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### WORKING PAPER

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#### **WORKING DOCUMENT**

From:	General Secretariat of the Council
To:	Audiovisual Working Party
N° prev. doc.:	7106/18
N° Cion doc.:	9479/16
Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities - Outcome of the 9th informal trilogue (26 April 2018)

Delegations will find attached the results of the 9th informal trilogue on the review of the Audiovisual Media Services Directive that took place on 26 April 2018. The attached document provides complementary information to the oral debriefing that will be made at the Coreper meeting on 2 May.

The compromises were found during the trilogue on the following provisions (highlighted in grey in the attached document):

- recital 6b (pg. 14), where the Council GA is kept
- recital 39 (pg. 59), where the wording mirrors Article 6 on human dignity
- Article 7b and related recital 15a (pg. 116)
- recital 22 (pg. 133) linked to Article 13(2)
- Article 28a(2) (pg. 157), where the reference to size is kept

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- Article 28a(6) and related new recital (pg. 165)
- Article 28b(1) and related recital 32 (pg. 169)



**Outcome of the 9<sup>th</sup> informal trilogue (26 April 2018)**

Proposal for a

**Directive of the European Parliament and of the Council**

**amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities**

<b>COMMISSION PROPOSAL (doc. 9479/16) in a consolidated version of the 2010 AVMS directive<sup>1</sup></b>	<b>COUNCIL (GA - doc. 9691/17)<sup>2</sup></b>	<b>EUROPEAN PARLIAMENT approved by plenary on 18 May 2017<sup>3</sup></b>	<b>COMPROMISE PROPOSALS<sup>4</sup></b>
TITLE			
Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative	[No change]	<b><u>AMD 1</u></b>  Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative	

- <sup>1</sup> In this column,
- for the recitals, only normal font is used.
  - for the articles, normal font is used for the text coming from the consolidated version of the AVMS directive (OJ L 95, 15.4.2010, p. 1), while the **bold** font indicates the changes proposed by the Commission in its amending proposals (doc. 9479/16).
- <sup>2</sup> In this column, changes to the first column are indicated in **bold** and [...]. Recitals come from doc. 11313/17.
- <sup>3</sup> A8-0192/2017. In this column, changes to the first column are indicated in **bold italics** and [...].
- <sup>4</sup> Changes to the first column are indicated in **bold** and [...]. **COMPROMISE AGREED** indicates the compromise text agreed with the EP during the 9<sup>th</sup> trilogue. **Text highlighted in blue** refers to the information provided by the EP at the 9<sup>th</sup> trilogue. Text in **green boxes** corresponds to the text agreed at previous trilogue. Non-highlighted text is the text from the 1st column that neither Council nor EP has changed.

action in Member States concerning the provision of audiovisual media services in view of changing market realities		action in Member States concerning the provision of audiovisual media services in view of changing market realities ( <i>Audiovisual Media Services Directive</i> )	
RECITALS			
<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 53(1) and 62 thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national parliaments,</p> <p>Acting in accordance with the ordinary legislative procedure,</p>	[No change]	[No change]	
<p>Whereas:</p> <p>(1) The last substantive amendment to Directive</p>		<p><u><b>AMD 2</b></u></p> <p>(1) The last substantive amendment to Directive 89/552/EEC of the Council<sup>5</sup>,</p>	

<p>89/552/EEC of the Council<sup>5</sup>, later codified by Directive 2010/13/EU of the European Parliament and of the Council<sup>6</sup>, was made in 2007 with the adoption of Directive 2007/65/EC of the European Parliament and of the Council<sup>7</sup>. Since then, the market of audiovisual media services has evolved significantly and rapidly. Technical developments allow for new types of services and user experiences. The viewing habits, particularly of younger generations, have changed significantly. While the main TV screen remains an important device to share audiovisual experiences, many viewers have moved to other,</p>		<p>later codified by Directive 2010/13/EU of the European Parliament and of the Council<sup>6</sup>, was made in 2007 with the adoption of Directive 2007/65/EC of the European Parliament and of the Council<sup>7</sup>. Since then, the market of audiovisual media services has evolved significantly and rapidly <b><i>due to the ongoing convergence of television and internet services</i></b>. Technical developments allow for new types of services and user experiences. The viewing habits, particularly of younger generations, have changed significantly. While the main TV screen remains an important device to share</p>	
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- <sup>5</sup> Directive 89/552/EEC of the European Parliament and of the Council of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 298, 17.10.1989, p. 23).
- <sup>6</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).
- <sup>7</sup> Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 332, 18.12.2007, p. 27).

portable devices to watch audiovisual content. Traditional TV content accounts still for a major share of the average daily viewing time. However, new types of content, such as short videos or user-generated content, gain increasing importance and new players, including providers of video-on-demand services and video-sharing platforms, are now well-established.		audiovisual experiences, many viewers have moved to other, portable devices to watch audiovisual content. Traditional TV content accounts still for a major share of the average daily viewing time. However, new types of content, such as short videos or user-generated content, gain increasing importance and new players, including providers of video-on-demand services and video-sharing platforms, are now well-established. <b><i>This convergence of media requires an updated legal framework in order to reflect developments in the market and to achieve a balance between access to online content services, consumer protection and competitiveness.</i></b>	
(2) On 6 May 2015, the Commission adopted "A Digital Single Market Strategy		(2) On 6 May 2015, the Commission adopted "A Digital Single Market Strategy for Europe" <sup>7</sup> in which it announced a review of Directive 2010/13/EU. <b><i>In</i></b>	

for Europe" <sup>8</sup> in which it announced a review of Directive 2010/13/EU.		<i>its resolution of 19 January 2016, "Towards a Digital Single Market Act"<sup>9</sup>, the European Parliament set out what it would expect from that review. The European Parliament had previously called for a review on 4 July 2013 in its resolution "Connected TV"<sup>10</sup> and on 12 March 2014 in its resolution "Preparing for a Fully Converged Audiovisual World"<sup>11</sup> and indicated the objectives of that review.</i>	
(3) Directive 2010/13/EU should remain applicable only to those services the principal purpose of which is the provision of programmes in order to inform, entertain or educate. The principal purpose requirement should be also considered to be met if the service has audiovisual content	(3) Directive 2010/13/EU should remain applicable only to those services the principal purpose of which is the provision of programmes in order to inform, entertain or educate. The principal purpose requirement should be also considered to be met if the service has audiovisual	<b><u>AMD 4</u></b> (3) Directive 2010/13/EU should [...] <b>be</b> applicable only to those services the principal purpose of which is the provision of programmes in order to inform, entertain or educate. The principal purpose requirement should be also considered to be met if the service has audiovisual	

<sup>8</sup> COM(2015) 192 final

<sup>9</sup> P8\_TA(2016)0009


<sup>10</sup> P7\_TA(2013)0329


<sup>11</sup> P7\_TA(2014)0232

<p>and form which is dissociable from the main activity of the service provider, such as stand-alone parts of online newspapers featuring audiovisual programmes or user-generated videos where those parts can be considered dissociable from their main activity. Social media services are not included, except if they provide a service that falls under the definition of a video-sharing platform. A service should be considered to be merely an indissociable complement to the main activity as a result of the links between the audiovisual offer and the main activity. As such, channels or any other audiovisual services under the editorial responsibility of a provider may constitute audiovisual media services in themselves, even if they are offered in the framework of a video-sharing platform which is characterised by the absence of editorial responsibility. In such cases, it will be up to the providers with editorial</p>	<p>content and form which is dissociable from the main activity of the service provider, such as stand-alone parts of online newspapers featuring audiovisual programmes or user-generated videos where those parts can be considered dissociable from their main activity. A service should be considered to be merely an indissociable complement to the main activity as a result of the links between the audiovisual offer and the main activity <b>such as providing news in written form</b>. As such, channels or any other audiovisual services under the editorial responsibility of a provider may constitute audiovisual media services in themselves, even if they are offered in the framework of a video-sharing platform which is characterised by the absence of editorial responsibility. In such cases, it will be up to the providers with editorial responsibility to abide by the provisions of this Directive.</p>	<p>content and form which is dissociable from the main activity of the service provider [...]. <b><i>As social media platform services rely increasingly on audiovisual content, they are relevant for the purposes of Directive 2010/13/EU in so far as they provide services that meet the criteria defining</i></b> a video-sharing platform. A service should be considered to be merely an indissociable complement to the main activity as a result of the links between the audiovisual offer and the main activity. As such, channels or any other audiovisual services under the editorial responsibility of a provider may constitute audiovisual media services in themselves, even if they are offered in the framework of a video-sharing platform [...]. In such cases, it will be up to the providers with editorial responsibility to abide by the provisions of this Directive. <b><i>Games of chance involving a stake representing a sum of money,</i></b></p>	
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responsibility to abide by the provisions of this Directive.		<i>including lotteries, betting and other forms of gambling as well as on-line games and search engines, should continue to be excluded from the scope of Directive 2010/13/EU.</i>	
	<p>(3a) Video-sharing platform services provide audiovisual content which is increasingly accessed by the general public and in particular by young people. This also applies to social media services that have become an important medium to share information, entertain and educate, including by providing access to programmes and user-generated videos. These social media services need to be included because they compete for the same audiences and revenues as the audiovisual media services. Furthermore they also have a considerable impact in that they facilitate the possibility for users to shape and influence the opinions of other users.</p>		<p><b>COMPROMISE AGREED</b> (linked to Article 1(1)(aa), definition of a VSP)</p> <p>(3a) Video-sharing platform services provide audiovisual content which is increasingly accessed by the general public and in particular by young people. This also applies to social media services that have become an important medium to share information, entertain and educate, including by providing access to programmes and user-generated videos. These social media services need to be included because they compete for the same audiences and revenues as the audiovisual media services. Furthermore, they also have a considerable impact in that they facilitate the possibility for users to shape and</p>

	<p>Therefore, in order to protect minors from harmful content and all citizens from incitement to hatred, violence and terrorism, it is reasonable to require that these services should be covered by this Directive. In the case of social media services, these services should be covered insofar as and to the extent that they meet the requirements defining a video-sharing platform service.</p>		<p>influence the opinions of other users. Therefore, in order to protect minors from harmful content and all citizens from incitement to hatred, violence and terrorism [...], <u>those</u> services should be covered by this Directive. In the case of social media services, <u>those</u> services should be covered insofar as and to the extent that they meet the requirements defining a video-sharing platform service.</p>
	<p>(3b) While the aim of this Directive is not to regulate social media services as such, social media services should be covered if the provision of programmes and user-generated videos constitute an essential functionality of that service. The provision of programmes and user-generated content could be considered to constitute an essential functionality of the social media service if the audiovisual content is not merely ancillary to or</p>		<p><b>COMPROMISE AGREED</b> (linked to Article 1(1)(aa), definition of a VSP)</p> <p>(3b) While the aim of this Directive is not to regulate social media services as such, social media services should be covered if the provision of programmes and user-generated videos constitute an essential functionality of that service. The provision of programmes and user-generated [...] <u>videos</u> could be considered to constitute an essential functionality of the social media service if the</p>


	<p>constitutes a minor part of the activities of that social media service. In order to ensure clarity, effectiveness and consistency of implementation, where necessary, the Commission should issue guidelines on the practical application of certain aspects of the definition of a 'video-sharing platform service', in particular with respect to the criterion of essential functionality. These guidelines should be adopted after consulting the Contact Committee. These guidelines should, inter alia, take into account the totality of the functionalities offered by the service or the average use by the recipients of the service, as well as whether the service has put in place shared revenue models for the distribution and placement of audiovisual commercial communications in and around the programmes and user-generated videos.</p>		<p>audiovisual content is not merely ancillary to or constitutes a minor part of the activities of that social media service. In order to ensure clarity, effectiveness and consistency of implementation, where necessary, the Commission should issue guidelines, <u>after consulting the Contact Committee</u>, on the practical application of [...] <u>the criterion of essential functionality of the definition of a 'video-sharing platform service' [...].</u> <u>These guidelines</u> should be drafted with due regard for the general public interest objectives as set out in Article 28a(1) and the right to freedom of expression.</p>
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	They should be drafted with due regard for the general public interest objectives as set out in Article 28a(1) and the right to freedom of expression.		
	<p>(3c) Where a dissociable section of the service constitutes a video-sharing platform service for the purposes of this Directive, only that section should be covered by the provisions applicable to video-sharing platforms in the Directive, and only as regards programmes and user-generated videos. Video clips embedded in editorial content of electronic versions of newspapers and magazines and animated images such as GIFS should not be covered by this Directive. The definition of a video-sharing platform service should not cover non-economic activities, such as audiovisual content on private websites and non-commercial communities of interest.</p>		<p><b>COMPROMISE AGREED</b> (linked to Article 1(1)(aa), definition of a VSP)</p> <p>(3c) Where a dissociable section of the service constitutes a video-sharing platform service for the purposes of this Directive, only that section should be covered by the provisions applicable to video-sharing platforms in the Directive, and only as regards programmes and user-generated videos. Video clips embedded in editorial content of electronic versions of newspapers and magazines and animated images such as GIFS should not be covered by this Directive. The definition of a video-sharing platform service should not cover non-economic activities, such as audiovisual content on private websites and non-</p>


			commercial communities of interest.
	(3d) Effective editorial responsibility is ensured through editorial decisions taken on a regular basis. In order to assess where editorial decisions are taken on a regular basis, account should be taken of the frequency of such decisions and their link to the day-to-day operation of the audiovisual media service.	<p><u>AMD 5</u></p> <p>(3a) <i>Editorial decisions are decisions taken on a day-to-day basis, in particular by programme directors and editors-in-chief, in the context of an approved programme schedule. The place in which editorial decisions are taken is the normal place of work of the persons who take them.</i></p>	<p><u>EP amendment accepted in principle in Article 1(1)(bb)</u></p>
(4) In order to ensure the effective implementation of this Directive, it is crucial for Member States to keep up-to-date records of the audiovisual media service providers and video-sharing platform providers under their jurisdiction and regularly share those records with their competent independent regulatory authorities and the Commission. Those records should include information	(4) In order to ensure the effective implementation of this Directive, it is crucial for Member States to [...] <b>establish and maintain</b> up-to-date records of the audiovisual media service providers and video-sharing platform providers under their jurisdiction and regularly share those records with their competent independent regulatory authorities and the	<p><u>AMD 6</u></p> <p>(4) In order to ensure the effective implementation of this Directive, it is crucial for Member States to keep up-to-date <b>transparent</b> records of the audiovisual media service providers and video-sharing platform providers under their jurisdiction and regularly share those records with their competent independent regulatory authorities <b>and/or bodies</b> and the Commission. Those records should include</p>	

about the criteria on which jurisdiction is based.	Commission. Those records should include information about the criteria on which jurisdiction is based.	information about the criteria on which jurisdiction is based.	
<p>(5) Establishing jurisdiction requires an assessment of factual situations against the criteria laid down in Directive 2010/13/EU. The assessment of such factual situations might lead to conflicting results. In the application of the cooperation procedures provided for in Articles 3 and 4 of Directive 2010/13/EU, it is important that the Commission can base its findings on reliable facts. The European Regulators Group for Audiovisual Media Services (ERGA) should therefore be empowered to provide opinions on jurisdiction upon the Commission's request.</p>	<p>(5) Establishing jurisdiction requires an assessment of factual situations against the criteria laid down in Directive 2010/13/EU. The assessment of such factual situations might lead to conflicting results. In the application of the cooperation procedures provided for in Articles 3 and 4 of Directive 2010/13/EU, it is important that the Commission can base its findings on reliable facts. The European Regulators Group for Audiovisual Media Services (ERGA) should therefore be empowered to provide opinions on jurisdiction upon the Commission's request. <b>Where the Commission in the application of Articles 3 and 4 of Directive 2010/13/EU decides to consult ERGA, it should</b></p>	<p><u><b>AMD 7</b></u></p> <p>(5) Establishing jurisdiction requires an assessment of factual situations against the criteria laid down in Directive 2010/13/EU. The assessment of such factual situations might lead to conflicting results. In the application of [...] Articles 2, 3 and 4 of Directive 2010/13/EU, it is important that the Commission can base its findings on reliable facts. The European Regulators Group for Audiovisual Media Services (ERGA), <i>composed of independent regulatory authorities and/or bodies in the field of audiovisual media services</i>, should therefore be empowered to provide <i>non-binding</i> opinions on jurisdiction upon the Commission's request. <i>It is important that the ERGA and the contact committee keep each other informed and that</i></p>	

	provide the Contact Committee with information, including on a notification received from a Member State under these cooperation procedures, and on ERGA's opinion.	<i>they cooperate with regulatory authorities and/or bodies.</i>	
(6) The procedures and conditions for restricting freedom to provide and receive services should be the same for linear and non-linear services.		[No change]	
	(6a) In accordance with existing case law by the Court of Justice, the freedom to provide services guaranteed under the Treaties may be restricted for overriding reasons in the public interest, such as to obtain a high level of consumer protection, provided that such restrictions are justified, proportionate and necessary. Therefore, a Member State may take certain measures to ensure respect for its consumer protection rules which do not fall in the coordinated area of this Directive. Measures taken by a		

