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OPINION

From: The Council Security Committee
To: Council of the European Union

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU [12413/22 - COM (2022) 457]

- EP LIBE Committee Opinion

Delegations will find attached the European Parliament's LIBE Committee Opinion as voted on 18 July 2023.

With a view to the AVMWP meeting on 6 September 2023, and bearing in mind the Council mandate approved by Coreper on 21 June 2023, delegations are invited to focus on amendments 88-99 and 200. These amendments relate to the provisions on which the EP LIBE Committee has exclusive competence, namely Articles 4(2) and 20(3) of the EMFA proposal.

There are ongoing negotiations among the political groups and relevant Committees in the EP with the aim to produce compromise amendments to be submitted to the CULT Committee vote on 7 September, and subsequently to the EP Plenary vote in October (date tbc).



20.7.2023

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Culture and Education

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

Rapporteur for opinion (*): Ramona Strugariu

(*): Associated Committee: Rule 57 of the Rules of Procedure

PA_Legam

SHORT JUSTIFICATION

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

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

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

proportionate manner that balances such infringements on journalists rights and freedom of expression with the need to obtain that information by the public authorities.

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

As the media market becomes increasingly cross-border and the challenges arising often involve situations relevant to multiple Member States, it is only natural that the current ERGA evolves into an independent European Board for Media Services, able to assess situations that may impact media freedom and media pluralism throughout the Union and its Member States. As national regulatory authorities and bodies do not traditionally have competences over the published press and do not intend to develop their competences in that field, the Board should be assisted by representatives of the self-regulatory bodies and journalistic associations, when its decisions or discussions have an impact on the functioning of this sector. Furthermore, the Board should be able to coordinate national regulatory authorities and bodies in what concerns the measures disposed to counter malign foreign interference against democracy through media service providers established or originating outside the Union, ensuring that such measures have a legal basis, are proportionate and taken in due time.

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

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

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

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

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

Dissenting position

The rapporteur takes note that at the end of the vote in LIBE, ECR shadow rapporteur MEP Cristian Terheş expressed the following dissenting position:

“As the ECR shadow rapporteur and LIBE Member, I hereby present a dissenting opinion on the LIBE Draft Opinion concerning the European Media Freedom Act Regulation:

The primary reason for dissent is that this would mark the first EU legislative act that enables surveillance on journalists and media service providers. This Regulation should have aimed to protect journalists from surveillance rather than facilitate it. The dangerous precedent set forth will have unforeseeable adverse effects on democracy and freedom of speech throughout the EU.

Additionally, the draft opinion regulates excessively in an area where self-regulation should be the standard. This Regulation creates an excessive amount of bureaucracy and administrative tasks for a profession that, by its very nature, is governed by freedom.

Finally, this Regulation establishes numerous institutional layers to oversee media service providers, which will undermine the freedom of the press and journalists. While governments and political coalitions may change, the freedom of the media must be safeguarded regardless of who holds power at any given moment. Journalists must be able to scrutinize public life without requiring prior approval from any authority to exercise their profession. Liberty and democracy in the EU depend on a free, not surveilled press!”

AMENDMENTS

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

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Independent media services play a unique role in the internal market. They represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, thereby fulfilling the general interest function of ‘public watchdog’. Media services are increasingly available online and across borders **while** they are not subject to the same rules and the same level of protection in different Member States.

Amendment

(1) Independent media services play a unique role in the internal market. They represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, thereby fulfilling the general interest **and the** function of ‘public watchdog’, **therefore ensuring their access to relevant information is an essential element.** Media services are increasingly available online and **subject to ever more intense marketisation. They are also increasingly available** across borders **and** they are not subject to the same rules and the same level of protection in different Member States.

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Given their unique role, the protection of media freedom and

Amendment

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pluralism is an essential feature of a well-functioning internal market for media services (or ‘internal media market’). **This market** has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should help the media sector seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.

pluralism is an essential feature of a well-functioning internal market for media services (or ‘internal media market’). **While the scope of this Regulation is limited to the regulation of the internal market features of media services, it should be noted that the protection of media freedom and pluralism is a prerequisite for functional democracy. The environment for media services** has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should help the media sector seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.

Amendment 3

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

Amendment

(3) In the digital media space, citizens and businesses access and consume media content, immediately available on their personal devices, increasingly in a cross-border setting, **as new technologies and applications render media content easily accessible even to users who do not speak the language in which the content was produced.** Global online platforms **and online search engines** act as gateways to media content, with business models that tend to disintermediate access to media services **tend to** amplify polarising content and disinformation. **Moreover online**

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.

platforms are structured to facilitate instantaneous feedback loops in order to drive constant engagement, which facilitates more rapid and deeper polarisation than traditional media.

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. ***Furthermore, the decrease in funding from advertising available to traditional media has accelerated the decline of quality journalism. Notwithstanding the fact that media is considered as a crucial pillar of democracy, Member States governments have not in any substantial way stepped in to make funding available on a no-strings-attached basis to traditional media to support quality investigative or other journalism.***

Amendment 4

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) A free and well-functioning internal market for media services is also an essential pillar of a functioning democracy, by providing access to a plurality of views and trustworthy sources of information to the consumers. The

increased role of the online environment and its new functionalities have had a disruptive effect on the market for media services, rendering it increasingly cross-border and fostering a true European market for media services. In this environment, media content is not only available but also easily accessible to European consumers irrespective of their Member State of origin. Media content created for consumers in one Member State is able to reach far further than initially intended. The ability of media service providers to operate in a fair level-playing field environment in order to make news and current affairs information available to the European citizens is hampered by divergent approaches at national level. These approaches have created market fragmentation, legal uncertainty and increasing compliance costs for media companies and media professionals. Therefore, it is necessary to have a single legal framework that ensures a harmonised application of rules for media service providers throughout the Union, ensuring that European consumers have access to a broad range of reliable sources of information and to quality journalism as public goods in order to make informed choices, including about the state of their democracies.

Amendment 5

Proposal for a regulation Recital 5 b (new)

Text proposed by the Commission

Amendment

(5 b) The right to freedom of expression and information, enshrined in Article 11

of the Charter and in Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, encompasses the right to receive and impart information as well as the freedom and pluralism of the media. Accordingly, this Regulation draws upon the case law of the European Court of Human Rights (ECHR) and builds upon the standards developed by the Council of Europe in this regard.

Amendment 6

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 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***

Amendment

(6) Union ***citizens or*** natural persons who benefit from rights conferred upon them by Union law and legal persons established in the Union should be able to effectively enjoy the freedom to ***have access to independent,*** free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum

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).

standards⁴⁶ .

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

Amendment 7

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6 a) The media environment is undergoing major and fast changes. In this regard, the role of the media in a democratic society has not changed, but media have additional tools to facilitate interaction and engagement. Media-related policy must take these and future developments into account. Therefore, this Regulation should adopt a broad notion of media which encompasses all actors involved in the production and dissemination, to potentially large numbers of people, of content (for example information, analysis, comment, opinion, education, culture, art and entertainment in text, audio, visual, audiovisual or other form) and applications which are designed to facilitate interactive mass communication (for example social networks), while retaining (in all these cases) editorial responsibility or oversight of the contents. Such a notion should include, but not be limited to print media, broadcast media, non-linear audiovisual media, online newspapers, news websites, online news portals, online news archives, print and online publishers, journalists, including

those in non-standard forms of employment such as free-lancing and independent journalism other public watchdogs reporting on matters of public interest.

Amendment 8

Proposal for a regulation

Recital 7

Text proposed by the Commission

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

Amendment

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

Amendment 9

Proposal for a regulation

Recital 8

Text proposed by the Commission

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

Amendment

(8) In the digitalised media market, providers of video-sharing platforms, or very large online platforms may fall under the definition of media service provider. In general, such providers play a key role **in** content organisation, including by automated means or algorithms, but **claim they** do not exercise editorial responsibility over the content to which they provide access. However, **many** providers of video-sharing platforms or very large online platforms exercise editorial control over their services. Therefore, **when such entities exercise editorial control, whether via algorithm or otherwise, they** could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.

Amendment 10

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8 a) On the other hand, online platform's capacity to offer content without exercising editorial responsibility over it and to 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 11

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. ***Systems developed outside of commonly agreed industry standards should be considered proprietary audience measurement systems.*** Given the significant impact that such audience measurement systems have on the advertising and media markets, they

should be covered by this Regulation.
Media service providers which abide by the commonly agreed industry standards shall not be considered as providers of proprietary audience measurement systems.

Amendment 12

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 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.

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 ***European Union institutions or bodies***, governments, regulatory authorities or bodies ***, political parties receiving public funding***, as well as state-owned enterprises or other state-controlled entities in different sectors, at national, regional, or local ***level***. 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

Amendment 13

Proposal for a regulation

Recital 10 a (new)

Text proposed by the Commission

Amendment

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

Amendment 14

Proposal for a regulation Recital 10 b (new)

Text proposed by the Commission

Amendment

(10 b) For the purposes of allocation of state advertising and other financial support including in cases of natural or sanitary disasters, accidents or other unforeseen, major incidents that can cause harm to significant portions of the population, criteria should be laid down in advance by national law. Such emergency messages should not be exempted from transparency obligations. Besides, state advertising is only one form of financial support for media that may include also direct subsidies in the form of

direct state support awarded to media service providers, tax advantages, reductions to taxes or full tax exemptions for the media sector, state advertising, project-based support schemes funding covering specific needs of media outlets, such as training and skills development, upgrade of technology or facilities, or restructuring processes.

Amendment 15
Proposal for a regulation
Recital 10 c (new)

Text proposed by the Commission

Amendment

(10 c) Spyware should be understood as covering all forms of malicious software that spy on user's activities without their knowledge or consent, such as keylogging, activity monitoring and data collections, secretly recording calls or otherwise using the microphone of an end-user device, filming natural persons, machines or their surroundings, copying messages, photographing, tracking browsing activity, tracking geolocation, collecting other sensor data or tracking activities across multiple end-user devices, as well as other forms of data theft, including through impersonating the targeted person by gaining access to their digital credentials and identity. The deployment of spyware leaves few or no traces on the target's device, and even in cases where it is detected, it is difficult to prove who was responsible for the attack.

Amendment 16

Proposal for a regulation
Recital 11

Text proposed by the Commission

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

Amendment

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

Amendment 17

Proposal for a regulation
Recital 14

Text proposed by the Commission

(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**

Amendment

(14) **Information of general interest is a public good.** The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. **In order to guarantee an independent and pluralistic media it is of key importance to**

content given its societal role as a public good. 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.

put in place the necessary measures to create a safe environment that allows journalists to exercise editorial independence. **Journalists, including freelancers and self-employed journalists, as well as other** media service providers should be able to exercise their activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.

Amendment 18

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) Member States have taken different approaches to the protection of editorial independence, which **is increasingly** challenged across the Union. In particular, there is **growing interference with** editorial decisions of media service providers in several Member States. Such interference can be direct or indirect, from the State or other actors, including public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage. Moreover, recent trends in media distribution and consumption, including in particular in the online environment, have prompted Member

Amendment

(15) Member States have taken different approaches to the protection of editorial independence, which **has been** challenged **for many years** across the Union. In particular, there is **longstanding pressure on** editorial decisions of media service providers in several Member States. Such interference **represents an infringement of the rule of law and** can be direct or indirect, from the State or other actors, **Union and its institutions and agencies, including business representatives,** public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage. Moreover, recent trends

States to consider laws aimed at regulating the provision of media content.

Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their content across borders and service recipients can receive such content.

in media distribution and consumption, including in particular in the online environment, have prompted Member States to consider laws aimed at regulating the provision of media content.

Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their content across borders and service recipients can receive such content.

Amendment 19

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15 a) According to the Council of Europe Resolution 1003 (1993), on Ethics of journalism, inside the news organisation, publishers and journalists must co-exist, bearing in mind that the legitimate respect for publishers' and owners' ideological orientations is limited by the absolute requirements on truthful news reporting and ethical opinions. These requirements are such that it is necessary to reinforce the safeguards of the journalist's freedom of expression, for they must in the last instance operate as

the ultimate sources of information. To that end, in addition to safeguarding the freedom of the media, freedom within the media must also be protected and internal pressures guarded against.

