



Council of the  
European Union

Brussels, 23 March 2023  
(OR. en)

7783/23

---

---

**Interinstitutional File:**  
**2022/0277(COD)**

---

---

AUDIO 28  
CODEC 461  
DIGIT 48  
MI 237  
DISINFO 14  
FREMP 87  
COMPET 260  
EDPS 3  
DATAPROTECT 79  
JAI 351  
SERVICES 10  
POLGEN 29

#### **COVER NOTE**

---

From:	European Committee of the Regions
date of receipt:	23 March 2023
To:	General Secretariat of the Council

---

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 - COM (2022) 457 final
	– Opinion of the European Committee of the Regions

---

Delegations will find attached the above-mentioned Opinion

Other language versions of the EESC Opinion will be published here in due course:

[DM Search v4.6.0 \(europa.eu\)](#)



**European Committee  
of the Regions**

**CIVEX-VII/020**

**154th Plenary Session, 15-16 March 2023**

## **OPINION**

### **European Media Freedom Act**

#### **THE EUROPEAN COMMITTEE OF THE REGIONS**

- strongly supports efforts to safeguard media freedom, pluralism and independence, as well as the safety of journalists;
- reiterates strongly that subsidiarity, proportionality and multilevel governance are key principles and fundamental features for the functioning of the EU and its democratic accountability; emphasises that the legal act of a Directive would better serve these principles, while still attaining the goals of the initiative;
- stresses that in many Member States the regions play a role in regulating and supporting the media and cultural sectors, warns of the potential negative effects of overregulation on the well-established media systems across the EU Member States in which media freedom and pluralism are ensured and calls in this regard for caution in initiatives aiming to harmonise and centralise the regulation of the media at European level;
- questions the appropriateness of regulating media systems on the sole legal basis of the internal market competence under Article 114 TFEU; calls that it should be made clear that safeguarding media freedom and pluralism is the responsibility of the Member States and that these objectives go beyond the mere promotion of the internal market;
- stresses that the duty and responsibility of the Member States to guarantee media pluralism must be implemented efficiently, and that the respect of the principles of independent media supervision that is free from political influence shall be ensured;
- requests due attention to the independence of the proposed European Board for Media Services from political and business influence;
- calls for the introduction of concrete obligations for very large online platforms in order to protect the journalistic-editorial content in the online sector;
- reiterates its commitment to pursuing efforts to safeguard democratic resilience, rule of law and fundamental rights, and firmly supports all efforts to ensure an open, fair and pluralistic political debate.

### Rapporteur

Mark Speich (DE/EPP), Secretary of State for Federal, European and International Affairs and Media (North Rhine-Westphalia)

### Reference documents

Proposal for a regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU  
COM(2022) 457 final

Commission Recommendation on internal safeguards for editorial independence and ownership transparency in the media sector  
C(2022) 6536 final

## Opinion of the European Committee of the Regions – European Media Freedom Act

### I. RECOMMENDATIONS FOR AMENDMENTS

#### Amendment 1

Recital 2

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<i>Given their unique role, the protection of media freedom and pluralism is an essential feature of a well-functioning internal market for media services (or ‘internal media market’). This market has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should help the media sector seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.</i>	<i>In view of their unique role, special attention must be paid to protecting media freedom and media pluralism in the internal market concerning media services. The internal market for media services has changed fundamentally in recent decades and has become increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should support the media sector in taking advantage of these opportunities in the internal market, while working to ensure that the common values of the Union and the Member States, such as fundamental rights, are protected.</i>

<i>Reason</i>
The special role of the media as an economic and cultural good, as well as the respective competences of the European Union and its Member States stemming from this role, must be taken into account.

#### Amendment 2

Recital 3

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
In the digital media space, citizens and businesses access and consume media content, immediately available on their personal devices, increasingly in a cross-border setting. Global online platforms act as gateways to media content, with business models that tend to disintermediate access to media services and amplify polarising content and disinformation. These platforms are also essential providers of online advertising, which has diverted financial resources from the media sector, affecting its financial sustainability, and consequently the diversity of content on offer. As	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 <i>and search engines</i> act as gateways to media content, with business models that tend to disintermediate access to media services and amplify polarising content and disinformation. These platforms are also essential providers of online advertising, which has diverted financial resources from the media sector, affecting its financial sustainability, and consequently the

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 <i>is particularly important</i> .	diversity of content on offer. <i>These market participants must therefore be appropriately involved in order to ensure the independence and diversity of the media.</i> 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 <i>can be of particular importance</i> . <i>At the same time, however, corporate growth can have the effect of limiting the diversity of content and offerings in the domestic market and further increase the pressure on local or regionally active market players.</i>
--	--

<b>Reason</b>
All relevant developments of the market are to be taken into consideration.

### Amendment 3

#### Recital 4

COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
<b><i>However, the internal market for media services is insufficiently integrated. A number of national restrictions hamper free movement within the internal market. In particular, different</i></b> national rules and approaches related to media pluralism and editorial independence, <b><i>insufficient</i></b> cooperation between national regulatory authorities or bodies <b><i>as well as opaque</i></b> and unfair allocation of public and private economic resources <b><i>make it difficult for media market players to operate and expand across borders and</i></b> lead to an uneven level playing field <b><i>across the Union</i></b> . The integrity of the internal market for media services may also be challenged by providers that systematically engage in disinformation, including information manipulation and interference, and abuse the internal market freedoms, including by state-controlled media service providers financed by certain third countries.	<b><i>Functioning</i></b> national rules and approaches related to media pluralism and editorial independence <b><i>take into account the needs at national, regional and local level, in accordance with the Member States' fundamental duty to take adequate measures to ensure media pluralism. Common minimum standards for the development of these measures, set while respecting the cultural sovereignty of the Member States, are likely to promote the internal market and prevent inappropriate national restrictions on free movement within the internal market. For this purpose,</i></b> cooperation between national regulatory authorities or bodies <b><i>should also be improved.</i></b> <b><i>Opaque</i></b> and unfair allocation of public and private economic resources lead to an uneven level playing field <b><i>which can also impair competition in the publishing sector</i></b> . The integrity of the internal market for media services may also be challenged by providers that

	systematically engage in disinformation, including information manipulation and interference, and abuse the internal market freedoms, including by state-controlled media service providers financed by certain third countries.
--	--

<b>Reason</b>
The respective competences of the European Union and its Member States have to be reflected.

**Amendment 4**  
Recital 5  
COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
<b><i>Moreover, in response to challenges to media pluralism and media freedom online, some Member States have taken regulatory measures and other Member States are likely to do so, with a risk of furthering the divergence in national approaches and restrictions to free movement in the internal market.</i></b>	

<b>Reason</b>
It seems inappropriate to consider measures taken in line with national responsibility and competence to protect media plurality as an obstacle to the internal market.

**Amendment 5**  
Recital 6  
COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
<b><i>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</i></b>	

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

<i>Reason</i>
The regulation should be focused on the competence of the European Union.

**Amendment 6**  
Recital 7  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
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.	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 <b>cross-border</b> 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.

<i>Reason</i>
The regulation should be focused on the competence of the European Union.

**Amendment 7**  
Recital 10  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
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 <b>1 million</b> 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.	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 <b>Union</b> , national or regional level, or local governments of territorial entities of more than <b>100 000</b> inhabitants, <b>with the population criterion to be considered in conjunction with the definition of a minimum annual spending threshold</b> . 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, <b>provided that this does not involve more than reimbursement of the expenses incurred by the media service provider</b> .

<i>Reason</i>
The European Union itself should also be bound to transparency requirements. At the same time, the 1 million threshold is unrealistic for smaller Member States. Lowering the population threshold and considering it together with a minimum threshold for annual spending reduces the risk of transparency loopholes, while avoiding the creation of disproportionate administrative burden related to reporting requirements.

**Amendment 8**  
Recital 11  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<b><i>In order to ensure that society reaps the benefits of</i></b> the internal media market, it is essential <b><i>not only</i></b> to guarantee the fundamental freedoms	<b><i>In order to take adequate account of media services in their role as cultural goods in</i></b> the internal market, it is essential to guarantee the



<p><i>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.</i></p>	<p><i>fundamental freedoms enshrined in the Treaty while preserving the cultural diversity of the Union in the light of the obligation under fundamental law to ensure diversity of the media and to protect users' freedom of information. To this end, the Member States' responsibility for shaping their respective national media systems must be emphasised and guided by common values, while respecting the cultural sovereignty and different constitutional traditions of the Member States.</i></p>
---	--

<b>Reason</b>
The respective competences of the European Union and its Member States have to be reflected.

**Amendment 9**  
Recital 13  
COM(2022) 457 final

<b>Text proposed by the European Commission</b>	<b>CoR amendment</b>
<p>The free flow of trustworthy information <i>is essential in a well-functioning internal market for media services. Therefore,</i> the provision of media services should not be subject to <i>any</i> restrictions <i>contrary to this Regulation or other rules of Union law, such as Directive 2010/13/EU of the European Parliament and of the Council providing for measures necessary to protect users from illegal and harmful content.</i> Restrictions could also <i>derive</i> from measures applied by national <i>public</i> authorities in <i>compliance</i> with Union law.</p>	<p>The free flow of trustworthy information <i>should be guaranteed as far as possible. It must therefore be the duty of the Member States, along the lines of their national constitutions, in accordance with Article 11 and other fundamental rights, particularly of the Charter of Fundamental Rights of the European Union, namely freedom of expression and entrepreneurial freedoms, and respecting the fundamental freedoms of the internal market, to ensure an appropriate legal and administrative framework in which pluralism and the independence of the media are guaranteed in an effective and adequate manner.</i> The provision of media services should not be subject to restrictions <i>that violate these fundamental principles and are not in compliance with Union law.</i> Restrictions could also <i>result</i> from measures applied by national authorities in <i>accordance</i> with Union law.</p>

<i>Reason</i>
The respective competences of the European Union and its Member States have to be reflected.

#### Amendment 10

Recital 14

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<i>The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. Editorial independence is especially important for media service providers providing news and current affairs content given its societal role as a public good.</i> 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.	Media service providers should be able to exercise their economic activities <i>as freely as possible</i> in the internal market, <i>maintaining to this effect their editorial independence</i> , and compete on equal footing in an increasingly online environment where information flows across borders.

<i>Reason</i>
The respective competences of the European Union and its Member States have to be reflected. Moreover, editorial freedom should be taken into account as an element in ensuring media diversity.

#### Amendment 11

Recital 18

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
Public service media established by the Member States play a particular role in <i>the internal media market</i> , by ensuring that citizens and businesses have access to quality information and impartial media coverage, as part of their mission. However, public service media <i>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</i>	Public service media established by the Member States play a particular role in <i>securing media pluralism</i> , by ensuring that citizens and businesses have access to quality information and impartial media coverage, as part of their mission. However, public service media <i>may have an impact on the provision of private media services in the internal market due to their institutional proximity to the state and the public funding they receive. It is therefore necessary, taking into account the international standards developed by the Council of Europe in this regard, to support the establishment of public service media by the Member States, but at the</i>

<p><i>the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their mission that enables predictability in their planning. Preferably, such funding should be decided and appropriated on a multi-year basis, in line with the public service mission of public service media providers, to avoid potential for undue influence from yearly budget negotiations.</i></p> <p>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.</p>	<p><i>same time to define common minimum standards for this purpose which take into account the principles of the internal market, while respecting Protocol 29 annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union.</i></p> <p>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.</p>
--	---

<b>Reason</b>
The special role of public media in the light of the Amsterdam Protocol has to be respected.