	<p>Member State to enforce its national consumer protection regime, including in relation to gambling advertising, would need to be justified, proportionate to the objective sought to attain, and necessary as required under EU case law. In any event, a receiving Member State must not take any measures which would prevent the re-transmission, in its territory, of television broadcasts coming from another Member State.</p>		
	<p>(6b) A Member State, when notifying to the Commission that a media service provider has established itself in the Member State having jurisdiction in order to circumvent the stricter rules in the fields coordinated by this Directive, which would be applicable to it if it were established in the first Member State, should adduce credible and duly</p>		<p><b><u>MAIN ISSUE:</u> COMPROMISE AGREED</b>  <i>(linked to Article 4(3))</i></p> <p>(6b) A Member State, when notifying to the Commission that a media service provider has established itself in the Member State having jurisdiction in order to circumvent the stricter rules in the fields coordinated by this Directive, which would be applicable to it if it were established in the first</p>



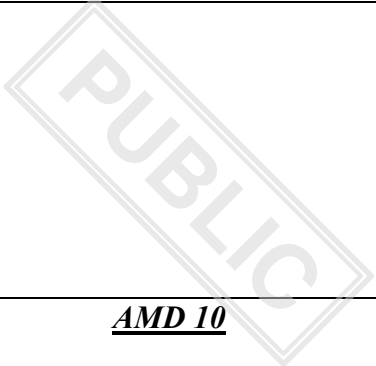
	<p><b>substantiated evidence to that effect. While such evidence does not have to establish a media service provider's intention to circumvent those stricter rules, the Member State concerned should detail a set of corroborating facts allowing for such circumvention to be reasonably established.</b></p>		<p><b>Member State, should adduce credible and duly substantiated evidence to that effect. [...] Such evidence [...] should detail a set of corroborating facts allowing for such circumvention to be reasonably established.</b></p>
<p>(7) In its Communication to the European Parliament and to the Council on Better Regulation for Better Results – an EU Agenda<sup>12</sup>, the Commission stressed that when considering policy solutions, it will consider both regulatory and well-designed non-regulatory means, modelled on the Community of practice and the Principles for Better Self- and Co-regulation<sup>13</sup>. A number of codes set up in the areas</p>	<p>(7) In its Communication to the European Parliament and to the Council on Better Regulation for Better Results – an EU Agenda<sup>11</sup>, the Commission stressed that when considering policy solutions, it will consider both regulatory and well-designed non-regulatory means, modelled on the Community of practice and the Principles for Better Self- and Co-regulation<sup>12</sup>. A number of codes set up in the</p>	<p><b><u>AMD 8</u></b></p> <p>(7) In its Communication to the European Parliament and to the Council on Better Regulation for Better Results – an EU Agenda<sup>8</sup>, the Commission stressed that when considering policy solutions, it will consider both regulatory and [...] non-regulatory means, modelled on the Community of practice and the Principles for Better Self- and Co-regulation<sup>9</sup>. A number of codes set up in the areas coordinated by the</p>	

<sup>12</sup> COM(2015) 215 final


<sup>13</sup> <https://ec.europa.eu/digital-single-market/communities/better-self-and-co-regulation>

<p>coordinated by the Directive have proved to be well designed, in line with the Principles for Better Self- and Co-regulation. The existence of a legislative backstop has been considered an important success factor in promoting compliance with a self- or co-regulatory code. It is equally important that the codes establish specific targets and objectives allowing for the regular, transparent and independent monitoring and evaluation of the objectives aimed by the codes. Graduated sanctions which maintain an element of proportionality are usually considered to be an effective approach in enforcing a scheme. These principles should be followed by the self- and co-regulatory codes adopted in the areas coordinated by this Directive.</p>	<p>areas coordinated by the Directive have proved to be well designed, in line with the Principles for Better Self- and Co-regulation. The existence of a legislative backstop has been considered an important success factor in promoting compliance with a self- or co-regulatory code. It is equally important that the codes establish specific targets and objectives allowing for the regular, transparent and independent monitoring and evaluation of the objectives aimed by the codes. <b>The codes should also provide for effective enforcement.</b> [...] These principles should be followed by the self- and co-regulatory codes adopted in the areas coordinated by this Directive.</p>	<p>Directive have proved to be well designed, in line with the Principles for Better Self- and Co-regulation, <b>which constitute a useful additional or complementary means for legislative action.</b> The existence of a legislative backstop has been considered an important success factor in promoting compliance with a self- or co-regulatory code. It is equally important that the codes establish specific targets and objectives allowing for the regular, transparent and independent monitoring and evaluation of the objectives aimed by the codes. [...] These principles should be followed by the self- and co-regulatory codes adopted in the areas coordinated by this Directive.</p>	
<p>(8) In order to ensure coherence and give certainty to businesses and Member States' authorities, the notion of "incitement to hatred" should, to the appropriate extent, be</p>	<p>(8) In order to ensure coherence and give certainty to businesses and Member States' authorities, the notion of "incitement to <b>violence or</b> hatred" should, to the</p>	<p><b><u>AMD 9</u></b> (8) In order to ensure coherence and [...] <b>legal certainty for Union citizens</b>, businesses and Member States' authorities, [...] "incitement to hatred" should [...] be</p>	

aligned to the definition in the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law which defines hate speech as "publicly inciting to violence or hatred". This should include aligning the grounds on which incitement to violence or hatred is based.	appropriate extent, be aligned to the definition in the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law [...].	aligned [...] <i>with</i> the definition in the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law which defines hate speech as "publicly inciting to violence or hatred". [...] <i>The</i> grounds on which incitement to violence and hatred <i>are</i> based <i>should be extended in accordance with the grounds contained in Article 21 of the Charter of Fundamental Rights of the European Union (the Charter).</i>	
	<b>(8a) The terrorist threat has grown and evolved in recent years. Offences related to terrorist activities are of a very serious nature as they can lead to a terrorist act being committed. Therefore, and in order to protect the population from such threats, there is a need to address public provocation to commit a terrorist offence in this Directive.</b>		

	<p>This should be aligned, to the appropriate extent, with Article 5 of Directive on Combating Terrorism, in order to ensure coherence and give legal certainty to businesses and Member States' authorities.</p>		
		<p><b><u>AMD 10</u></b></p> <p><i>(8a) In order to enable citizens to access information, exercise informed choices, evaluate media contexts, and use, critically assess and create audiovisual content responsibly, they need advanced media literacy skills. Such media literacy skills would allow them to understand the nature of content and services, taking advantage of the full range of opportunities offered by communications technologies, so that they can use media effectively and safely. Media literacy should not be limited to learning about tools and technologies but should aim to equip citizens with the critical thinking skills required to</i></p>	

		<i>exercise judgement, analyse complex realities, recognise the difference between opinion and fact, and withstand all forms of hate speech. The development of media literacy for all citizens, irrespective of age, should be promoted.</i>	
(9) In order to empower viewers, including parents and minors, in making informed decisions about the content to be watched, it is necessary that audiovisual media service providers provide sufficient information about content that may impair minors' physical, mental or moral development. This could be done, for instance, through a system of content descriptors indicating the nature of the content. Content descriptors could be delivered through written, graphical or acoustic means.	(9) In order to empower viewers, including parents and minors, in making informed decisions about the content to be watched, it is necessary that audiovisual media service providers provide sufficient information about content that may impair minors' physical, mental or moral development. This could be done, for instance, through a system of content <b>descriptors, an acoustic warning, a visual symbol or any other means, describing</b> the nature of the content. [...]	<b><u>AMD 11</u></b> (9) In order to empower viewers, [...] <b><i>in particular</i></b> parents and minors, in making informed decisions about the content to be watched, it is necessary that audiovisual media service providers provide sufficient information about <b><i>such content, in particular,</i></b> content that may impair minors' physical, mental or moral development. [...] <b><i>Video-sharing platform providers should likewise provide such information, within the limits provided for in Articles 14 and 15 of Directive 2000/31/EC of the European Parliament and of the Council.</i></b>	
	<b>(9-a) The appropriate measures for the protection of minors</b>		<b>(9-a) The appropriate measures for the protection of minors</b>

	<p>applicable to television broadcasting services should also apply to on-demand audiovisual media services. This should increase the level of protection. The minimum harmonisation approach allows Member States to develop a higher degree of protection for content which may impair the physical, mental or moral development of minors. The most harmful content, which may impair the physical, mental or moral development of minors, but is not necessarily a criminal offence, should be subject to the strictest measures ensuring that such content is only accessible to adults.</p>		<p>applicable to television broadcasting services should also apply to on-demand audiovisual media services. This should increase the level of protection. The minimum harmonisation approach allows Member States to develop a higher degree of protection for content which may impair the physical, mental or moral development of minors. The most harmful content, which may impair the physical, mental or moral development of minors, but is not necessarily a criminal offence, should be subject to the strictest measures such as encryption and effective parental controls, without prejudice to member States adopting stricter measures.</p>
	<p>(9a) When deciding about the means to achieve accessibility in audiovisual media services under their jurisdiction, Member States can take into account criteria such as whether the provider has a low audience</p>	<p><u>AMD 12</u></p> <p><i>(9a) Ensuring the accessibility of audiovisual content is an essential requirement in the context of the implementation of the United Nations (UN) Convention on the Rights of Persons with Disabilities. The right of</i></p>	<p><u>EP amd accepted in part</u></p> <p>(9a) Ensuring the accessibility of audiovisual content is an essential requirement in the context of the implementation of the United Nations (UN) Convention on the Rights of Persons with Disabilities. In</p>

	<p>or low turnover. In order to measure the progress that media service providers have made in making their services progressively accessible to people with visual or hearing disabilities, Member States should require from the providers established on their territory to report to them on a regular basis.</p>	<p><i>persons with an impairment and of the elderly to participate and be integrated in the social and cultural life of the Union is linked to the provision of accessible audiovisual media services. Therefore, Member States should, without undue delay, take appropriate and proportionate measures to ensure that media service providers under their jurisdiction actively seek to make content accessible to persons with a visual or hearing impairment. Accessibility requirements should be met through a progressive and continuous process, while taking into account the practical and unavoidable constraints that could prevent full accessibility, such as programmes or events broadcast in real time. It should be possible to develop appropriate accessibility measures through self-regulation and co-regulation. In order to facilitate access to information and to address</i></p>	<p>the context of this Directive, the term “persons with disabilities” should be interpreted in light of the nature of the services covered by this Directive, which are audiovisual media services. The right of persons with an impairment and of the elderly to participate and be integrated in the social and cultural life of the Union is linked to the provision of accessible audiovisual media services. Therefore, Member States should, without undue delay, ensure that media service providers under their jurisdiction actively seek to make content accessible to persons with disabilities, in particular with a visual or hearing impairment. Accessibility requirements should be met through a progressive and continuous process, while taking into account the practical and unavoidable constraints that could prevent full accessibility, such as</p>
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		<p><i>complaints about accessibility issues, Member States should establish a single point of contact, which should be fully accessible online.</i></p>	<p><b>programmes or events broadcast in real time. In order to measure the progress that media service providers have made in making their services progressively accessible to people with visual or hearing disabilities, Member States should require from the providers established on their territory to report to them on a regular basis.</b></p> <p><b><u>A new recital 9aa</u></b>  <i>(merging current recital 46 and EP Amd 40 on recital 38a):</i></p> <p><b>(9aa) The means to achieve accessibility of audiovisual media services under this directive should include, but need not be limited to, sign language, subtitling for the deaf and hard of hearing, spoken subtitles, and audio-description. However, this Directive does not cover features or services providing access to audiovisual media services, nor does it cover</b></p>
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		PUBLIC	accessibility features of Electronic Programme Guides (EPGs). Therefore, this Directive is without prejudice to existing or future Union acts aimed to harmonise accessibility of services providing access to audiovisual media services, such as websites or online applications and EPGs or provision of information on accessibility and in accessible formats.
	(9b) Emergency information should continue to be made public through audiovisual media services even if there are circumstances where it is not possible to provide such information in a manner that is accessible to people with a visual or hearing disability.		<i>linked to Article 7(5)</i>
(10) Certain widely recognised nutritional guidelines exist at national and international level, such as the WHO Regional Office for Europe's nutrient profile model, in order to differentiate foods on the	(10) Certain widely recognised nutritional guidelines exist at national and international level, such as the WHO Regional Office for Europe's nutrient profile model, in order to differentiate foods on the basis of their	<u>AMD 13</u> (10) [...]	<i>linked to Article 9(2)</i>

<p>basis of their nutritional composition in the context of foods television advertising to children. Member States should be encouraged to ensure that self-and co-regulatory codes of conduct are used to effectively reduce the exposure of children and minors to audiovisual commercial communications regarding foods and beverages that are high in salt, sugars or fat or that otherwise do not fit these national or international nutritional guidelines.</p>	<p>nutritional composition in the context of foods television advertising to children. Member States should be encouraged to ensure that self-and co-regulatory codes of conduct are used to effectively [...] <b>limit</b> the exposure of children and minors to audiovisual commercial communications regarding foods and beverages that are high in salt, sugars, [...] fat, <b>saturated fats or trans-fatty acids</b> or that otherwise do not fit these national or international nutritional guidelines.</p>	<p>Member States should be encouraged to ensure that [...] <b><i>self-regulation and co-regulation, including</i></b> codes of conduct, effectively [...] <b><i>contribute to the objective of the reduction of</i></b> the exposure of children [...] to audiovisual commercial communications regarding foods and beverages that are high in salt, sugars or fat, or that otherwise do not fit [...] national or international nutritional guidelines. <b><i>Self-regulation and co-regulation should contribute to this objective and should be monitored closely.</i></b></p>	
		<p><b><u>AMD 14</u></b></p> <p><b><i>(10a) In addition, Member States should ensure that self-regulatory and co-regulatory codes of conduct aim at effectively reducing the exposure of children and minors to audiovisual commercial communications relating to the promotion of gambling. Several co-</i></b></p>	

		<i>regulatory or self-regulatory systems exist at Union and national level for the promotion of responsible gambling, including in audiovisual commercial communications. Those systems should be further encouraged, in particular those systems aiming at ensuring that responsible gambling messages accompany audiovisual commercial communications for gambling.</i>	
(11) Similarly, Member States should be encouraged to ensure that self-and co-regulatory codes of conduct are used to effectively limit the exposure of children and minors to audiovisual commercial communications for alcoholic beverages. Certain co-regulatory or self-regulatory systems exist at Union and national level in order to market responsibly alcoholic beverages, including in audiovisual commercial communications. Those systems should be further encouraged, in particular those	[No change]	[No change]	

aiming at ensuring that responsible drinking messages accompany audiovisual commercial communications for alcoholic beverages.			
(12) In order to remove barriers to the free circulation of cross-border services within the Union, it is necessary to ensure the effectiveness of self- and co-regulatory measures aiming, in particular, at protecting consumers or public health. When well enforced and monitored, codes of conduct at Union level might be a good means of ensuring a more coherent and effective approach.	(12) In order to remove barriers to the free circulation of cross-border services within the Union, it is necessary to ensure the effectiveness of self- and co-regulatory measures aiming, in particular, at protecting consumers or public health. <b>Well enforced and monitored, self-regulatory</b> codes of conduct at Union level might <b>therefore</b> be a good means of ensuring a more coherent and effective approach [...].	<u><b>AMD 15</b></u>  (12) In order to remove barriers to the free circulation of cross-border services within the Union, it is necessary to ensure the effectiveness of self- and co-regulatory measures aiming, in particular, at protecting consumers or public health. [...]	
(13) The market for TV broadcasting has evolved and that there is a need for more flexibility with regard to audiovisual commercial communications, in particular for quantitative rules for linear audiovisual media services,	(13) The market for TV broadcasting has evolved and that there is a need for more flexibility with regard to audiovisual commercial communications, in particular for quantitative rules for linear audiovisual	<u><b>AMD 16</b></u>  (13) The market for [...] <b>audiovisual media services</b> has evolved and there is a need for <b>greater clarity and more flexibility [...] in order to ensure a more genuine level playing field for</b> audiovisual commercial	

product placement and sponsorship. The emergence of new services, including without advertising, has led to a greater choice for viewers, who can easily switch to alternative offers.	media service <b>and</b> product placement [...]. The emergence of new services, including without advertising, has led to a greater choice for viewers, who can easily switch to alternative offers.	communications, [...] <b>sponsorship and product placement</b> . The emergence of new services, including without advertising, has led to a greater choice for viewers, who can easily switch to alternative offers.	
		<p><b><u>AMD 17</u></b></p> <p><i>(13a) In order to ensure the effectiveness of this Directive, in particular as regards the editorial responsibility of media service providers, the integrity of programmes and services should be safeguarded. Changes in the display of programmes and services that have been initiated by the recipient of a service should be permitted.</i></p>	
		<p><b><u>AMD 18</u></b></p> <p><i>(13b) Independent audience measurement for audiovisual media services, including audiovisual commercial communications, is needed to ensure the provision of adequate and transparent information to audiovisual</i></p>	


