. Requests for cooperation **or mutual assistance**, including accelerated cooperation or mutual assistance, shall contain all the necessary information, including the purpose of and reasons for it.

Amendment

3. Requests for cooperation including accelerated cooperation or mutual assistance, shall contain all the necessary information, including the purpose of and reasons for it.

Amendment 123

Proposal for a regulation Article 13 – paragraph 4 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the request was not duly justified and proportionate.

Amendment 124

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission

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

Amendment 125

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. The requested national authority or body shall, without undue delay and within 30 calendar days, inform the requesting national authority or body about the actions taken or planned pursuant to paragraph 1.

Amendment 126

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

3. In the event of a disagreement

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

Amendment

2. The requested national authority or body shall, without undue delay and within 30 calendar days, inform the requesting national authority or body about the actions taken or planned pursuant to paragraph 1 ***or justify the reasons for which no action has been taken.***

Amendment

3. In the event of a disagreement

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

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

Amendment 127

Proposal for a regulation Article 14 – paragraph 4

Text proposed by the Commission

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

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 without undue delay.

Amendment 128

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Board shall foster the exchange of best practices among the national regulatory authorities or bodies, consulting stakeholders, where appropriate **and relevant**, and in close cooperation with the Commission, on regulatory, technical or practical aspects pertinent to the consistent

application of this Regulation and of the national rules implementing Directive 2010/13/EU.

and effective application of this Regulation and of the national rules implementing Directive 2010/13/EU.

Amendment 129

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

Text proposed by the Commission

(a) the appropriate prominence of audiovisual media services *of general interest* under Article 7a of Directive 2010/13/EU;

Amendment

(a) the appropriate prominence of audiovisual media services under Article 7a *and 13(1)* of Directive 2010/13/EU, *and its proper application and enforcement*;

Amendment 130

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

Text proposed by the Commission

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

Amendment

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

Amendment 131

Proposal for a regulation Article 15 – paragraph 3

Text proposed by the Commission

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.*

Amendment

3. The Commission, *assisted by the Board*, may issue an opinion on any matter related to the application of this Regulation and of the national rules implementing Directive 2010/13/EU.

Amendment 132

Proposal for a regulation Article 15 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 133

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

Text proposed by the Commission

Amendment

4a. The Board shall issue an annual report on the state of media freedom, including media ownership transparency, in each Member State and hold regular exchanges of best practices in these areas. The Board shall make use of the national media ownership transparency databases as referred to in Art. 7 (4) (b), the Commission’s latest rule of law report, and consult with relevant stakeholders, including media organizations and civil society groups, to develop the relevant criteria for the report.

Amendment 134

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

Text proposed by the Commission

Amendment

4b. National regulatory agencies or

bodies shall provide the Board with relevant data and information necessary to compile the annual report on media freedom as referred to in paragraph 4a. This information should be delivered promptly and in a format compatible with the Board's reporting requirements.

Amendment 135

Proposal for a regulation

Article 16 – title

Text proposed by the Commission

Coordination of measures concerning media service providers established outside the Union

Amendment

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

Amendment 136

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

1. The Board shall *coordinate measures by* national regulatory authorities or bodies related to the dissemination of or access to media services provided by media service providers established outside the Union that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to public security and defence.

Amendment

1. *Without prejudice to Article 3 of Directive 2010/13/EU*, the Board shall *facilitate the cooperation between* national regulatory authorities or bodies related to the dissemination of or access to media services provided by media service providers established *or originating from* outside the Union that, *irrespective of the means of distribution or access*, target *or reach* audiences in the Union where, inter alia in view *of the nature* 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, *public health, or where their programs include incitement to violence or hatred or public provocation to commit a terrorist offence.*

Amendment 137

Proposal for a regulation Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without prejudice to the possibility of a direct request from the national regulatory authority or body of a country of destination to the competent national regulatory authority or body pursuant to art.13(2) of this Regulation, where an audiovisual media service provider established or originating from outside the Union falls under the territorial jurisdiction of an EU Member State according to Article 2 of Directive 2010/13 and without prejudice to the procedures foreseen in Article 3 Directive 2010/13, a national regulatory authority or body of a country of destination may request the Board to issue an opinion inviting the authorities or bodies of the competent Member State to take appropriate measures concerning this media service provider.

