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CONTRIBUTION

From:	General Secretariat of the Council
To:	Audiovisual Working Party (Attachés)
N° prev. doc.:	WK 12633/17
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Subject:	Review of the Audiovisual Media Services Directive - Comments from the Lithuanian delegation

Delegations will find attached comments from the Lithuanian delegation on the above mentioned subject, following the meeting of the Audiovisual attachés on 15 November.

**LITHUANIAN PROPOSALS FOR THE REVIEW OF THE AUDIOVISUAL MEDIA
SERVICES DIRECTIVE 2010/13/EU (2016/0151(COD))**

Comments on Article 3 in view of EP draft proposal (doc. WK 12633/2017 INIT)
examined at the Audiovisual Attachés meeting on 15 November 2017

16 November 2017

We would like to reiterate that the provisions of Article 3 are the most important for Lithuania in the Audiovisual media services directive and therefore we would like to keep the main elements of the delicate balance of the General Approach as a basis for negotiations on Article 3 on Derogation procedure.

EP draft proposal on Paragraph 2 does not clearly demonstrate that an ordinary derogation procedure includes all the grounds for derogation from freedom of reception of media services as defined in the General Approach. If it is the case, Lithuania is concerned about the exclusion of public security ground from the ordinary derogation procedure and therefore asks to reinstate it again in Paragraph 2.

EP draft proposal on Paragraph 3 eliminates the middle strand – an urgency procedure for 2 infringements applicable for all the grounds and Lithuania would like to keep this 2-step urgency procedure. However, as a compromise Lithuania is ready to discuss a margin of flexibility on 2-step urgency procedure making urgency procedure in general more balanced and adding other grounds next to public security ground in the 1-step extra-urgency procedure namely, protection of minors, incitement to violence or hatred, public provocation to commit a terrorist offense.

EP draft proposal on points C of Paragraphs 2 and 3 leaves no time limit for the media service provider to express an opinion on alleged infringements. Without the reference to time limit, no urgency is possible. Lithuania therefore suggests to follow the General approach where the media service provider has the right to express its views on alleged infringements within a period set out in national law.

EP draft proposal on point B of Paragraph 3 eliminates a cooperation with the regulator of jurisdiction Member State, so we have a question as to how jurisdiction regulator is to be aware of alleged infringements by the media service provider falling under its jurisdiction if the destination Member State notifies only the media service provider and the Commission. Lithuania therefore suggests to follow the General approach where there is also the requirement to communicate with the jurisdiction regulator.

On a final note, Lithuania is happy to see the affirmative EP approach towards 1-step extra-urgency procedure if a media service provider prejudices or presents a serious and grave risk of prejudice to public security, including the safeguarding of national security and defense.