		<i>media service providers and regulatory authorities and/or bodies.</i>	
<p>(14) Sponsorship represents an important means of financing audiovisual media services or programmes while promoting a legal or physical person's name, trade mark, image, activities or products. As such, for sponsorship to constitute a valuable form of advertising technique for advertisers and audiovisual media service providers, sponsorship announcements can contain promotional references to the goods or services of the sponsor, while not directly encouraging the purchase of the goods and services. Sponsorship announcements should continue to clearly inform the viewers of the existence of a sponsorship agreement. The content of sponsored programmes should not be influenced in such a way as to affect the audiovisual media service</p>	<p>(14) Sponsorship represents an important means of financing audiovisual media services or programmes while promoting a legal or physical person's name, trade mark, image, activities or products. [...] Sponsorship announcements should continue to clearly inform the viewers of the existence of a sponsorship agreement. The content of sponsored programmes should not be influenced in such a way as to affect the audiovisual media service provider's editorial independence.</p>	<p><u>AMD 19</u></p> <p>(14) Sponsorship represents an important means of financing audiovisual [...] <b>content</b>. [...] Sponsorship announcements should continue to clearly inform the viewers of the existence of a sponsorship agreement. [...] Sponsored [...] <b>content</b> should not be influenced in such a way as to affect the [...] service provider's editorial independence.</p>	

provider's editorial independence.			
(15) The liberalisation of product placement has not brought about the expected take-up of this form of audiovisual commercial communication. In particular, the general prohibition of product placement with some exceptions has not created legal certainty for audiovisual media service providers. Product placement should thus be allowed in all audiovisual media services, subject to exceptions.	[No change]	<p><b><u>AMD 20</u></b></p> <p>(15) The liberalisation of product placement has not brought about the expected take-up of this form of audiovisual commercial communication. In particular, the general prohibition of product placement with some exceptions has not created legal certainty for audiovisual media service providers. Product placement should thus be allowed in all audiovisual media services <b><i>and video-sharing platform services</i></b>, subject to exceptions, <b><i>as it can create additional income for audiovisual media service providers.</i></b></p>	
		<p><b><u>AMD 21</u></b></p> <p><b><i>(15a) In order to protect the editorial responsibility of the media service providers and the audiovisual value chain, it is essential that the integrity of the programmes and services supplied by</i></b></p>	<p><b><u>COMPROMISE AGREED</u></b></p> <p><b><i>linked to Article 7b</i></b></p>

		<p><i>media service providers be guaranteed. Programmes and services should be transmitted without being shortened, altered or interrupted. Programmes and services should not be modified without the consent of the media service provider.</i></p>	
<p>(16) Product placement should not be admissible in news and current affairs programmes, consumer affairs programmes, religious programmes and programmes with a significant children's audience. In particular, evidence shows that product placement and embedded advertisements can affect children's behaviour as children are often not able to recognise the commercial content. There is thus a need to continue to prohibit product placement in programmes with a significant children's audience. Consumer affairs programmes are programmes offering advice to viewers, or including reviews on the purchase of products and</p>	<p>(16) Product placement should not be [...] <b>allowed</b> in news and current affairs programmes, consumer affairs programmes, religious programmes and <b>children's</b> programmes [...]. In particular, evidence shows that product placement and embedded advertisements can affect children's behaviour as children are often not able to recognise the commercial content. There is thus a need to continue to prohibit product placement in <b>children's</b> programmes [...]. Consumer affairs programmes are programmes offering advice to viewers, or including reviews on the purchase of products and</p>	<p>(16) Product placement should not be admissible in news and current affairs programmes, consumer affairs programmes, religious programmes and <b>children's</b> programmes [...] <b>and content aimed primarily at children</b>. In particular, evidence shows that product placement and embedded advertisements can affect children's behaviour as children are often not able to recognise the commercial content. There is thus a need to continue to prohibit product placement in <b>children's</b> programmes [...] <b>and content aimed primarily at children</b>. Consumer affairs programmes are programmes offering advice to viewers, or</p>	



services. Allowing product placement in such programmes would blur the distinction between advertising and editorial content for viewers who may expect a genuine and honest review of products or services in such programmes.	services. Allowing product placement in such programmes would blur the distinction between advertising and editorial content for viewers who may expect a genuine and honest review of products or services in such programmes.	including reviews on the purchase of products and services. Allowing product placement in such programmes would blur the distinction between advertising and editorial content for viewers who may expect a genuine and honest review of products or services in such programmes.	
(17) The rule that a product should not be given undue prominence has proved difficult to apply in practice. It also restricts the take-up of product placement which, by definition, involves some level of prominent exposure to be able to generate value. The requirements for programmes containing product placement should thus focus on clearly informing the viewers of the existence of product placement and on ensuring that the audiovisual media service provider's editorial independence is not affected.	[No change]	<u><b>AMD 23</b></u>  <i>deleted</i>	
(18) As the increase in the number of new services has led to a greater choice for viewers, broadcasters are given greater	[No change]	[No change]	

<p>flexibility with regard to the insertion of advertising and teleshopping spots where this does not unduly impair the integrity of programme. Yet, in order to safeguard the specific character of the European television landscape, interruptions for cinematographic works and films made for television as well as for some categories of programmes that still need specific protection should remain limited.</p>			
<p>(19) While this Directive does not increase the overall amount of admissible advertising time during the period from 7:00 to 23:00, it is important for broadcasters to have more flexibility and to be able to decide when to place advertising in order to maximise advertisers' demand and viewers' flow. The hourly limit should thus be abolished while a daily limit of 20% of advertising within the period from 7:00 to 23:00 should be introduced.</p>	<p>(19) [...] It is important for broadcasters to have more flexibility and to be able to decide when to place advertising in order to maximise advertisers' demand and viewers' flow. <b>Thus, for the period from 06:00 to 18:00, the limit of 20 % of advertising should be calculated on the basis of that period. In the same way, for the period from 18:00 to 00:00, the limit of 20 % of advertising should</b></p>	<p><b><u>AMD 24</u></b></p> <p>(19) [...] <i>It</i> is important for broadcasters to have more flexibility and to be able to decide when to place advertising in order to maximise advertisers' demand and viewers' flow. The hourly limit should thus be abolished while a daily limit of 20% of advertising [...] should be introduced. <i>It is also necessary, however, to maintain a sufficient level of consumer protection in that regard because such flexibility could expose</i></p>	

	be calculated on the basis of that period. [...]	<i>viewers to an excessive amount of advertising during prime time. Specific limits should therefore apply within prime-time windows.</i>	
	(19b) Neutral frames separate editorial content from television advertising or teleshopping spots, as well as separate individual spots. They allow the viewer to clearly distinguish when one type of audiovisual content ends and the other starts. It is necessary to clarify that neutral frames are excluded from the quantitative limit set out for television advertising. This is in order to ensure that the time used in neutral frames does not impact on the time used for advertising and that revenues generated from the advertising are not negatively affected.		
(20) Many broadcasters are part of larger media groups and make announcements not only in connection with their own	[No change]	<u><b>AMD 25</b></u>  (20) Many broadcasters are part of larger [...] <b>broadcasting</b> groups and make announcements not only in	

<p>programmes and ancillary products directly derived from those programmes but also in relation with programmes from other entities belonging to the same media group.</p> <p>Transmission time allotted to announcements made by the broadcaster in connection with programmes from other entities belonging to the same media group should not be included in the maximum amount of daily transmission time that may be allotted to advertising and teleshopping.</p>		<p>connection with their own programmes and ancillary products <i><b>and audiovisual media services</b></i> directly derived from those programmes but also in relation [...] <i><b>to</b></i> programmes, <i><b>products and services</b></i> from other entities belonging to the same [...] <i><b>broadcasting</b></i> group. Transmission time allotted to announcements made by the broadcaster in connection with programmes from other entities belonging to the same [...] <i><b>broadcasting</b></i> group should <i><b>also</b></i> not be included in the maximum amount of daily transmission time that may be allotted to advertising and teleshopping.</p>	
<p>(21) Providers of on-demand audiovisual media services should promote the production and distribution of European works by ensuring that their catalogues contain a minimum share of European works and that those are given enough prominence.</p>	<p>(21) Providers of on-demand audiovisual media services should promote the production and distribution of European works by ensuring that their catalogues contain a minimum share of European works and that those are given enough prominence. <b>Prominence is about</b></p>	<p><u><b>AMD 26</b></u></p> <p>(21) Providers of on-demand audiovisual media services should promote the production and distribution of European works by ensuring that their catalogues contain a minimum share of European works and that those are given enough prominence. <i><b>This should allow users of on-</b></i></p>	

	<p><b>promoting European works through facilitating access to such works. Prominence can be ensured through various means such as a dedicated section for European works that is accessible from the service homepage, possibility to search for European works in the search tool available as part of the service, the use of European works in campaigns of the service or a minimum percentage of European works promoted from the catalogue e.g. by using banners or similar tools.</b></p>	<p><i>demand audiovisual media services to easily discover and find European works, while promoting cultural diversity. To that end, rights holders should be able to label their audiovisual content that qualifies as a European work as such in their metadata and make it available to media service providers.</i></p>	
<p>(22) In order to ensure adequate levels of investment on European works, Member States should be able to impose financial obligations to on-demand service providers established on their territory. Those obligations can take the form of direct contributions to the production of and acquisition of rights in European works. The Member</p>	<p>(22) In order to ensure adequate levels of investment on European works, Member States should be able to impose financial obligations to [...] <b>media</b> service providers established on their territory. Those obligations can take the form of direct contributions to the production of and acquisition of rights in European works.</p>	<p><u><b>AMD 27</b></u></p> <p>(22) In order to ensure adequate levels of investment on European works, Member States should be able to impose financial obligations to on-demand service providers established [...] <i><b>under their jurisdiction.</b></i> Those obligations can take the form of direct contributions to the production of and acquisition of rights in</p>	<p><b>COMPROMISE AGREED</b> - linked to Art.13(2)</p>

<p>States could also impose levies payable to a fund, on the basis of the revenues made with on-demand services that are provided in and targeted towards their territory. This Directive clarifies that, given the direct link between financial obligations and Member States' different cultural policies, Member States are also allowed to impose such financial obligations on providers of on-demand services established in another Member State which are targeted towards its territory. In this case financial obligations should only be charged on the revenues generated through the audience in that Member State.</p>	<p>The Member States could also impose levies payable to a fund, on the basis of the revenues made with [...] <b>audiovisual media</b> services that are provided in and targeted towards their territory. This Directive clarifies that, given the direct link between financial obligations and Member States' different cultural policies, a Member State [...] <b>is</b> also allowed to impose such financial obligations on <b>media service</b> providers [...] established in another Member State which are targeted towards its territory. In this case financial obligations should only be charged on the revenues generated through the audience in [...] <b>the targeted</b> Member State.</p>	<p>European works. The Member States could also impose levies payable to a fund, on the basis of the revenues made with on-demand services that are provided in and targeted towards their territory. This Directive clarifies that, given the direct link between financial obligations and Member States' different cultural policies, Member States are also allowed to impose such financial obligations on providers of on-demand services established in another Member State which are targeted towards its territory. In this case financial obligations should only be charged on the revenues <i>made with on-demand services and</i> generated through the audience in that Member State. <i>If the Member State where the provider is established imposes a financial contribution, it should take into account any financial contributions imposed by the targeted state.</i></p>	
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<p>(23) When assessing on a case-by-case basis whether an on-demand audiovisual media service established in another Member State is targeting audiences in its territory, a Member State shall refer to indicators such as advertisement or other promotions specifically aiming at customers in its territory, the main language of the service or the existence of content or commercial communications aiming specifically at the audience in the Member State of reception.</p>	<p>[No change]</p>	<p>[No change]</p>	
<p>(24) When Member States impose financial contributions to providers of on-demand services such contributions shall seek an adequate promotion of European works while avoiding risks of double imposition for service providers. With this view, if the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States.</p>	<p>(24) When Member States impose financial contributions to <b>media service</b> [...] providers, such contributions [...] <b>should</b> seek an adequate promotion of European works while avoiding risks of double imposition for <b>media</b> service providers. With this view, if the Member State where the <b>media service</b> provider is established imposes a financial contribution, it [...] <b>should</b> take into account any financial contributions</p>	<p>[No change]</p>	

	imposed by targeted Member States.		
(25) In order to ensure that obligations on promotion of European works do not undermine market development and to allow for the entry of new players in the market, companies with no significant presence on the market should not be subject to such requirements. This is in particular the case for companies with a low turnover and low audiences and small and micro enterprises as defined in Commission Recommendation 2003/361/EC <sup>14</sup> . It could also be inappropriate to impose such requirements in cases where – given the nature or theme of the on-demand audiovisual media services – they would be impracticable or unjustified.	(25) In order to ensure that obligations on promotion of European works do not undermine market development and to allow for the entry of new players in the market, companies with no significant presence on the market should not be subject to such requirements. This is in particular the case for companies with a low turnover and low audience [...]. <b>Low audience can be determined for instance on the basis of a viewing time or sales, depending on the nature of the service, while the determination of low turnover should take into account the different sizes of audiovisual markets in Member States.</b> It could also be inappropriate to impose such requirements in cases where - given the nature or theme of the on-demand	[No change]	

<sup>14</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).




	audiovisual media services - they would be impracticable or unjustified.		
(26) There are new challenges, in particular in connection with video-sharing platforms, on which users - particularly minors - increasingly consume audiovisual content. In this context, harmful content and hate speech stored on video-sharing platforms have increasingly given rise to concern. It is necessary, in order to protect minors from harmful content and all citizens from content containing incitement to violence or hatred, to set out proportionate rules on those matters.	(26) There are new challenges, in particular in connection with video-sharing platforms, [...] on which users - particularly minors - increasingly consume audiovisual content. In this context, harmful content and hate speech stored on video-sharing platforms have increasingly given rise to concern. It is necessary, in order to protect minors from harmful content and [...] <b>the general public</b> from content containing incitement to violence, [...] hatred <b>and terrorism</b> , to set out proportionate rules on those matters.	<b><u>AMD 28</u></b> (26) There are new challenges, in particular in connection with video-sharing platforms, on which users - particularly minors - increasingly consume audiovisual content. [...] <b><i>Illegal</i></b> , harmful, <b><i>racist and xenophobic</i></b> content and hate speech [...] <b><i>hosted</i></b> on video-sharing platforms have increasingly given rise to concern. <b><i>In addition, the decision to remove such content, being often dependent on a subjective interpretation, can undermine the freedom of expression and information. In this context,</i></b> it is necessary, in order to protect minors from harmful content and all citizens from content containing incitement to violence or hatred <b><i>hosted on video-sharing platforms, and also to protect and guarantee the fundamental rights of users,</i></b> to set out <b><i>common and</i></b>	

		<p>proportionate rules on those matters. <i>Such rules should, in particular, further define at Union level the characteristics of "harmful content" and "incitement to violence and hatred", taking into account the intention and effect of such content. Self-regulatory and co-regulatory measures implemented or approved by Member States or by the Commission should fully respect the rights, freedoms and principles set out in the Charter, in particular Article 52 thereof. Regulatory authorities and/or bodies should retain effective enforcement powers in this regard.</i></p>	
	<i>[In recital 8a]</i>	<p><b><u>AMD 29</u></b></p> <p><i>(26a) In Directive (EU) 2017/541 [update Article number], public provocation to commit a terrorist offence is defined as an offence related to terrorist activities and is punishable as a criminal offence. Member States should take the necessary</i></p>	