Amendment 20

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, **editors-in-chief**, editors, **and media workers** 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, **media workers** and journalists (including those operating in non-standard forms of employment, such as freelancers **and bloggers**) should be able to rely on a robust protections **for** journalistic sources and communications, including against **arbitrary interferences and** 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' **and media workers'** freedom **of expression and capacity** to exercise their activity and **to** fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources **is a precondition for** the protection of the fundamental right enshrined in Article 11

of the Charter **and crucial for safeguarding the ‘watchdog’ role of investigative journalism in democratic societies.**

Amendment 21

Proposal for a regulation Recital 16 a (new)

Text proposed by the Commission

Amendment

(16 a) Upholding the rule of law in the Union is essential for the functioning of healthy democracies in the Member States. Union instruments for this purpose have expanded to include besides the Article 7 TEU procedure, new frameworks such as the Commission Annual Rule of Law Report and Regulation 2020/2092. The functionality of rule of law systems is directly interlinked with a free and pluralistic media. Media freedom and media pluralism represent a central pillar of the Union framework for upholding the rule of law and their state is examined annually through the framework of the Commission annual Rule of Law Report. The protection of journalistic sources, guarantees for editorial independence and a robust protection system against the abusive use of certain measures and technologies are essential for upholding the Union rule of law framework. Actions that put the freedom and pluralism of the media at risk, such as those referred to in Article 4.2 of this Regulation severely damage the rule of law and therefore should be considered breaches of the principles of the rule of law, thus triggering sanctioning mechanisms provided for by Union law under the

abovementioned frameworks.

Amendment 22

Proposal for a regulation Recital 16 b (new)

Text proposed by the Commission

Amendment

(16 b) Surveillance methods deployed against journalists are varied, such as interception of electronic communications and metadata, device or software hacking including denial of service attacks, wiretapping, bugging, videotaping, geolocation tracking via Radiofrequency identification (RFID), Global Positioning System (GPS) or cell-site data, data mining and social media monitoring. These techniques might gravely impact journalists' rights to privacy, data protection and freedom of expression. The protections afforded by this Regulation should therefore encompass current forms of digital surveillance but also future technologies that may appear along with technological innovation and they are without prejudice to the application of existing and future Union's law that restricts or prohibits the development, trade in, and use of specific surveillance technologies deemed too invasive. Spyware which grant full unlimited access to personal data, including sensitive data, on a device could affect the very essence of the right to privacy.

Amendment 23

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The protection of journalistic sources is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. This leads to fragmentation in the internal media market. As a result, journalists, **which** work increasingly on cross-border projects and provide **their services** to cross-border audiences, and by extension providers of media services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources and communications needs harmonisation and further strengthening at Union level.

Amendment

(17) The protection of journalistic sources **and communication** is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. ***In spite of existing standards codified by the Council of Europe and of established case law by the European Court of Human Rights, practical examples from several Member States have revealed very different approaches to this matter and a lack of protection for journalistic sources in some situations.*** This leads to fragmentation in the internal media market. As a result, journalists, **which who** work increasingly on cross-border projects and provide **information** to cross-border audiences, and by extension providers of media services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources and communications needs harmonisation and further strengthening at Union level, ***without weakening the current protection in any Member State and building up from already established soft law by the Council of Europe and the European Court of Human Rights, in accordance with Article 52(1) of the Charter and in compliance with other Union Law. In order to offer an adequate protection to journalistic sources, measures disposing interference with journalistic sources should be, ex ante,***

ordered exclusively by an independent and impartial judicial authority. Such measures should only be ordered at the request of an individual or body with a direct legitimate interest, and who has exhausted all reasonable alternatives to protect that interest, only if there is an overriding requirement in the public interest provided for in national law, the information sought is essential for investigations of serious crimes, there are no other alternatives for obtaining the information sought and the interference with journalists' rights is proportionate and prescribed by law. The interest in interfering with journalistic sources should always be balanced against the harm to freedom of expression and information. Any such measures should be subject to appeal in a court. Journalists working on cross-border projects should benefit from the highest protection standards of the Member States involved. The protection of journalistic sources and communications should correspond, as minimum, to the protection as provided in accordance with international and European standards as well as the case law from the CJEU and the ECtHR.

Amendment 24

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) An independent authority or body designated to handle complaints lodged by media service providers or, if applicable, their family members, their employees (including those operating in non-standard forms of employment such

as free-lancers and self-employed) or their family members, should be protected from any direct or indirect external influence. Such authority or body should have the necessary financial resources and relevant expertise, given the highly technical nature and sophistication of the surveillance measures. Furthermore, it should cooperate with other relevant supervisory authorities, such as data protection authorities, each acting within their respective areas of competence.

Amendment 25

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

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 , **pluralistic** impartial **and independent** media coverage, as part of their **remit**. **They provide a forum for public discussion and a means of promoting broader democratic participation of individuals. That is why, media pluralism can only be guaranteed by a proper political balance in the content of public service media.** However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive, **which may expose them to additional vulnerabilities compared to other players in the internal media market to the extent that they threaten their very**

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 European Union.

existence. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. **Furthermore, in the absence of harmonised minimum standards, Member States have taken divergent measures that resulted in the fragmentation of the internal media market. This fragmentation may create legal uncertainty and an unfair level playing-field deterring private media services providers from entering the market.** It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their **remit** that enables predictability in their planning **and allows them to maintain a competitive position on the internal media market.** Such funding should be decided and appropriated on **the basis of predictable, transparent, independent, impartial and non-discriminatory procedures, on a multi-year basis and determined according to transparent and objective criteria**, in line with the public service **remit** of public service media providers, to avoid potential for undue influence from yearly budget negotiations. The **absence of harmonisation in what concerns the allocation of finances to public service media providers may create an unfair advantage for certain players in the internal media market, including advertisers and thus produce significant**

distortions to the internal media market.
The requirements laid down in this Regulation do not affect the **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 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 26

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the **news** media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. **Such** transparency is also an effective tool to limit risks of interference with editorial independence. It is **thus** necessary to introduce common information requirements for all relevant media service providers across the Union that should include proportionate requirements to disclose ownership information. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849⁴⁹ should not be affected. The required information should be disclosed by the relevant providers on their websites or other

Amendment

(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. **It is thus important for media service providers to disclose its sources of funding by making publicly available information regarding advertisers, sponsors, large donors or the provision of political advertising services, which in addition to transparency of ownership measures** is also an effective tool to limit risks of interference with editorial independence. It is necessary to introduce common information requirements for all relevant media service providers across the Union that should include proportionate requirements to disclose ownership information, **as well as**

medium that is easily and directly accessible.

information on advertisers, sponsors, large donors or the provision of political advertising services, including the information on their parent and sister companies and details, if applicable, of their contracts with state bodies. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849⁴⁹ should not be affected. The required information ***for transparency of media ownership*** should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible. ***Establishing a National Repository of Media Ownership operated by national regulatory authorities or bodies, as well as a European Repository of Media Ownership operated by the European Board of Media Services should further strengthen and guarantee the accessibility and uniformity of the information available to recipients of media services.***

⁴⁹ Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).

⁴⁹ Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).

Amendment 27

Proposal for a regulation Recital 19 a (new)

(19 a) Transparency of media ownership is the precondition to a fuller understanding of media ownership in Europe and makes media pluralism effective. A media ownership database serves as a one stop shop for citizens and other stakeholders with information mapping the ownership structures in the market and constitutes a valuable resource for citizens and a wide range of stakeholders, but collecting such information in a comprehensive manner remains a challenge. Therefore, Member States and the Board actively participate in information gathering, updating and dissemination activities relating to media-ownership issues.

Amendment 28

Proposal for a regulation Recital 20

(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**

(20) Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt **the** proportionate measures **they deem appropriate, in a self-regulatory manner,** to guarantee, once the overall editorial line has been agreed between their owners, **relevant stakeholders such as publishers, editors and editors-in-chief,** the freedom of the editors to take individual decisions in the course of their professional activity. **This should be done**

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.

without prejudice to the possibility for owners or legally liable entities to consult with editors and editors-in-chief, in the process of taking the editorial decisions. In order to guarantee editorial independence, no owner or other corporate manager should unduly interfere with the work of editors and editors-in-chief such as by imposing to add or remove content before it is made available to the public. The objective to shield ***editorial decisions*** from undue interference ***from owners or other company management*** 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 , ***including in particular business interests and political affiliations***, to their service recipients. ***This should not affect the right of the owner to also hold a controlling editorial position, to set and change an editorial line and to determine the staffing and organisation of editorial teams.***

Amendment 29

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council⁵⁰

Amendment

(21) 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

should be exempted from the requirements related to information and internal safeguards with a view to guaranteeing the independence of individual editorial decisions. Moreover, media service providers should be free to tailor the internal safeguards to their needs, in particular if they are small and medium-sized enterprises within the meaning of that Article. The Recommendation that accompanies this Regulation⁵¹ provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.

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

⁵¹ OJ C , , p. .

meaning of that Article. The Recommendation that accompanies this Regulation⁵¹ provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.

⁵⁰ ***deleted***

⁵¹ OJ C , , p. .

Amendment 30

Proposal for a regulation Recital 22

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

(22) Independent national regulatory authorities or bodies are key for **media pluralism and media freedom and** 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. **They are the primary enforcers and guardians of media freedom and pluralism at the national level. As independent regulatory authorities, they should be able to set their own priorities guided by the general interest of safeguarding media pluralism and freedom and decide independently about the allocation of their resources. Their decisions should respect the European Charter of Fundamental Rights, in particular Article 11 thereof.** In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a

provision which does not need to be transposed by Member States and is addressed to the institutions of the Union. ***Considering that press publications are traditionally not subject to regulatory oversight, the interaction between press publications and national regulatory authorities sitting in the Board, should be strictly limited to the purpose of implementing Chapter III of this Regulation. “Media service” shall be understood as any media service with the exception of media services providing press publications, unless otherwise specified.***

Amendment 31

Proposal for a regulation Recital 22 a (new)

Text proposed by the Commission

Amendment

(22 a) Given the importance and the extensive nature of the new tasks conferred by this Regulation to independent national regulatory authorities or bodies, 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 increased. In this sense, Member States could make use of national resources coming from the auctioning of the spectrum, the digital dividend or the introduction of a levy on regulated entities. Member States should also provide the Commission with all relevant information concerning the increase of financial, human and technical resources. Moreover, within the framework of the applicable public

function, and budgetary regulations, the NRA should have full authority over the recruitment and management of the staff, who should be hired under clear and transparent rules. The capacity over the management of the staff should include autonomy to decide the required profile, qualification, expertise, and other human resources features, including salary and retribution, with independence from other public bodies. The NRA should also have full autonomy and decision-making control in terms of management of internal structure, organisation, and procedures for the effective performance of their duties and the effective exercise of their powers. Without prejudice to national budgetary rules and procedures, NRAs should have allocated a separated annual budget. Member states should ensure that national authorities 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 NRAs 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.

Amendment 32

Proposal for a regulation Recital 22 b (new)

Text proposed by the Commission

Amendment

(22 b) National regulatory authorities or bodies established in accordance with Directive 2010/13/EU uphold a media ownership database in order to ensure the public interest

because the media helps form public opinion and has direct influence on the outcome of elections. The Commission provides 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 33

Proposal for a regulation Recital 22 c (new)

Text proposed by the Commission

Amendment

(22 c) Where there is lack of certainty in the information provided, raised by national regulatory authorities or bodies, or experts, representatives of civil society or journalistic organisations, the Board may request further information from media service providers, including on any possible influence on its operation, general editorial line and strategic decision-making from advertisers, sponsors, donors of private or commercial nature or political parties providing remuneration or financial resources to the media service provider.