## **Amendment 12**

Recital 19

COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
<p>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</p>	<p>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</p>

should include proportionate requirements to disclose ownership information. <b><i>In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849 should not be affected.</i></b> The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible.	should include proportionate requirements to disclose ownership information. <b><i>This should be in line with the requirements applicable in principle to audiovisual media services under Article 30(9) of Directive (EU) 2015/849, but without prejudice to the measures taken by Member States in other respects.</i></b> The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible.
---	--

<b><i>Reason</i></b>
Contradictions with applicable law should be avoided.

**Amendment 13**  
Recital 20  
COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. <b><i>Media service providers should adopt proportionate measures to guarantee, once the overall editorial line has been agreed between their owners and editors, the freedom of the editors to take individual decisions in the course of their professional activity. The objective to shield editors from undue interference in their decisions taken on specific pieces of content as part of their everyday work contributes to ensuring a level playing field in the internal market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency of actual or potential conflicts of interest to their service recipients.</i></b>	Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. <b><i>Media service providers should consider measures that allow editorial staff to operate freely in an appropriate manner. These measures can help to improve competitive conditions in the internal market and improve the quality of services. This objective is also consistent with the fundamental right to receive and impart information under Article 11 of the Charter.</i></b>

<b><i>Reason</i></b>
A differentiated view of editorial freedom must be taken into account.

**Amendment 14**  
Recital 21  
COM(2022) 457 final

<i><b>Text proposed by the European Commission</b></i>	<i><b>CoR amendment</b></i>
<p>To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council should be exempted from the requirements related to information and <i><b>internal safeguards</b></i> with a view to <i><b>guaranteeing</b></i> the independence of individual editorial decisions. <i><b>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.</b></i> The Recommendation that accompanies this Regulation 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.</p>	<p>To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council should be exempted from the requirements related to information and <i><b>measures</b></i> with a view to <i><b>fostering</b></i> the independence of individual editorial decisions. The Recommendation that accompanies this Regulation 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.</p>

<i><b>Reason</b></i>
A differentiated view of editorial freedom must be taken into account.

**Amendment 15**  
Recital 22  
COM(2022) 457 final

<i><b>Text proposed by the European Commission</b></i>	<i><b>CoR amendment</b></i>
<p>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</p>	<p>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 <i><b>or other regulatory authorities designated by the Member States in accordance with the requirements set out in</b></i></p>

<p>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.</p>	<p><b>Article 30 of Directive 2010/13/EU</b> 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.</p>
---	--

<b>Reason</b>
The different structures of media supervision must be taken into account.

**Amendment 16**  
Recital 23  
COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
<p>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 <b><i>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</i></b></p>	<p>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 <b><i>and systems of self- or co-regulation, a common representative should be selected by means of appropriate procedures, and, if necessary, supplementary procedures for the involvement</i></b></p>

<p><i>possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board.</i> The Board should also have the possibility to invite to attend its meetings, <i>in agreement with the Commission</i>, 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.</p>	<p><i>of regulatory bodies, especially those of self-regulation or co-regulation, should be established. The voting rights of the designated representative should be limited to one representative per Member State.</i> The Board should also have the possibility to invite to attend its meetings experts and observers, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes.</p>
--	--

<b><i>Reason</i></b>
The different structures of media supervision must be taken into account.

**Amendment 17**  
Recital 24  
COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
<p><i>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</i></p>	<p><i>The Board's work should be independent and remote from political influence. The Commission should therefore not have any determining influence on the work of the Board, outside its power to consult the Board or to perform its role as "guardian of the Treaties". The Board should actively support the Commission in its tasks of ensuring the uniform application of this Regulation and implementation of Directive 2010/13/EU. To that end, the Board should advise and assist the Commission, in particular on technical or practical aspects relevant to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices, and prepare opinions in the cases provided for in this Regulation. In order to carry out its tasks effectively, the Board should be able to draw on the expertise and human resources of a secretariat provided by the</i></p>

<i>should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks.</i>	<i>Commission. The secretariat provided by the Commission should support the Board both administratively and organisationally and in the performance of its tasks. To ensure the independence and non-governmental nature of the Board's work, the secretariat should have sufficient financial and human resources. In its substantive work, the secretariat should be independent of the Commission and subject only to the leadership of the Board, namely its Chair or vice-Chair.</i>
---	--

<b>Reason</b>
The independence of the Board's work must be ensured.

**Amendment 18**  
Recital 26  
COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
<i>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.</i>	<i>In order to ensure the effective enforcement of Union measures concerning the media, to prevent possible circumvention of the applicable rules by rogue media service providers and to avoid additional barriers to the provision of media services in the internal market, effective and efficient cooperation between national regulatory authorities or bodies is essential.</i>

<b>Reason</b>
The applicable order of competences must be preserved.

**Amendment 19**  
Recital 30  
COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
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	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



<p>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 <b><i>and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation.</i></b> 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. <b><i>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.</i></b></p>	<p>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. 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.</p>
---	--

<b><i>Reason</i></b>
The Board's competences should be focused on cross-border issues.

**Amendment 20**  
Recital 31  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<p>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. <i>Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act], they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act] and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council. 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</i></p>	<p>Very large online platforms <i>and very large search engines</i> 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. <i>Therefore, providers of very large online platforms and very large search engines also have to take due account of users' freedom of information, freedom and media pluralism in accordance with Regulation (EU) 2022/2065 [the Digital Services Regulation]. This Regulation should not prevent a provider of a very large online platform or a very large search engine from taking immediate action, in accordance with Union law, in particular Regulation (EU) 2022/2065 [the Digital Services Regulation], to address illegal content distributed through its service or to mitigate systemic risks posed by the distribution of certain content through its service.</i></p>

<i>particular pursuant to Regulation (EU) 2022/XXX [the Digital Services Act].</i>	
--	--

<i>Reason</i>
The important role of major intermediary services in terms of media content availability should be taken into account.

#### Amendment 21

Recital 32

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<i>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.</i>	<i>Given the expected positive impact on the freedom to provide services and freedom of expression, it is also justified that in cases where media service providers comply with certain regulatory or self-regulatory standards, their content or offerings are not readily blocked, deleted or otherwise excluded from distribution or publication by the platform provider or search engine.</i>

<i>Reason</i>
The important role of major intermediary services in terms of media content availability should be taken into account.

#### Amendment 22

Recital 33

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
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 <b>not to accept such self-declaration</b> where they consider that these conditions are not met. Providers of very large online platforms may rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative or other relevant codes of conduct. Guidelines by the Commission may be useful to facilitate an effective implementation of such functionality,	To this end, providers of very large online platforms <b>or very large search engines</b> should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements <b>and which supervision they are subject to</b> , while at the same time retaining the possibility <b>to have such a self-declaration verified</b> where they consider that these conditions are not met. Providers of very large online platforms may rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative or other relevant codes of conduct. Guidelines by the Commission may

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.	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.
---	--

<i>Reason</i>
The important role of major intermediary services in terms of media content availability should be taken into account, while any means of facilitating the verification of compliance with specific requirements should be welcomed.

**Amendment 23**  
Recital 35  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that <b><i>restrictions on</i></b> their content <b><i>are</i></b> frequently <b><i>imposed</i></b> by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for <b><i>terminating any unjustified restrictions and</i></b> avoiding <b><i>them</i></b> 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.	Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that their content <b><i>is</i></b> frequently <b><i>objected to</i></b> by providers of very large online platforms <b><i>or very large search engines</i></b> without sufficient grounds, in order to find an amicable solution for avoiding <b><i>claims</i></b> 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.

<i>Reason</i>
The important role of major intermediary services in terms of media content availability should be taken into account.

**Amendment 24**  
Recital 37  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
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	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

<p>however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between manufacturers of devices or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected televisions, and media service providers. Prioritisation can be implemented, for example, on the home screen of a device, through hardware or software shortcuts, applications and search areas, which have implications on the recipients' viewing behaviour, who may be unduly incentivised to choose certain audiovisual media offers over others. Service recipients should have the possibility to change, in a simple and user-friendly manner, the default settings of a device or user interface controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest implementing Article 7a of Directive 2010/13/EC, taken in the pursuit of legitimate public policy considerations.</p>	<p>however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between manufacturers of devices or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected televisions, and media service providers. Prioritisation can be implemented, for example, on the home screen of a device, through hardware or software shortcuts, applications and search areas, which have implications on the recipients' viewing behaviour, who may be unduly incentivised to choose certain audiovisual media offers over others. Service recipients should have the possibility to change, in a simple and user-friendly manner, the default settings of a device or user interface controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest, <b><i>in particular but not only</i></b> implementing Article 7a of Directive 2010/13/EC, taken in the pursuit of legitimate public policy considerations.</p>
---	---

<b><i>Reason</i></b>
The competence of Member States to ensure media plurality should not be restricted.

**Amendment 25**  
Recital 39  
COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
<p>It is also key that the Board is empowered to issue an opinion, <b><i>on the Commission's request</i></b>, where national measures are likely to affect the functioning of the internal market <b><i>for media services</i></b>. 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, <b><i>or when the concerned media service provider has a significant influence on the formation of public opinion in that Member State</i></b>.</p>	<p>It is also key that the Board is empowered to issue an opinion where national measures <b><i>regarding media services</i></b> are likely to affect the functioning of the internal market. 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.</p>

<i>Reason</i>
The focus should be on internal market issues.

### Amendment 26

Recital 40

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
Media play a decisive role in shaping public opinion and helping citizens participate in democratic processes. This is why Member States should provide for rules and procedures in their legal systems to ensure assessment of media market concentrations that could have a significant impact on media pluralism <i>or</i> 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.	Media play a decisive role in shaping public opinion and helping citizens participate in democratic processes. This is why Member States should provide for rules and procedures in their legal systems to ensure assessment of media market concentrations that could have a significant impact on media pluralism, <i>including</i> 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.

<i>Reason</i>
The focus should be on internal market issues.

### Amendment 27

Recital 41

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
National regulatory authorities or bodies, who have specific expertise in the area of media pluralism, should <i>be involved in the</i> assessment of the impact of media market concentrations on media pluralism <i>and editorial independence</i>	National regulatory authorities or bodies, who have specific expertise in the area of media pluralism, should <i>assess</i> the impact of media market concentrations on media pluralism where they are not the designated authorities or bodies

where they are not the designated authorities or bodies themselves. In order to <i><b>foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence</b></i> , it is essential that objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism <i><b>and editorial independence</b></i> are set out in advance.	themselves. In order to <i><b>genuinely protect media pluralism</b></i> , it is essential that objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism are set out in advance.
---	--

<i><b>Reason</b></i>
National regulatory authorities or bodies are responsible for assessing media concentrations within their borders.