		<i>measures to ensure the prompt removal of content constituting a public provocation to commit a terrorist offence.</i>	
(27) As regards commercial communications on video-sharing platforms, they are already regulated by Directive 2005/29/EC of the European Parliament and of the Council, which prohibits unfair business-to-consumer commercial practices, including misleading and aggressive practices occurring in information society services. As regards commercial communications concerning tobacco and related products in video-sharing platforms, the existing prohibitions provided for in Directive 2003/33/EC of the European Parliament and of the Council, as well as the prohibitions applicable to communications concerning e-cigarettes and refill containers pursuant to Directive 2014/40/EU of the European Parliament and of the Council,	(27) [...] <b>As video-sharing platforms are increasingly used to consume audiovisual content, sufficient level of consumer protection should be ensured on these platforms. It is therefore important that commercial communications on video-sharing platforms are subject to identification rules and a basic tier of qualitative requirements. More specifically, commercial communications on video-sharing platform services</b> are already regulated by Directive 2005/29/EC of the European Parliament and of the Council, which prohibits unfair business-to-consumer commercial practices, including misleading and aggressive practices	<u>AMD 30</u> (27) As regards commercial communications on video-sharing platforms, they are already regulated by Directive 2005/29/EC of the European Parliament and of the Council, which prohibits unfair business-to-consumer commercial practices, including misleading and aggressive practices occurring in information society services. As regards commercial communications concerning tobacco and related products in video-sharing platforms, the existing prohibitions provided for in Directive 2003/33/EC of the European Parliament and of the Council, as well as the prohibitions applicable to communications concerning e-cigarettes and refill containers pursuant to Directive 2014/40/EU of the	

<p>ensure that consumers are sufficiently protected. The measures set out in this Directive therefore complement those set out in Directives 2005/29/EC, 2003/33/EC and 2014/40/EU.</p>	<p>occurring in information society services. As regards commercial communications concerning tobacco and related products in video-sharing platforms, the existing prohibitions provided for in Directive 2003/33/EC of the European Parliament and of the Council, as well as the prohibitions applicable to communications concerning e-cigarettes and refill containers pursuant to Directive 2014/40/EU of the European Parliament and of the Council, ensure that consumers are sufficiently protected. The measures set out in this Directive therefore complement those set out in Directives 2005/29/EC, 2003/33/EC and 2014/40/EU.</p>	<p>European Parliament and of the Council, ensure that consumers are sufficiently protected <i><b>and should be applied to all audiovisual media services.</b></i> The measures set out in this Directive therefore complement those set out in Directives 2005/29/EC, 2003/33/EC and 2014/40/EU <i><b>and establish a common level playing field for audiovisual media services, video-sharing platform services and user-generated videos.</b></i></p>	
	<p><b>(27a) Audiovisual commercial communications for alcoholic beverages in on-demand audiovisual media services, excluding sponsorship and product placement, should comply with the criteria applicable</b></p>		

	<p>to television advertising and teleshopping for alcoholic beverages as provided by this Directive. The more detailed criteria applicable to television advertising and teleshopping for alcoholic beverages are limited to spot advertising, which is by nature separated from the programme, and therefore excludes other commercial communications which are linked to the programme or are an integral part of the programme, such as sponsorship and product placement. Consequently, these criteria should not apply to sponsorship and product placement in on-demand audiovisual services.</p>		
<p>(28) An important share of the content stored on video-sharing platforms is not under the editorial responsibility of the video-sharing platform provider. However, those</p>	<p>(28) An important share of the content stored on video-sharing platforms is not under the editorial responsibility of the video-sharing platform provider.</p>	<p><u><b>AMD 31</b></u></p> <p>(28) <i>[...] Some of the content [...] hosted on video-sharing or social media platforms is not under the editorial responsibility of the [...] platform provider. However,</i></p>	

<p>providers typically determine the organisation of the content, namely programmes or user-generated videos, including by automatic means or algorithms. Therefore, those providers should be required to take appropriate measures to protect minors from content that may impair their physical, mental or moral development and protect all citizens from incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.</p>	<p>However, those providers typically determine the organisation of the content, namely programmes or user-generated videos, including by automatic means or algorithms. Therefore, those providers should be required to take appropriate measures to protect minors from content that may impair their physical, mental or moral development and protect [...] <b>the general public from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, [...] racial or ethnic origin, [...] nationality, religion or belief, [...] disability, age or sexual orientation, and content containing public provocation to commit a terrorist offence.</b></p>	<p>those providers typically determine the organisation of the content, namely programmes or user-generated videos, including by automatic means or algorithms. Therefore, those providers should be required to take appropriate measures to protect minors from content that may impair their physical, mental or moral development and protect all [...] <i>users from incitement to terrorism or</i> from incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to [...] race, colour, <i>ethnic or social origin, genetic features, language, religion or belief, [...] political or any other opinion, membership of a national [...] minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health. Those grounds are intended to further specify the characteristics of "publicly</i></p>	
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		<i>inciting to violence or hatred" but should not alone be considered as a basis for restricting the making available of audiovisual content.</i>	
(29) In light of the nature of the providers' involvement with the content stored on video-sharing platforms, those appropriate measures should relate to the organisation of the content and not to the content as such. The requirements in this regard as set out in this Directive should therefore apply without prejudice to Article 14 of Directive 2000/31/EC of the European Parliament and of the Council <sup>15</sup> , which provides for an exemption from liability for illegal information stored by certain providers of information society services. When providing services covered by Article 14 of	[No change]	<u><b>AMD 32</b></u>  (29) In light of the nature of the providers' [...] <i>relationship</i> with the content [...] <i>hosted</i> on video-sharing platforms, those appropriate measures should relate to the organisation of the content and not to the content as such. The requirements in this regard as set out in this Directive should therefore apply without prejudice to Article 14 of Directive 2000/31/EC of the European Parliament and of the Council <sup>11</sup> , which provides for an exemption from liability for illegal information stored by certain providers of information society services. When providing services	

<sup>15</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.07.2000, p. 1).

Directive 2000/31/EC, those requirements should also apply without prejudice to Article 15 of that Directive, which precludes general obligations to monitor such information and to actively seek facts or circumstances indicating illegal activity from being imposed on those providers, without however concerning monitoring obligations in specific cases and, in particular, without affecting orders by national authorities in accordance with national legislation.		covered by Article 14 of Directive 2000/31/EC, those requirements should also apply without prejudice to Article 15 of that Directive, which precludes general obligations to monitor such information and to actively seek facts or circumstances indicating illegal activity from being imposed on those providers, without however concerning monitoring obligations in specific cases and, in particular, without affecting orders by national authorities in accordance with national legislation.	
	<b>(29a) The measures applicable to video-sharing platforms are designed to deal only with stored content. Consequently, this Directive is without prejudice to the ability of Member States to impose obligations on providers of livestreaming services in conformity with Union law.</b>		
		<b><u>AMD 33</u></b>	



<p>(30) It is appropriate to involve the video-sharing platform providers as much as possible when implementing the appropriate measures to be taken pursuant to this Directive. Co-regulation should therefore be encouraged.</p> <p>With a view to ensuring a clear and consistent approach in this regard across the Union, Member States should not be entitled to require video-sharing platform providers to take stricter measures to protect minors from harmful content and all citizens from content containing incitement to violence or hatred than the ones provided for in this Directive. However, it should remain possible for Member States to take such stricter measures where that content is illegal, provided that they comply with Articles 14 and 15 of Directive 2000/31/EC, and to take measures with respect to content on websites containing or disseminating child pornography, as required by and allowed under Article</p>	<p>(30) It is appropriate to involve the video-sharing platform providers as much as possible when implementing the appropriate measures to be taken pursuant to this Directive. Co-regulation should therefore be encouraged. <b>It should also remain possible for video-sharing platform providers to take stricter measures on a voluntary basis. This Directive envisages several measures that video-sharing platform providers should take in order [...]</b> to protect minors from harmful content and [...] <b>protect the general public</b> from content containing incitement to violence, [...] <b>hatred and terrorism [...]. At the same time, Member States may impose on video-sharing platform providers more detailed or stricter measures, assuring that such measures comply with the requirements set out by Union law. [...]</b> It should also remain possible for Member States to take such</p>	<p>(30) It is appropriate to involve the video-sharing platform providers as much as possible when implementing the appropriate measures to be taken pursuant to this Directive. <i><b>Self-regulation and co-regulation</b></i> should therefore be encouraged. [...] <i><b>It</b></i> should remain possible for Member States to take stricter measures where content is illegal, provided that they comply with Articles 14 and 15 of Directive 2000/31/EC, and to take measures with respect to content on websites containing or disseminating child pornography, as required by and allowed under Article 25 of Directive 2011/93/EU of the European Parliament and the Council<sup>12</sup>. It should also remain possible for video-sharing platform providers to take stricter measures on a voluntary basis <i><b>in accordance with Union law, respecting the freedom of expression and information and media pluralism.</b></i></p>	
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25 of Directive 2011/93/EU of the European Parliament and the Council <sup>16</sup> . It should also remain possible for video-sharing platform providers to take stricter measures on a voluntary basis.	stricter measures where that content is illegal, provided that they comply with Articles 14 and 15 of Directive 2000/31/EC, and to take measures with respect to content on websites containing or disseminating child pornography, as required by and allowed under Article 25 of Directive 2011/93/EU of the European Parliament and the Council <sup>15</sup> . [...]		
(31) When taking the appropriate measures to protect minors from harmful content and to protect all citizens from content containing incitement to violence or hatred in accordance with this Directive, the applicable fundamental rights, as laid down in the Charter on Fundamental Rights of the European Union, should be carefully balanced. That concerns in particular, as the case may be, the right to respect for private and family	(31) When taking the appropriate measures to protect minors from harmful content and to protect [...] <b>general public</b> from content containing incitement to violence, [...] hatred <b>and terrorism</b> in accordance with this Directive, the applicable fundamental rights, as laid down in the Charter on Fundamental Rights of the European Union, should be carefully balanced. That concerns in particular, as the	[No change]	


<sup>16</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

life and the protection of personal data, the freedom of expression and information, the freedom to conduct a business, the prohibition of discrimination and the right of the child.	case may be, the right to respect for private and family life and the protection of personal data, the freedom of expression and information, the freedom to conduct a business, the prohibition of discrimination and the right of the child.		
(32) The video-sharing platform providers covered by this Directive provide information society services within the meaning of point (a) of Article 2 of Directive 2000/31/EC. Those providers are consequently subject to the rules on the internal market set out in Article 3 of that Directive, if they are established in a Member State. It is appropriate to ensure that the same rules apply to video-sharing platform providers which are not established in a Member State with a view to safeguarding the effectiveness of the measures to protect minors and citizens set out in this Directive and ensuring a level playing field in as much	(32) The video-sharing platform providers covered by this Directive provide information society services within the meaning of point (a) of Article 2 of Directive 2000/31/EC. Those providers are consequently subject to the rules on the internal market set out in Article 3 of that Directive, if they are established in a Member State. It is appropriate to ensure that the same rules apply to video-sharing platform providers which are not established in a Member State with a view to safeguarding the effectiveness of the measures to protect minors and [...] <b>the general public</b> set out in	<u><b>AMD 34</b></u> (32) Video-sharing platform providers covered by this Directive provide information society services within the meaning of point (a) of Article 2 of Directive 2000/31/EC <b>and generally provide hosting services in accordance with Article 14 of that Directive.</b> Those providers are consequently subject to the rules on the internal market set out in Article 3 of that Directive, if they are established in a Member State. It is appropriate to ensure that the same rules apply to video-sharing platform providers which are not established in a Member State with a view to safeguarding the effectiveness	<b>COMPROMISE AGREED</b> - linked to Art.28b(1)

<p>as possible, in as far as those providers have either a parent company or a subsidiary which is established in a Member State or where those providers are part of a group and another entity of that group is established in a Member State. To that effect, arrangements should be made to determine in which Member State those providers should be deemed to have been established. The Commission should be informed of the providers under each Member State's jurisdiction in application of the rules on establishment set out in this Directive and in Directive 2000/31/EC.</p>	<p>this Directive and ensuring a level playing field in as much as possible, in as far as those providers have a parent [...] <b>undertaking</b> or a subsidiary <b>undertaking</b> which is established in a Member State, or where those providers are part of a group and another [...] <b>undertaking</b> of that group is established in a Member State. [...] The Commission should be informed of the providers under each Member State's jurisdiction in application of the rules on establishment set out in this Directive and in Directive 2000/31/EC.</p>	<p>of the measures to protect minors and citizens set out in this Directive and ensuring a level playing field in as much as possible, in as far as those providers have either a parent company or a subsidiary which is established in a Member State or where those providers are part of a group and another entity of that group is established in a Member State. To that effect, arrangements should be made to determine in which Member State those providers should be deemed to have been established. <i><b>Given the wide audience of video-sharing platforms and social media, it is appropriate that the Member State having jurisdiction over such a platform coordinate with the other Member States concerned for the regulation of those platforms.</b></i> The Commission should be informed of the providers under each Member State's jurisdiction in application of the rules on establishment set out in this Directive and in</p>	
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		Directive 2000/31/EC. <i>In this regard, the concept of ‘video-sharing platform provider’ should be understood in the broadest sense of the term, so as to include linear service providers and platforms for the retransmission of audiovisual media services, regardless of the technical means used for retransmission, such as cable, satellite or the internet.</i>	
(33) Regulatory authorities of the Member States can achieve the requisite degree of structural independence only if established as separate legal entities. Member States should therefore guarantee the independence of the national regulatory authorities from both the government, public bodies and the industry with a view to ensuring the impartiality of their decisions. This requirement of independence should be without prejudice to the possibility for Member States to establish regulators having	(33) <b>Member States should ensure that their national regulatory authorities are legally distinct from the government. However, this should not preclude Member States from exercising supervision in accordance with their national constitutional law. Regulatory authorities or bodies of the Member States should be considered to have achieved the requisite degree of [...] independence [...] if those regulatory authorities or bodies, including those that are</b>	<u>AMD 35</u> (33) [...] Member States should [...] guarantee the independence of the regulatory authorities <i>and/or bodies</i> from both the government, public bodies and the industry with a view to ensuring the impartiality of their decisions. This requirement of independence should be without prejudice to the possibility for Member States to establish regulators having oversight over different sectors, such as audiovisual and telecommunications. [...] Regulatory authorities <i>and/or</i>	<u>EP amd accepted in part</u> (33) <b>Member States should ensure that their national regulatory authorities and/or bodies are legally distinct from the government. However, this should not preclude Member States from exercising supervision in accordance with their national constitutional law. Regulatory authorities and/or bodies of the Member States should be considered to have achieved the requisite degree of [...] independence [...] if those regulatory</b>