Amendment 34

Proposal for a regulation
Recital 23

Text proposed by the Commission

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

Amendment

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

Amendment 35

Proposal for a regulation Recital 23 a (new)

Text proposed by the Commission

Amendment

(23 a) *Taking into account that the members of the Board are representatives of national audiovisual regulatory authorities and bodies and considering that press publications and the audio sector are traditionally not subject to regulatory oversight, when its discussions or decisions concern the non-audiovisual media sector, the Board should consult and take advice from an independent body of experts, representing the non-audiovisual media sector. For this purpose, the Board should establish the Non-Audiovisual Media Expert Group. The Expert Group should entail a number of non-audiovisual media experts to be laid down in the Board Rules of Procedure. The Expert Group should entail members from every Member State as well as a number of representatives from the European media sector organisations. Such representatives should be members of self-regulatory bodies, media-sector civil society or journalistic organisations, or other relevant stakeholders for the media sector such as publishers, advertisers, or academics.*

Amendment 36

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 and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions ***at its own initiative, upon the Commission's request, or at the request of the European Parliament*** in the cases envisaged by this Regulation. In order to effectively ***and independently*** fulfil its tasks, the Board should be able to rely on the expertise and human resources of ***an independent*** secretariat. ***The*** secretariat should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks. ***The secretariat should be provided with sufficient budgetary and human resources. The Board should have the expertise and resources necessary to provide its opinion in cases where it finds that media freedom and pluralism, or editorial independence are systematically undermined in a Member State either by national measures of the respective Member State or decisions of its National Regulatory Authority or body, or due to other reasons. In its opinions the Board should take due account of various sources of information, in particular the decisions of the respective National***

Regulatory Authority or body, submissions by civil society organisations and other available sources including the results of the Commission Annual Rule of Law Report or of media pluralism monitoring instruments. 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, might 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 might, subject to prior approval by the Commission, establish working arrangements.

Amendment 37

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 38

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 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

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 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 Council ⁵³ 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

Amendment 39

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 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***

Amendment

(28) Ensuring **an effective application of** this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission may issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help achieving a level playing field in the internal market and compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field.

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 40

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers established outside the **Union** that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to public security and defence. In this regard, the **coordination** between national regulatory authorities or bodies to face together possible public security and defence threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of

Amendment

(30) **National** regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers established **or originating from, funded or owned by state and non-state actors from outside the EU but under jurisdiction of an EU Member State through the Directive 2010/13/EU satellite criteria or established in the EU) irrespective of the means of distribution or access**, that target **or reach** audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to **national and** public security and defence, **public health, incite to**

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.

violence, hatred or promote terrorist activities, including committing terrorist acts. 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 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 **national and** public security and defence threats by media services established **or originating from, funded or owned by state and non-state actors from** outside of the Union and targeting audiences in the Union, including the possibility for the Board, to issue opinions on such measures, **at its own initiative or at the request of a national regulatory authority**, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.

Amendment 41

**Proposal for a regulation
Recital 30 a (new)**

Text proposed by the Commission

Amendment

(30 a) In the case of audiovisual media services providers under jurisdiction of EU Member States pursuant to Article 2 of Directive 2010/13/EU, in order to ensure that audiovisual 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, pursuant to an opinion of the Board, should also be available to guarantee the ‘effet utile’ of the relevant national measures, in compliance with Union law. Following the request of the authority or body from another Member State, the competent national authority or body could be invited by the opinion of the Board to undertake certain measures, where the threats mentioned above are proven and are prejudicing or presenting a serious and grave risk of prejudice for several Member States or the Union. 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 42

**Proposal for a regulation
Recital 30 b (new)**

Text proposed by the Commission

Amendment

(30 b) As any measures limiting the freedom of media and of speech can only be envisaged in highly exceptional and justified cases, the implication of the Board should be limited to what is strictly necessary and in line with international and European standards, 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 43

Proposal for a regulation Recital 30 c (new)

Text proposed by the Commission

Amendment

(30 c) 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 media service providers established or originating from, funded or owned by state and non-state actors from outside the Union and the service provided. These criteria should be used by national regulatory authorities or bodies when a media service provider originating from outside of the Union seeks jurisdiction in a Member State, or when a media service provider already under the jurisdiction of a Member State, appears to pose serious and grave risks to national security and

defence. The criteria should inter alia cover content, ownership, financing structures, editorial independence from third countries or adherence to a co-regulatory or self-regulatory mechanism governing editorial standards in one or more Member States. These criteria 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 or where their programs contain incitement to violence or hatred or public provocation to commit a terrorist offence.

Amendment 44

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

Amendment

(31) Very large online platforms act for many users as a gateway for access to media services, ***in particular when providing access to news and current affairs information.*** Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory ***requirements and*** self-regulatory ***commitments*** they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online

conditions, while it is not contributing to a systemic risk referred to in Article 26 of **Regulation (EU) 2022/XXX [the Digital Services Act]**, they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) **2022/XXX [the Digital Services Act]** and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council⁵⁴. To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should **endeavour to** submit the statement of reasons **prior to the restriction taking effect** without prejudice to their obligations under Regulation (EU) **2022/XXX [the Digital Services Act]**. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) **2022/XXX [the Digital Services Act]**.

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).

platforms **providing access to news and current affairs information** consider that content **uploaded** 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 2022/2065 of the European Parliament and of the Council^{1a}**, they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) **2022/2065** and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council⁵⁴. To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should submit the **detailed** statement of reasons **without undue delay and** 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**.

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

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 45

Proposal for a regulation

Recital 32

Text proposed by the Commission

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

Amendment

(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that **complaints against unjustified removals of content made by representative bodies of** 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, **in accordance with Regulation (EU) 2022/2065.**

Amendment 46

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility not to accept such self-declaration where they consider that these conditions are not met. Providers of very large online platforms may rely on information regarding adherence to these

Amendment

(33) To this end, providers of very large online platforms **and very large online search engines, which provide access to news and current affairs information,** should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility not to accept such self-declaration where they consider that these conditions are not met. **Media**

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.

service providers should have the possibility to appeal against the refusal of providers of very large online platforms or very large online search engines to accept their declaration. Providers of very large online platforms and very large search engines may rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative, ***the recognition of audiovisual media service providers by national regulatory authorities, self-regulation mechanisms*** or other relevant codes of conduct. Guidelines ***issued*** by the Commission , ***under the form of a delegated act, should*** be useful to facilitate an effective implementation of such functionality, including on ***the template of the self declaration, the*** modalities of involvement of relevant civil society ***or self-regulatory*** organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.

Amendment 47

Proposal for a regulation Recital 34 a (new)

Text proposed by the Commission

Amendment

(34 a) Within the meaning of this regulation, obligations for restrictions of content should not prevent very large online platforms from taking measures such as down-ranking, labelling of content or diluting its visibility (such as blurring of images) when they are in line with the code of practice on disinformation and other relevant Union

law.

Amendment 48

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 **where audits undertaken pursuant to Article 37 of Regulation (EU) 2022/2065 demonstrate that a VLOP's content moderation practices are negatively impacting freedom and pluralism of the media**, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms **and very large online search engines** should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.

Amendment 49

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

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.

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 **compliance with** self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) **2022/2065** and may ask the Board to support it to this effect. **The results of the dialogue should be made available to the European Parliament upon its request.**

Amendment 50

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 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

Amendment

(37) Recipients of audiovisual media services should be able to effectively choose the audiovisual content they want to watch according to **their preferences customise and easily access** their preferences. Their freedom in this area may however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between manufacturers of devices , **such as remote controls**, or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected

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.

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

Amendment 51

Proposal for a regulation Recital 37 a (new)

Text proposed by the Commission

Amendment

(37 a) 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 on-line 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 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 52

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 affect **and restrict the media pluralism and editorial independence by restricting the possibility** of media service providers in the internal market **to provide access to a plurality of views and to reliable sources of information. Such measures can take various forms**, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors, **the disproportionate or distorted implementation at national level of minimum requirements foreseen in Directive 2010/13/EU, which can create new barriers or obstacles in the internal market, or** decisions related to licensing, authorisation or prior notification for media service providers. In order to enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and

proportionality.

Amendment 53

Proposal for a regulation Recital 39

Text proposed by the Commission

(39) It is also key that the Board is empowered to issue an opinion, on the Commission's request, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, **or when the concerned** media service provider **has a significant influence on the formation of public opinion in that** Member State.

Amendment

(39) It is also key that the Board is empowered to issue an opinion, on **its own initiative or at** the Commission's request, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, **when it is preventing a** media service provider **established in one Member State from providing media services in another** Member State. **Any media service provider considering to be directly affected by such a measure should be able to request the Board to issue an opinion on such measures.**

Amendment 54

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

Amendment

(40) Media play a decisive role in shaping public opinion and **can contribute to a** democratic **public sphere, when well-**

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.

functioning and living up to normative standards, including as regards topic selection. Moreover, providers of very large online platforms and of very large online search engines play a significant role in the access to information and in the presentation of this information to the consumers. Concentration of ownership of the media system can create an environment favouring the monopolisation of the advertising market, introduce barriers to the entry of new market players and also lead to uniformity of media content. This is why Member States should provide for rules and procedures in their legal systems to ensure **ex-ante and ex-post quality assessments of concentrations affecting the media market** that could have a significant impact on media pluralism or editorial independence, **in its entirety, including the providers of very large online platforms and very large online search engines, as well as public service media, including existing concentrations at the time of entry into force of this Regulation.** Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion in a given media market, **including by means of carrying content provided by media service providers or by controlling access and visibility to such content,** within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction **in access to a variety** views within that

market as a result of the concentration. **Therefore, taking such measures is essential, in order to guarantee access, competition and quality and avoid conflicts of interests between media ownership concentration and political power, which are detrimental to free competition, a level playing field and pluralism. A detailed assessment of such media market concentrations capable of distorting media pluralism and competition should always be made by the competent national regulatory authorities or other bodies without any political interference.**

Amendment 55

Proposal for a regulation

Recital 41

Text proposed by the Commission

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

Amendment

(41) National regulatory authorities or bodies, **as well as press self-regulatory bodies or civil society organisations** who have specific expertise in the area of media pluralism, should be involved in the assessment of the impact of **concentrations affecting media market that could have an impact** on media pluralism and editorial independence **including existing concentrations at the time of entry into force of this Regulation**, 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 56

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 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).

Amendment

(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 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 **assessments of concentrations affecting the media market that could have an impact** 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 57

Proposal for a regulation
Recital 43

Text proposed by the Commission

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

Amendment

(43) The Board should provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, **at its own initiative, or upon request, and conduct assessments of concentrations affecting the media market that could have a significant impact on media pluralism and editorial independence, including existing concentrations at the entry into force of the present Regulation. Democratic processes across the EU are rooted in national media markets, whereas national democratic processes spill over to EU level governance. Accordingly, it is necessary to have appropriate measures to enforce and protect democratic processes both at national and EU level.** Moreover, **the Board should provide an assessment** where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, **at its own initiative or if the Board agrees** upon request of the Commission. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.

Amendment 58

Proposal for a regulation

Recital 44

Text proposed by the Commission

(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the individual editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should also be taken into account. In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.

Amendment

(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria ***as well as the criteria that should take precedence or prevail in case of conflicts***. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the individual editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should also be taken into account. ***Furthermore, the results of the annual Commission Rule of Law report presented in the chapters on press freedom as well as the risk assessment made annually by instruments such as the Media Pluralism Monitor and any country specific recommendations on media pluralism and media freedom should be considered in determining the overall climate for media and the effects of the concentration in question over media***

pluralism and editorial independence, under these specific conditions. In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.

Amendment 59

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. 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, ***buying, planning or selling*** 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, ***which should be in compliance with EU data protection and privacy rules.*** However, certain new players that have emerged in the media ecosystem provide their own measurement services without making available information on their

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

methodologies. This could result in information asymmetries among media market players and in potential market distortions, to the detriment of equality of opportunities for media service providers in the market.

Amendment 60

Proposal for a regulation

Recital 46

Text proposed by the Commission

(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 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-

Amendment

(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, 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 **audiences' right to protection of personal data as provided by Article 8 of the Charter of Fundamental Rights read in conjunction with Regulation 2016/679 (General Data Protection Regulation) as well as to** any obligations that apply to providers of audience

preferencing.

measurement services under Regulation 2019/1150 or Regulation (EU) **2022/1925** [Digital Markets Act], including those concerning ranking or self-preferencing.