**Amendment 28**  
Recital 42  
COM(2022) 457 final

<i><b>Text proposed by the European Commission</b></i>	<i><b>CoR amendment</b></i>
When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004, 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 <i><b>and editorial independence</b></i> should therefore be aimed at 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.	When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004, the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their assessment of the impact of media market concentrations on media pluralism should therefore be aimed at <i><b>protecting freedom and pluralism of the media, taking into account the importance of editorial independence,</b></i> as 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.

<i><b>Reason</b></i>
The relevance of media pluralism should be made clear.

**Amendment 29**  
Recital 43  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
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 <i>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.-</i>	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. <i>The Commission should be able to issue its own opinions following the opinions of the Board.</i>

<i>Reason</i>
The focus should be on internal market issues.

**Amendment 30**  
Recital 44  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<i>With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria.</i> In particular, impact on media pluralism should be considered, including notably the effect	<i>In order to ensure pluralistic media markets, Member States should define a number of relevant criteria to be taken into account.</i> In particular, impact on media pluralism should be considered, including notably the effect on the



<p>on the formation of public opinion, taking into account of the online environment. <i>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.</i></p>	<p>formation of public opinion, taking into account of the online environment. <i>In deciding whether a merger is permissible, consideration should be given to whether the acquiring and acquired entities would remain economically viable without the merger, whether there are alternatives to ensure their economic viability, and whether measures are possible and effective to continue to ensure media plurality despite a merger.</i></p>
--	---

<b>Reason</b>
It should be clear that Member States have the right and duty to decide on criteria that are in line with the set principles.

### **Amendment 31**

Recital 50

COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
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	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

<p>market <i>for</i> media services, <b><i>including as regards the degree of concentration of the market at national and regional level and risks of foreign information manipulation and interference.</i></b> 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, <b><i>to alert about vulnerabilities around media pluralism and editorial independence,</i></b> and to help efforts to improve governance, data quality and risk management. In particular, the level of cross-border activity and investment, <b><i>regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including in a digital environment,</i></b> 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 <b><i>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.</i></b> 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.</p>	<p>market <i>regarding</i> media services. <b><i>Developments at the level of the Member States should also be included, in particular to take account of the interaction between the internal market and national markets and the impact on the freedom and plurality of the media at the various levels.</i></b> 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 and to help efforts to improve governance, data quality and risk management. In particular, the level of cross-border activity and investment 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 <b><i>and national media markets.</i></b> 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.</p>
--	---

<b><i>Reason</i></b>
<p>The tasks of the Commission should be focused on aspects relating to the internal market. This should necessarily include a consideration of the developments of media markets in the Member States, in particular as these may interact with the single market. An overview of and alerting about possible vulnerabilities can also help to develop adequate measures to safeguard media freedom and pluralism.</p>

**Amendment 32**  
Recital 51  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
To prepare the ground for a correct implementation of this Regulation, its provisions <b><i>concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this Regulation)</i></b> should apply 3 months after the entry into force of the Act, <b><i>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.</i></b>	To prepare the ground for a correct implementation of this Regulation, its provisions should <b><i>essentially</i></b> apply <b>20</b> months after the entry into force of the Act.

<i>Reason</i>
As Member States might have to readjust their national regulatory system, the Regulation should lay down an appropriate timeline.

**Amendment 33**  
Article 1  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
1. This Regulation lays down common rules for the proper functioning of the internal market <b><i>for</i></b> media services, including the establishment of the European Board for Media Services, while <b><i>preserving</i></b> the quality of media services.	1. This Regulation lays down common rules for the proper functioning of the internal market <b><i>regarding</i></b> media services, including the establishment of the European Board for Media Services, while <b><i>seeking to preserve</i></b> the quality of media services.  <b><i>2. The Regulation lays down, to the extent necessary for the achievement of the objective set out in paragraph 1, common basic principles as minimum standards for the safe and unhindered operation of media services and activity of journalists while ensuring the independence and plurality of the media.</i></b>

<i>Reason</i>
The objective and scope of the regulation should reflect the European Union's area of competence and therefore clearly refer to harmonisation of the internal market. Media services are part of the internal market; however, a uniform "internal market for media services" should not be assumed, especially

since, despite a constant convergence of the media, the media in all their forms of appearance cannot be assigned to one single market from the user's perspective. In addition, in order to meaningfully outline the scope of the regulation and clarify its objectives, it should be made clear that the aim of the legal act is to draft common minimum standards concerning the activities of media service providers and journalists and to promote cross-border activities in the light of the independence and pluralism of the media.

#### **Amendment 34**

Article 1

COM(2022) 457 final

<i><b>Text proposed by the European Commission</b></i>	<i><b>CoR amendment</b></i>
<p><b>2.</b> This Regulation shall not affect rules laid down by:</p> <p>(a) Directive 2000/31/EC;</p> <p><b>(b)</b> Directive 2019/790/EU;</p> <p>...</p>	<p><b>2.</b> This Regulation shall not affect rules laid down by:</p> <p>(a) Directive 2000/31/EC;</p> <p><b>(b) Directive 2010/13/EU, with the exception of the amendments made by Article 27 of this Regulation;</b></p> <p>(c) Directive 2019/790/EU;</p> <p>...</p>

<i><b>Reason</b></i>
The standard laid down by the Audiovisual Media Services Directive (2010/13/EU) should be preserved. It is thereby clarified that its requirements also remain unaffected by the supplementary provisions of this legal act.

#### **Amendment 35**

Article 1

COM(2022) 457 final

<i><b>Text proposed by the European Commission</b></i>	<i><b>CoR amendment</b></i>
<p><b>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.</b></p>	<p><b>3. Member States shall remain free to require media services under their jurisdiction to comply with more detailed or stricter rules in the fields covered by this Regulation, provided that such rules are in compliance with Union law.</b></p>

<i><b>Reason</b></i>
According to the European treaties, cultural sovereignty and thus competence for media regulation lies with the Member States. The European Union must respect the diversity of cultures and has only supplementary and supporting competence in this area, which is protected by Article 167 in conjunction with Article 6(c) TFEU. Accordingly, as in the Audiovisual Media Services Directive, there should be no harmonisation that goes beyond minimum standards.

**Amendment 36**  
Article 2  
COM(2022) 457 final

<i><b>Text proposed by the European Commission</b></i>	<i><b>CoR amendment</b></i>
(3) "public service media provider" means a media service provider which is entrusted with a public service mission <i><b>under national law or</b></i> receives national public funding for the fulfilment of such a mission;	(3) "public service media provider" means a media service provider which is entrusted with a public service mission <i><b>and</b></i> receives national public funding for the fulfilment of such a mission;

<i><b>Reason</b></i>
Financing is an essential factor for the internal market relevance of a public service offering and an essential element of public service media. Moreover, the openness of the term "mission" is not suitable for sensibly limiting the scope of application. For example, it could unjustifiably also cover private media service providers subject to plurality requirements by law.

**Amendment 37**  
Article 2  
COM(2022) 457 final

<i><b>Text proposed by the European Commission</b></i>	<i><b>CoR amendment</b></i>
<b>(10)</b> "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];	<b>(10)</b> "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];  <b>(11) "provider of very large search engine" means a provider of a search engine that has been designated as a very large search engine pursuant to Article 33(4) of Regulation (EU) 2022/2065 [Digital Services Act];</b>

<i><b>Reason</b></i>
The definition under the Digital Services Act is added for the purposes of inclusion in Article 17.

**Amendment 38**  
Article 2  
COM(2022) 457 final

<i><b>Text proposed by the European Commission</b></i>	<i><b>CoR amendment</b></i>
<b>(15)</b> "State advertising" means the placement, publication or dissemination, in any media service, of a promotional or self-promotional	<b>(15)</b> "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 <b><i>national or regional</i></b> public authority, such as national, federal or regional governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government of a territorial entity of more than <b><i>1 million</i></b> inhabitants;	message, normally in return for payment or for any other consideration, by, for or on behalf of any public authority, such as <b><i>EU</i></b> , 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 any local government of a territorial entity of more than <b><i>100 000</i></b> inhabitants, <b><i>with the population criterion to be considered in conjunction with the definition of a minimum annual spending threshold;</i></b>
---	---

<b><i>Reason</i></b>
As far as state advertising is addressed, the EU itself should also be included. At the same time, the 1 million threshold is unrealistic for smaller Member States. Lowering the population threshold and considering it together with a minimum threshold for annual spending reduces the risk of transparency loopholes while avoiding the creation of disproportionate administrative burden related to reporting requirements.

### **Amendment 39**

Article 3

COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
<b><i>Rights of recipients of media services</i></b> <b><i>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.</i></b>	<b><i>Securing Media Freedom and pluralism</i></b> <b><i>Member States shall ensure, without prejudice to their national constitutional laws and in accordance with Article 11 and other fundamental rights of the Charter of Fundamental Rights of the European Union and with respect for the fundamental freedoms of the internal market, an appropriate legislative and administrative framework to guarantee effective pluralism and independence of the media, also taking into account the perspective of the users.</i></b>

<b><i>Reason</i></b>
Freedom of information is a legally recognised fundamental right. However, it needs to be further defined and weighed against other legal interests. The scope of the statutory right is unclear in this respect and should be left to further legal definition. With regard to local and regional offerings, the relevance of the standard to the internal market is questionable. In contrast, the Member States have the right and the duty to ensure diversity of opinion and media and thus to shape their media regulations. In structuring their media regulations, they are obliged to respect the fundamental freedoms of the internal market insofar as these relate to the cross-border

provision of media services. Accordingly, as the European Commission has stated in its reports on the rule of law, the vast majority of Member States already have effective regulations for a diverse media landscape with independent media that are in line with European values, standards and objectives. This should not diminish the efforts of the Member States to continue to fulfil their obligations with the greatest possible commitment, especially where deficits are apparent, in view of the deficits that have also been identified and the negative trend for the independence and diversity of the media. The legal act should therefore emphasise this obligation and enshrine it in law, so that the Union and its Member States can jointly counteract systemic deficits without impairing functioning media systems.

#### **Amendment 40**

Article 4

COM(2022) 457 final

<i><b>Text proposed by the European Commission</b></i>	<i><b>CoR amendment</b></i>
<p><b><i>Rights of media service providers</i></b></p> <p>1. <b><i>Media service providers shall have the right to exercise</i></b> their economic activities in the internal market without restrictions other than those allowed under Union law.</p>	<p><b><i>Media independence</i></b></p> <p>1. <b><i>Member States shall provide for appropriate measures to ensure that media service providers can carry out</i></b> their economic activities in the internal market without restrictions other than those allowed under Union law.</p>

<i><b>Reason</b></i>
<p>The right as provided for in the proposed regulation remains vague and therefore hardly seems to be enforceable. If nevertheless on its basis claims by media service providers could be asserted directly in court, this would be suitable for challenging any measure taken by a Member State concerning a media service provider, including any justified measure taken by regulatory authorities. As the rights of media service providers, and of journalists, guaranteed by fundamental rights and freedoms need to be defined further and are as such part of the legal system of a Member State, the Member States should be required to respect these rights in an appropriate way.</p>

#### **Amendment 41**

Article 4

COM(2022) 457 final

<i><b>Text proposed by the European Commission</b></i>	<i><b>CoR amendment</b></i>
<p>2. (a) interfere in or try to influence in any way, directly or indirectly, editorial policies and decisions by media service providers;</p>	<p>2. (a) interfere in or try to influence in any way, directly or indirectly, editorial policies and decisions by media service providers; <b><i>this shall be without prejudice to legal requirements and their enforcement pursuing general interest objectives, in particular with regard to diversity, illegal content or the protection of minors in the media, or the definition of the public service</i></b></p>

	<i>mission of public service media;</i>
--	---

<b>Reason</b>
It should be clarified that the prohibition of any influence on editorial strategies or decisions of media service providers does not include measures of national regulatory bodies aimed at compliance with or enforcement of legally determined requirements, in particular regarding the offer of media service providers.