<p>oversight over different sectors, such as audiovisual and telecom. National regulatory authorities should be in possession of the enforcement powers and resources necessary for the fulfilment of their tasks, in terms of staffing, expertise and financial means. The activities of national regulatory authorities established under this Directive should ensure respect for the objectives of media pluralism, cultural diversity, consumer protection, the internal market and the promotion of fair competition.</p>	<p><b>constituted as public authorities or bodies, are functionally and effectively independent of their respective governments and of any other public or private body. [...] This is considered essential</b> to ensure the impartiality of [...] decisions <b>taken by a national regulatory authority or body.</b> The requirement of independence should be without prejudice to the possibility for Member States to establish regulators having oversight over different sectors, such as <b>the audiovisual and telecommunications sectors.</b> National regulatory authorities should be in possession of the enforcement powers and resources necessary for the fulfilment of their tasks, in terms of staffing, expertise and financial means. The activities of national regulatory authorities established under this Directive should ensure respect for the objectives of</p>	<p><i>bodies</i> should be in possession of the enforcement powers and resources necessary for the fulfilment of their tasks, in terms of staffing, expertise and financial means. The activities of regulatory authorities <i>and/or bodies</i> established under this Directive should ensure respect for the objectives of media pluralism, cultural diversity, consumer protection, the internal market and the promotion of fair competition. <i>In that respect, it is necessary that regulatory authorities and/or bodies support audiovisual media services providers in the exercise of their editorial independence.</i></p>	<p><b>authorities and/or bodies, including those that are constituted as public authorities or bodies, are functionally and effectively independent of their respective governments and of any other public or private body. [...] This is considered essential</b> to ensure the impartiality of [...] decisions <b>taken by a national regulatory authority and/or body.</b> The requirement of independence should be without prejudice to the possibility for Member States to establish regulators having oversight over different sectors, such as <b>the audiovisual and telecommunications sectors.</b> National regulatory authorities <b>and/or bodies</b> should be in possession of the enforcement powers and resources necessary for the fulfilment of their tasks, in terms of staffing, expertise and financial means. The activities of national</p>
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	media pluralism, cultural diversity, consumer protection, the internal market and the promotion of fair competition.		<p>regulatory authorities <b>and/or bodies</b> established under this Directive should ensure respect for the objectives of media pluralism, cultural diversity, consumer protection, the internal market and the promotion of fair competition.</p> <p><b>As one of the purposes of audiovisual media services is to serve the interests of individuals and shape public opinion, it is essential that such services are able to inform individuals and society as completely as possible and with the highest level of variety. That purpose can only be achieved if editorial decisions remain free from any state interference or influence by national regulatory authorities and/or bodies, that goes beyond the mere implementation of law and which does not serve to safeguard a legally protected right which is to</b></p>
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			<b>be protected regardless of a particular opinion.</b>
(34) Any party subject of a decision of a national regulatory authority should have the right to appeal to a body that is independent from the parties involved. Such body may be a court. The appeal procedure should be without prejudice to the division of competences within national judicial systems.	(34) <b>Effective appeal mechanisms should exist at national level. [...] The relevant appeal body should be</b> independent from the parties involved. Such body may be a court. The appeal procedure should be without prejudice to the division of competences within national judicial systems.	[No change]	
(35) With a view to ensuring the consistent application of the Union audiovisual regulatory framework across all Member States, the Commission established ERGA by Commission Decision of 3 February 2014 <sup>17</sup> . ERGA's role is to advise and assist the Commission in its work to ensure a consistent implementation of Directive 2010/13/EU in all Member States, and to facilitate	(35) With a view to ensuring the consistent application of the Union audiovisual regulatory framework across all Member States, the Commission established ERGA by Commission Decision of 3 February 2014 <sup>16</sup> . ERGA's role is to <b>[...] provide technical expertise to</b> the Commission in its work to ensure a consistent implementation of Directive 2010/13/EU in all	<b><u>AMD 36</u></b>  (35) With a view to ensuring the consistent application of the Union audiovisual regulatory framework across all Member States, the Commission established <i>the</i> ERGA by Commission Decision of 3 February 2014 <sup>13</sup> . <i>The</i> ERGA's role is to <b>[...] act as an independent expert advisory group</b> and assist the Commission in its work to ensure a consistent implementation of Directive	

<sup>17</sup> Commission Decision C(2014) 462 final of 3 February 2014 on establishing the European Regulators Group for Audiovisual Media Services.




cooperation among the national regulatory authorities, and between the national regulatory authorities and the Commission.	Member States, and to facilitate cooperation among the national regulatory authorities, and between the national regulatory authorities and the Commission.	2010/13/EU in all Member States, and to facilitate cooperation among the [...] regulatory authorities <i>and/or bodies</i> , and between the [...] regulatory authorities <i>and/or bodies</i> and the Commission.	
(36) ERGA has made a positive contribution towards consistent regulatory practice and has provided high level advice to the Commission on implementation matters. This calls for the formal recognition and reinforcement of its role in this Directive. The group should therefore be re-established by virtue of this Directive.	(36) ERGA has made a positive contribution towards consistent regulatory practice and has provided high level advice to the Commission on implementation matters. This calls for the formal recognition and reinforcement of its role in this Directive. The group should therefore be [...] <b>established</b> by virtue of this Directive.	<u><b>AMD 37</b></u> (36) <i><b>The ERGA and the contact committee have</b></i> made a positive contribution towards consistent regulatory practice and <i><b>have</b></i> provided high level <i><b>and independent</b></i> advice to the Commission on implementation matters. [...]	

<p>(37) The Commission should be free to consult ERGA on any matter relating to audiovisual media services and video-sharing platforms. ERGA should assist the Commission by providing its expertise and advice and by facilitating exchange of best practices. In particular, the Commission should consult ERGA in the application of Directive 2010/13/EU with a view to facilitating its convergent implementation across the Digital Single Market. Upon the Commission's request, ERGA should provide opinions, including on jurisdiction and Union codes of conduct in the area of protection of minors and hate speech as well as audiovisual commercial communications for foods high in fat, salt/sodium and sugars.</p>	<p>(37) The Commission should be free to consult ERGA on any matter relating to audiovisual media services and video-sharing platforms. ERGA should assist the Commission by providing [...] <b>technical</b> expertise and advice and by facilitating <b>the</b> exchange of best practices, <b>including on self- and co-regulatory codes of conduct</b>. In particular, the Commission should consult ERGA in the application of Directive 2010/13/EU with a view to facilitating its convergent implementation [...]. Upon the Commission's request, ERGA should provide <b>non-binding</b> opinions [...] on jurisdiction, <b>on measures derogating from freedom of reception and on measures addressing circumvention of jurisdiction</b>. ERGA <b>should also be able to provide technical advice on any regulatory matter related to audiovisual media service framework,</b></p>	<p style="text-align: center;"><u><b>AMD 38</b></u></p> <p>(37) The Commission should be free to consult [...] <b>the contact committee</b> on any matter relating to audiovisual media services and video-sharing platforms. <b>It should also be possible for the ERGA [...] to</b> assist the Commission by providing its expertise and advice and by facilitating exchange of best practices. [...] The Commission should <b>be able to</b> consult [...] <b>the contact committee</b> in the application of Directive 2010/13/EU with a view to facilitating its [...] <b>consistent</b> implementation across the Digital Single Market. [...] <b>The contact committee</b> should [...] <b>decide on</b> opinions, including on jurisdiction and Union <b>rules and</b> codes of conduct in the area of protection of minors and hate speech as well as for audiovisual commercial communications for foods high in fat, salt/sodium and sugars <b>drafted by the ERGA, in order to facilitate</b></p>	
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	<p><b>including [...]</b> in the area of protection of minors and hate speech, as well as <b>on the content of</b> audiovisual commercial communications for foods high in fat, salt/sodium and sugars.</p>	<p><i>coordination with the law of the Member States.</i></p>	
<p>(38) This Directive is without prejudice to the ability of Member States to impose obligations to ensure discoverability and accessibility of content of general interest under defined general interest objectives such as media pluralism, freedom of speech and cultural diversity. Such obligations should only be imposed where they are necessary to meet general interest objectives clearly defined by Member States in conformity with Union law. In this respect, Member States should in particular examine the need for regulatory intervention against the results of the outcome of market forces. Where Member States decide to impose discoverability rules, they</p>		<p><u><b>AMD 39</b></u></p> <p>(38) This Directive is without prejudice to the ability of Member States to impose obligations to ensure [...] <i>the appropriate prominence</i> of content of general interest under defined general interest objectives such as media pluralism, freedom of speech and cultural diversity. Such obligations should only be imposed where they are necessary to meet general interest objectives clearly defined by Member States in conformity with Union law. Where Member States decide to impose [...] rules <i>on appropriate prominence</i>, they should only impose proportionate obligations on undertakings, in the interest of legitimate public policy considerations.</p>	

should only impose proportionate obligations on undertakings, in the interest of legitimate public policy considerations.			
		<p><b><u>AMD 40</u></b></p> <p><i>(38a) The means to achieve accessibility should include, but not be limited to, access services such as sign language interpretation, subtitling for the deaf and hard of hearing, spoken subtitles, audio-description, and easily understandable menu navigation. Media service providers should be transparent and proactive in improving such access services for persons with disabilities and for the elderly, indicating clearly in the programme information as well as in the electronic programming guide their availability, listing and explaining how to use the accessibility features of the services, and ensuring that they are accessible for persons with disabilities.</i></p>	<p><b><u>EP amd accepted in part in a new recital 9aa</u></b></p>


<p>(39) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for the right to freedom of expression, the freedom to conduct a business, the right to judicial review and to promote the application of the rights of the child enshrined in the Charter of Fundamental Rights of the European Union.</p>		<p style="text-align: center;"><u><b>AMD 41</b></u></p> <p>(39) <i>Member States, when implementing this Directive, are under the obligation to respect fundamental rights and observe the principles recognised in particular by the Charter [...]. In particular, Member States should ensure that national laws, regulations and administrative provisions transposing this Directive [...] do not directly or indirectly undermine the right to freedom of expression, the freedom to conduct a business, the right to judicial review and to promote the application of the rights of the child and the right to non-discrimination enshrined in the Charter [...].</i></p>	<p style="text-align: center;"><b>COMPROMISE AGREED</b></p> <p>(39) <b>The Directive is without prejudice to the obligation of the Member States to respect and protect human dignity.</b> It respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for the right to freedom of expression, the freedom to conduct a business, the right to judicial review and to promote the application of the rights of the child enshrined in the Charter of Fundamental Rights of the European Union.</p>
	<p><b>(39a) Transparency of media ownership is directly linked to the freedom of expression, a cornerstone of democratic systems. Information concerning the ownership structure of audiovisual media service providers, where such</b></p>		

	<p>ownership results in the control or the exercise of a significant influence over the content of the services provided, allows users to make an informed judgement about such content. Member States should be able to determine whether and to what extent information about the ownership of a media service provider should be accessible to users, provided that the essence of the fundamental rights and freedoms concerned is respected and that such measures are necessary and proportionate. Member States should also be able to determine whether and to what extent it is necessary and proportionate that politically exposed persons declare their ownership of media service providers and that information concerning such ownership should be accessible to users, provided that the essence of the fundamental</p>		
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	<b>rights and freedom concerned is respected.</b>		
	<p><b>(39b) Because of the specific nature of audiovisual media services, especially the impact of these services on the way people form their opinions, users have a legitimate interest in knowing who is responsible for the content of these services. In order to strengthen freedom of expression, and by extension, to promote media pluralism and to avoid conflicts of interest, it is important for Member States to ensure that users have easy and direct access at any time to information about media service providers. It is for each Member State to decide, in particular with respect to the information which may be provided on ownership structure, beneficial owners and politically exposed persons, how this objective can be achieved without prejudice to any other relevant provisions of</b></p>		

	<b>Union law and ensuring, in particular, full compliance with the provisions of the General Data Protection Regulation (EU) 2016/679 and Articles 7, 8 and 52 of the Charter.</b>		
(40) The right to access political news programmes is crucial to safeguard the fundamental freedom to receive information and to ensure that the interests of viewers in the Union are fully and properly protected. Given the ever growing importance of audiovisual media services for societies and democracy, broadcasts of political news should, to the best extent possible, and without prejudice to copyright rules, be made available cross-border in the EU.	[No change]	[No change]	
(41) This Directive does not concern rules of private international law, in particular rules governing the jurisdiction of the courts and the law applicable to contractual and non-contractual obligations.	[No change]	[No change]	
(42) In accordance with the Joint Political Declaration of 28 September 2011 of Member	[No change]	[No change]	



States and the Commission on explanatory documents <sup>18</sup> , Member States have undertaken to accompany, in justified cases, the notification of their transposition measures by one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.			
		<b>(42a) Member States should take all the necessary measures to ensure the correct, timely and effective transposition and application of this Directive.</b>	
(43) Directive 2010/13/EU should therefore be amended accordingly,  HAVE ADOPTED THIS DIRECTIVE:	[No change]	[No change]	
<b><i>Article 1 of the proposal for the amending Directive 2010/13/EU</i></b>			
<b>CHAPTER 1</b>			

<sup>18</sup> OJ C 369, 17.12.2011, p. 14.

DEFINITIONS			
Article 1			
1. For the purposes of this Directive, the following definitions shall apply:	[No change]	[No change]	1. For the purposes of this Directive, the following definitions shall apply:
(a) 'audiovisual media service' means:	[No change]	[No change]	(a) 'audiovisual media service' means:
<b><i>Point 1(a)<sup>19</sup></i></b>  <b>(i) a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service or a dissociable section thereof is devoted to providing programmes, under the editorial responsibility of a media service provider, in order to inform, entertain or educate, to the general public by electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC. Such an audiovisual media service is either a television broadcast as defined in point (e) of this paragraph or an on-demand audiovisual media service as</b>	[No change]	<b><u>AMD 42</u></b>  <b>(i) a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service or a dissociable section <i>of a wider service</i> thereof is devoted to providing programmes, under the editorial responsibility of a media service provider, in order to inform, entertain or educate, to the general public by electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC. Such an audiovisual media service is either a television broadcast as defined in point (e) of this paragraph or an on-demand audiovisual media</b>	<b><u>EP can drop its Amd 42</u></b>

<sup>19</sup> Points refer to the amendments proposed by the Commission in its amending proposal.

defined in point (g) of this paragraph;		service as defined in point (g) of this paragraph;	
(ii) audiovisual commercial communication;	[No change]	[No change]	(ii) audiovisual commercial communication;
<p><b>Point 1(b)</b></p> <p><b>(aa) 'video-sharing platform service' means a service, as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, which meets the following requirements:</b></p> <p><b>(i) the service consists of the storage of a large amount of programmes or user-generated videos, for which the video-sharing platform provider does not have editorial responsibility;</b></p>	<p>(aa) 'video-sharing platform service' means a service, as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, which meets the following requirements:</p> <p>(i) the service consists of the storage of [...] programmes or of user-generated videos, for which the video-sharing platform provider does not have editorial responsibility;</p>	<p><b><u>AMD 43</u></b></p> <p>(aa) 'video-sharing platform service' means a service, as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, which meets <b><i>all of</i></b> the following requirements:</p> <p>(i) <b><i>a main functionality of</i></b> the service consists of the <b><i>[...] making available</i></b> of programmes or user-generated videos, for which the video-sharing platform provider does not have editorial responsibility, <b><i>to the general public;</i></b></p>	<p><b><u>COMPROMISE AGREED</u></b></p> <p>(aa) 'video-sharing platform service' means a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union [...] where the principal purpose of the service or <b>of</b> a dissociable section thereof <b>or an essential functionality of the service</b> is devoted to providing programmes, user-generated videos, <b>or both</b>, to the general public, for which the video-sharing platform provider does not have editorial responsibility, in order to inform, entertain or educate, <b>by means of an</b> electronic communications network within the meaning of point (a) of Article 2 of Directive 2002/21/EC and the organisation of <b>which</b> is determined by the video-sharing platform provider, including by automatic means or algorithms in particular by displaying, tagging and sequencing.</p>
<b>(ii) the organisation of the stored content is determined by the provider of the service including by automatic means or algorithms, in particular by hosting, displaying, tagging and sequencing;</b>	(ii) the organisation of the stored [...] <b>programmes or user-generated videos</b> is determined by the <b>video-sharing platform provider</b> [...] including by automatic means or algorithms, in particular by [...] displaying, tagging and sequencing;	(ii) the organisation of the [...] content <b><i>made publicly available</i></b> is determined by the provider of the service including by automatic means or algorithms, in particular by hosting, displaying, tagging and sequencing;	

(iii) the principal purpose of the service or a dissociable section thereof is devoted to providing programmes and user-generated videos to the general public, in order to inform, entertain or educate;	(iii) the principal purpose of the service, [...] a dissociable section [...] of that service or an essential functionality of the service is devoted to providing programmes or user-generated videos to the general public, in order to inform, entertain or educate; and	(iii) the principal purpose of the service, or <i>of a service that is</i> a dissociable section <i>of a wider service [...]</i> , is devoted to providing programmes and user-generated videos to the general public in order to inform, entertain or educate, <i>or that service plays a significant role in providing programmes and user-generated videos to the general public, in order to inform, entertain or educate; and</i>	
(iv) the service is made available by electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC.	[No change]	[No change]	
<i>Point 1(c)</i>  (b) ‘programme’ means a set of moving images with or without sound constituting an individual item within a schedule or a catalogue established by a media service provider, including	(b) ‘programme’ means a set of moving images with or without sound constituting an individual item, <b>irrespective of its length</b> , within a schedule or a catalogue established by a media	<u><b>AMD 44</b></u>  (b) ‘programme’ means a set of moving images with or without sound constituting an individual item within a schedule or a catalogue established by a media service provider, including	<i>EP can drop its Amd 44 and accept the Council text</i>


feature-length films, videos of short duration, sports events, situation comedies, documentaries, children's programmes and original drama;	service provider, including feature length films, [...] <b>video clips</b> , sports events, situation comedies, documentaries, children's programmes and original drama;	feature-length films, videos of short duration, sports events, situation comedies, documentaries, children's programmes, <i>entertainment and reality programmes</i> , and original drama;	
<i>Point 1(d)</i>  (ba) 'user-generated video' means a set of moving images with or without sound constituting an individual item that is created and/or uploaded to a video-sharing platform by one or more users;	(ba) 'user-generated video' means a set of moving images with or without sound constituting an individual item, <b>irrespective of its length</b> , that is created by a user and [...] uploaded to a video-sharing platform by <b>that user or any other</b> [...] user [...];	<u><b>AMD 45</b></u>  (ba) 'user-generated video' means a set of moving images with or without sound constituting an individual item that is [...] uploaded to a video-sharing platform [...];	<i>EP can drop its Amd 45 and accept the Council text</i>
		<u><b>AMD 46</b></u>  (bb) 'editorial decision' means a decision taken on a day-to-day basis for the purpose of exercising editorial responsibility;	<u><i>EP amd accepted in principle</i></u>  (bb) "editorial decision" means a decision, which is taken on a regular basis for the purpose of exercising editorial responsibility and linked to the day-to-day operation of the audiovisual media service.
		<u><b>AMD 47</b></u>  (bc) 'access service' means an add-on feature of the audiovisual media service	<i>EP can drop its Amd 47</i>