Amendment 61

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 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.

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 and/or their representatives, civil society organisations and other relevant stakeholders** 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 **with the support of national regulatory authorities or bodies** to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination, **comparability** and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders **mentioned above**, 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 62

Proposal for a regulation

Recital 48

Text proposed by the Commission

(48) **State** advertising *is* an important source of revenue for many media service providers, **contributing** to their economic sustainability. **Access to it must be granted in a non-discriminatory way to any media service provider from any Member State which can adequately reach some or all of the relevant members of the public, in order to ensure equal opportunities in the internal market.** Moreover, **State** advertising may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services **and fundamental rights**. Opaque and biased allocation of **state** advertising is therefore a powerful tool to exert influence or ‘capture’ media service providers. The distribution and transparency of **state** advertising are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, **however, may not cover all state advertising expenditure nor** offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council⁵⁶ does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on **state** advertising, where they exist, diverge significantly from one Member State to

Amendment

(48) **Public** advertising, **financed by public funds, including national governments funding or European Union funding distributed by Member States for the purpose of implementing communication plans as part of EU Operational Programmes or EU Cohesion Policy Programmes and other state financial support** are an important source of revenue for many media service providers, **including for providers of very large online platforms and very large online search engines, and contribute** to their economic sustainability. Moreover, **public** advertising **and other state financial support** may make media service providers vulnerable to undue state influence to the detriment of **fundamental rights and** the freedom to provide services. Opaque and biased allocation of **public** advertising **and other state financial support** is therefore a powerful tool to exert influence or ‘capture’ media service providers. **Furthermore, the unfair allocation of state advertising creates disruptions in the internal media market, creates an unfair level-playing field and deters players on the market to either enter it or to continue their operations in a particular Member State. This is why, in order to address such situations, state advertising allocations directed by a public authority, state-controlled or state-owned enterprise to a single media service provider or provider of a very large online platform or very large online**

another.

search engine should not exceed 20% of the total budget allocated to state advertising by the said public authority, state-owned or state-controlled enterprise. The distribution and transparency of state **public advertising and other state financial support** are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, **do not** offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council ⁵⁶ does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on **public advertising or other state financial support**, where they exist, diverge significantly from one Member State to another.

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

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

Amendment 63

Proposal for a regulation Recital 48 a (new)

Text proposed by the Commission

Amendment

(48 a) Emergency measures by public authorities are a necessary form of informing the general public about the risks in case of a sanitary or natural

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

Amendment 64

Proposal for a regulation

Recital 49

Text proposed by the Commission

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

Amendment

(49) **Providers of online platforms are increasingly competing with media service providers for the purpose of state advertising and other financial support.** 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, **and on online platforms**, it is **of particular importance that fair and transparent rules on the criteria for the allocation of state financial support and state advertising are in place, as well as them being effectively implemented. These criteria should follow principles** of transparency, objectivity, proportionality and non-discrimination in the allocation of **public advertising, emergency messages by public authorities** and of state **and European Union** resources to media service providers **and of providers of online platforms** for the purpose of purchasing goods or services from them other than state advertising, **or funding for transmitting emergency messages by public authorities**. It is important that Member States make the necessary information **including beneficiaries and amounts spent**, related to state **public advertising and other state financial support** publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. **Establishing a European Repository of Public Funding for Advertising operated by the European**

Board of Media Services should further strengthen and guarantee the accessibility and uniformity of the information on public advertising for recipients of media services. This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.

Amendment 65

Proposal for a regulation Recital 50

Text proposed by the Commission

(50) Risks to the functioning and resilience of the internal media market should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of concentration of the market at national and regional level ***and risks of foreign information manipulation and interference.*** It should be conducted independently, on the basis of a robust list of ***key performance indicators,*** developed and regularly updated ***by the Commission, in consultation with*** the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In

Amendment

(50) Risks to the functioning and resilience of the internal media market should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of concentration of the market ***also*** at national and regional level. It should be conducted independently, on the basis of a robust list of ***criteria*** developed and regularly updated the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular, regulatory cooperation and convergence in media regulation, obstacles to the provision of

particular, ***the level of cross-border activity and investment***, regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including in a digital environment, as well as transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved.

media services, including in a digital environment, as well as transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved.

Amendment 66

Proposal for a regulation Recital 51

Text proposed by the Commission

(51) To prepare the ground for a correct implementation of this Regulation, its provisions concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this Regulation) should apply 3 months after the entry into force of the Act, while all other provisions of this Regulation will apply 6 months after the entry into force of this Regulation. In particular, this is needed to ensure that

Amendment

(51) ***The Commission should be able to take the necessary actions to monitor the effective implementation of and compliance with the obligations laid down in this Regulation.*** To prepare the ground for a correct implementation of this Regulation, its provisions concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this Regulation) should apply 3 months after

the Board will be established in time to ensure a successful implementation of the Regulation.

the entry into force of the Act, while all other provisions of this Regulation will apply 6 months after the entry into force of this Regulation. In particular, this is needed to ensure that the Board will be established in time to ensure a successful implementation of the Regulation.

Amendment 67

Proposal for a regulation Article 1 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. This Regulation shall not affect the possibility for Member States to adopt more detailed **or stricter** rules in the fields covered by Chapter II and Section 5 of Chapter III **and Article 24 of Section 6 of Chapter III**, provided that those rules comply with Union law.

Amendment 68

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

Text proposed by the Commission

(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;

Amendment

(2) ‘media service provider’ means a natural or legal person, **including natural persons in non-standard forms of employment, such as free-lancing and independent journalism**, 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 ***approach and perspective of presenting and delivering the content and the*** manner in which it is organised;

Amendment 69

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 70

Proposal for a regulation

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

Amendment

9. ‘editorial responsibility’ means the exercise of effective control both over the selection of the programmes or press publications and over their organisation, for the purposes of the provision of a media service, regardless of the existence of liability under national law for the service provided;

9. editorial responsibility’ means the exercise of effective control both over the selection of the programmes or ***the content of*** press publications, and other media products 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;

Amendment 71

Proposal for a regulation
Article 2 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

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

Amendment 72

Proposal for a regulation
Article 2 – paragraph 1 – point 9 b (new)

Text proposed by the Commission

Amendment

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

Amendment 73

Proposal for a regulation
Article 2 – paragraph 1 – point 9 c (new)

Text proposed by the Commission

Amendment

(9 c) ‘provider of online platform’ means a hosting service as defined in article 3 (l) in the of Regulation (EU) 2022/2065;

Amendment 74

Proposal for a regulation
Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(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];

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 **33(4)** of Regulation (EU) **2022/2065** [Digital Services Act];

Amendment 75

Proposal for a regulation
Article 2 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

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

Amendment 76

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

Text proposed by the Commission

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

Amendment

(13) ‘media market concentration’ means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one **party in the media value chain**,

such as media service providers, providers of very large online platforms or of very large online search engines;

Amendment 77

Proposal for a regulation

Article 2 – paragraph 1 – point 14

Text proposed by the Commission

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

Amendment

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

Amendment 78

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 bodies as well as state-owned enterprises

Amendment

(15) ‘State advertising’ means the placement, publication or dissemination, in any media service ***or online platform or search engine that provides media services***, of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of ***Union institutions or bodies*** or any national or regional ***or local*** public

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**;

authority, such as national, federal or regional **and local** 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;

Amendment 79

Proposal for a regulation Article 2 – paragraph 1 – point 15 a (new)

Text proposed by the Commission

Amendment

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

Amendment 80

Proposal for a regulation Article 2 – paragraph 1 – point 16

Text proposed by the Commission

Amendment

(16) 'spyware' means any product with digital elements specially designed to exploit vulnerabilities in other products with digital elements that enables the covert surveillance of natural or legal persons by monitoring, extracting, collecting or analysing data from

(16) **'surveillance technologies'** means any **digital, mechanical, or other instrument/product** that enables the **acquisition of information** by intercepting, monitoring, extracting, collecting or

such products or from the natural or legal persons using such products, in particular by secretly recording calls or otherwise using the microphone of an end-user device, filming natural persons, machines or their surroundings, copying messages, photographing, tracking browsing activity, tracking geolocation, collecting other sensor data or tracking activities across multiple end-user devices, without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent in that regard;

analysing data without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent, **as defined under Article 7 of Regulation EU 2016/679** in that regard;

Amendment 81

Proposal for a regulation Article 2 – paragraph 1 – point 16 a

Text proposed by the Commission

(16) ‘spyware’ means any **product with digital elements specially** designed to exploit vulnerabilities in **other** products with digital elements that enables the covert surveillance of natural or legal persons by monitoring, extracting, collecting or analysing data from such products or from the natural or legal persons using such products, **in particular by secretly recording calls or otherwise using the microphone of an end-user device, filming natural persons, machines or their surroundings, copying messages, photographing, tracking browsing activity, tracking geolocation, collecting other sensor data or tracking activities across multiple end-user devices**, without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent in that regard;

Amendment

(16 a) ‘spyware’ means any **surveillance technology with a high level of intrusiveness resulting in particular from the extensive access it can offer to devices and their functionalities, typically** designed to exploit vulnerabilities in products with digital elements that enables the **extensive** covert surveillance of natural or legal persons, **including retroactively** by monitoring, extracting, collecting or analysing data from such products or from the natural or legal persons using such products, **including in an indiscriminate manner**, without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent, **as defined under Article 7 of Regulation EU 2016/679** in that regard;

Amendment 82

Proposal for a regulation

Article 2 – paragraph 1 – point 17 – point a

Text proposed by the Commission

(a) terrorism,

Amendment

(a) terrorism ***as defined in Directive (EU) 2017/541 of the European Parliament and of the Council,***

Amendment 83

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(17 a) 'user interface' means a service or facility that provides a textual or visual overview of audiovisual media services or their content, which serves the purpose of orientating, discovering, finding, selecting or accessing audiovisual content or services by the user;

Amendment 84

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 85

Proposal for a regulation Article 2 – paragraph 1 – point 17 c (new)

Text proposed by the Commission

Amendment

(17 c) “Recipients of media services” means any natural or legal person for whom a “media service”, as set out in subparagraph 1 of this paragraph, is intended for.

Amendment 86

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

Amendment

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

Recipients of media services in the Union shall have the right to **have access, in an easily accessible manner, to** a plurality of **media services, in particular** news and current affairs content, produced with respect for editorial freedom of media

service providers, ***in absence of any interference, from national authorities and bodies, as well as advertisers, donors, political parties and state and non-state actors from third countries***, to the benefit of the ***purposes of free and democratic*** public discourse.

Amendment 87

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 activities in the internal market without restrictions other than those allowed under Union law.

Amendment 88

Proposal for a regulation Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall respect effective editorial freedom of media service providers. Member States, including their national regulatory authorities and bodies, shall not:

Amendment

2. ***The Union***, Member States ***and private entities*** shall respect effective editorial freedom ***and independence*** of media service providers. Member States, including their national regulatory authorities and bodies; ***the Union's institutions and agencies as well as private entities*** shall not:

Amendment 89

Proposal for a regulation

Article 4 – paragraph 2 – point a

Text proposed by the Commission

(a) interfere in or try to influence in any way, directly or indirectly, editorial **policies and** decisions by media service providers;

Amendment

(a) interfere in or try to influence in any way, directly or indirectly, editorial policies **and editorial** decisions by media service providers;

Amendment 90

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a a) oblige media services providers and their employees to disclose any information related to the editorial processing or to disseminate this information, including on their sources;

Amendment 91

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

(b) detain, sanction, **intercept**, subject **to surveillance or** search and seizure, or inspect media service providers or, if applicable, their family members, **their**

Amendment

(b) detain, sanction, subject search and seizure, or inspect media service providers, **their employees** or, if applicable, their family members, or **any**

employees or their **family members**, or their corporate and private premises, **on the ground that they refuse to disclose information on their sources, unless this is justified by an overriding requirement in the public interest, in accordance with Article 52(1) of the Charter and in compliance with other Union law;**

other subject belonging to their professional network of relationships, including occasional contacts, or their corporate and private premises, **where such actions may lead to a violation of their professional activity and in particular where they might lead to access to journalistic sources;**

Amendment 92

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(b a) access encrypted content data in any device or machine used by media service providers or, if applicable, their families or their employees or their family members or, if applicable, any other subject belonging to their professional or private network of relationships, including occasional contacts;

Amendment 93

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) deploy **spyware** in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members, **unless the deployment is justified, on a case-by-case basis, on grounds of**

(c) deploy **measures for surveillance or surveillance technologies or instruct private entities to use such technologies**, in any device or machine used by media service providers or, if applicable, their family members, or their employees or

national security and is in compliance with Article 52(1) of the Charter and other Union law or the deployment occurs in serious crimes investigations of one of the aforementioned persons, it is provided for under national law and is in compliance with Article 52(1) of the Charter and other Union law, and measures adopted pursuant to sub-paragraph (b) would be inadequate and insufficient to obtain the information sought.

their family members or, if applicable, any other subject belonging to their professional network, including occasional contacts.