## Amendment 42

Article 5

COM(2022) 457 final

<b>Text proposed by the European Commission</b>	<b>CoR amendment</b>
<p><b><i>Safeguards for the independent functioning of public service media providers</i></b></p> <p><b><i>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.</i></b></p> <p><b><i>2. 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.</i></b></p> <p><b><i>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.</i></b></p> <p><b><i>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.</i></b></p> <p><b><i>3. Member States shall ensure that public service media providers have adequate and stable financial resources for the fulfilment of</i></b></p>	<p><b><i>Public service media</i></b></p> <p><b><i>1. Member States may provide for public service media that serve their democratic, social and cultural needs.</i></b></p> <p><b><i>2. The financing of public media services shall serve the public service mission and shall take into account the needs of the fulfilment of that mission. For this purpose, Member States shall provide for mechanisms to ensure adequate financing on a predictable basis and compliance with the mission determined by law or on the basis of procedures established by law.</i></b></p> <p><b><i>3. Without prejudice to the competence of the Member States to confer, define and organise the public service mission, Member States shall take steps to ensure that services of public service media take account of the need to safeguard pluralism. To this end, public service providers should be required, in particular, to present as broad a range of topics and opinions as possible in a balanced manner and uphold the principles of objectivity and impartiality in reporting.</i></b></p> <p><b><i>4. In defining and organising their public service media, Member States shall provide for appropriate measures to ensure their editorial independence and for the independence of their supervision authorities or bodies.</i></b></p>



<p><i>their public service mission. Those resources shall be such that editorial independence is safeguarded.</i></p> <p><i>4. Member States shall designate one or more independent authorities or bodies in order to monitor compliance with paragraphs 1 to 3.</i></p>	
---	--

<b><i>Reason</i></b>
<p>The activities of the public service media, which by their nature operate at the national level and are partly decentralised in the Member States, have only a limited impact on the internal market. Their internal organisation bears no discernible relationship to this.</p> <p>It is up to the Member States to shape and define the public service media sector. Provisions are therefore neither compatible with the competence of the European Union nor sufficiently flexible to meet the possibly changing demands on media service providers with a public service mission.</p> <p>Taking into account the right of the Member States to decide for themselves on the structure, organisation and financing of their public service media, the essential requirements for the integration of public service media into the internal market, which already apply to public service broadcasting under the Amsterdam Protocol, should be anchored. In this respect, it should be clarified that Member States are free to establish and finance public service media in the light of their democratic, social and cultural needs.</p>

### **Amendment 43**

#### **Article 6**

COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
<p><b><i>Duties</i></b> of media service providers providing news and current affairs content</p> <p>1. <b><i>Media</i></b> service providers providing news and current affairs content <b><i>shall</i></b> make easily <b><i>and</i></b> directly accessible to the recipients of their services the following information:</p> <p>(a) their legal name and contact details;</p> <p>(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;</p> <p>(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.</p>	<p><b><i>Transparency obligations</i></b> of media service providers providing news and current affairs content</p> <p>1. <b><i>The Member States shall ensure that media</i></b> service providers providing news and current affairs content make easily, directly <b><i>and permanently</i></b> accessible to the recipients of their services <b><i>at least</i></b> the following information:</p> <p>(a) their legal name, <b><i>the geographical address at which they are established</i></b> and contact details, <b><i>at least their email address or website, which allow them to be contacted rapidly in a direct and effective manner;</i></b></p> <p>(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; (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.</p>

	<i>This provision is without prejudice to additional measures pursuant to Article 5 of Directive 2010/13 of the European Parliament and of the Council.</i>
--	---

<b>Reason</b>
The role of Member States must be duly acknowledged.

**Amendment 44**  
Article 6  
COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
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 <b><i>individual</i></b> editorial decisions. <b><i>In particular, such measures shall aim to:</i></b> <b><i>(a) guarantee that editors are free to take individual editorial decisions in the exercise of their professional activity; and</i></b> <b><i>(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.</i></b>	2. Without prejudice to national constitutional laws consistent with the Charter, media service providers providing news and current affairs content shall take <b><i>into account</i></b> measures that they deem appropriate with a view to guaranteeing the independence of editorial decisions.

<b>Reason</b>
The guaranteeing of internal media freedom in the sense of editorial freedom is not an absolute requirement resulting from fundamental rights, even in view of differing national constitutional traditions. As an instrument for ensuring diversity, the independence of editorial staff must be viewed in a differentiated manner and is in tension with entrepreneurial freedoms and media freedoms themselves. The focus should therefore be on transparency obligations that enable the user to recognise and classify the potential background of certain tendencies. Any further measures concerning editorial freedoms should be left to self-regulatory mechanisms.

**Amendment 45**  
Article 7  
COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
1. The national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU shall be responsible for the application of Chapter	1. The national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU shall be responsible for the application of Chapter

III of this Regulation.	III of this Regulation <i>as far as the provision of the service or content of an audiovisual media service within the meaning of Article 1 (1) a) of Directive 2010/13/EU is concerned. The national regulatory authorities or bodies referred to in sentence 1 shall also be responsible for the application of Chapter III of this Regulation in other respects, unless and to the extent that a Member State has designated other national regulatory authorities or bodies or imposed a system of self-regulation or co-regulation.</i>
-------------------------	--

<b><i>Reason</i></b>
The competence of the competent authorities under the Audiovisual Media Services Directive (2010/13/EU) should extend beyond content or offerings of audiovisual media services and user-generated video as defined in the Directive 2010/13/EU only if and to the extent that other authorities or bodies, including self-regulatory system bodies such as those commonly used for the press, are not established at national level for other media sectors. For all state supervisory bodies, Article 7 paragraph 2 stipulates that the requirements of the Directive 2010/13/EU on independent media supervision apply, as well as the principle of sufficient funding.

#### **Amendment 46**

Article 10(1)

COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
The Board shall be composed of representatives of national regulatory authorities or bodies referred to in <b><i>Article 30 of Directive 2010/13/EU</i></b> .	The Board shall be composed of representatives of national regulatory authorities or bodies referred to in <b><i>Article 7(1) of this Regulation</i></b> .

<b><i>Reason</i></b>
The body shall be composed of representatives of the national regulatory authorities or bodies responsible under national law for the supervision of media service providers. This ensures that not only the authorities or bodies responsible for audiovisual media are included, and in this way takes account of the differentiated responsibilities at national level, which are in some cases split both functionally and geographically. In any case, public authorities or bodies are only taken into account if they meet the requirements of Article 30 of Directive 2010/13/EU.

#### **Amendment 47**

Article 10

COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
3. Where a Member State has more than one	3. Where a Member State has more than one

national regulatory authority or body, those regulatory authorities or bodies shall coordinate with each other as necessary and appoint a joint representative which shall exercise the right to vote.	national regulatory authority or body, those regulatory authorities or bodies, <b>including self-regulatory and co-regulatory systems</b> , shall coordinate with each other as necessary and appoint a joint representative which shall exercise the right to vote.
--	--

<b>Reason</b>
Self- and co-governance bodies should be involved within the scope of their respective responsibilities.

#### **Amendment 48**

Article 10

COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
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 <b><i>two years</i></b> .	4. The Board shall be represented by its Chair. The Board shall elect a Chair <b><i>and a Vice-Chair</i></b> from amongst its members by a two-thirds majority of its members with voting rights. The term of office of the Chair <b><i>and the Vice-Chair</i></b> shall be <b><i>one year</i></b> . <b><i>The Chair and Vice-Chair can be re-elected once for a maximum period of one year.</i></b> <b><i>In the event that it is not possible for the Chair to perform their duties, the Vice-Chair shall exercise the full powers of the Chair. The Board shall regulate details in its rules of procedure.</i></b>

<b>Reason</b>
As with the ERGA, the term of office of the chair should be one year with the option of re-election once. This will also enable smaller national regulatory bodies to become involved via a chair. To ensure the Board's ability to act, the appointment of a vice-chair should be determined.

#### **Amendment 49**

Article 10

COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
5. <b><i>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.</i></b> The Chair of the Board shall keep the Commission informed about the ongoing and	5. The Chair of the Board shall keep the Commission informed about the ongoing and planned activities of the Board. The Board shall <b><i>give the Commission an opportunity to provide input in the development</i></b> of its work programme and main deliverables. <b><i>It shall annually report to</i></b>

planned activities of the Board. The Board shall <b><i>consult the Commission in preparation</i></b> of its work programme and main deliverables.	<b><i>the Member States.</i></b>
---	----------------------------------

<b><i>Reason</i></b>
To ensure the independence of the Board, the Commission should not necessarily attend all Board meetings. However, it should be granted a basic right to information. In addition, the Commission should have the opportunity to make comments and suggestions on the Board's work program. Information on the work of the Board should also be made available to the Member States, as the work and findings of the Board may be of interest to the Member States for the further development of their national legal framework.

#### **Amendment 50**

Article 10

COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
6. The Board, <b><i>in agreement with the Commission</i></b> , may invite experts and observers to attend its meetings.	6. The Board may invite experts, <b><i>Commission representatives</i></b> and observers to attend its meetings.

<b><i>Reason</i></b>
The Board should be enabled to hold discussions with third parties, in particular experts, without the Commission's consent. The Board should also consider inviting the Commission to attend its meetings.

#### **Amendment 51**

Article 10

COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights, <b><i>in agreement with the Commission</i></b> .	8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights. <b><i>Prior to its decision, the Board shall give the Commission an opportunity to comment.</i></b>

<b><i>Reason</i></b>
To ensure the Board's independence, the Board shall adopt its own rules of procedure, as in the case of the ERGA. These should not require the approval of the Commission. However, it seems reasonable to give the Commission the opportunity to provide remarks on the procedural rules in advance.

**Amendment 52**  
Article 11  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
1. The Board shall have a secretariat, which shall be provided by the Commission.	1. The Board shall have a secretariat, which shall be provided by the Commission <i>with adequate staff and material resources. The personnel of the Secretariat shall be subject only to the instructions of the Chair; it may be subject to service instructions from the Commission only to the extent that their independence in the performance of their duties is not thereby impaired.</i>

<i>Reason</i>
It is to be welcomed that the new Board is to be supported by a secretariat to perform its tasks. Its ability to function can only be ensured if the secretariat is provided by the Commission with adequate personnel and material resources. In order to maintain independent and non-governmental supervision, it must be ensured that the staff of the Secretariat is only subject to the instructions of the Board's Chair, or, in their absence, the Vice-Chair. With regard to matters of service, they may only be subject to instructions from the Commission to the extent that their independence in the performance of their duties is not thereby impaired.