		<b>that improves the accessibility of programmes for people with functional limitations, including persons with disabilities;</b>	
(c) 'editorial responsibility' means the exercise of effective control both over the selection of the programmes and over their organisation either in a chronological schedule, in the case of television broadcasts, or in a catalogue, in the case of on-demand audiovisual media services. Editorial responsibility does not necessarily imply any legal liability under national law for the content or the services provided;	[No change]	[No change]	(c) 'editorial responsibility' means the exercise of effective control both over the selection of the programmes and over their organisation either in a chronological schedule, in the case of television broadcasts, or in a catalogue, in the case of on-demand audiovisual media services. Editorial responsibility does not necessarily imply any legal liability under national law for the content or the services provided;
(d) 'media service provider' means the natural or legal person who has editorial responsibility for the choice of the audiovisual content of the audiovisual media service and determines the manner in which it is organised;	[No change]	[No change]	(d) 'media service provider' means the natural or legal person who has editorial responsibility for the choice of the audiovisual content of the audiovisual media service and determines the manner in which it is organised;
<b>Point 1(e)</b> (da) 'video-sharing platform provider' means the	[No change]	[No change]	(da) 'video-sharing platform provider' means the natural or legal person who provides a

<b>natural or legal person who provides a video-sharing platform service;</b>			video-sharing platform service;
(e) ‘television broadcasting’ or ‘television broadcast’ (i.e. a linear audiovisual media service) means an audiovisual media service provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule;	[No change]	[No change]	(e) ‘television broadcasting’ or ‘television broadcast’ (i.e. a linear audiovisual media service) means an audiovisual media service provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule;
(f) ‘broadcaster’ means a media service provider of television broadcasts;	[No change]	[No change]	(f) ‘broadcaster’ means a media service provider of television broadcasts;
(g) ‘on-demand audiovisual media service’ (i.e. a non-linear audiovisual media service) means an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider;	[No change]	[No change]	(g) ‘on-demand audiovisual media service’ (i.e. a non-linear audiovisual media service) means an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider;
(h) ‘audiovisual commercial communication’ means images with or without sound which are designed to	[No change]	[No change]	(h) ‘audiovisual commercial communication’ means images with or without sound which are designed to

promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity. Such images accompany or are included in a programme in return for payment or for similar consideration or for self-promotional purposes. Forms of audiovisual commercial communication include, inter alia, television advertising, sponsorship, teleshopping and product placement;			promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity. Such images accompany or are included in a programme in return for payment or for similar consideration or for self-promotional purposes. Forms of audiovisual commercial communication include, inter alia, television advertising, sponsorship, teleshopping and product placement;
(i) ‘television advertising’ means any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment;	[No change]	[No change]	(i) ‘television advertising’ means any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment;
(j) ‘surreptitious audiovisual commercial communication’	[No change]	[No change]	(j) ‘surreptitious audiovisual commercial communication’



means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the media service provider to serve as advertising and might mislead the public as to its nature. Such representation shall, in particular, be considered as intentional if it is done in return for payment or for similar consideration;			means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the media service provider to serve as advertising and might mislead the public as to its nature. Such representation shall, in particular, be considered as intentional if it is done in return for payment or for similar consideration;
(k) ‘sponsorship’ means any contribution made by public or private undertakings or natural persons not engaged in providing audiovisual media services or in the production of audiovisual works, to the financing of audiovisual media services or programmes with a view to promoting their name, trade mark, image, activities or products;	[No change]	<u><b>AMD 48</b></u>  (k) ‘sponsorship’ means any <b><i>direct or indirect</i></b> contribution made by public or private undertakings or natural persons not engaged in providing audiovisual media services, <b><i>video-sharing platform services or user-generated videos</i></b> or in the production of audiovisual works, to the financing of the audiovisual media services, <b><i>or the video-sharing platform services,</i></b>	<b><i>EP would like to keep its Amd 48</i></b>

		<i>or the user-generated videos</i> or <i>the</i> programmes with a view to promoting their name, trade mark, image, activities or products;	
(l) ‘teleshopping’ means direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment;	[No change]	[No change]	(l) ‘teleshopping’ means direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment;
(m) ‘product placement’ means any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within a programme, in return for payment or for similar consideration;	[No change]	<u><b>AMD 49</b></u>  (m) ‘product placement’ means any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within a programme <i>or a user-generated video</i> , in return for payment or for similar consideration;’	<i>EP would like to keep its Amd 49</i>
(n) ‘European works’ means the following:	[No change]	[No change]	(n) ‘European works’ means the following:
(i) works originating in Member States;	[No change]	[No change]	(i) works originating in Member States;
(ii) works originating in European third States party to the European Convention on Transfrontier Television of	[No change]	[No change]	(ii) works originating in European third States party to the European Convention on Transfrontier Television of

the Council of Europe and fulfilling the conditions of paragraph 3;			the Council of Europe and fulfilling the conditions of paragraph 3;
(iii) works co-produced within the framework of agreements related to the audiovisual sector concluded between the Union and third countries and fulfilling the conditions defined in each of those agreements.	[No change]	[No change]	(iii) works co-produced within the framework of agreements related to the audiovisual sector concluded between the Union and third countries and fulfilling the conditions defined in each of those agreements.
2. The application of the provisions of points (n)(ii) and (iii) of paragraph 1 shall be conditional on works originating in Member States not being the subject of discriminatory measures in the third country concerned.	[No change]	[No change]	2. The application of the provisions of points (n)(ii) and (iii) of paragraph 1 shall be conditional on works originating in Member States not being the subject of discriminatory measures in the third country concerned.
3. The works referred to in points (n)(i) and (ii) of paragraph 1 are works mainly made with authors and workers residing in one or more of the States referred to in those provisions provided that they comply with one of the following three conditions:	[No change]	[No change]	3. The works referred to in points (n)(i) and (ii) of paragraph 1 are works mainly made with authors and workers residing in one or more of the States referred to in those provisions provided that they comply with one of the following three conditions:
(i) they are made by one or more producers established in one or more of those States;	[No change]	[No change]	(i) they are made by one or more producers established in one or more of those States;
(ii) the production of the works is supervised and actually	[No change]	[No change]	(ii) the production of the works is supervised and actually

controlled by one or more producers established in one or more of those States;			controlled by one or more producers established in one or more of those States;
(iii) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States.	[No change]	[No change]	(iii) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States.
4. Works that are not European works within the meaning of point (n) of paragraph 1 but that are produced within the framework of bilateral co-production agreements concluded between Member States and third countries shall be deemed to be European works provided that the co-producers from the Union supply a majority share of the total cost of production and that the production is not controlled by one or more producers established outside the territory of the Member States.	[No change]	[No change]	4. Works that are not European works within the meaning of point (n) of paragraph 1 but that are produced within the framework of bilateral co-production agreements concluded between Member States and third countries shall be deemed to be European works provided that the co-producers from the Union supply a majority share of the total cost of production and that the production is not controlled by one or more producers established outside the territory of the Member States.
<b>CHAPTER 2 - Point 2</b>			
<b>GENERAL PROVISIONS FOR AUDIOVISUAL MEDIA SERVICES</b>			
Article 2			

1. Each Member State shall ensure that all audiovisual media services transmitted by media service providers under its jurisdiction comply with the rules of the system of law applicable to audiovisual media services intended for the public in that Member State.	[No change]	[No change]	1. Each Member State shall ensure that all audiovisual media services transmitted by media service providers under its jurisdiction comply with the rules of the system of law applicable to audiovisual media services intended for the public in that Member State.
2. For the purposes of this Directive, the media service providers under the jurisdiction of a Member State are any of the following:	[No change]	[No change]	2. For the purposes of this Directive, the media service providers under the jurisdiction of a Member State are any of the following:
(a) those established in that Member State in accordance with paragraph 3;	[No change]	[No change]	(a) those established in that Member State in accordance with paragraph 3;
(b) those to whom paragraph 4 applies.	[No change]	[No change]	(b) those to whom paragraph 4 applies.
3. For the purposes of this Directive, a media service provider shall be deemed to be established in a Member State in the following cases:	[No change]	[No change]	3. For the purposes of this Directive, a media service provider shall be deemed to be established in a Member State in the following cases:
(a) the media service provider has its head office in that Member State and the editorial decisions about the audiovisual media service are taken in that Member State;	(a) the media service provider has its head office in that Member State and the editorial decisions about the audiovisual media service are taken <b>on a regular basis</b> in that Member State;	[No change]	(a) the media service provider has its head office in that Member State and the editorial decisions about the audiovisual media service are taken in that Member State;

<p><i>Point 3(a)</i></p> <p><b>(b) if a media service provider has its head office in one Member State but editorial decisions on the audiovisual media service are taken in another Member State, it shall be deemed to be established in the Member State where the majority of the workforce involved in the pursuit of the audiovisual media service activity operates;</b></p>	<p>(b) if a media service provider has its head office in one Member State but editorial decisions on the audiovisual media service are taken <b>on a regular basis</b> in another Member State, it shall be deemed to be established in the Member State where [...] <b>a significant part</b> of the workforce involved in the pursuit of the <b>programme-related</b> audiovisual media service activities operates. <b>If a significant part of the workforce involved in the pursuit of the programme-related audiovisual media service activity operates in each of those Member States, the media service provider shall be deemed to be established in the Member State where it has its head office. If a significant part of the workforce involved in the pursuit of the programme-related audiovisual media service</b></p>	<p><b><u>AMD 50</u></b> <b><i>deleted (current text maintained)</i></b></p> <p>(b) if a media service provider has its head office in one Member State but editorial decisions on the audiovisual media service are taken in another Member State, it shall be deemed to be established in the Member State where [...] <b>a significant part</b> of the workforce involved in the pursuit of the audiovisual media service activity operates. <b>If a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in each of those Member States, the media service provider shall be deemed to be established in the Member State where it has its head office. If a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in neither of those Member States, the media service provider shall be deemed to be established in the Member State where it</b></p>	<p><b><u>EP amd accepted in part</u></b></p> <p>(b) if a media service provider has its head office in one Member State but editorial decisions on the audiovisual media service are taken in another Member State, it shall be deemed to be established in the Member State where [...] <b>a significant part</b> of the workforce involved in the pursuit of the <b>programme-related</b> audiovisual media service activities operates. <b>If a significant part of the workforce involved in the pursuit of the programme-related audiovisual media service activity operates in each of those Member States, the media service provider shall be deemed to be established in the Member State where it has its head office. If a significant part of the workforce involved in the pursuit of the programme-related audiovisual media service activity operates in neither of those Member</b></p>
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	activity operates in neither of those Member States, the media service provider shall be deemed to be established in the Member State where it first began its activity in accordance with the law of that Member State, provided that it maintains a stable and effective link with the economy of that Member State;	first began its activity in accordance with the law of that Member State, provided that it maintains a stable and effective link with the economy of that Member State;	States, the media service provider shall be deemed to be established in the Member State where it first began its activity in accordance with the law of that Member State, provided that it maintains a stable and effective link with the economy of that Member State;
(c) if a media service provider has its head office in a Member State but decisions on the audiovisual media service are taken in a third country, or vice versa, it shall be deemed to be established in the Member State concerned, provided that a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in that Member State.	[No change]	[No change]	(c) if a media service provider has its head office in a Member State but decisions on the audiovisual media service are taken in a third country, or vice versa, it shall be deemed to be established in the Member State concerned, provided that a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in that Member State.
4. Media service providers to whom the provisions of paragraph 3 are not applicable	[No change]	<u>AMD 51</u> 4. Media service providers to whom the provisions of paragraph 3 are not applicable	<u>EP amd rejected</u> 4. Media service providers to whom the provisions of paragraph 3 are not applicable

<p>shall be deemed to be under the jurisdiction of a Member State in the following cases:</p> <p>(a) they use a satellite up-link situated in that Member State;</p> <p>(b) although they do not use a satellite up-link situated in that Member State, they use satellite capacity appertaining to that Member State.</p>	<p>[No change]</p> <p>[No change]</p>	<p>shall be deemed to be under the jurisdiction of a Member State in the following cases:</p> <p>(a) they use a satellite up-link situated in that Member State; <i>or</i></p> <p>(b) <i>[...]</i> they use satellite capacity appertaining to that Member State.'</p>	<p>shall be deemed to be under the jurisdiction of a Member State in the following cases:</p> <p>(a) they use a satellite up-link situated in that Member State;</p> <p>(b) although they do not use a satellite up-link situated in that Member State, they use satellite capacity appertaining to that Member State.</p>
<p>5. If the question as to which Member State has jurisdiction cannot be determined in accordance with paragraphs 3 and 4, the competent Member State shall be that in which the media service provider is established within the meaning of Articles 49 to 55 of the Treaty on the Functioning of the European Union.</p>	<p>[No change]</p>	<p>[No change]</p>	<p>5. If the question as to which Member State has jurisdiction cannot be determined in accordance with paragraphs 3 and 4, the competent Member State shall be that in which the media service provider is established within the meaning of Articles 49 to 55 of the Treaty on the Functioning of the European Union.</p>



	5-a. Member States shall ensure that media service providers inform the competent national regulatory authorities about any changes that may affect the establishment of jurisdiction in accordance with paragraphs 2, 3 and 4.		5-a. Member States shall ensure that media service providers inform the competent national regulatory authorities and/or bodies about any changes that may affect the establishment of jurisdiction in accordance with paragraphs 2, 3 and 4.
<i>Point 3(b)</i>	5a. Member States shall [...] <b>establish and maintain an up-to-date</b> list of the audiovisual media service providers under their jurisdiction and <b>indicate on which [...]</b> criteria set out in paragraphs 2 to 5, [...] their jurisdiction is based. <b>Member States shall communicate this list, including any updates, to the Commission. In case of inconsistencies between the lists, the Commission shall contact the Member States concerned in order to find a solution.</b> The Commission shall ensure that the <b>national</b>	<u>AMD 52</u> 5a. Member States shall [...] <b>maintain</b> a list of the audiovisual media service providers under their jurisdiction and the criteria set out in paragraphs 2 to 5 on which their jurisdiction is based. <i><b>That list shall also include information on the Member States to which the audiovisual media service is made available and on the language versions of the service. Member States shall ensure that regulatory authorities and/or bodies share such lists with the Commission and the European Regulators Group for Audiovisual Media</b></i>	<u><i>EP amd accepted in principle and in part</i></u> 5a. Member States shall [...] <b>establish and maintain an up-to-date</b> list of the audiovisual media service providers under their jurisdiction and <b>indicate on which of the [...]</b> criteria set out in paragraphs 2 to 5, [...] their jurisdiction is based. <b>Member States shall communicate this list, including any updates, to the Commission. The Commission shall ensure that such lists are made available in a centralised database. In case of inconsistencies between the lists, the Commission shall contact the Member States concerned in order to find a solution.</b> The Commission shall