The involvement of the Board shall be triggered following a request of a minimum number of Board members to be defined in the Board's Rules of procedure, together with the relevant processes. When preparing its opinion, the Board shall confirm that the following conditions are met:

(i) there is substantiated evidence that the audiovisual media service is prejudicing or presenting a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence, public health or the content of the audiovisual media service provider manifestly, seriously and gravely infringes article 6(1) of AVMSD;

(ii) the audiovisual media service is prejudicing or presenting a serious and grave risk of prejudice for several

Amendment 138

**Proposal for a regulation
Article 16 – paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1b. The coordination of measures and the opinions of the Board shall be without prejudice to the competence and responsibility of the Member States to assess the risks and threats to their public security and national defence that may be posed by media services originating outside from the EU.

Amendment 139

**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. Without prejudice to their powers under national law, the competent national authorities, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board issued according to paragraph 1 and 1a. The competent authority or body shall provide reasons for any decision not to undertake the recommended actions.

Amendment 140

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

Text proposed by the Commission

Amendment

2a. Member States shall ensure that national regulatory authorities or bodies,

when deciding to take action against a media service provider originating from outside of the Union, shall duly take into account:

(i) a decision taken against that provider by a national regulatory authority or body from another Member State, and/or

(ii) an opinion of the Board relating to that provider and taken on the basis of paragraph 1.

Amendment 141

Proposal for a regulation Article 17 – paragraph 1 – point c

Text proposed by the Commission

(c) it is subject to regulatory ***requirements for the exercise of editorial responsibility in one or more Member States, or adheres to a co-regulatory or self-regulatory mechanism governing editorial standards,*** widely recognised and accepted in the relevant media sector in one or more Member States.

Amendment

(c) it is subject to ***the supervision of an independent national regulatory authority or body or to the supervision of a self- or co-regulatory mechanism widely recognised and accepted in the relevant media sector in one or more Member States for the exercise of editorial responsibility and editorial standards.***

Amendment 142

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

Text proposed by the Commission

Amendment

1a. Providers of very large online platforms shall provide for a functionality allowing for declarations submitted in accordance with paragraph 1 to be public and easily accessible.

Amendment 143

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

Text proposed by the Commission

Amendment

1b. *For the purpose of point (c), providers of very large online shall provide a functionality allowing recipients of their services to indicate the name and the contact details of the relevant national regulatory authorities or bodies or representatives of the co- or self-regulatory mechanisms. This information shall be made publicly available.*

Amendment 144

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

Text proposed by the Commission

Amendment

1c. *Self-declarations referred to in paragraph 1 should be easily verifiable and shall only be deemed valid if the relevant supervising or monitoring entities referred to in Paragraph 1(c) can confirm the adherence to the regulations and/or codes of practice by the declarant.*

Amendment 145

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

Text proposed by the Commission

Amendment

1d. *If a media service provider has repeatedly violated national or European law or if its content has been frequently suspended or restricted on the basis of a breach of the terms and conditions pursuant to paragraph 2, the providers of very large online platforms may invalidate the declaration of the media service provider. The provider of a very large*

online platform shall inform the supervising or regulatory entity and the Board if it invalidates the declaration referred to in paragraph 1.

Amendment 146

Proposal for a regulation

Article 17 – paragraph 1 e (new)

Text proposed by the Commission

Amendment

1e. Providers of very large online platforms shall ensure that their content moderation processes guarantee the freedom of expression and of information, including media freedom and pluralism of news and information of the media service providers within the meaning of Article 2(2), including through adequate and sufficient human and financial resources and specific linguistic and cultural diversity training.

Amendment 147

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**

2. Where a provider of **a** very large online platform decides to suspend **or otherwise restrict** the provision of its online intermediation services in relation to **any** content provided by a media service provider that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content is incompatible with its terms and conditions, without that content contributing to a systemic risk referred to in Article 26 of the Regulation (EU) 2022/2065, it shall **immediately** take all possible measures, to the extent consistent with their obligations under Union law, including **Regulation**

[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.

2022/2065, to communicate to the media service provider concerned the *detailed* statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150 **and Article 17 of Regulation (EU) 2022/2065, if possible** prior to the suspension **or restriction** taking effect, **and without undue delay**.