Amendment 94

Proposal for a regulation Article 4 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) deploy spyware or any similar intrusive technologies, or instruct private entities to use such technologies, in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members or, if applicable, any other subject belonging to their professional network, including occasional contacts.

Amendment 95

Proposal for a regulation Article 4 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(c b) commission a third party to perform

any of the measures under paragraphs (b), (ba), (c) and (ca).

Amendment 96

Proposal for a regulation Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Actions referred to in point (b) of paragraph 2, shall only be disposed if their deployment is unrelated to the professional activity of media service providers and their employees, does not lead to access to journalistic sources, is provided for under national law, is justified on a case-by-case basis for the prevention, investigation or prosecution of serious crimes, as listed in Article 2(17) of this Regulation, is in compliance with Article 52(1) of the Charter and other Union law, is proportionate in respect to the legitimate aim pursued, and when other legal measures would be inadequate and insufficient to obtain the information sought. Authorities undertaking these measures shall refrain from retrieving data related to the professional activity of media service providers and their employees, in particular data offering access to journalistic sources.

Amendment 97

Proposal for a regulation Article 4 – paragraph 2 b (new)

2 b. Measures referred to in points (ba) and (c) of paragraph 2 shall only be disposed if their deployment is unrelated to the professional activity of media service providers and of their employees, does not lead to access to journalistic sources, complies with the criteria prescribed in paragraph 2a and concerns only the investigation or prosecution of serious crimes as listed in Article 2(17) of this Regulation and that are punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least five years, is used as a last resort when legal measures referred to in point (b) would be inadequate and insufficient to obtain the information sought and is subject to periodical review by an independent and impartial judicial authority. 2c (new) Measures referred to in point (ca) of paragraph 2 shall only be disposed if their deployment complies to the criteria set out in paragraph 2b and is used as a last resort, when measures referred to in points (ba) and (c) would be inadequate and insufficient to obtain the information sought.

Amendment 98

**Proposal for a regulation
Article 4 – paragraph 2 c (new)**

2 c. Measures referred to in point (ca) of paragraph 2 shall only be disposed if

their deployment complies to the criteria set out in paragraph 2b and is used as a last resort, when measures referred to in points (ba) and (c) would be inadequate and insufficient to obtain the information sought.

Amendment 99

Proposal for a regulation Article 4 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2 d. Measures referred to in paragraph 2, points (b), (ba), (c) and (ca) shall not be disposed unless their deployment is, ex ante, exclusively ordered by an independent and impartial judicial authority with effective, known and accessible remedial measures ensured in accordance with Article 47 of the Charter and in compliance with other Union law. The deployment of measures referred to in paragraph 2, points (ba), (c) and (ca) shall be subject to ex post scrutiny by judicial review or by other independent oversight mechanism. Member States shall inform persons targeted by these measures, as well as those whose data or communication were accessed, of the fact, duration, scope and manner of processing the data obtained during the disposal of these measures as well as ensure access to redress through an independent body for those directly or indirectly affected by the disposal of such measures. Member States shall publish the number of requests approved and

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

Amendment 100

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 **and guarantee** an independent authority or body, **such as an ombudsperson**, to handle complaints lodged by media service providers or **their employees**, their family members, **the** family members **of their employees, or any other person professionally or privately associated with them**, regarding breaches of paragraph 2, **first subparagraph**, points **(aa), (b), (ba), (c), (ca) and (cb)**. Media service providers shall have the right to request that authority or body to issue, within three months of the request, an opinion regarding compliance with paragraph 2, **first subparagraph**, points **(aa), (b), (ba), (c), (ca) and (cb)**.

Amendment 101

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Public service media providers shall **be editorially independent and** provide **independently and** in an impartial manner a plurality of information and opinions to **the recipients of media services**, in accordance with their public service **remit**.

Amendment 102

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

Text proposed by the Commission

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.

Amendment

The head of management, the members of the governing board **and all management positions that entail responsibility for editorial policy** of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure, **while aimed at achieving a gender balanced representation** and on the basis of transparent, objective, non-discriminatory and proportionate criteria **that emphasises professional competence, political neutrality and commitment to public service journalism**, laid down in advance by national law. **Selection criteria shall be predictable and consistent for the candidates and shall be known no less than 1 year before the planned appointment.**

Amendment 103

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The duration of **their** term of office shall be **established by national law, and** be adequate and sufficient to ensure effective independence of the public media service provider. They may be dismissed before the end of their term of office only **exceptionally** where they no longer fulfil the legally predefined conditions required for the performance of their duties laid down in advance by national law or for specific reasons of illegal conduct or serious misconduct as defined in advance by national law.

Amendment

The duration of **the** term of office **of the head of management and the members of the governing board** shall be **of at least four years in order to** be adequate and sufficient **and** to ensure effective independence of the public media service provider. They may be dismissed before the end of their term of office only **under exceptional circumstances and on the basis of a review mechanism** where they no longer fulfil the legally predefined conditions required for the performance of their duties laid down in advance by national law or for specific reasons of illegal conduct or serious misconduct as defined in advance by national law. **At the end of the term or in case of a dismissal of the head of management of public service media providers, a new procedure for appointment of a head of management and the members of the governing board shall be**

opened. Dismissal decisions shall be duly justified, subject to prior notification to the person concerned, and include the possibility for judicial review. The grounds for dismissal shall be made available to the public.

Amendment 104

Proposal for a regulation Article 5 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Without prejudice to the right of Member States to define the competences and duties of the head of management and members of the governing board of public service media providers as laid down by national law, the head of management and members of the governing board shall not take, interfere or overrule editorial decisions of editors, who shall exercise editorial responsibility in public service media providers within the meaning of Article 2 (9) of this Regulation.

Amendment 105

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 **benefit from sustainable funding, aiming to facilitate and nurture editorial independence, allocated on a multi-year basis and determined according to predictable, transparent, independent, impartial and non-discriminatory procedures and on the basis of transparent, objective and proportionate criteria laid down in advance by national law taking into account the standards laid down in the 'Communication from the Commission on the application of State aid rules to public service broadcasting'^{1a}**. Those **procedures** shall be such that editorial independence is safeguarded.

^{1a} OJ C 257, 27.10.2009, p. 1–14

Amendment 106

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

4. Member States shall designate one or more independent authorities or bodies in order to monitor compliance with paragraphs 1 to 3.

Amendment

4. Member States shall **put in place mechanism and may**, designate one or more independent authorities or bodies in order to monitor compliance with paragraphs 1 to 3. **Following findings related to non-compliance or partial compliance with this Article, the designated independent authorities or bodies shall make the findings available to the public, launch an investigation in**

accordance with the corresponding regulatory provisions in the Member State and inform the European Board for Media Services and the Commission.

Amendment 107

Proposal for a regulation Article 6 – title

Text proposed by the Commission

Duties of media service providers
providing news and current affairs
content

Amendment

Duties of media service providers
exercising editorial responsibility over
content

Amendment 108

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 ***exercising editorial responsibility over*** content shall make easily and directly accessible to the recipients of their services the following information ***in electronic, machine readable and user-friendly format:***

Amendment 109

Proposal for a regulation Article 6 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) their legal name and **contact** details;

(a) their legal name and **registration** details;

Amendment 110

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

(b) the name(s), **and where applicable, its registered office, legal form and name(s) of legal representative(s)** of their direct or indirect owner(s) with shareholdings **of at least 15% of its capital and where applicable, the extent to which their direct, indirect or beneficial ownership is held by the government, a state institution, state-owned enterprise or other public body.**

Amendment 111

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the name(s) of their beneficial owners within the meaning of **Article 3, point 6 of Directive (EU) 2015/849 of the European Parliament and of the Council.**

(c) the name(s) of their beneficial owners within the meaning of **Article 2, paragraph 1, point 22 of Regulation (EU) XXXX/XXX [Anti-Money Laundering Regulation]**

Amendment 112

Proposal for a regulation

Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the legal name of any advertisers, sponsors or donors whose annual payments or contributions to the media service provider amount to 10% or more of that providers' annual turnover;

Amendment 113

Proposal for a regulation

Article 6 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) the provision of political advertising services by clearly marking and labelling any advertised political or otherwise sponsored content and by making publicly accessible the content of any concluded contract for political advertising by the media service provider, including by disclosing the total monthly amount received for the advertising service, in accordance with Regulation (EU) 2023/XXX [Regulation on the transparency and targeting of political advertising];

Amendment 114

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

Text proposed by the Commission

Amendment

(c c) information concerning the ownership structure related to their parent and sister companies, as well as their subsidiaries;

Amendment 115

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

Text proposed by the Commission

Amendment

1 a. In duly justified cases and upon request, the media service providers, in compliance with Union and national law, shall make available to the national regulatory authorities or bodies, to the Board and to any other parties with legitimate interest the following up-to-date information

(a) the business and financial interests, links or activities of their owners and their family members known to be close associates of politically exposed persons as defined in point 25, paragraph 1, of Article 2 of Regulation (EU) XXXX/XXX [Anti-Money Laundering Regulation];

Amendment 116

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

Text proposed by the Commission

Amendment

1 b. Media service providers shall submit upon request the information referred to in paragraph 1 to national regulatory authorities or bodies and the European Board for Media Services and inform them within 30 days of any change to their ownership.

Amendment 117

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:**

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

2. Without prejudice to national constitutional **or other national laws, including national laws on media pluralism and media freedom** consistent with the Charter, media service providers **exercising editorial responsibility over content** providing news and current affairs content shall take **the** appropriate **self-regulatory measures to guarantee** the independence of individual editorial decisions **based on established professional editorial line.**

Amendment 118

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

Text proposed by the Commission

Amendment

(2 a) Without prejudice to the right of owners or the entity legally liable for the content to set out the general editorial line or strategic or general goals, owners or other company management of media service providers shall guarantee the independence of editors-in-chief and editors, with respect to individual editorial decisions taken in the exercise of their profession.

Amendment 119

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

Text proposed by the Commission

Amendment

(2 b) Without prejudice to national constitutional laws consistent with the Charter, media service providers exercising editorial responsibility over content shall take the appropriate self-regulatory measures to disclose conflict of interest by any party having a stake in media service providers that may affect the provision of content.

Amendment 120

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

Text proposed by the Commission

Amendment

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

Amendment 121

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

Amendment 122

Proposal for a regulation Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6 a

Media Ownership Restrictions

1. A natural person entrusted with the following prominent public functions:

a. in a Member State:

i. heads of State, heads of government, ministers;

b. at Union level:

i. President of the European Council, President of the Commission and members of the Commission;

c. in a third country:

i. functions that are equivalent to those listed in point (a)

shall not be beneficial owners, as defined within the meaning of Article 2, paragraph 1, point 22, of Regulation (EU) XXXX/XXX [Anti-Money Laundering Regulation], of any press publications, or audiovisual media service within the duration of their term of office.