	<p>[...] regulatory authorities have access to this [...] list. <b>To the extent possible, the Commission shall make this information publicly available.</b></p>	<p><i>Services (ERGA) by means of a central database and make them publicly available. [...] Those lists shall be updated, without undue delay, [...] whenever changes [...] occur. [...]</i></p>	<p>ensure that the <b>national [...] regulatory authorities and/or bodies</b> have access to [...] that <b>database. [...] The Commission shall make this information publicly available.</b></p>
<p><b>5b. Where, in applying Articles 3 and 4 of this Directive, the Member States concerned do not agree on which Member State has jurisdiction, they shall bring the matter to the Commission's attention without undue delay. The Commission may request the European Regulators Group for Audiovisual Media Services (ERGA) to provide an opinion on the matter within 15 working days from submission of the Commission's request. If the Commission requests an opinion from ERGA, the time-limits set out in Articles 3(5) and 4(5) shall be suspended until ERGA has adopted an opinion.</b></p>	<p>5b. Where, in applying Articles 3 and 4 of this Directive, the Member States concerned do not agree on which Member State has jurisdiction, they shall bring the matter to the Commission's attention without undue delay. The Commission may request the European Regulators Group for Audiovisual Media Services (ERGA) to provide an opinion <b>in accordance with Article 30a(3)(e)</b> on the matter within 15 working days from submission of the Commission's request. [...] <b>The Commission shall keep the Contact Committee duly informed.</b></p>	<p>5b. Where, in applying Articles 3 and 4 of this Directive, the Member States concerned do not agree on which Member State has jurisdiction, they shall bring the matter to the Commission's attention without undue delay. The Commission may request <i>that</i> the [...] <b>ERGA</b> provide an opinion on the matter within 15 working days from submission of the Commission's request. <i>The opinion of the ERGA shall also be sent to the contact committee.</i> If the Commission requests an opinion from <i>the</i> ERGA, the time-limits set out in Articles 3(5) and 4(5) shall be suspended until <i>the</i> ERGA has adopted an opinion. <i>The Commission shall decide on which Member State has jurisdiction following the request of the Member State concerned or following the</i></p>	<p><i>EP can accept the Council text and drop its Amd except the last sentence</i></p>

		<i>opinion provided by the ERGA.</i>	
		<u><b>AMD 53</b></u> <i>5ba. The Commission shall decide within one month of receipt of the notification referred to in paragraph 5b or of the provision of the opinion by the ERGA.</i>	<u><b>EP amd rejected</b></u>
6. This Directive does not apply to audiovisual media services intended exclusively for reception in third countries and which are not received with standard consumer equipment directly or indirectly by the public in one or more Member States.	[No change]	[No change]	6. This Directive does not apply to audiovisual media services intended exclusively for reception in third countries and which are not received with standard consumer equipment directly or indirectly by the public in one or more Member States.
<b>Article 3 – Point 4 – <u>AMD 54</u></b>			
<b>1. Member States shall ensure freedom of reception and shall not restrict retransmissions on their territory of audiovisual media services from other Member States for reasons which fall within the fields coordinated by this Directive.</b>	[No change]	[No change]	<u><b>EP amd withdrawn</b></u> <u><b>COMPROMISE PROPOSAL FOR ARTICLE 3 – see annex 1</b></u>
<b>2. Member States may provisionally derogate from</b>	[No change]	2. Member States may provisionally derogate from	

paragraph 1 if an audiovisual media service provided by a media service provider under the jurisdiction of another Member State:		paragraph 1, <i>without prejudice to the freedom of expression and information and media pluralism</i> , if an audiovisual media service provided by a media service provider under the jurisdiction of another Member State:	
(a) manifestly, seriously and gravely infringes Articles 6 or 12, or both;	(a) manifestly, seriously and gravely infringes Articles 6 or 12(1) [...];	(a) manifestly, seriously and gravely infringes Article 6 <i>or Article 6a(1); or [...]</i>	
(b) prejudices or presents a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence; or	[No change]	(b) prejudices or presents a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence, <i>or to public health.</i>	
(c) prejudices or presents a serious and grave risk of prejudice to public health.	[No change]	<i>deleted</i>	
3. Member States may only apply paragraph 2 where the following conditions are met:	[No change]	[No change]	
(a) during the 12 months preceding the notification referred to in point (b) of this paragraph, the media service provider has, in the opinion of the	(a) during the 12 months preceding the notification referred to in point (b) of this paragraph, the <b>broadcaster</b> [...] has, in the opinion of the Member State concerned, [...]	(a) [...] the media service provider has, in the opinion of the Member State concerned, contravened <i>points</i> (a) or (b) of paragraph 2;	

<b>Member State concerned, contravened point (a), (b) or (c) of paragraph 2 on at least two occasions;</b>	<b>infringed point (a), (b) or (c) of paragraph 2 on at least two occasions;</b>		
<b>(b) the Member State concerned has notified the media service provider, the Member State which has jurisdiction over the provider and the Commission in writing of the alleged contraventions and of the measures it intends to take should any such alleged contraventions occur again;</b>	(b) the Member State concerned has notified the media service provider, the Member State which has jurisdiction over [...] <b>that</b> provider and the Commission in writing of the alleged [...] <b>infringements</b> and of the measures it intends to take should any such alleged [...] <b>infringements</b> occur again;	(b) the Member State concerned has notified the media service provider, the Member State which has jurisdiction over the provider and the Commission in writing of the alleged <b>contravention</b> and of the measures it intends to take should any such alleged <b>contravention</b> occur again;	
<b>(c) consultations with the Member State which has jurisdiction over the provider and the Commission have not produced an amicable settlement within one month of the notification provided for in point (b);</b>	[No change]	[No change]	
<b>(d) the media services provider has contravened point (a), (b) or (c) of paragraph 2 at least once after the</b>	(d) the [...] <b>broadcaster</b> has [...] <b>infringed</b> point (a), (b) or (c) of paragraph 2 at least once after the notification	(d) the media services provider has contravened point [...] (b) or (c) of paragraph 2 at least once after the notification provided for in point (b) of	

notification provided for in point (b) of this paragraph;	provided for in point (b) of this paragraph;	this paragraph;	
(e) the notifying Member State has respected the rights of defence of the media services provider concerned and, in particular, has given the media services provider the opportunity to express its views on the alleged contraventions and the measures that that Member State intends to take. It shall duly take into account those views as well as the views of the Member State of jurisdiction.	(e) the notifying Member State has respected the rights of defence of the media services provider concerned <b>in respect of points b) and d)</b> and, in particular, has given the media services provider the opportunity to express its views on the alleged [...] <b>infringements within a period set out in national law</b> and the measures that [...] the notifying Member State intends to take. It shall duly [...] <b>consider</b> those views as well as the views of the Member State of jurisdiction.	(e) the notifying Member State has respected the rights of defence of the media services provider concerned and, in particular, has given the media services provider the opportunity to express its views on the alleged <b>contravention</b> and the measures that that Member State intends to take. It shall duly take into account those views as well as the views of the Member State of jurisdiction.	
Points (a) and (d) of paragraph 3 shall apply only in respect of linear services.	[No change]	<i>deleted</i>	
	<b>3a. Where a Member State which has jurisdiction over a media service provider has received a request for consultation under paragraph 3(c), it shall give due consideration to that request and cooperate</b>		

	<b>sincerely and swiftly with the Member State concerned with a view to reaching an amicable settlement.</b>		
<p>4. The Commission shall, <b>within three months following the notification of the measures taken by the Member State in application of paragraphs 2 and 3 and after having consulted ERGA, take a decision on whether those measures are compatible with Union law. That period shall begin on the day following the receipt of a complete notification. The notification shall be considered as complete if, within three months from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information.</b></p>	<p>4. The Commission shall, within three months following the <b>complete</b> notification of the measures taken by the Member State in application of paragraphs 2 and 3 [...] take a decision on whether those measures are compatible with Union law. [...] <b>The Commission may request ERGA to provide an opinion in accordance with Article 30a(3)(e). The Commission shall keep the Contact Committee duly informed [...].</b></p> <p>The notification shall be considered as complete if [...] <b>it contains all information necessary to assess the criteria in paragraph 2 and the conditions in paragraph 3 and if, within [...] one month from its receipt [...], the Commission does not request any further information strictly necessary to reach a decision.</b></p>	<p>4. The Commission shall, within three months following the notification of the measures taken by the Member State in application of paragraphs 2 and 3 and after having consulted <b>the</b> ERGA take a decision on whether those measures are compatible with Union law. That period shall begin on the day following the receipt of a complete notification. The notification shall be considered as complete if, within [...] <b>one month</b> from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information.</p>	



Where the Commission considers the notification as incomplete, it shall request all necessary additional information. The Commission shall inform the Member State of the receipt of the response to that request.	<i>deleted</i>	[No change]	
Where the Member State concerned does not provide the information requested within the period fixed by the Commission or where it provides incomplete information, the Commission shall take a decision that the measures taken by the Member State in accordance with paragraph 2 are incompatible with Union law. If the Commission decides that the measures are incompatible with Union law, the Member State shall put an end to the measures in question as a matter of urgency.	Where the Member State concerned does not provide [...] <b>this</b> information [...] within the period [...] <b>set out</b> by the Commission [...], the Commission shall [...] <b>reject the notification on the grounds of incomplete notification. As a result, [...]</b> the Member State shall put an end to the measures in question as a matter of urgency, <b>without prejudice to the possibility of that Member State submitting a new notification.</b>	Where the Member State concerned does not provide the information requested within the period fixed by the Commission or where it provides incomplete information, the Commission shall take a decision that the measures taken by the Member State in accordance with paragraph 2 are incompatible with Union law. If the Commission decides that the measures are incompatible with Union law, the Member State shall put an end to the measures in question as a matter of urgency <i>within two weeks of the date of the decision.</i>	
	<b>4a. The Commission shall examine the compatibility of the notified measures with Union law. Where it comes to the conclusion that</b>		




	these measures are incompatible with Union law, the Commission shall require the Member State concerned to refrain from taking any intended measures or to urgently put an end to those measures.		
5. Paragraphs 3 and 4 shall be without prejudice to the application of any procedure, remedy or sanction to the contraventions in question in the Member State which has jurisdiction over the media service provider concerned.	5. Paragraphs 3 and 4 shall be without prejudice to the application of any procedure, remedy or sanction to the [...] infringements in question in the Member State which has jurisdiction over the media service provider concerned.	5. Paragraphs 3 and 4 shall be without prejudice to the application of any procedure, remedy or sanction to the <i>contravention</i> in question in the Member State which has jurisdiction over the media service provider concerned.	
6. Member States may, in urgent cases, derogate from the conditions laid down in points (b) and (c) of paragraph 3.	6. <b>Without prejudice to point (e) of paragraph 3</b> , Member States may, in urgent cases, derogate from the conditions laid down in points (b) to (d) of paragraph 3.  <b>In urgent cases that constitute a clear and present risk to public security and without prejudice to point (e) of paragraph 3</b> , Member States may additionally derogate from the conditions laid out in point	[No change]	

<p>Where this is the case, the measures shall be notified in the shortest possible time to the Commission and to the Member State which has jurisdiction over the media service provider, setting out the reasons for which the Member State considers that there is such urgency that derogating from those conditions is necessary.</p>	<p>(a) of paragraph 3 if the Member State concerned considers that the broadcaster has infringed point (b) of paragraph 2 on at least one occasion and that Member State provisionally derogates from paragraph 1 within one month following such alleged infringement.</p> <p>Where a Member State applies this paragraph [...], the measures shall be notified in the shortest possible time to the media service provider, the Commission and to the Member State which has jurisdiction over the media service provider, setting out the reasons for which the Member State considers that there is such urgency that derogating from those conditions referred to in this paragraph is necessary.</p>	<p>PUBLIC</p>	
<p>7. Without prejudice to the Member State's possibility of proceeding with the measures referred to in paragraph 6, the</p>	<p>7. [...] The Commission shall examine the compatibility of the notified measures with Union law in the shortest possible time.</p>	<p>7. Without prejudice to the Member State's possibility of proceeding with the measures referred to in paragraph 6, the Commission shall examine the</p>	

Commission shall examine the compatibility of the notified measures with Union law in the shortest possible time. Where it comes to the conclusion that the measures are incompatible with Union law, the Commission shall require the Member State concerned to refrain from taking any intended measures or urgently to put an end to those measures.	Where it comes to the conclusion that these measures are incompatible with Union law, the Commission shall require the Member State concerned to [...] urgently put an end to those measures.	compatibility of the notified measures with Union law in the shortest possible time. Where it comes to the conclusion that the measures are incompatible with Union law, the Commission shall require the Member State concerned to refrain from taking any intended measures or urgently to put an end to those measures <i>within two weeks from the moment the Commission comes to the conclusion that such measures are incompatible with Union law.</i>	
8. Member States and the Commission shall regularly exchange experiences and best practices regarding the procedure set out in paragraphs 2 to 7 in the framework of the contact committee established pursuant to Article 29 and ERGA.	[No change]	8. Member States and the Commission shall regularly exchange experiences and best practices regarding the procedure set out in paragraphs 2 to 7 in the framework of the contact committee [...] and <i>the</i> ERGA.	
Article 4 – <b>AMD 55</b>			
<b>Point 5(a)</b> 1. Member States shall remain free to require media service providers under their jurisdiction to comply with	1. Member States shall remain free to require media service providers under their jurisdiction to comply	1. Member States shall remain free to require media service providers under their jurisdiction to comply with	<b>COMPROMISE AGREED</b> 1. Member States shall remain free to require media service providers under their jurisdiction to comply with more detailed or

<p><b>more detailed or stricter rules with regard to Articles 5, 6, 6a, 9, 10, 11, 12, 13, 16, 17, 19 to 26, 30 and 30a, provided that such rules are in compliance with Union law.</b></p>	<p>with more detailed or stricter rules [...] <b>in the fields coordinated by this Directive</b>, provided that such rules are in compliance with Union law.</p>	<p>more detailed or stricter rules with regard to Articles 5, 6, 6a, 7, 9, 10, 11, [...] 13, 16, 17, 19 to 26, 30 and 30a, provided that such rules are in compliance with Union law, <i>respect the freedom of expression and information and media pluralism and do not contain discriminatory provisions relating to the nationality or place of residence of the media service provider. Member States shall inform the Commission, the ERGA and the contact committee about any more detailed or stricter measures and shall publicly disclose them.</i></p>	<p>stricter rules [...] <b>in the fields coordinated by this Directive</b>, provided that such rules are in compliance with Union law.</p> <p>N.B. EP wording on "respect the freedom of expression and information and media pluralism" to be inserted to a recital.</p>
2. In cases where a Member State:	[No change]	[No change]	2. In cases where a Member State:
(a) has exercised its freedom under paragraph 1 to adopt more detailed or stricter rules of general public interest; and	[No change]	[No change]	(a) has exercised its freedom under paragraph 1 to adopt more detailed or stricter rules of general public interest; and
(b) assesses that a broadcaster under the jurisdiction of another Member State provides a television broadcast which is wholly or mostly directed towards its territory;	(b) assesses that a [...] <b>media service provider</b> under the jurisdiction of another Member State provides [...] <b>an audiovisual media service</b> which is wholly or	(b)assesses that a [...] <i>media service provider</i> under the jurisdiction of another Member State provides [...] <i>an audiovisual media service</i> which is wholly or mostly directed towards its territory;	<b><u>EP amendment accepted</u></b> (b) assesses that a [...] <b>media service provider</b> under the jurisdiction of another Member State provides [...] <b>an audiovisual media service</b> which

	mostly directed towards its territory;		is wholly or mostly directed towards its territory;
<p>it may contact the Member State having jurisdiction with a view to achieving a mutually satisfactory solution to any problems posed.</p> <p>On receipt of a substantiated request by the first Member State, the Member State having jurisdiction shall request the broadcaster to comply with the rules of general public interest in question. The Member State having jurisdiction shall inform the first Member State of the results obtained following this request within 2 months. Either Member State may invite the contact committee established</p>	<p>it may [...] <b>request</b> the Member State having jurisdiction <b>to address any identified problems under this paragraph. Where a Member State which has jurisdiction over a media service provider has received such a request, it shall cooperate sincerely and swiftly with the Member State concerned with a view to assessing the identified problems and finding [...] a mutually satisfactory solution.</b></p> <p>On receipt of a substantiated request by the [...] Member State <b>concerned</b>, the Member State having jurisdiction shall request the [...] <b>media service provider</b> to comply with the rules of general public interest in question. <b>When requesting the media service provider to comply with the rules of general public interest in question, the Member State having jurisdiction shall fully inform the Member State concerned of its contacts with the media service provider concerned.</b></p>	<p>it may contact the Member State having jurisdiction with a view to achieving a mutually satisfactory solution to any problems posed.</p> <p>On receipt of a substantiated request by the first Member State, the Member State having jurisdiction shall request the [...] <b>media service provider</b> to comply with the rules of general public interest in question. The Member State having jurisdiction shall inform the first Member State of the results obtained following this request within 2 months. Either Member State may invite the contact committee to examine the case.</p>	<p><b><u>EP amendment accepted in part</u></b>  it may [...] <b>request</b> the Member State having jurisdiction <b>to address any [...] problems identified in relation to this paragraph. Both Member States shall cooperate sincerely and swiftly</b> with [...] a view to <b>achieving</b> a mutually satisfactory solution.</p> <p><b>[...] Upon receiving</b> a substantiated request <b>under the first subparagraph [...]</b>, the Member State having jurisdiction shall request the [...] <b>media service provider</b> to comply with the rules of general public interest in question. <b>The Member State having jurisdiction shall [...] regularly inform the requesting Member State [...] of the steps taken to address those problems identified.</b> The Member State having jurisdiction shall inform the [...] <b>requesting Member State [...] and the Commission</b> of the results</p>