Amendment 148

Proposal for a regulation Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *When providers of a very large online platform subsequently decide to suspend or otherwise restrict content of a media service provider that submitted a declaration pursuant to paragraph 1, it shall provide in writing a detailed statement of reasons.*

Amendment 149

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 **or Article 20 of Regulation (EU) 2022/2065 and Article 86 of Regulation (EU) 2022/2065** by media service providers that **have a valid** declaration pursuant to **paragraphs 1 and 1c** of this Article are processed and decided upon with priority and **within 24 hours**. **Where the provider of a very large online platform fails to address the complaint within 24 hours on grounds of force majeure or for objectively justifiable**

reasons, it shall, without undue delay, inform the media service provider.

Amendment 150

Proposal for a regulation Article 17 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Where a media service provider that **has a valid** declaration pursuant to **paragraphs 1 and 1c** considers that a provider of very large online platform frequently restricts or suspends the provision of its services in relation to content provided by the media service provider without sufficient grounds, the provider of very large online platform shall engage in a meaningful and effective dialogue with the media service provider, upon its request, in good faith with a view to finding an amicable solution **within a reasonable timeframe** for terminating unjustified restrictions or suspensions **with immediate effect**, and avoiding them in the future. The media service provider **shall** notify the outcome of such exchanges to the Board. **The Board may request additional documentation when it finds that the information provided by very large online platforms in the context of meaningful and effective dialogues is not sufficient or adequate. If no amicable solution can be found, the media service provider may lodge a complaint before a certified out-of-court dispute settlement body in accordance with Article 21 of Regulation 2022/2065 without prejudice to its right to effective judicial protection.**

Amendment 151

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

Text proposed by the Commission

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

Amendment

5. Providers of very large online platforms shall make publicly available on **at least** an annual basis, **detailed** information on:

Amendment 152

Proposal for a regulation

Article 17 – paragraph 5 – point a

Text proposed by the Commission

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

Amendment

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

Amendment 153

Proposal for a regulation

Article 17 – paragraph 5 – point b

Text proposed by the Commission

(b) the grounds for imposing such restrictions.

Amendment

(b) the grounds for imposing such restrictions, **and**

Amendment 154

Proposal for a regulation

Article 17 – paragraph 5 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the instances and grounds for refusing to accept the declarations made by any media service providers in accordance with paragraph 1a of this Article.

Amendment 155

Proposal for a regulation Article 17 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Amendment 156

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

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.

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 *stemming from the design or functioning of their service and its related systems*, and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference *as well as possible negative effects of these initiatives or of content moderation policies on the freedom and pluralism of the media. Providers of very large online platforms shall engage in the dialogue in good faith and may be invited to participate in Board meetings.*

Amendment 157

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The Board shall report on the results of the dialogue to the Commission. ***The Commission shall take this report into account for its assessment of the compliance of the very large online platforms with their obligations relating to systemic risks mitigation pursuant to Article 35 of the Digital Services Act.***

Amendment 158

Proposal for a regulation Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Providers of very large online platforms shall provide the Board with all the necessary information, when requested, for the purpose of the involvement of the Board pursuant to this Regulation.

Amendment 159

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Users shall have a right to easily change the default settings of any device, user interface ***and remote control*** 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 ***and*** in compliance with the law. This provision shall not affect national measures

of Directive 2010/13/EU.

implementing Article 7a, of Directive 2010/13/EU. ***Device, hardware or user interface elements that are not directly linked to controlling or accessing audiovisual media services as such shall not be subject to this provision.***

Amendment 160

Proposal for a regulation Article 19 – paragraph 2

Text proposed by the Commission

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

Amendment

2. When placing the devices user interfaces ***and remote controls*** referred to in paragraph 1 on the market, manufacturers and developers shall ensure that they include a ***software-based*** functionality enabling users to freely, ***free of costs*** and easily change the settings ***in the meaning of paragraph 1 of this Article.***

Amendment 161

Proposal for a regulation Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19a

Right to identify the provider of a media service

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

2. ***Manufacturers of devices and providers of user interfaces controlling or managing access to and use of media services shall ensure that the identity of the media service provider bearing the editorial responsibility for the content or***

services is clearly visible alongside the content and services offered.

Amendment 162

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Any legislative, regulatory or administrative measure taken by a Member State that is liable to affect ***either media pluralism or the editorial independence*** of media service providers in the internal market ***or that is likely to affect fundamental freedoms as defined in the Charter of fundamental rights of the European Union*** shall be duly justified and proportionate. Such measures shall be reasoned, ***adequate***, transparent, objective and non-discriminatory.