**Amendment 53**  
Article 11  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
2. <i>The main task of the secretariat shall be to contribute to the execution of the tasks of the Board laid down in this Regulation and in Directive 2010/13/EU.</i>	

<i>Reason</i>
The extension is redundant to paragraph 3 and should not be understood as an extension of an independent task.

**Amendment 54**  
Article 11  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
3. The secretariat shall provide administrative and organisational support to the activities of the	3. The secretariat shall provide administrative and organisational support to the activities of the

Board. The secretariat shall also assist the Board in carrying out its tasks.	Board. The secretariat shall, <i><b>on the instruction of the Chair</b></i> , also assist the Board in carrying out its tasks.
---	--

<i><b>Reason</b></i>
It should be clarified that function and role of the Secretariat is exclusively to support and assist the Board.

**Amendment 55**  
Article 12  
COM(2022) 457 final

<i><b>Text proposed by the European Commission</b></i>	<i><b>CoR amendment</b></i>
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 <i><b>national rules implementing</b></i> Directive 2010/13/EU throughout the Union. The Board shall:	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 <i><b>the consistent implementation of</b></i> Directive 2010/13/EU throughout the Union. The Board shall:

<i><b>Reason</b></i>
Direct supervision of national measures by the Board, which would require application and interpretation of national law by the Board, should not be envisaged, in order to preserve Member State competences and to maintain a fundamentally decentralised supervision determined by the Member States. With regard to the Audiovisual Media Services Directive (2010/13/EU), the Board should rather limit itself to its implementation; this corresponds to Article 30b (3) of Directive 2010/13/EU, which provides for a "consistent implementation of this Directive" as a task of the ERGA. This approach should be continued and clarified accordingly.

**Amendment 56**  
Article 12  
COM(2022) 457 final

<i><b>Text proposed by the European Commission</b></i>	<i><b>CoR amendment</b></i>
(b) promote cooperation and the effective exchange of information, experience and best practices between the national regulatory authorities or bodies on the application of the Union <i><b>and national</b></i> rules applicable to media services, including this Regulation and Directive 2010/13/EU, in particular as regards Articles 3, 4 and 7 of that Directive;	(b) promote cooperation and the effective exchange of information, experience and best practices between the national regulatory authorities or bodies on the application of the Union rules applicable to media services, including this Regulation and Directive 2010/13/EU, in particular as regards Articles 3, 4 and 7 of that Directive;

<i><b>Reason</b></i>
The tasks of the Board should be limited to EU regulations and their implementation in national law,

but should not include a review of the application of national law. This should be the sole task of the national regulators.

**Amendment 57**

Article 12

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
(c) advise the Commission, <b>where requested by it</b> , on <b>regulatory</b> , technical or practical aspects pertinent to the consistent application of this Regulation and implementation of Directive 2010/13/EU as well as all on other matters related to media services within its competence. Where the Commission requests advice or opinions from the Board, it may indicate a time limit, taking into account the urgency of the matter;	(c) advise the Commission on 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 <b>reasonable</b> time limit, taking into account the urgency of the matter. <b>Where they are of general interest, Board findings should be made available by the Board to the Member States;</b>

**Reason**

Regulatory issues are the responsibility of the legislature, not the supervisor, and therefore should not be included in the Board's tasks here. Further, findings of the board that are of general interest should also be made available to the Member States, as they may also be of importance to them.

**Amendment 58**

Article 12

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
(e) <b>in agreement with the Commission</b> , draw up opinions with respect to: (i) requests for cooperation and mutual assistance between national regulatory authorities or bodies, in accordance with Article 13(7) of this Regulation; (ii) requests for enforcement measures in case of disagreement between the requesting authority or body and the requested authority or body <b>regarding the actions recommended</b> pursuant to Article 14(4) of this Regulation; (iii) national measures concerning media service providers established outside of the Union, in accordance with Article 16(2) of this Regulation;	(e) draw up opinions with respect to: (i) requests for cooperation and mutual assistance between national regulatory authorities or bodies, in accordance with Article 13(7) of this Regulation; (ii) requests for enforcement measures <b>of national regulatory authorities or bodies</b> in case of disagreement between the requesting authority or body and the requested authority or body pursuant to Article 14(3) of this Regulation; (iii) national measures <b>of national regulatory authorities or bodies</b> concerning media service providers established outside of the Union, in accordance with Article 16(2) of this Regulation;



	<i>(iv) factors pursuant to Article 21(3) of this Regulation or, on request of a national regulatory authority or body, the impact of a notifiable media market concentration on media pluralism and the functioning of the internal market pursuant to Article 21(4) of this Regulation.</i>
--	---

<i>Reason</i>
<p>To ensure the independence and political neutrality of supervision, the Board should be able to act on its own initiative and not in consultation with the Commission in the area of cooperation, enforcement measures, and vis-à-vis third-party providers. It should also be clarified that the Board's task is to advice the national regulatory authorities or bodies on practical matters.</p> <p>Further, follow-up adjustments are required as a result of amendments to Articles 14 and 21 of this Regulation.</p>

#### **Amendment 59**

Article 12

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<p>(f) upon request of the Commission, draw up opinions with respect to:</p> <p><i>(i) national</i> measures which are likely to affect the functioning of the internal market for media services, in accordance with Article 20(4) of this Regulation;</p> <p><i>(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;</i></p>	<p>(f) upon request of the Commission, draw up opinions with respect to measures <i>of national authorities or bodies</i> which are likely to affect the functioning of the internal market for media services, in accordance with Article 20(2) of this Regulation;</p>

<i>Reason</i>
<p>According to the proposed amendment of Article 20 it should be clarified that the review solely concerns measures taken by national regulatory authorities and provides, thus, no legislative measures. In line with the proposed deletion of Article 22, a consequential amendment is required in (f)(ii).</p>

#### **Amendment 60**

Article 12

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<p>(h) assist the Commission in drawing up guidelines with respect to:</p> <p><i>(i) the application of this Regulation and of the</i></p>	<p>(h) assist the Commission in drawing up guidelines with respect to the application of Articles 23(1), (2) and (3) pursuant to Article</p>

<p><i>national rules implementing Directive 2010/13, in accordance with Article 15(2) of this Regulation.</i></p> <p><i>(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;</i></p> <p><i>(iii) the application of Articles 23(1), (2) and (3) pursuant to Article 23(4) of this Regulation.</i></p>	23(4) of this Regulation.
---	---------------------------

<b><i>Reason</i></b>
In line with the proposed amendments in Article 15(2) and Article 21(3) of this Regulation, (h)(i) and (ii) are to be deleted.

**Amendment 61**  
Article 13  
COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
1. A national regulatory authority or body may request ('requesting authority') cooperation or mutual assistance at any time from one or more national regulatory authorities or bodies ('requested authorities') for the purposes of exchange of information or taking measures relevant for the consistent and effective application of this Regulation or <i>the national measures implementing</i> Directive 2010/13/EU.	1. A national regulatory authority or body may request ('requesting authority') cooperation or mutual assistance at any time from one or more national regulatory authorities or bodies ('requested authorities') for the purposes of exchange of information or taking measures relevant for the consistent and effective application of this Regulation or <i>implementation of</i> Directive 2010/13/EU.

<b><i>Reason</i></b>
The task of the Board should be to assist, where requested, in issues regarding the implementation of the Audiovisual Media Services Directive (2010/13/EU), not in the application of national law implementing the Directive. The latter can only be the task of the national authorities or bodies.

**Amendment 62**  
Article 13  
COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
4. The requested authority may refuse to address the request only in the following cases: (a) it is not competent for the subject matter of the request or for the measures it is requested to take; (b) execution of the request would infringe this Regulation, Directive 2010/13/EU or other Union	4. The requested authority may refuse to address the request only in the following cases: (a) it is not competent for the subject matter of the request or for the measures it is requested to take; (b) execution of the request would infringe this Regulation, Directive 2010/13/EU or other Union

legislation or Member State law compliant with Union law to which the requested authority is subject. The requested authority shall provide reasons for any refusal to address a request.	legislation or Member State law compliant with Union law to which the requested authority is subject. The requested authority shall provide reasons for any refusal to address a request <b><i>and give, where necessary and possible, a reference to the competent authority.</i></b>
--	---

<b><i>Reason</i></b>
In the case of a refusal for reasons of competence, the authority which is competent from the point of view of the refusing authority should also be named if possible. This will enable the requesting authority to follow up on its request without further delay.

**Amendment 63**  
Article 13  
COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
5. The requested authority shall inform the requesting authority of <b><i>the results achieved or of the progress of</i></b> the measures taken in response to the request.	5. The requested authority shall <b><i>without undue delay</i></b> inform the requesting authority of <b><i>its refusal to address a request or of</i></b> the measures taken in response to the request <b><i>as well as the progress and results achieved.</i></b>

<b><i>Reason</i></b>
For the sake of an effective procedure, it should be made clear that the requested authority must also refuse a request within an adequate time frame. The information should usefully begin with the measures taken by the requested authority. These can be followed by further steps.

**Amendment 64**  
Article 13  
COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
<b><i>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.</i></b>	

<b><i>Reason</i></b>
The provision in paragraph 6 seems redundant and of no added value compared to the provision in paragraph 5, which already stipulates that a refusal may only be made in narrowly defined cases. The envisaged "do its utmost" obligation to act is not clear and does not seem enforceable. The time limits also seem too rigid and, to the extent that they go beyond an "undue delay," unnecessary. Without calling into question the requirement of the effectiveness of the procedure and the seriousness of the treatment of the request by the requested authority or body, it should be ensured that, in particular, supervisory authorities that are structurally less broadly based can also perform their duties properly.

### **Amendment 65**

Article 13

COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
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 <b><i>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.</i></b>	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 <b><i>work towards an amicable solution with the involvement of the regulatory authorities or bodies concerned.</i></b>

<b><i>Reason</i></b>
The effect of the Board's opinion cannot be clearly defined. In addition, the Board would possibly intervene in procedures that are subject to the respective national law. Intervention by the Board would override the competence of national regulators. Therefore, overall, a dispute resolution mechanism seems more appropriate and effective. A comparable mechanism is already provided for in Article 14(4) of the proposed regulation.

### **Amendment 66**

Article 14

COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
2. The requested national authority or body shall, without undue delay <b><i>and within 30 calendar days</i></b> , inform the requesting national authority or	2. The requested national authority or body shall, without undue delay, inform the requesting national authority or body about the

body about the actions taken or planned pursuant to paragraph 1.	actions taken or planned pursuant to paragraph 1.
--	---

<i>Reason</i>
The time requirement seems too rigid and, compared to the 14-day period provided for in Article 13, not readily justified with a view to ensuring that the procedure is as expeditious as possible. Therefore, a fixed deadline should be omitted here as well.