2. When a person is entrusted with a prominent public function in accordance with paragraph 1 of this Article, they shall terminate the operation of the media service provider or shall terminate the business relationship, which allows for exercising influence over the media service provider, with the media service provider without undue delay, but not later than 60 days after becoming a politically exposed person.

Amendment 123

**Proposal for a regulation
Article 7 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2 a. Member States shall guarantee the organisational and functional autonomy of the national regulatory authorities or bodies, as well as the operational autonomy to manage their financial and human resources.

Amendment 124

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

Amendment

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

3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources to carry out their tasks under this Regulation ***independently of any government, public or private body, transparently and without political or any other undue influence. Such allocations shall be sustainable and proportional to the additional tasks conferred under this Regulation.***

Amendment 125

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

Text proposed by the Commission

Amendment

3 a. Member States shall ensure that the

heads and members of national regulatory authorities and bodies are appointed through a transparent, open and non-discriminatory procedure and on the basis of objective, gender-balanced, clear, transparent and proportionate criteria laid down in advance by national law. They may be dismissed before the end of their term of office under exceptional circumstances where they no longer fulfil the legally predefined conditions required for the performance of their duties or serious misconduct as defined in advance by national law. Dismissal decisions shall be duly justified, subject to prior notification to the person concerned, and include the possibility for judicial review. The grounds for dismissal shall be made available to the public.

Amendment 126

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

Text proposed by the Commission

Amendment

3 b. Members of the national regulatory authorities or bodies, their governing bodies and their management shall, in the performance of their tasks or the exercise of their powers, neither seek nor take instructions from the government, institution, person or body and fulfill their missions in an effective, independent and transparent manner. This shall not affect the competencies of the Board or the Commission in conformity with this Regulation.

Amendment 127

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

Text proposed by the Commission

Amendment

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

Amendment 128

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

Text proposed by the Commission

Amendment

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.

Those powers shall **be laid down in advance by national law and** 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 129

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

Text proposed by the Commission

Amendment

4 a. Member States shall entrust the national regulatory authorities or bodies with developing and maintaining a dedicated online media ownership database as the National Repository of Media Ownership, containing disaggregated data about different types of media, as defined in Article 6.1 of this Regulation, including at regional and/or local levels, to which the public would have direct, easy, swift and effective access free of charge. National regulatory authorities or bodies shall produce yearly reports on the ownership of media services under the jurisdiction of a given Member State and submit them to the European Board for Media Services.

Amendment 130

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

Text proposed by the Commission

Amendment

4 b. National regulatory authorities or bodies shall submit data provided according to Article 6.1 of this Regulation to the European Database of Media Ownership on a bi-annual basis.

Amendment 131

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

Text proposed by the Commission

Amendment

4 c. National regulatory authorities or bodies shall submit data provided according to article 24 to the European Database of State Financial Support on a bi-annual basis , including at regional and/or local levels, to which the public would have easy, swift and effective access free of charge.

Amendment 132

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

Text proposed by the Commission

Amendment

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

Amendment 133

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, **including of any government or other undue influence**, when performing its tasks or exercising its powers. In particular, the Board shall **be completely autonomous**, in the performance of its tasks or the exercise of its powers **of any political, governmental or other influence when performing its tasks and**, neither seek nor take instructions from any government, **national agency, body, person or Union** institution, **body, office or agency**. This shall not affect the competences of the Commission or the national regulatory authorities or bodies in conformity with this Regulation.

Amendment 134

Proposal for a regulation
Article 10 – title

Text proposed by the Commission

Structure of the Board

Amendment

Structure **and composition** of the Board

Amendment 135

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The Board shall be composed of

Amendment

1. The Board shall be composed of **high**

representatives of national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU.

level representatives of national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU.

Amendment 136

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

Amendment 137

Proposal for a regulation Article 10 – paragraph 5

Text proposed by the Commission

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

Amendment

5. The Commission shall designate a representative to the Board. The representative of the Commission shall participate in **the** activities and meetings of **the Board, in agreement with** the Board, without voting rights. The Chair of the Board shall keep the Commission **and the European Parliament** informed about the ongoing and planned activities of the

its work programme and main deliverables.

Board. The Board shall consult the Commission **and other relevant stakeholders** in preparation of its work programme and main deliverables.

Amendment 138

Proposal for a regulation Article 10 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

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

Amendment 139

Proposal for a regulation Article 10 – paragraph 6

Text proposed by the Commission

Amendment

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

6. The Board, in agreement with the Commission, may invite observers **from outside the Union** to attend its meetings **and may designate permanent observers from amongst national regulatory authorities with competence in the media field, coming from non-EU countries, which have entered into agreements with the Union to that effect. The observers shall not have voting rights.**

Amendment 140

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

Text proposed by the Commission

Amendment

6 a. The Board, in particular when discussing matters or taking decisions that concern the non-audiovisual media sector, shall consult with and take advice from the non-Audiovisual Media Expert Group;

Amendment 141

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

Text proposed by the Commission

Amendment

6 b. The Board shall organise annual consultations with representatives of the media services providers established in the Union, civil society members, academia and independent media experts. Without prejudice to the independence of the Board the results of these consultations shall be reflected in the preparation of its work programme and activities.

Amendment 142

Proposal for a regulation
Article 10 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. The voting rights of a national regulatory authority or body within the Board shall be suspended in case one or more of the following criteria are met:

i. the Member State that the national regulatory authority or body is representing in the Board is the subject to an infringement procedure in connection with breach of Article 30 of Directive 2010/13/EU;

ii. independent media pluralism monitoring instruments indicating a high risk of non-independence of the national regulatory authority or body in two consecutive years.

iii. the Member State is subject to a procedure pursuant to Article 7 of the Treaty on European Union, following breaches of the rule of law relating to issues concerning the failure to uphold media freedom or media pluralism.

iv. The report referred to in Article 12 paragraphs 1 point (g b) points to serious non-compliance of that regulatory authority or body with its obligations in defending the freedom of media in the member state.

Amendment 143

Proposal for a regulation Article 10 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7 b. The suspension of the voting rights shall be terminated once the criteria as

set in Article 10 (7a) of this Regulation are no longer met

Amendment 144

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, ***following a consultation*** with the Commission. ***The results of this consultation shall not be binding for the Board. The Board shall lay down, in its rules of procedure, the practical arrangements for the prevention and management of conflict of interests. The Board shall inform the European Parliament of any substantial changes it adopts to its rules of procedure.***

Amendment 145

Proposal for a regulation Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10 a

Non-Audiovisual Media Expert Group

- 1. The European Board for Media Services shall establish the Non-Audiovisual Media Expert Group (Expert Group);***
- 2. The Expert Group shall be composed by representatives of the media sector from***

beyond the audiovisual sector, appointed in a transparent, objective and non-discriminatory procedure, based on applications submitted to the Board;

3. The number of members shall be laid down in the Board Rules of Procedure and shall comprise representatives from all Member States, as well as up to eight representatives of European journalistic associations, organisations or natural persons with expertise in the media sector;

4. The Expert Group shall provide independent expertise, assistance, and advice to the Board in carrying out its tasks on issues related to media freedom and pluralism the non-audiovisual media sector and may provide advice to the Board in any situations where requested by the Board;

5. The Board shall consult the Expert Group when establishing its annual working programme and planned activities;

Amendment 146

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Board shall **be supported by** a secretariat **independent from the Commission and the Member States, acting only on the instructions of the Board. The secretariat shall be provided with sufficient budget, independent expertise and human resources to support the Board in carrying out tasks outlined in this Regulation.**

Amendment 147

Proposal for a regulation Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Members of the secretariat shall be selected and appointed through an open and transparent competition;

Amendment 148

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

Text proposed by the Commission

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 rules implementing Directive 2010/13/EU throughout the Union. The Board shall:

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

Amendment 149

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

Text proposed by the Commission

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

Amendment

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

Amendment 150

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 151

Proposal for a regulation

Article 12 – paragraph 1 – point e – introductory part

Text proposed by the Commission

Amendment

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

(e) draw up opinions with respect to:

Amendment 152

Proposal for a regulation

Article 12 – paragraph 1 – point e – point i

Text proposed by the Commission

Amendment

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

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

Amendment 153

Proposal for a regulation

Article 12 – paragraph 1 – point f – introductory part

Text proposed by the Commission

Amendment

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

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

Amendment 154

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 likely to affect the functioning of the internal market for media services **or have a significant impact on media pluralism**, in accordance with Article 20(4) of this Regulation;

Amendment 155

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) media market concentrations **and associated services such as printing and dissemination of products** which are likely to affect the functioning of the internal market for media services **and that could have a significant impact on media pluralism and editorial independence**, in accordance with Article 22(1) of this Regulation;

Amendment 156

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

Text proposed by the Commission

(g) draw up opinions on draft national

Amendment

(g) draw up opinions on draft national

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

opinions or decisions assessing the impact on media pluralism and editorial independence of a notifiable media market concentration **and associated services such as printing and dissemination of products** where such a concentration may affect the functioning of the internal market, in accordance with Article **21** of this Regulation (**as well as existing concentrations at the entry into force of the present Regulation, in accordance with Article 22 of this Regulation**), and make these findings available to the European Parliament upon its request; when drawing up such opinions, the Board, in its assessment, shall take into consideration the findings of the Commission's Annual Rule of Law report, as well as those of instruments monitoring media pluralism in determining the overall risk towards media pluralism;

Amendment 157

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(g a) issue and monitor compliance with publicly available guidelines and recommendations on methodology to assess media market concentrations as referred to in Article 21 of this Regulation;

Amendment 158

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 media market concentrations **and associated services such as printing and dissemination of products**, in accordance with Article 21(3) of this Regulation;

Amendment 159

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

Text proposed by the Commission

Amendment

(l a) under request or at its own initiative, the Board may provide mediation assistance in case of no agreement between media service providers and providers of very large online platforms pursuant to Article 17(4)

Amendment 160

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

Amendment

(m) foster the exchange of best practices **and promote compliance with existing codes of conduct** related to the

Article 23(5) of this Regulation.

deployment of audience measurement systems, in accordance with Article 23(5) of this Regulation.

Amendment 161

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(m a) draw up and make available to national regulatory authorities and bodies established according to Directive 2010/13/EU a template for reporting on the ownership of media service providers and the allocation of state resources according to Article 6(4) and Article 24(2a) of this Regulation.

Amendment 162

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(m b) establish and operate a European Repository of Public Funding for State Advertising allocated to media service providers (AM 81 Rapp) in all Member States, compiled on the basis of the reports submitted by national regulatory authorities or bodies and including the calculation of ration of state advertising allocated to media service providers in relation to their annual revenue and establish an European level benchmarks

on allocation practices;

Amendment 163

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(m c) establish and maintain the European Database for Media Ownership collecting information provided by national regulatory authorities and bodies, in accordance with Article 6 of this Regulation.

Amendment 164

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(m d) organise a structured dialogue with representatives of media service providers, civil society, academia and other relevant stakeholders to cooperate and exchange information, experience and best practices on the implementation of this Regulation and Directive 2010/13/EU. The results of these consultations shall inform the preparation of its work programme and activities, and shall be publicly available.

Amendment 165

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

Text proposed by the Commission

Amendment

(m e) prepare a detailed annual report of its activities and tasks as provided for in this Article, in particular an overview of the state of play of compliance with the recommendations issued by the Board. The annual report shall be made publicly available. The Board shall provide, in its future annual reports, a follow-up of the previous reports prepared.

Amendment 166

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

Text proposed by the Commission

Amendment

(m f) develop guidelines and recommendations on criteria, in consultation with media stakeholders, for the distribution of public funds through state financial support in accordance with article 24 of this Regulation, that ensure they are insulated from political interference.

Amendment 167

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

Text proposed by the Commission

Amendment

(m g) analyse the potential interdependency between media service providers and the state created by financial flows from the state to media owners via state contracts through companies belonging to the same business group as the media service provider, operating in other industries. The Board should draw up guidelines on how to prevent any conflict of interest arising from and its potential impact on editorial policy.