Amendment 163

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

2. ***Any national procedure used for the purposes of the preparation or the adoption of a regulatory or administrative measure as referred to in paragraph 1 shall be subject to clear timeframes set out in advance.***

Amendment

deleted

Amendment 164

Proposal for a regulation Article 20 – paragraph 4

Text proposed by the Commission

4. The Board, upon request of the

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.

Commission *or on its own initiative*, shall draw up an opinion where a national legislative, regulatory or administrative measure *referred to in paragraph 1* 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. *The Board, upon request by a media service provider individually and directly affected by such measure, shall draw up an opinion on the measure.*

Amendment 165

Proposal for a regulation Article 20 – paragraph 5

Text proposed by the Commission

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

Amendment

5. Where a national authority or body adopts a measure *referred to in paragraph 1* that affects individually and directly *the operations of* a media service provider and is likely to affect the functioning of the internal market for media services, it shall communicate, at the request of the Board, and where applicable, of the Commission, without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the grounds on which the national authority or body has based its measure, and, where applicable, the views of other authorities concerned.

Amendment 166

Proposal for a regulation Article 21 – title

Text proposed by the Commission

Amendment

Assessment of **media** market concentrations

Assessment of market concentrations

Amendment 167

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:

Member States shall provide, in their national legal systems, substantive and procedural rules which ensure an assessment of market concentrations that could have a significant impact on media pluralism and editorial independence. These rules shall:

Amendment 168

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 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;

Amendment 169

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***

(c) ensure the involvement of the national regulatory authority or body in such assessment;

concentration on media pluralism and editorial independence or ensure the involvement of the national regulatory authority or body in such assessment;

Amendment 170

Proposal for a regulation

Article 21 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

(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.

Amendment

(d) set out in advance objective, non-discriminatory and proportionate criteria for notifying 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.

Amendment 171

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(da) take into account the media market in its entirety, including the online environment and very large online platforms.

Amendment 172

Proposal for a regulation

Article 21 – paragraph 2 – point a

Text proposed by the Commission

(a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity of *media* players on the market, taking into account the online environment

Amendment

(a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity of players *and services* on the market, taking into account the online

and the parties' interests, links or activities in other media or non-media businesses;

environment, ***in particular very large online platforms, public service media, the advertisement market*** and the parties' interests, links or activities in other media or non-media businesses. ***To assess the impact of the concentration on media pluralism, a risk assessment shall be conducted to identify, analyse and assess any systemic risks to media freedom and pluralism in the particular Member State. Such assessment shall be specific and proportionate.***

Amendment 173

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

Text proposed by the Commission

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

Amendment

(b) the safeguards for editorial independence, including the impact of the concentration on the functioning of the editorial teams and the existence of measures ***referred to in Article 6;***

Amendment 174

Proposal for a regulation Article 21 – paragraph 3

Text proposed by the Commission

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.***

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 market concentrations ***with a significant impact*** on media pluralism and editorial independence.

Amendment 175

Proposal for a regulation
Article 21 – paragraph 4

Text proposed by the Commission

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 concentrations may affect the functioning of the internal market.

Amendment

4. The national regulatory authority or body **may** 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 market concentration where such concentrations may affect the functioning of the internal market.

Amendment 176

Proposal for a regulation
Article 21 – paragraph 5

Text proposed by the Commission

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.***

Amendment

5. ***In case the Board is consulted according to paragraph 4, it 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 within 14 calendar days from the receipt of the consultation.***

Amendment 177

Proposal for a regulation
Article 21 – paragraph 6

Text proposed by the Commission

6. The national regulatory authority or body referred to in paragraph 4 **shall take utmost** account of the opinion referred to in paragraph 5. ***Where that authority does not follow the opinion, fully or partially, it shall provide the Board and the Commission with a reasoned justification***

Amendment

6. The national regulatory authority or body referred to in paragraph 4 **may take** account of the opinion referred to in paragraph 5. Without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter.

explaining its position within 30 calendar days from the receipt of that opinion.

Without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter.