**Amendment 67**  
Article 14  
COM(2022) 457 final

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

<i>Reason</i>
Coordination of the opinion with the Commission should not be foreseen for reasons of safeguarding the Board's neutrality and independence. Instead, it should be left to the Board to further develop the procedure leading to an amicable agreement. In addition, there should be an obligation to inform the Commission about the results achieved and further steps.

**Amendment 68**  
Article 14  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<b><i>5. The requested national authority or body shall, without undue delay and within 30 calendar days at the latest from the receipt of the opinion referred to in paragraph 4, inform the Board, the Commission and the requesting authority or body of the actions taken or planned in relation to the opinion.</i></b>	<b><i>5. The Board shall inform the Commission of the results obtained, in particular of the actions taken or planned by the requested authority or body.</i></b>

<b><i>Reason</i></b>
In addition to the Commission's general participation and information rights, the Board should inform the Commission of the results of the conciliation procedure, in particular of the measures taken or planned by the requested authority. This will ensure a flow of information to the Commission that is compatible with the principles of independence and state neutrality of media supervision, and at the same time enable the Commission to fulfil its role as "guardian of the Treaties".

#### **Amendment 69**

Article 15

COM(2022) 457 final

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

<b><i>Reason</i></b>
It seems useful for the Board to foster exchange among national regulatory authorities or bodies. The Commission might participate in this exchange. However, it should not have a (co)determining function. Further, as in Article 12, the tasks of the Board with regard to the Audiovisual Media Services Directive (2010/13/EU) should be limited to its implementation. The application of national law should remain in the hands of national regulatory authorities and bodies. Furthermore, it does not seem necessary that targeted stakeholder consultations be carried out by the Board in this context. The Board would be free under Article 10(6) of this proposed regulation to consult experts in its deliberations. The further development of legislation should not, however, be the task of the Board as a media regulator and thus a regulated part of the executive branch itself.

#### **Amendment 70**

Article 15

COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
2. Where the Commission issues guidelines related to the application of this Regulation or the national rules implementing Directive 2010/13/EU, the Board shall assist it by providing expertise on <b><i>regulatory,</i></b> technical or practical aspects, <b><i>as regards in particular:</i></b>	2. Where the Commission issues guidelines related to the application of this Regulation or the national rules implementing Directive 2010/13/EU, the Board shall assist it by providing expertise on technical or practical aspects.

<p><i>(a) the appropriate prominence of audiovisual media services of general interest under Article 7a of Directive 2010/13/EU;</i></p> <p><i>(b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU.</i></p>	
---	--

<i>Reason</i>
<p>The Board's input should relate to technical and practical issues, as with the ERGA in Article 30b of Directive 2010/13/EU.</p> <p>Article 7a of Directive 2010/13/EU provides for a high degree of flexibility on the part of the Member States when it comes to defining requirements relating to the discoverability and, to that extent, prominence of content of general public interest. This approach and the objective pursued by it should not be undermined by a guideline competence of the Commission. At most, the Board should be able to publish (non-binding) opinions on empirical data collected via national regulatory authorities or bodies, which can be used as an indication for Member States to take action.</p>

**Amendment 71**  
Article 16  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<p>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.</p>	<p>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 <b><i>but subject to the jurisdiction of a Member State pursuant to Article 2(4) of Directive 2010/13/EU</i></b> 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.</p>

<i>Reason</i>
<p>The improved cooperation of national regulators in cases where there is a serious and grave risk of harm to public security and defence is to be welcomed. The envisaged new mechanism should usefully complement the mechanisms of the Audiovisual Media Services Directive (2010/13/EU) to improve its effectiveness. For example, the mechanism should apply when there is a cross-border situation affecting several Member States.</p> <p>Directive 2010/13/EU provides for the jurisdiction of a Member State in some cases where there is no establishment of an undertaking in the Union, such as in cases where signals from third countries are transmitted via a technical uplink in an EU Member State. In these cases, appropriate coordination is</p>

required between the target Member State and the Member State exercising jurisdiction over the media service provider.

However, purely national issues should not be subject to coordination by the Board. Therefore, when it comes to limiting signals that directly address Member State from outside the EU, there is no need for additional mandatory cooperation mechanisms, as enforcement measures can be taken by Member States themselves in line with the then applicable market place principle. In this respect, mandatory recourse to a cooperation mechanism would be rather obstructive for enforcement and would improperly restrict the sovereignty of Member State action.

## Amendment 72

Article 16

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
2. The Board, <b><i>in agreement with the Commission, may</i></b> issue opinions on appropriate <b><i>national</i></b> measures under paragraph 1. <b><i>All competent national authorities, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board.</i></b>	2. The Board <b><i>may, upon request of the national regulatory authorities or bodies of at least two Member States concerned,</i></b> issue opinions on appropriate measures under paragraph 1.

<i>Reason</i>
The Board should be able to make recommendations for action. These should not be subject to coordination with the Commission in order to ensure the independence and non-governmental character of media supervision. Consideration of the Board's recommendation by the national regulatory authority or body can only take place under the condition of a corresponding legal basis. Without such, no obligation to implement should be addressed to the national regulatory authority or body.

## Amendment 73

Article 17

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
Content of media service providers on very large online platforms <b><i>1.</i></b> Providers of very large online platforms shall provide a functionality allowing recipients of their services to declare that: (a) it is a media service provider within the meaning of Article 2(2); (b) it is editorially independent from Member States and third countries; <b><i>and</i></b> (c) it is subject to regulatory requirements for the	Content of media service providers on very large online platforms <b><i>and in very large search engines</i></b> <b><i>1. Providers of very large online platforms and providers of very large search engines shall respect the right to freedom of expression and freedom of the media and shall contribute in an appropriate manner to the plurality of the media.</i></b> <b><i>2.</i></b> Providers of very large online platforms <b><i>and</i></b>



<p>exercise of editorial responsibility in one or more Member States, or adheres to a co-regulatory or self-regulatory mechanism governing editorial standards, widely recognised and accepted in the relevant media sector in one or more Member States.</p> <p>2. Where a provider of very large online platform decides <b><i>to suspend the provision of its online intermediation services in relation to</i></b> content provided by a media service provider that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content is incompatible with its terms and conditions, without that content contributing to a systemic risk referred to in Article 26 of the Regulation (EU) 2022/XXX [Digital Services Act], it shall take all possible measures, to the extent consistent with their obligations under Union law, including Regulation (EU) 2022/XXX [Digital Services Act], to communicate to the media service provider concerned the statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150, <b><i>prior to the suspension taking effect.</i></b></p> <p>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.</p> <p>4. Where a media service provider that submitted a declaration pursuant to paragraph 1 considers that a provider of very large online platform frequently <b><i>restricts or suspends the provision of its services in relation to</i></b> content provided by the media service provider <b><i>without sufficient grounds</i></b>, the provider of very large online platform shall engage in a meaningful and effective dialogue with the media service provider, upon its request, in good faith with a view to finding an amicable solution for <b><i>terminating unjustified restrictions or suspensions and avoiding them in the future.</i></b> The media service provider may notify the outcome of</p>	<p><b><i>very large search engines</i></b> shall provide a functionality allowing recipients of their services to declare that:</p> <p>(a) it is a media service provider within the meaning of Article 2(2);</p> <p>(b) it is editorially independent from Member States and third countries;</p> <p>(c) it is subject to regulatory requirements for the exercise of editorial responsibility in one or more Member States, or adheres to a co-regulatory or self-regulatory mechanism governing editorial standards, widely recognised and accepted in the relevant media sector in one or more Member States; <b><i>and</i></b></p> <p><b><i>(d) it is subject to the supervision of an independent national regulatory authority or body or to the supervision of a self- or co-regulatory mechanism, stating its name and contact details. The provider of the very large online platform or the provider of the very large search engine may ask the respective supervisor to confirm the information given by the media services provider.</i></b></p> <p>3. Where a provider of <b><i>a</i></b> very large online platform <b><i>or a provider of a very large search engine that allows the dissemination of programmes or press publications</i></b> decides <b><i>to remove, disable access to or otherwise interfere with a service or</i></b> content provided by a media service provider that submitted a declaration pursuant to paragraph 2 of this Article, on the grounds that such <b><i>service or</i></b> content is incompatible with its terms and conditions, without that <b><i>service or</i></b> content contributing to a systemic risk referred to in Article 26 of the Regulation (EU) 2022/2065 [Digital Services Act], it shall take all possible measures, to the extent consistent with their obligations under Union law, including Regulation (EU) 2022/2065 [Digital Services Act], to communicate to the media service provider <b><i>and the competent supervision authority or body declared</i></b> concerned the statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150.</p> <p><b><i>4. If within 24 hours the media service provider</i></b></p>
---	---

<p>such exchanges to the Board.</p> <p>5. Providers of very large online platforms shall make publicly available on an annual basis information on:</p> <p>(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</p> <p>(b) the grounds for imposing such restrictions.</p> <p>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.</p>	<p><i>gives the very large online platform sufficient grounds to consider that the respective service or content is not incompatible with its terms and conditions, the platform may not implement its decision. If, after due consideration, the very large online platform still considers the respective service or content incompatible with its terms and conditions, it shall have the right to refer the case to the competent supervision authority or body declared, which decides without undue delay whether the interference based on the platform's terms and conditions is compatible with the freedom of expression and freedom of the media. Until such a decision is taken, the platform shall not implement its intended decision.</i></p> <p>Providers of very large online platforms shall take all 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.</p> <p>5. Where a media service provider that submitted a declaration pursuant to paragraph 1 considers that a provider of very large online platform frequently <i>claims incompatibility of service or content</i> provided by the media service provider <i>with its terms and conditions</i>, the provider of very large online platform shall engage in a meaningful and effective dialogue with the media service provider, upon its request, in good faith with a view to finding an amicable solution for the future. The media service provider may notify the outcome of such exchanges to the Board.</p> <p>6. Providers of very large online platforms shall make publicly available on an annual basis information on:</p> <p>(a) the number of instances where they imposed any restriction or suspension on the grounds that the <i>service or</i> 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</p> <p>(b) the grounds for imposing such restrictions.</p>
--	--

	7. 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.
--	--

<b><i>Reason</i></b>
<p>In view of the increasing importance of intermediary services for the discoverability of and access to media content, and in particular their importance for the offerings and content of regional and local media service providers, very large online platforms as well as very large search engines should assume their responsibility in this regard in a specific way.</p> <p>Due to their prominent market position, their generally open orientation, the high degree of dependency of the users, and with the inclusion of affected interests of the platform operators and other third parties the right to determine use, which gives the platform the right, after weighing the conflicting fundamental rights and interests of the parties and the interests of third parties to be included, to require users to comply with certain communication standards in general terms and conditions that go beyond the requirements of criminal law, must find its limits not only in the principle of equality, which requires that at least all offerings be treated equally, but also in the guarantee of media freedom and plurality.</p> <p>To this end, a mechanism should be introduced that takes into account the prominent role of media services and that involves the already existing national supervisory authorities to ensure compliance with legal standards.</p>

#### **Amendment 74**

Article 19

COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
1. Users shall have a right to easily change the default settings of any device or user interface controlling or managing access to and use of audiovisual media services in order to customise the audiovisual media offer according to their interests or preferences in compliance with the law. This provision shall not affect national measures implementing Article 7a of Directive 2010/13/EU.	1. Users shall have a right to easily change the default settings of any device or user interface controlling or managing access to and use of audiovisual media services in order to customise the audiovisual media offer according to their interests or preferences in compliance with the law. This provision shall not affect national measures implementing Article 7a of Directive 2010/13/EU <b><i>or other national measures regarding the findability of media services or content to secure media plurality.</i></b>

<b><i>Reason</i></b>
The addition is intended to ensure that discoverability rules are also valid and can be further developed beyond Article 7a Audiovisual Media Services Directive 2010/13/EU, as they serve to ensure plurality.