Amendment 168

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Where a national regulatory authority or body considers that there is a serious and grave risk of prejudice to the functioning of the internal market for media services or a serious and grave risk of prejudice to public security ***and defence***, it may request other national regulatory authorities or bodies to provide accelerated cooperation or mutual assistance, while ensuring compliance with fundamental rights, in particular freedom of expression.

2. Where a national regulatory authority or body considers that there is a serious and grave risk of prejudice to the functioning of the internal market for media services or a serious and grave risk of prejudice to ***democracy and rule of law and/or*** public security, it may request other national regulatory authorities or bodies to provide accelerated cooperation or mutual assistance, while ensuring compliance with fundamental rights, in particular freedom of expression.

Amendment 169

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 or mutual assistance, including accelerated cooperation or mutual assistance, shall contain all the necessary information, including the purpose of and reasons for it, ***as specified in the Board's Rules of Procedure.***

Amendment 170

Proposal for a regulation
Article 13 – paragraph 6

Text proposed by the Commission

6. The requested authority shall do its utmost to address and reply to the request without undue delay. The requested authority shall provide intermediary results within the period of 14 calendar days from the receipt of the request, with subsequent regular updates on the progress of execution of the request. In case of requests for accelerated cooperation or mutual assistance, the requested authority shall address and reply to the request within 14 calendar days.

Amendment

6. The requested authority shall do its utmost to address and reply to the request without undue delay. The requested authority shall provide intermediary results within the period of 14 calendar days from the receipt of the request, with subsequent regular updates on the progress of execution of the request. In case of requests for accelerated cooperation or mutual assistance, the requested authority shall address and reply to the request within 14 calendar days. ***Further details on the procedure of the structured cooperation, including the rights and obligations of the parties, shall be defined in the Board's rules of procedure.***

Amendment 171

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

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 172

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

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 action was not taken.***

Amendment 173

Proposal for a regulation

Article 14 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 174

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 175

Proposal for a regulation

Article 15 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU **and Article 6 of this Regulation , as well as of their parent or sister companies or of their subsidiaries.**

Amendment 176

Proposal for a regulation

Article 15 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 177

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

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

Amendment

1. ***Without prejudice to Article 3 of Directive 2010/13/EU, the Board shall, upon the request of the national regulatory authorities or bodies from at least two Member States, coordinate relevant measures by national regulatory authorities or bodies concerned, related to the dissemination of or access to media services provided by media service providers established, originating, funded or owned by state and non-state actors from outside the Union that, irrespective of their means of distribution, target or reach audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to public interest, public security and defence, including foreign interference within the EU information ecosystem and public health.***

Amendment 178

**Proposal for a regulation
Article 16 – paragraph 2**

Text proposed by the Commission

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

Amendment

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

or owned by state and non-state actors from outside the Union. The Board shall issue guidelines on the format of such requests. When the request is formulated by a minimum number of Board members, defined in the Board's rules of procedure, the Board shall be automatically triggered to issue an opinion. The Board may consult the Commission in issuing such opinions, where deemed appropriate. Without prejudice to their powers under national law, the competent national authorities concerned, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board. The competent authority or body shall provide reasons for any refusal to undertake the recommended actions.

Amendment 179

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

Text proposed by the Commission

Amendment

2 a. 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 Directive 2010/13/EU.

(ii) the audiovisual media service is

prejudicing or presenting a serious and grave risk of prejudice for several Member States or the Union.

Amendment 180

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

Text proposed by the Commission

Amendment

2 b. Member States shall ensure that when relevant, national regulatory authorities or bodies, when deciding to take action (inter alia through licensing or registration) against a media service provider established or originating, funded or owned by state and non-state actors from outside the Union, have a legal basis to take into account at least one of the following conditions:

(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 grounds of this article.

Amendment 181

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

Text proposed by the Commission

Amendment

2 c. Online platforms and online search engines shall cooperate fully with any investigations or inquiries conducted by

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

Amendment 182

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

Text proposed by the Commission

(a) **it is** a media service provider within the meaning of Article 2(2);

Amendment

(a) **they are** a media service provider within the meaning of Article 2(2) **and comply with the obligations set out in Article 6(1);**

Amendment 183

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

Text proposed by the Commission

Amendment

1 a. Where media service providers decide to submit a declaration as set out in paragraph 1, these declarations shall be reviewed at the national level by the appropriate regulatory or self-regulatory authorities and bodies, or where such bodies do not exist, by a committee of representatives of experts from the media sector.

Amendment 184

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

Text proposed by the Commission

Amendment

1 b. Where the declarations set out in paragraph 1 are invalidated at the national level, they shall be referred to the European Board of Media Services. The Board shall issue an assessment on the status of the declaration, upon the consent of the media service provider, and send this opinion to the Commission. The Commission shall take into consideration the opinion of the Board and issue a decision on the status of the declaration. The Board and the Commission may consult experts from the media sector when conducting this process.

Amendment 185

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

Text proposed by the Commission

Amendment

1 c. Providers of very large online platforms shall ensure that their content moderation processes have adequate and sufficient personnel, linguistic range and cultural sensitivity and context-specific training, to ensure that freedom and pluralism of the media is not undermined.

Amendment 186

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

Text proposed by the Commission

Amendment

1 d. Providers of very large online platforms which allow for the dissemination of media services shall respect the right to freedom of expression and freedom of the media and shall ensure the fair and non-discriminatory distribution on their services of media services provided by media service providers.

Amendment 187

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

Amendment

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

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

provider concerned the statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150, prior to the suspension taking effect.

provider concerned the ***detailed*** statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150 ***and Article 17(3) of Regulation (EU) 2022/2065 [Digital Services Act], and provide the media service provider with an opportunity to reply to the statement of reasons within 24 hours*** prior to the suspension ***or restriction*** taking effect. ***During that time the provider of the very large online platform may decide to put a notice on the content or service that is being under inspection. A provider of a very large online platform shall not restrict or suspend the provision of its online intermediation services in relation to content or services provided by a media service provider where that that media service provider has reasonably demonstrated that the content or services in question are in accordance with the national law of the Member State concerned.***

The media service provider may notify the outcome of such exchanges to the national regulatory authority, to the Board or to the national digital services coordinator as referred in the Regulation (EU) 2022/2065, (DSA).

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 188

Proposal for a regulation Article 17 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Providers of very large online platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 **and/or Article 20 of Regulation (EU) 2022/2065 [Digital Services Act]** by media service providers that submitted a declaration pursuant to paragraph 1 of this Article are processed and decided upon with priority and without undue delay.

Amendment 189

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

Text proposed by the Commission

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

Amendment

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

Amendment 190

**Proposal for a regulation
Article 17 – paragraph 6**

Text proposed by the Commission

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

Amendment

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

Amendment 191

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

numbers and trends related to the subject matter, volume, and affected parties.

Amendment 192

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 193

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

Text proposed by the Commission

Amendment

2 a. The organisations referred to in paragraph 1 and having activities at European level shall be registered in the Transparency Register and the list thereof shall be made public by the Board.

Amendment 194

Proposal for a regulation Article 19 – title

Text proposed by the Commission

Right of customisation of audiovisual media offer

Amendment

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

Amendment 195

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 196

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

Amendment

2. When placing the devices, and user interfaces referred to in paragraph 1 on the market, manufacturers and developers shall ensure that they include a

functionality enabling users to freely and easily change the default **settings** controlling or managing access to and use of the audiovisual media services offered.

functionality enabling users to freely and easily change the default **layout** controlling or managing access to and use of the audiovisual media services offered.

Amendment 197

Proposal for a regulation Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19 a

Right to identify the content 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 198

Proposal for a regulation Article 20 – title

Text proposed by the Commission

Amendment

National measures affecting the operation

National measures affecting the **provision**

of media service providers

and operation of media service providers

Amendment 199

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, **implementing**, regulatory or administrative measure taken by a Member State, **including, but not limited to, the implementation of Directive 2010/13/EU** that is liable to affect the **provision of media services or** operation of media service providers in the internal market shall be duly justified, and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory, **shall not disproportionately disrupt the operation of media service providers and shall follow the principle of non-regression on EU values in Member States with respect to media freedom and independence.**

Amendment 200

Proposal for a regulation

Article 20 – paragraph 3

Text proposed by the Commission

3. Without prejudice and in addition to its right to effective judicial protection, any media service provider subject to an administrative or regulatory measure referred to in paragraph 1 that concerns it

Amendment

3. Without prejudice and in addition to its right to effective judicial protection, any media service provider subject to an administrative or regulatory measure referred to in paragraph 1 that concerns it

individually and directly shall have the right to appeal against that measure to an appellate body. That body shall be independent of the parties involved and of any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. It shall have the appropriate expertise to enable it to carry out its functions effectively.

individually and directly shall have the right to appeal against that measure to an appellate body, **which may be a court of law**. That body shall be independent of the parties involved and of any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. It shall have the appropriate expertise **and funding** to enable it to carry out its functions effectively **and to respond to any appeals timely. Where the Board has issued an opinion on the matter, such national appellate bodies may take this into particular consideration.**

Amendment 201

Proposal for a regulation Article 20 – paragraph 4

Text proposed by the Commission

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

Amendment

4. The Board, upon **its own initiative or at the** request of the Commission **or the media service provider affected by the measure**, 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. **The opinion shall, where applicable, include the justification, the proportionality analysis and can include consultation with national stakeholders.** 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. **Where applicable, media service providers that consider to be directly affected by such measures shall**

also be able to request the Board to issue an opinion.

Amendment 202

Proposal for a regulation Article 20 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Amendment 203

Proposal for a regulation Article 21 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The assessment referred to in this paragraph shall be distinct from the competition law assessments including

Amendment

The assessment referred to in this paragraph shall ***provide an independent evaluation of any undue distortions to the***

those provided for under merger control rules. It shall be without prejudice to Article 21(4) of Regulation (EC) No 139/2004, where applicable.

media environment and be distinct from the competition law assessments including those provided for under merger control rules. It shall be without prejudice to Article 21(4) of Regulation (EC) No 139/2004, where applicable.

Amendment 204

Proposal for a regulation

Article 21 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

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

Amendment 205

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a a) the results of the risk assessment made by the annual Commission Rule of Law Report and media pluralism monitoring instruments to identify, analyse and asses any systemic risks to media freedom and media pluralism in

Amendment 206

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 **and independence** of the editorial teams and the existence of measures by media service providers taken with a view to guaranteeing the independence of individual editorial decisions, **as well as national legislation and self-regulatory norms in this regard**;

Amendment 207

Proposal for a regulation

Article 21 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

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

Amendment 208

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(c a) the entirety of the media market, including the associated services such as printing and dissemination of products (SD horizontal AMs), online environment actors such as the providers of very large online platforms or very large online search engines as well as public media service providers.

Amendment 209

Proposal for a regulation

Article 21 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. The respective national regulatory authorities or bodies, at their own initiative or requested by the Board, shall conduct an ex-post evaluation of concentrations taking into account criteria referred to in paragraph 2.

Amendment 210

Proposal for a regulation

Article 21 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6 b. The assessments and opinions referred to in this Article shall be made publicly available.

Amendment 211

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 212

Proposal for a regulation Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Board shall take utmost account of input from civil society and other stakeholders from the media sector when deciding whether to draw up an assessment on a concentration which would objectively impact the media market.

Amendment 213

**Proposal for a regulation
Article 22 – paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1 b. The National Regulatory Authority who is addressed by the opinion shall report to the Board within 90 days concerning the measures it has taken to comply with the recommendations.

Amendment 214

**Proposal for a regulation
Article 22 a (new)**

Text proposed by the Commission

Amendment

Article 22 a

Investigation of media market concentrations into systematic non-compliance

1. Following the recommendation of the Board pursuant to Article 22(1e), or under

request of the European Parliament, or on its own initiative, the Commission may conduct an investigation of a media market concentration for the purpose of examining whether such concentration has engaged in systematic non-compliance with the obligations laid down under this Regulation, putting in serious risk the independence, plurality and freedom of media. The Commission shall conclude the investigation within 6 months. Where the findings of the investigation show that a media market concentration has systematically infringed the obligations laid down in this Regulation and that there is a clear risk of seriously undermining the independence, plurality and freedom of the media, the Commission is empowered to adopt a delegated act pursuant to Article 22c, imposing on the undertakings part of the media market concentration any behavioural or structural remedies which are proportionate and necessary to ensure effective compliance with this Regulation and the protection of media freedom, pluralism and independence.