Amendment 178

Proposal for a regulation

Article 22 – title

Text proposed by the Commission

Opinions on **media** market concentrations

Amendment

Opinions on market concentrations

Amendment 179

Proposal for a regulation

Article 22 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Board, ***on its own initiative or*** upon request of the Commission, shall draw up an opinion on the impact of a market concentration ***with a significant impact*** on media pluralism and editorial independence 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) ***and the risk assessment concerning systemic risks to media freedom and media pluralism in the particular Member State as referred to in Art. 21 (2) (a)***. The Board may bring market concentrations ***with a significant impact on media pluralism and editorial independence which are*** likely to affect the functioning of the internal market to the attention of the Commission.

Amendment 180

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

3. Opinions by the Board and, **where applicable**, by the Commission shall be made publicly available.

Amendment

3. Opinions by the Board and by the Commission shall be made publicly available.

Amendment 181

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. Audience measurement systems and methodologies shall comply with principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability.

Amendment

1. Audience measurement systems and methodologies shall comply with principles of transparency, **comparability**, impartiality, inclusiveness, proportionality, non-discrimination and verifiability. **To secure impartiality in measurement, audience measurement systems shall be carried out by independent third parties or self-regulatory bodies.**

Amendment 182

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. Without prejudice to the protection of undertakings' **trade** secrets, **within the meaning of Article 2(1) of Directive (EU) 2016/943**, providers of proprietary audience measurement systems shall provide, without undue delay and free of costs, to media service providers, advertisers, **and right holders** as well as to third parties authorised by media service providers, advertisers **and right holders**, accurate, detailed, comprehensive, intelligible and up-to-date information on the **data collected and on the** methodology

used by their audience measurement systems. ***The methodology and its application shall be audited at least once a year by an independent body. The information must be as granular as the information provided by the rest of the media market, including non-aggregated data.*** This provision shall not affect the Union's data protection and privacy rules. ***Right holders and media service providers shall have access free of costs to consumption and performance data collected regarding their programs and services.***

Amendment 183

Proposal for a regulation Article 23 – paragraph 3

Text proposed by the Commission

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.***

Amendment

3. ***Media service providers, together with providers of audience measurement systems, online platform providers, their representative organisations, civil society and any other interested parties, shall draw up codes of conduct, with the support of national regulatory authorities or bodies, that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits. In the drawing up of codes of conduct, special consideration should be given to small media to ensure proper measurements of their audiences.***

Amendment 184

Proposal for a regulation Article 23 – paragraph 4

Text proposed by the Commission

4. The Commission, assisted by the

Amendment

4. The Commission, assisted by the

Board, may issue guidelines on the practical application of paragraphs 1, 2 and 3 of this Article.

Board, may issue guidelines on the practical application of paragraphs 1, 2 and 3 of this Article, ***whilst taking into the existing EU-wide and national codes of conduct.***

Amendment 185

Proposal for a regulation Article 23 – paragraph 5

Text proposed by the Commission

5. The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems and other interested parties.

Amendment

5. The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems, ***media service providers, providers of online platforms*** and other interested parties.

Amendment 186

Proposal for a regulation Article 24 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Public funds or any other consideration or advantage granted by public authorities to media service providers ***and providers of 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.

Amendment 187

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

Text proposed by the Commission

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

Amendment

2. Public authorities, including **at Union**, national, federal or regional **level**, regulatory authorities or bodies, as well as state-owned enterprises **where the State is involved in the everyday business and has influence or control over advertising strategies** or other state-controlled entities at the national or regional level, or local governments shall make publicly available **through electronic and user-friendly means**, 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:

Amendment 188

Proposal for a regulation
Article 24 – paragraph 2 – point a

Text proposed by the Commission

(a) the legal names of media service providers **from which** advertising **services were purchased**;

Amendment

(a) the legal names of media service providers **or providers of online platforms that received state** advertising;

Amendment 189

Proposal for a regulation
Article 24 – paragraph 2 – point b

Text proposed by the Commission

(b) the total annual amount spent **as well as the amounts spent per media service provider**.

Amendment

(b) the total annual amount spent;

Amendment 190

Proposal for a regulation
Article 24 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the amounts spent per media service provider;

Amendment 191

Proposal for a regulation
Article 24 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Any media service provider or online platform which receives public funds or any other economic advantage for the purposes of advertising from third-countries shall annually submit a report to the national regulatory authority or body which shall include at least the following details:

(a) the names of the entities granting public funds;

(b) the total annual amount of the public funds granted

The information reported according to this paragraph shall be made publicly available by the national regulatory authority or body.