**Amendment 75**  
Article 20  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<b>2. Any national procedure used for the purposes of the preparation or the adoption of a regulatory or administrative measure as referred to in paragraph 1 shall be subject to clear timeframes set out in advance.</b>	

<i>Reason</i>
The principle idea of the provision is understandable, but the principle does not seem to be appropriate in all cases. Especially in the area of preparation or issuance of a legal provision or an administrative act in ex officio proceedings within the meaning of paragraph 1 a specific time limit already set in advance cannot be demanded here without further ado.

**Amendment 76**  
Article 20  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<b>4. The Board, upon request of the Commission, shall draw up an opinion where <i>a national legislative, regulatory or administrative measure</i> is likely to affect the functioning of the internal market for media services. <i>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.</i> Opinions by the Board <i>and, where applicable, by the Commission</i> shall be made publicly available.</b>	<b>4. The Board, upon request of the Commission, shall draw up an opinion where a <i>measure taken by a national regulatory authority or body</i> is likely to affect the functioning of the internal market for media services. Opinions by the Board shall be made publicly available.</b>

<i>Reason</i>
It remains unclear how legislative and administrative measures are distinguished from regulatory measures. The Board in its composition of representatives of national executive bodies, which are themselves subject to national regulation, does not appear suitable for evaluating legislative measures. The Commission should remain in its role as guardian of the Treaties and consult the Board accordingly on technical or other professional issues. The Board therefore is to have the opportunity, at the request of the Commission, to give its assessment of measures taken by national regulatory bodies where these affect the internal market.

**Amendment 77**  
Article 21  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
1. Member States shall provide, in their national legal systems, substantive and procedural rules which ensure <b><i>an assessment of media market concentrations that could have a significant impact on media pluralism and editorial independence</i></b> . These rules shall:	1. Member States shall provide, in their national legal systems, substantive and procedural rules which ensure <b><i>that mergers in the media market are assessed with a view to safeguarding media pluralism and which include appropriate measures to ensure, maintain and promote media pluralism, also taking into account the importance of editorial independence</i></b> . These rules shall:

<i>Reason</i>
With a view to avoiding the limitations to the scope of fundamental freedoms, the task of the Member States should be made clearer that they may (and must) enact measures to safeguard media pluralism in the context of media concentration law.

**Amendment 78**  
Article 21  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
1. (b) require the parties to a media market concentration that could have a significant impact on media pluralism <b><i>and</i></b> editorial independence to notify that concentration in advance to the relevant national authorities or bodies;	1. (b) require the parties to a media market concentration that could have a significant impact on media pluralism, <b><i>including</i></b> editorial independence, to notify that concentration in advance to the relevant national authorities or bodies;

<i>Reason</i>
Editorial freedom can be part of safeguarding media pluralism..

**Amendment 79**  
Article 21  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
1. (d) set out in advance <b><i>objective, non-discriminatory and proportionate</i></b> criteria for <b><i>notifying media market concentrations that could have a significant impact on media pluralism and editorial independence and for</i></b>	1. (d) set out in advance criteria for assessing the impact of media market concentrations on media pluralism, <b><i>including</i></b> editorial independence;

assessing the impact of media market concentrations on media pluralism <i>and</i> editorial independence.	
---	--

<i>Reason</i>
The notification of mergers already follows from b), the requirements in general ("objective, non-discriminatory and proportionate" criteria as well as their transparency) are already set out in a). Further, editorial freedom is not an independent criterion, but a possible element in securing media pluralism.

#### **Amendment 80**

Article 21

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
	1. <i>(e) provide, in advance and in accordance with the principles set out in Article 3, criteria or benchmarks for the identification and setting of criteria by the competent national regulatory authority or body against which the admissibility of a merger is to be assessed. In determining whether a merger is admissible, consideration shall also be given to whether the acquiring entity and the acquired entity would remain economically viable absent the merger, whether alternatives exist to ensure their economic viability, and the possibility and effectiveness of actions under subsection f;</i>

<i>Reason</i>
Member States should provide, in advance and in accordance with the principles set out in Article 3, criteria or benchmarks for the identification and setting of criteria by the competent national regulatory authority or body against which the permissibility of a concentration is to be assessed. In deciding whether a merger is permissible, consideration shall also be given to whether the acquiring and acquired entities would remain economically viable absent the merger, whether there are alternatives to ensure their economic viability, and whether measures under point (f) are feasible and effective.

#### **Amendment 81**

Article 21

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
	1. <i>(f) provide in advance for measures or benchmarks for identifying and determining measures that may in accordance with Article 3 be imposed on the entity in question in the event</i>

	<i>of a merger in order to ensure and maintain and promote media pluralism and editorial independence.</i>
--	--

<i>Reason</i>
Member States should also provide in advance for measures or criteria for determining measures which may be imposed on the entity concerned in the event of a merger in accordance with Article 3, in order to ensure, preserve and promote media pluralism and media independence. In deciding whether a merger is permissible, consideration should also be given to whether the acquiring and acquired entities would remain economically viable in the absence of the merger, whether there are alternatives to ensure their economic viability.

## Amendment 82

Article 21

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
1. The <i>assessment</i> referred to in this paragraph shall <i>be distinct from</i> the competition law assessments including those provided for under merger control rules. <i>It</i> shall be without prejudice to Article 21(4) of Regulation (EC) No 139/2004, where applicable.	1. The <i>assessments and measures</i> referred to in this paragraph shall <i>go beyond</i> the competition law assessments including those provided for under merger control rules. <i>They</i> shall be without prejudice to Article 21(4) of Regulation (EC) No 139/2004, where applicable.

<i>Reason</i>
The relationship between the evaluations declared as different in this respect remains unclear so far. With the adjustment it is expressed that the assessment with elements securing plurality provided for here goes beyond a control under competition law, and can thus override it, if necessary, also in terms of the result.

## Amendment 83

Article 21

COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
2. In the assessment referred to in paragraph 1, the following elements <i>shall</i> be taken into account:	2. In the assessment referred to in paragraph 1, <i>in particular</i> the following elements <i>should</i> be taken into account:

<i>Reason</i>
The criteria of the assessment introduced by Article 21 should focus on aspects of safeguarding diversity. The assessment should also include whether and which options exist for counteracting the limitations to or threats to media plurality which may arise as a result of a merger, by means of supplementary safeguarding measures.

**Amendment 84**  
Article 21  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
2. (a) the impact of the concentration on media pluralism, <b><i>including</i></b> its effects on the formation of public opinion <b><i>and</i></b> 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;	2. (a) the impact of the concentration on media pluralism <b><i>at European, national, regional and local level, in particular</i></b> its effects on the <b><i>free</i></b> formation of public opinion, on the diversity of media players <b><i>and content</i></b> on the market, <b><i>including the economic and editorial independence and diversity of service providers, and the availability of services and content</i></b> taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;

<i>Reason</i>
It should be made clear that there are different levels (in addition to the European level) to be considered. There should be no predetermined weighting of the levels. The freedom to form opinions should be emphasised. It should be added that, in addition to the diversity of services, diversity of content must also be preserved, and that special consideration must be given to access and findability as a particular challenge to ensuring diversity, especially with regard to the online environment.

**Amendment 85**  
Article 21  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
2. (c) <b><i>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.</i></b>	

<i>Reason</i>
Economic sustainability is not a question that is at the forefront of the evaluation of the merger from the point of view of safeguarding diversity. In order to pursue the goal of ensuring plurality consistently, the focus must be on journalistic competition and the question of whether or how this can be protected or supported by measures to safeguard media diversity. From the perspective of ensuring plurality, every merger is not necessarily justified if the economic viability of the company concerned would be lost without the merger, which is in this respect without alternative; it would, however, be justified if plurality in the market would otherwise (even further) suffer.



**Amendment 86**  
Article 21  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
3. <i>The Commission, assisted by the</i> Board, may issue <i>guidelines</i> on the factors <i>to be taken into account</i> when applying the <i>criteria</i> for assessing the impact of media market concentrations on media pluralism <i>and editorial independence by the national regulatory authorities or bodies</i> .	3. <i>The</i> Board may issue <i>opinions</i> on the factors <i>that might be relevant</i> when applying the <i>elements referred to in paragraph 2</i> for assessing the impact of media market concentrations <i>relevant for the internal market</i> on media pluralism.

<i>Reason</i>
The Commission should not make any concretisations that restrict the possibilities of the Member States to react to national, regional and/or local needs when applying and weighting the factors. Opinions of the Board could provide guidance to national regulators on how to respond to needs at national, regional and local level within the scope of their competence and the design of national measures. It should be clear that this opinion only refers to the elements contained in paragraph 2 and do not exhaustively cover the assessment of media concentrations in this respect, in order to allow an assessment on the basis of further necessary criteria by the national authorities.

**Amendment 87**  
Article 21  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
4. The national regulatory authority or body shall <i>consult</i> the Board in advance on <i>any opinion or decision it aims to adopt assessing the impact on media pluralism and editorial independence of</i> a notifiable media market concentration where such concentrations may affect the functioning of the internal market.	4. The national regulatory authority or body shall <i>inform</i> the Board in advance on a notifiable media market concentration where such concentrations may affect the functioning of the internal market. <i>The national regulatory authority or body may, in advance of a decision or action taken, ask the Board for an opinion on the impact of a notifiable media market concentration on media pluralism and the functioning of the internal market.</i>

<i>Reason</i>
In view of the regulatory power, only those mergers or concentrations that are relevant for the internal market should be exempted from the binding requirements of Article 21. In all other respects, requirements should not go beyond recommendations. There should be no obligation on the part of the national regulatory authority or body to consult the Board - on the one hand, to preserve the competence of the national authority and, on the other hand,

to avoid delaying procedures at national level. However, the competent national regulatory authority should provide an indication of relevant cases to the Board so that it is informed. The Board should also have the right to take a position in all cases in which it recognises a relevance to the internal market.

#### **Amendment 88**

Article 21

COM(2022) 457 final

<i><b>Text proposed by the European Commission</b></i>	<i><b>CoR amendment</b></i>
5. <i><b>Within 14 calendar days from the receipt of the consultation referred to in paragraph 4, the</b></i> Board shall draw up an opinion <i><b>on the draft national opinion or decision referred to it,</b></i> taking account of the elements referred to in paragraph 2 and transmit that opinion to the consulting authority and the Commission.	5. <i><b>Where the Board is asked for an opinion,</b></i> it shall draw up an opinion <i><b>without delay,</b></i> taking account of the elements referred to in paragraph 2, and transmit that opinion to the consulting authority and the Commission.