2. The remedy imposed in accordance with paragraph 1 of this Article may include, to the extent that such remedy is proportionate and necessary in order to maintain or restore the independence, plurality and freedom of media as affected by the systematic non-compliance, the prohibition, during a limited period, for the undertakings which are part of the media market concentration under investigation to remain or enter into a further media market concentration as defined in Article 2, paragraph 13, of this Regulation.

3. A media market concentration shall be deemed to have engaged in systematic non-compliance with the obligations laid down in this Regulation, where the opinions of concentrations issued by the Board pursuant to Article 22 of this

Regulation conclude that there is a potential risk to the independence, plurality and freedom of media and issues a recommendation to the Commission pursuant to Article 22(1e) of this Regulation advising the Commission to launch an investigation in order to determine whether the concerned media market concentration poses a serious risk to the independence, plurality and freedom of media. For the purpose of its investigation, the Commission shall take into account procedures launched under Article 7 TEU.

4. The Commission shall communicate its findings to the Member States and undertakings concerned within 6 months from the date of the adoption of the recommendation issued by the Board pursuant to Article 22, paragraph 1e, of this Regulation. In its findings, the Commission shall explain whether it considers that the conditions of paragraph 1 and 3 of this Article are met and which remedy or remedies it considers necessary and proportionate. The findings of the Commission shall be public and made available to the European Parliament and to the Council.

5. In the course of the investigation of a media market concentration, the Commission may extend its duration where such extension is justified on objective grounds and proportionate. The total duration of any extension or extensions pursuant to this paragraph shall not exceed 6 months. The Commission shall inform the European Parliament and the Council.

6. In order to ensure effective compliance by the media market concentration with its obligations laid down in this Regulation, the Commission shall regularly review the remedies that it imposes in accordance with paragraphs 1 and 2 of this Article. The Commission shall

be entitled to modify those remedies if, following an investigation of a media market concentration, it finds that they are not effective.

Amendment 215

Proposal for a regulation Article 22 b (new)

Text proposed by the Commission

Amendment

Article 22 b

Non-compliance

- 1. The Commission shall adopt a delegated act pursuant to Article 22c, setting out its findings of non-compliance ('the non-compliance decision') where it finds that a media market concentration has engaged in systematic non-compliance with this Regulation putting a serious risk to the independence, plurality and freedom of media.**
- 2. The Commission shall endeavour to adopt its non-compliance decision within 12 months from the opening of an investigation pursuant to Article 22a.**
- 3. Before adopting the non-compliance decision, the Commission shall communicate its findings to the undertakings concerned. In those findings, the Commission shall explain the measures it is considering taking or that it considers that the undertakings concerned should take in order to effectively address the findings.**
- 4. Where it intends to adopt a non-compliance decision, the Commission may consult relevant stakeholders.**
- 5. In the non-compliance decision, the**

Commission shall order the undertakings concerned to cease and desist with the non-compliance within an appropriate deadline and to provide explanations on how it plans to comply with that decision.

6. The undertakings concerned shall provide the Commission with the description of the measures that it has taken to ensure conformity with the non-compliance decision.

7. Where the Commission decides not to adopt a non-compliance decision, it shall close the proceedings.

8. The non-compliance decisions issued by the Commission shall be made publicly available.

Amendment 216

Proposal for a regulation Article 22 c (new)

Text proposed by the Commission

Amendment

Article 22 c

Delegated Acts

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 22a and 22b shall be conferred on the Commission for an indeterminate period of time from [OP please insert the date = 6 months after the date of entry into force of this Regulation].

3. The power to adopt delegated acts referred to in Articles 22a and 22b may be revoked at any time by the European Parliament or by the Council. A decision

to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Articles 22a and 22b shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of one month of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.

Amendment 217

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,

Amendment

1. Audience measurement systems and methodologies shall comply with principles of transparency, impartiality,

inclusiveness, proportionality, non-discrimination and verifiability.

inclusiveness, proportionality, non-discrimination, **comparability** and verifiability.

Amendment 218

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 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 219

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

Amendment

3. National regulatory authorities or bodies shall encourage the drawing up of codes of conduct by providers of audience measurement systems, together with

media service providers, their representative organisations and any other interested parties, that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits.

media service 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.

These codes of conduct should provide for regular, transparent and independent monitoring and evaluation of the achievement of these objectives. The codes of conduct should provide effective implementation including through proportionate sanctions where appropriate. In the drawing up of codes of conduct, special consideration should be given to small media to ensure proper measurements of their audiences.

Amendment 220

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, civil society organisations*** and other interested parties.

Amendment 221

Proposal for a regulation
Article 24 – title

Text proposed by the Commission

Allocation of state advertising

Amendment

Allocation **and transparency** of state advertising **and other state financial support**

Amendment 222

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, **including European Union, national or local funds**, or any other consideration or advantage granted by public authorities to media service providers, **including to very large online platform providers and very large online search engine providers**, for the purposes of advertising shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. **Such funds allocated by any public authority to a singular media service provider, including to a very large online platform provider or to a very large search online engine provider shall not exceed 15% of the total budget allocated by the said public authority to the totality of media service providers operating in the corresponding European, national or local market;** This Article shall not affect public procurement rules **and political advertising**.

Amendment 223

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. **Relevant** public authorities, including **at Union**, national, federal or regional **or local level**, regulatory authorities or bodies, as well as state-owned enterprises or other state-controlled entities at the national, regional or local **level** shall make publicly available **through electronic and user-friendly means** accurate, comprehensive, intelligible, **and machine readable format** detailed yearly information about their advertising expenditure **and other financial support from public funds, including European Union funds**, allocated to media service providers **and online providers of online platforms**, which shall include at least the following details:

Amendment 224

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** from which advertising services were purchased **or to whom an advantage was given**;

Amendment 225

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 as well as the amounts spent per media service provider **or providers of online platforms and the ratio of funds allocated to singular media service providers out of the total budget allocated to the totality of media service providers on the corresponding European, national or local level.**

Amendment 226

Proposal for a regulation

Article 24 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 227

Proposal for a regulation Article 24 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The Board, on its own initiative or as a result of input from civil society, journalistic organisations or other relevant stakeholders, may decide to assess the allocation of European Union funding by national governments and issue an opinion on the application and compliance with paragraph 1.

Amendment 228

Proposal for a regulation Article 24 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. National regulatory authorities or bodies shall submit data provided by public authorities pursuant to paragraph 2 on a bi-annual basis to the European Board for Media Services for the purpose of establishing European Database of State Financial Support.

Amendment 229

Proposal for a regulation Article 24 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3 c. The allocation of state resources to media service providers, for the purpose of transmitting emergency messages by public authorities shall become subject to the requirements set out in paragraphs 2 and 3, 6 months of adoption of those emergency measures. Such allocations shall always be subject to the requirements set out in paragraph 1.

Amendment 230

**Proposal for a regulation
Article 24 – paragraph 3 d (new)**

Text proposed by the Commission

Amendment

3 d. Member States shall publish, on an annual basis, details of all contracts between state bodies or state-owned enterprises and media service providers or other entities that belong to the same business grouping and their beneficial owners. This report should be published alongside the yearly National Regulatory Authorities reports on state advertising and other financial support.

Amendment 231

**Proposal for a regulation
Article 24 – paragraph 4**

Text proposed by the Commission

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

Amendment

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

Amendment 232

Proposal for a regulation
Article 25 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Commission shall in its monitoring exercise take account of the Board's reports, assessments and recommendations, input from civil society, the results from the media pluralism monitoring instruments and the findings from Rule of Law Reports.

Amendment 233

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

Text proposed by the Commission

Amendment

3. The monitoring exercise shall include:

3. The monitoring exercise shall include, **in particular**:

Amendment 234

Proposal for a regulation Article 25 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(b a) a detailed overview of the allocation of state advertising and state financial support to media service providers and providers of online platforms, including of European Union funding.

Amendment 235

Proposal for a regulation Article 25 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(b b) an assessment of the rules and practices in the allocation of public subsidies to media services;

Amendment 236

Proposal for a regulation Article 25 – paragraph 3 – point b c (new)

Text proposed by the Commission

Amendment

(b c) a detailed assessment of the decisions taken by media regulatory

bodies to see if there is any undermining of independent decision-making and of the independence of national authorities or bodies;

Amendment 237

Proposal for a regulation Article 26 – paragraph 1

Text proposed by the Commission

1. By [**four** years after the entry into force of this Regulation] at the latest, and every **four** years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

Amendment

1. By [**two** years after the entry into force of this Regulation] at the latest, and every **two** years thereafter, the Commission shall evaluate **the implementation of** this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

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	CULT						
Date announced in plenary	17.10.2022						
Opinion by	LIBE						
Date announced in plenary	17.10.2022						
Associated committees - date announced in plenary	16.3.2023						
Rapporteur for the opinion	Ramona Strugariu						
Date appointed	22.3.2023						
Discussed in committee	26.4.2023						
Date adopted	18.7.2023						
Result of final vote	<table style="width: 100%; border: none;"> <tr> <td style="width: 10%;">+:</td> <td style="text-align: right;">38</td> </tr> <tr> <td>–:</td> <td style="text-align: right;">10</td> </tr> <tr> <td>0:</td> <td style="text-align: right;">1</td> </tr> </table>	+:	38	–:	10	0:	1
+:	38						
–:	10						
0:	1						
Members present for the final vote	Magdalena Adamowicz, Abir Al-Sahlani, Konstantinos Arvanitis, Malik Azmani, Katarina Barley, Pietro Bartolo, Theresa Bielowski, Vladimír Bilčík, Vasile Blaga, Karolin Braunsberger-Reinhold, Saskia						

	Bricmont, Patricia Chagnon, Clare Daly, Lena Düpont, Nicolaus Fest, Maria Grapini, Sylvie Guillaume, Evin Incir, Sophia in 't Veld, Patryk Jaki, Fabienne Keller, Moritz Körner, Alice Kuhnke, Juan Fernando López Aguilar, Lukas Mandl, Erik Marquardt, Nadine Morano, Emil Radev, Paulo Rangel, Isabel Santos, Birgit Sippel, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Yana Toom, Elena Yoncheva, Javier Zarzalejos
Substitutes present for the final vote	Damian Boeselager, Gwendoline Delbos-Corfield, Matjaž Nemeč, Jan-Christoph Oetjen, Kostas Papadakis, Cristian Terheş, Miguel Urbán Crespo
Substitutes under Rule 209(7) present for the final vote	Andrus Ansip, Robert Biedroń, Eric Minardi, Jan Olbrycht, Christian Sagartz

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

38	+
PPE	Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Karolin Braunsberger-Reinhold, Lena Düpont, Lukas Mandl, Jan Olbrycht, Emil Radev, Paulo Rangel, Christian Sagartz, Javier Zarzalejos
Renew	Abir Al-Sahlani, Andrus Ansip, Malik Azmani, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Jan-Christoph Oetjen, Ramona Strugariu, Yana Toom
S&D	Katarina Barley, Pietro Bartolo, Robert Biedroń, Theresa Bielowski, Maria Grapini, Sylvie Guillaume, Evin Incir, Juan Fernando López Aguilar, Matjaž Nemeč, Isabel Santos, Birgit Sippel, Elena Yoncheva
Verts/ALE	Damian Boeselager, Saskia Bricmont, Gwendoline Delbos-Corfield, Alice Kuhnke, Erik Marquardt, Tineke Strik

10	-
ECR	Patryk Jaki, Cristian Terheş
ID	Patricia Chagnon, Nicolaus Fest, Eric Minardi, Annalisa Tardino
NI	Kostas Papadakis
The Left	Konstantinos Arvanitis, Clare Daly, Miguel Urbán Crespo

1	0
PPE	Nadine Morano

Key to symbols:

- + : in favour
- : against
- 0 : abstention