Amendment 192

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.

(c) an overview of measures taken by media service providers with a view to guaranteeing the independence of editorial decisions.

Amendment 193

Proposal for a regulation Article 26 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Within one year after the entry into application of this Regulation pursuant to Article 28(2), the Commission shall assess the implementation of Article 7. To this end, Members States shall send all relevant information to the Commission upon its request.

Amendment 194

Proposal for a regulation Article 28 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

However, Articles 7 to 12 and 27 shall apply from [3 months after the entry into force] and Article **19(2)** shall apply from [48 months after the entry into force].

However, Articles 7 to 12 and 27 shall apply from [3 months after the entry into force] and Article **19** shall apply from [48/ months after the entry into force].

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 in the preparation of the opinion:

Entity
Alliance de la Presse d'Information Générale
France Télévisions
Association of Commercial Television (ACT)
Coopérative de la presse Magazine
Groupe Bouygues/TF1
Radio France
Autorité de régulation de la communication audiovisuelle et numérique (Arcom)
Eurocinéma
Messageries Lyonnaises de la Presse
Fédération Nationale de la Presse d'information Spécialisée (FNPS)
European Magazine Media Association & European Newspapers Publishers Association (EMMA/ENPA)
News Media Europe
Google/YouTube
The Walt Disney Company
European Broadcasting Union
Société des Auteurs, Compositeurs et Éditeurs de Musique (SACEM)
Vivendi/Canal +

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU
References	COM(2022)0457 – C9-0309/2022 – 2022/0277(COD)
Committee responsible Date announced in plenary	CULT 17.10.2022
Opinion by Date announced in plenary	IMCO 17.10.2022
Associated committees - date announced in plenary	16.3.2023
Rapporteur for the opinion Date appointed	Geoffroy Didier 23.11.2022
Discussed in committee	28.3.2023 22.5.2023
Date adopted	29.6.2023
Result of final vote	+: 34 –: 4 0: 3
Members present for the final vote	Alex Agius Saliba, Andrus Ansip, Pablo Arias Echeverría, Alessandra Basso, Biljana Borzan, Vlad-Marius Botoș, Anna Cavazzini, Dita Charanzová, Deirdre Clune, David Cormand, Alexandra Geese, Maria Grapini, Svenja Hahn, Krzysztof Hetman, Virginie Joron, Eugen Jurzyca, Arba Kokalari, Kateřina Konečná, Andrey Kovatchev, Maria-Manuel Leitão-Marques, Antonius Manders, Beata Mazurek, Leszek Miller, Anne-Sophie Pelletier, René Repasi, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Kim Van Sparrentak, Marion Walsmann
Substitutes present for the final vote	Marco Campomenosi, Maria da Graça Carvalho, Geoffroy Didier, Francisco Guerreiro, Tsvetelina Penkova, Catharina Rinzema, Kosma Złotowski
Substitutes under Rule 209(7) present for the final vote	Asger Christensen, Nicolás González Casares, Grzegorz Tobiszowski

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

34	+
ECR	Eugen Jurzyca
ID	Alessandra Basso, Marco Campomenosi
PPE	Pablo Arias Echeverría, Maria da Graça Carvalho, Deirdre Clune, Geoffroy Didier, Krzysztof Hetman, Andrey Kovatchev, Antonius Manders, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Marion Walsmann
Renew	Andrus Ansip, Vlad-Marius Botoș, Dita Charanzová, Asger Christensen, Catharina Rinzema
S&D	Alex Agius Saliba, Biljana Borzan, Nicolás González Casares, Maria Grapini, Maria-Manuel Leitão-Marques, Leszek Miller, Tsvetelina Penkova, René Repasi, Christel Schaldemose
The Left	Anne-Sophie Pelletier
Verts/ALE	Anna Cavazzini, David Cormand, Alexandra Geese, Francisco Guerreiro, Kim Van Sparrentak

4	-
ECR	Beata Mazurek, Grzegorz Tobiszowski, Kosma Złotowski
PPE	Arba Kokalari

3	0
ID	Virginie Joron
Renew	Svenja Hahn
The Left	Kateřina Konečná

Key to symbols:

+ : in favour

- : against

0 : abstention