<i><b>Reason</b></i>
The time limit seems rigid and may be too short for complex cases.

#### **Amendment 89**

Article 21

COM(2022) 457 final

<i><b>Text proposed by the European Commission</b></i>	<i><b>CoR amendment</b></i>
6. <i><b>The national regulatory authority or body referred to in paragraph 4 shall take utmost account of the opinion referred to in paragraph 5. Where that authority does not follow the opinion, fully or partially, it shall provide the Board and the Commission with a reasoned justification explaining its position within 30 calendar days from the receipt of that opinion.</b></i> Without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter.	6. Without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter.

<i><b>Reason</b></i>
The Commission should have the possibility to react to the opinion. A binding effect for the competent national authority does not seem appropriate in this context, since the merger is to be finally evaluated in the context of national law. The Commission in its function as "guardian of the Treaties" is free to verifying the existence of appropriate regulations and ensuring their application in the light of Union law.

**Amendment 90**  
Article 21  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
	<b>7. Opinions by the Board and, where applicable, by the Commission shall be made publicly available.</b>

<i>Reason</i>
Taking over paragraph 3 of Article 22 due to the amendments proposed to Article 22.

**Amendment 91**  
Article 22  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
<p>Opinions on media market concentrations</p> <p>1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, <b>upon request of the Commission</b>, 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.</p> <p>2. 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.</p> <p>3. Opinions by the Board and, where applicable, by the Commission shall be made publicly available.</p>	<p>Opinions on media market concentrations</p> <p>1. In the absence of an assessment or a consultation pursuant to Article 21, the Board 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.</p> <p>2. 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.</p> <p>3. Opinions by the Board and, where applicable, by the Commission shall be made publicly available.</p>

<i>Reason</i>
The Board should be able to draw up an opinion independently, without having to be requested to do so by the Commission.

**Amendment 92**  
Article 24  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
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 <b>1 million</b> inhabitants, shall make publicly available accurate, comprehensive, intelligible, detailed and yearly information about their advertising expenditure allocated to media service providers, which shall include at least the following details:	2. Public authorities, including <b>EU</b> , 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 <b>100 000</b> inhabitants <b><i>with the population criterion to be considered in conjunction with the definition of a minimum annual spending threshold</i></b> , 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:

<i>Reason</i>
The proposed amendment corresponds to that of the definition of "state advertising" in Article 2.

**Amendment 93**  
Article 25  
COM(2022) 457 final

<i>Text proposed by the European Commission</i>	<i>CoR amendment</i>
1. The Commission shall ensure an independent monitoring of the internal market <b>for</b> media services, <b>including</b> risks to and progress in its functioning and resilience. The findings of the monitoring exercise shall be subject to consultation with the Board. 2. The Commission shall define key performance indicators to be used for the monitoring referred in paragraph 1, in consultation with the Board. 3. The monitoring exercise shall include: (a) a detailed analysis of the resilience of media markets of all Member States, including as regards the level of media concentration <b>and risks of foreign information manipulation and interference</b> ; (b) an overview and forward-looking assessment of the resilience of the internal market for media	1. The Commission shall ensure an independent monitoring of the internal market <b>regarding</b> media services <b>concerning</b> risks to and progress in its functioning and resilience. The findings of the monitoring exercise shall be subject to consultation with the Board. 2. The Commission shall define key performance indicators to be used for the monitoring referred in paragraph 1, in consultation with the Board. 3. The monitoring exercise shall include: (a) a detailed analysis of the resilience of media markets of all Member States, including as regards the level of media concentration; b) an overview and forward-looking assessment of the resilience of the internal market for media services as a whole. 4. The monitoring shall be carried out annually,

<p>services as a whole;</p> <p><b><i>(c) an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions.</i></b></p> <p>4. The monitoring shall be carried out annually, and its results shall be made publicly available.</p>	<p>and its results shall be made publicly available.</p>
---	--

<b><i>Reason</i></b>
<p>The tasks of the Commission should be directed, in accordance with its competence, to aspects of the internal market as a whole. In this context, the consideration of national markets can also be an important element of an evaluation.</p>

**Amendment 94**  
Article 28  
COM(2022) 457 final

<b><i>Text proposed by the European Commission</i></b>	<b><i>CoR amendment</i></b>
<p>2. This Regulation shall apply from [6 months after the entry into force].</p> <p>However, <b><i>Articles 7 to 12 and 27 shall apply from [3 months after the entry into force] and</i></b> Article 19(2) shall apply from [48 months after the entry into force].</p>	<p>2. This Regulation shall apply from [<b>20</b> months after the entry into force].</p> <p>However, Article 19(2) shall apply from [48 months after the entry into force].</p>

<b><i>Reason</i></b>
<p>Extended entry into force should be provided for, as further transposition by the Member States is required.</p>

## **II. POLICY RECOMMENDATIONS**

### **THE EUROPEAN COMMITTEE OF THE REGIONS**

1. strongly supports efforts to safeguard media freedom, pluralism and independence, as well as the safety of journalists, as essential to preserve the integrity of the European information space and to ensure the functioning of European democracy at all levels – regional, local, national and European; notes in this regard the stated goals of the Commission's initiative for a proposal for a regulation establishing a common framework for media services in the internal market and the accompanying recommendation on internal safeguards for editorial independence and ownership transparency in the media sector;
2. considers it paramount to ensure strong pluralistic, economically viable, innovative, independent and reliable media landscapes in Europe that are able to reach all groups of society; this is very important for the European Union and its democracies, as well as for citizens, consumers and businesses;

3. stresses the need for strong binding transparency requirements with regard to the allocation of state advertising. However, it deems the exemption for territorial entities of more than 1 million inhabitants from the requirements to be non-applicable to a number of smaller EU Member States, thus creating a de facto loophole to avoid transparency. Calls therefore for this threshold to be considerably lowered to 100 000 inhabitants. Further invites the Commission to consider the population criterion in conjunction with the definition of a minimum annual spending threshold;
4. reiterates strongly that subsidiarity, proportionality and multilevel governance are key principles and fundamental features for the functioning of the EU and its democratic accountability; emphasises that the legal act of a Directive would better serve these principles, while still attaining the goals of the initiative;
5. stresses that in many Member States the regions play a role in regulating and supporting the media and cultural sectors and regrets that the proposal for a regulation does not explicitly recognise this competence;
6. warns of the potential negative effects of overregulation on the well-established media systems across the EU Member States in which media freedom and pluralism are ensured; in its efforts to improve media diversity and independence, the initiative should not harm functioning media systems present in the majority of EU Member States;
7. calls in this regard for caution in initiatives aiming to harmonise and centralise the regulation of the media at European level. This concerns both the European order of competences and the preservation of cultural diversity in the European Union, as well as the possible effects on media pluralism, especially on a regional and local level, that might arise if a purely internal market perspective is applied;
8. questions furthermore the appropriateness of regulating media systems on the sole legal basis of the internal market competence under Article 114 TFEU, taking into account that in addition to the market dimension, media services have an important function in the cultural sector, education, social inclusiveness and the protection of freedom of expression;
9. calls that, to this end, it should be made clear that safeguarding media freedom and pluralism is the responsibility of the Member States and that it should be recognised that these objectives go beyond the mere promotion of the internal market;
10. warns against imposing restraints on the Member States' ability to apply other or stricter rules in areas covered by the Regulation. It must remain possible to introduce more far-reaching or detailed provisions to safeguard media diversity in the respective constitutional traditions of the Member States, which should in case of doubt take precedence over market economy considerations;

11. stresses that supervision in the area of safeguarding media pluralism must follow the structure of competences; insofar as this supervision acts in areas that do not solely concern the internal market, it must take sufficient account of the cultural sovereignty of the Member States;
12. stresses furthermore that there shall be no overlapping media supervision on European level concerning the safeguarding of media pluralism, including editorial independence, that instead, the duty and responsibility of the Member States to guarantee media pluralism must be implemented efficiently, and that the respect of the principles of independent media supervision that is free from political influence shall be ensured;
13. while acknowledging the need for closer cooperation between media regulatory authorities, requests due attention to the independence of the proposed European Board for Media Services from political and business influence; requests in addition that the composition of the board reflects the regulatory structure and traditions existing in the different Member States;
14. calls for the introduction of concrete obligations for very large online platforms going beyond the submission of a statement of reasons prior to the imposition of a restriction, in order to protect the journalistic-editorial content in the online sector;
15. reiterates its commitment to pursuing efforts to safeguard democratic resilience, rule of law and fundamental rights, particularly in view of the growing threats of interference to the European democratic order; and firmly supports all efforts to ensure an open, fair and pluralistic political debate.

Brussels, 16 March 2023.

The President  
of the European Committee of the Regions

Vasco Alves Cordeiro

The Secretary-General  
of the European Committee of the Regions

Petr Bližkovský

### III. PROCEDURE

<b>Title</b>	European Media Freedom Act
<b>Reference(s)</b>	Proposal for a regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU COM(2022) 457 final  Commission Recommendation on internal safeguards for editorial independence and ownership transparency in the media sector C(2022) 6536 final
<b>Legal basis</b>	Own-initiative opinion (Article 307(1) TFEU)
<b>Procedural basis</b>	Rule 41(b)(i) of the Rules of Procedure
<b>Date of Council/EP referral/Date of Commission letter</b>	The Council exercised its option to consult the European Committee of the Regions on 16 November 2022
<b>Date of Bureau/President's decision</b>	N/A
<b>Commission responsible</b>	CIVEX
<b>Rapporteur</b>	Mark Speich (DE/EPP)
<b>Analysis</b>	
<b>Discussed in commission</b>	17 November 2022
<b>Date adopted by commission</b>	1 February 2023
<b>Result of the vote in commission (majority, unanimity)</b>	Unanimity
<b>Date adopted in plenary</b>	16 March 2023
<b>Previous Committee opinions</b>	<ul style="list-style-type: none"> <li>• (CDR 1120/2022) – Reinforcing democracy and integrity of elections, rapporteur BIANCO Vincenzo (IT/PES), 27 April 2022</li> <li>• (CDR 1278/2021) – European Democracy Action Plan, rapporteur DULKIEWICZ Aleksandra (PL/EPP), 30 June 2021</li> <li>• (CDR 51/2021) – Media in the Digital Decade: An Action Plan, rapporteur TREI Jan (EE/EPP), 7 May 2021</li> <li>• (CDR 3730/2019) – Strengthening the rule of law within the Union A blueprint for action, rapporteur IACOP Franco (IT/PES), 12 February 2020</li> <li>• (CDR 1053/2019) – Action Plan against Disinformation, rapporteur LÄNTS Randel (EE/PES), 5 December 2019</li> <li>• (CDR 4093/2016) – Review of the audio-visual and media services Directive (AMSD), rapporteur HORVÁTH Jácint (HU/PES), 7 December 2016</li> </ul>
<b>Date of subsidiarity monitoring consultation</b>	N/A