pursuant to Article 29 to examine the case.	<p>Either Member State may invite the <b>Contact Committee</b> established pursuant to Article 29 to examine the case.</p> <p>The Member State having jurisdiction shall inform the [...] Member State <b>concerned and the Commission</b> of the results obtained following the request <b>addressed to the media service provider concerned</b> within 2 months. <b>The Member State having jurisdiction over that media service provider shall explain the reasons where a solution could not be found.</b></p>		<p>obtained [...] within 2 months <b>from the receipt of the request and explain the reasons where a solution could not be found.</b> [...]</p> <p>Either Member State may invite the <b>Contact Committee</b> [...] to examine the case <b>at any time.</b></p>
3. The first Member State may adopt appropriate measures against the broadcaster concerned where it assesses that:	3. The first Member State may adopt appropriate <b>and effective</b> measures against the [...] <b>media service provider</b> concerned where [...]:	3. The first Member State may adopt appropriate measures against the [...] <b>media service provider</b> concerned where it assesses that:	<p><u><b>EP amendment accepted</b></u></p> <p>3. The [...] Member State <b>concerned</b> may adopt appropriate measures against the [...] <b>media service provider</b> concerned where [...]:</p>
(a) the results achieved through the application of paragraph 2 are not satisfactory; and	(a) <b>it assesses that</b> the results achieved through the application of paragraph 2 are not satisfactory; and	[No change]	(a) <b>it assesses that</b> the results achieved through the application of paragraph 2 are not satisfactory; and
(b) the broadcaster in question has established itself in the Member State having jurisdiction in order to circumvent the stricter	(b) <b>it has adduced credible and duly substantiated evidence showing that</b> the [...] <b>media service provider</b> in question has	(b) the [...] <b>media service provider</b> in question has established itself in the Member State having jurisdiction in order to	<p><u><b>EP amendment accepted</b></u></p> <p>(b) <b>it has adduced evidence showing that</b> the [...] <b>media service provider</b> in question has established itself in the</p>

rules, in the fields coordinated by this Directive, which would be applicable to it if it were established in the first Member State.	established itself in the Member State having jurisdiction in order to circumvent the stricter rules, in the fields coordinated by this Directive, which would be applicable to it if it were established in the first Member State. <b>Such evidence does not have to establish a media service provider's intention to circumvent those stricter rules. However, the Member State concerned shall detail a set of corroborating facts allowing for such circumvention to be reasonably established.</b>	circumvent the stricter rules, in the fields coordinated by this Directive, which would be applicable to it if it were established in the first Member State.	Member State having jurisdiction in order to circumvent the stricter rules, in the fields coordinated by this Directive, which would be applicable to it if it were established in the first Member State. <b>Such evidence shall allow for such circumvention to be reasonably established, without the need to prove the media service provider's intention to circumvent those stricter rules.</b>  <i>Related Council recital 6b: see page 14 – COMPROMISE AGREED</i>
<b>Point 5(b)</b> The Member State which took steps in accordance with points (a) and (b) of paragraph 2 should substantiate the grounds on which it bases its assessment of the alleged circumvention.	<i>Deleted</i>	[No change]	
Such measures shall be objectively necessary, applied in a non-discriminatory	[No change]	[No change]	Such measures shall be objectively necessary, applied in a non-discriminatory manner and



manner and proportionate to the objectives which they pursue.			proportionate to the objectives which they pursue.
<b>Point 5(c)</b> <b>4. A Member State may take measures pursuant to paragraph 3 only where the following conditions are met:</b>	[No change]	[No change]	4. A Member State may take measures pursuant to paragraph 3 only where the following conditions are met:
<b>(a) it has notified the Commission and the Member State in which the broadcaster is established of its intention to take such measures while substantiating the grounds on which it bases its assessment;</b>	(a) it has notified the Commission and the Member State in which the [...] <b>media service provider</b> is established of its intention to take such measures while substantiating the grounds on which it bases its assessment;	(a) it has notified the Commission and the Member State in which the [...] <b>media service provider</b> is established of its intention to take such measures while substantiating the grounds on which it bases its assessment;	<b><u>EP amendment accepted</u></b> (a) it has notified the Commission and the Member State in which the [...] <b>media service provider</b> is established of its intention to take such measures while substantiating the grounds on which it bases its assessment;
<b>(b) it has respected the rights of defence of the broadcaster concerned and, in particular, has given the broadcaster the opportunity to express its views on the alleged circumvention and the measures the notifying Member States intends to take;</b>	(b) it has respected the rights of defence of the [...] <b>media service provider</b> concerned and, in particular, has given the [...] <b>media service provider</b> the opportunity to express its views on the alleged circumvention and the measures the notifying Member States intends to take;	(b) it has respected the rights of defence of the [...] <b>media service provider</b> concerned and, in particular, has given the [...] <b>media service provider</b> the opportunity to express its views on the alleged circumvention and the measures the notifying Member States intends to take;	<b><u>EP amendment accepted</u></b> (b) it has respected the rights of defence of the [...] <b>media service provider</b> concerned and, in particular, has given the [...] <b>media service provider</b> the opportunity to express its views on the alleged circumvention and the measures the notifying Member States intends to take;
<b>(c) the Commission has decided, after having consulted ERGA, that</b>	(c) the Commission has decided [...] that the measures are compatible	(c) the Commission has decided, after having consulted <b>the contact committee and the</b>	<b><u>EP is proposing the following text:</u></b> (c) the Commission has decided, after having <b>requested the</b>



the measures are compatible with Union law, in particular that assessments made by the Member State taking those measures under paragraphs 2 and 3 are correctly founded.	with Union law, in particular that assessments made by the Member State taking those measures under paragraphs 2 and 3 are correctly founded. <b>The Commission may request ERGA to provide an opinion in accordance with Article 30a(3)(e). The Commission shall keep the Contact Committee duly informed.</b>	ERGA, that the measures are compatible with Union law, in particular that assessments made by the Member State taking those measures under paragraphs 2 and 3 are correctly founded.	<b><u>ERGA to provide an opinion in accordance with Article 30a(3)(e)</u></b> , that the measures are compatible with Union law, in particular that assessments made by the Member State taking those measures under paragraphs 2 and 3 are correctly founded.
<b>5. The Commission shall decide within 3 months following the notification provided for in point (a) of paragraph 4. That period shall begin on the day following the receipt of a complete notification. The notification shall be considered as complete if, within 3 months from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information.</b>	5. The Commission shall decide within 3 months following the <b>complete</b> notification provided for in point (a) of paragraph 4. [...] The notification shall be considered as complete if, within [...] <b>one</b> month from its receipt [...], the Commission does not request any further information <b>strictly necessary to reach a decision.</b>	5. The Commission shall decide within <i>three</i> months following the notification provided for in point (a) of paragraph 4. That period shall begin on the day following the receipt of a complete notification. The notification shall be considered as complete if, within [...] <i>one month</i> from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information.	<i>subject to the text agreed in Article 3</i>
<b>Where the Commission considers the notification as incomplete, it shall request all necessary additional</b>	<i>deleted</i>	[No change]	<i>subject to the text agreed in Article 3</i>

information. The Commission shall inform the Member State of the receipt of the response to that request.			
<b>Where the Member State concerned does not provide the information requested within the period fixed by the Commission or provides incomplete information, the Commission shall take a decision that the measures taken by the Member State in accordance with paragraph 3 are incompatible with Union law. If the Commission decides that the measures are incompatible with Union law, the Member State in question shall refrain from taking the intended measures.</b>	Where the Member State concerned does not provide [...] <b>this</b> information [...] within the period [...] <b>set out</b> by the Commission, [...] the Commission shall [...] <b>reject the notification on the grounds of incomplete notification. As a result,</b> [...] the Member State shall refrain from taking the intended measures	[No change]	<i>subject to the text agreed in Article 3</i>
6. Member States shall, by appropriate means, ensure, within the framework of their legislation, that media service providers under their jurisdiction effectively comply with the provisions of this Directive.	[No change]	[No change]	6. Member States shall, by appropriate means, ensure, within the framework of their legislation, that media service providers under their jurisdiction effectively comply with the provisions of this Directive.
<b>7. Moved to a new Article 4a below</b>			


8. Directive 2000/31/EC shall apply unless otherwise provided for in this Directive. In the event of a conflict between a provision of Directive 2000/31/EC and a provision of this Directive, the provisions of this Directive shall prevail, unless otherwise provided for in this Directive.	[No change]	[No change]	8. Directive 2000/31/EC shall apply unless otherwise provided for in this Directive. In the event of a conflict between a provision of Directive 2000/31/EC and a provision of this Directive, the provisions of this Directive shall prevail, unless otherwise provided for in this Directive.
<b>Article 4a - NEW</b>			
<b>Point 5(d)</b>		<b><u>AMD 55 (Art. 4(7))</u></b>	<b><u>EP amd accepted in principle</u></b>
7. <b>Member States shall encourage co-regulation and self-regulation through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those codes shall be such that they are broadly accepted by the main stakeholders in the Member States concerned and. The codes of conduct shall clearly and unambiguously set out their objectives. They shall provide for regular, transparent and independent monitoring and evaluation of the achievement of the</b>	1. Member States [...] are encouraged <b>to use</b> co-regulation <b>and to foster</b> self-regulation through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those codes shall [...]: a) <b>be</b> broadly accepted by the main stakeholders in the Member States concerned, b) [...] clearly and unambiguously set out their objectives, c) [...] provide for regular, transparent and independent monitoring	7. <b><i>The Commission and the</i></b> Member States shall encourage <b><i>and facilitate self-regulation and</i></b> co-regulation [...] through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those codes shall be [...] broadly accepted by [...] stakeholders <b><i>acting under the jurisdiction of [...]</i></b> the Member States concerned. The codes of conduct shall clearly and unambiguously set out their objectives. [...] <b><i>Regulatory authorities and/or bodies</i></b> shall provide for regular, transparent and independent monitoring and evaluation of	1. Member States <b>shall encourage the use</b> co-regulation and <b>the fostering of</b> self-regulation through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those codes shall [...]: a) <b>be such that they are</b> broadly accepted by the main stakeholders in the Member States concerned, b) [...] clearly and unambiguously set out their objectives, c) [...] provide for regular, transparent and independent monitoring and evaluation of

<p><b>objectives aimed at. They shall provide for effective enforcement, including when appropriate effective and proportionate sanctions.</b></p>	<p>and evaluation of the achievement of the objectives aimed at, <b>and d) [...]</b> provide for effective enforcement [...].</p>	<p>the achievement of the objectives aimed at <i><b>in those codes. [...]</b></i> <i><b>The codes of conduct</b></i> shall provide for effective <i><b>and transparent</b></i> enforcement <i><b>by the regulatory authorities and/or bodies</b></i>, including [...] effective and proportionate sanctions.</p> <p><i><b>The ERGA shall encourage media service providers to exchange best practices on co-regulatory systems across the Union.</b></i></p>	<p>the achievement of the objectives aimed at, <b>and d) [...]</b> provide for effective enforcement <b>including effective and proportionate sanctions.</b></p>
	<p><b>2. Member States and the Commission may foster self-regulation through Union codes of conduct drawn up by media service providers, video-sharing platform service providers or organisations representing them, in cooperation, as necessary, with other sectors such as industry, trade, professional and consumer associations or organisations. These codes shall be broadly accepted</b></p>		<p><u><b>EP and accepted in part</b></u></p> <p><b>2. Member States and the Commission may foster self-regulation through Union codes of conduct drawn up by media service providers, video-sharing platform service providers or organisations representing them, in cooperation, as necessary, with other sectors such as industry, trade, professional and consumer associations or organisations. These codes shall be such that they are broadly accepted by the main stakeholders at Union level</b></p>

<p>Draft Union codes of conduct referred to in Articles 6a (3), 9(2) and 9(4) and amendments or extensions to existing Union codes of conduct shall be submitted to</p>	<p>by the main stakeholders at Union level and shall comply with points (b) to (d) of paragraph 1. The Union codes of conduct shall be without prejudice to the national codes of conduct.</p> <p>The Commission shall make these codes publicly available and may give them appropriate publicity.</p> <p>The draft Union codes of conduct [...] and amendments thereof [...] shall be submitted to the Commission by the signatories of these codes. [...] The Commission shall</p>	<p><i>In cooperation with the Member States, the Commission shall facilitate the development of [...] Union codes of conduct, where appropriate, in accordance with the principles of subsidiarity and proportionality and in consultation with the contact committee, the ERGA and media service providers taking identified best practices into account. Draft Union codes of conduct and amendments or extensions to existing Union codes of conduct shall be submitted to the Commission by the signatories of these</i></p>	<p>and shall comply with points (b) to (d) of paragraph 1. The Union codes of conduct shall be without prejudice to the national codes of conduct.</p> <p>The Commission shall make these codes publicly available and may give them appropriate publicity.</p> <p>In cooperation with the Member States, the Commission shall facilitate the development of Union codes of conduct, where appropriate, in accordance with the principles of subsidiarity and proportionality.</p> <p>The draft Union codes of conduct [...] and amendments thereof [...] shall be submitted to the Commission by the signatories of these codes. [...] The Commission shall consult the Contact</p>
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the Commission by the signatories of these codes.	consult the Contact Committee on those draft codes or amendments thereof.	codes. <i>The Commission shall ensure appropriate publicity for those codes in order to promote the exchange of best practices.</i>	<b>Committee on those draft codes or amendments thereof.</b>
The Commission may ask ERGA to give an opinion on the drafts, amendments or extensions of those codes. The Commission may publish those codes as appropriate.	<i>deleted</i>	The [...] ERGA [...] shall regularly monitor, and provide the Commission and the contact committee with a regular, transparent and independent evaluation of, the achievement of the objectives aimed at in those Union codes of conduct. [...]	<u><b>EP and rejected</b></u>  <i>deleted</i>
		(7a) <i>If a national independent regulatory body and/or authority concludes that any code of conduct or parts thereof have proven not to be sufficiently effective, the Member State of the regulatory body and/or authority in question remains free to require media service providers under its jurisdiction to comply with more detailed or stricter rules in compliance with this Directive and Union law and with respect for the freedom of expression and information, and media pluralism. Such rules shall be reported to the Commission</i>	<u><b>EP and accepted in principle</b></u> 7a) Member States shall remain free to require media service providers under their jurisdiction to comply with more detailed or stricter rules in compliance with this Directive and Union law, including where their national independent regulatory body and/or authority concludes that any code of conduct or parts thereof have proven not to be sufficiently effective. Such rules shall be reported to the Commission without undue delay.

		<p><i>without undue delay.</i></p>	<p><i><u>Related new recital 43a was also agreed (based on current recital 44 of 2010/13 directive:</u></i></p> <p><b>Experience has shown that both co-regulatory and self-regulatory instruments, implemented in accordance with the different legal traditions of the Member States, can play an important role in delivering a high level of consumer protection. Measures aimed at achieving public interest objectives in the emerging audiovisual media services sector are more effective if they are taken with the active support of the service providers themselves. Self-regulation constitutes a type of voluntary initiative which enables economic operators, social partners, non-governmental organisations or associations to adopt common guidelines amongst themselves and for themselves. They are responsible for development, monitoring, compliance with and enforcement of those guidelines. Member States should, in accordance with their different legal traditions, recognise the role</b></p>
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			<p>which effective self-regulation can play as a complement to the legislative, judicial and administrative mechanisms in place and its useful contribution to the achievement of the objectives of this Directive. However, while self-regulation might be a complementary method of implementing certain provisions of this Directive, it should not constitute a substitute for the obligations of the national legislator. Co-regulation provides, in its minimal form, a legal link between self-regulation and the national legislator in accordance with the legal traditions of the Member States. In co-regulation, the regulatory role is shared between stakeholders and the government or the national regulatory authorities and/or bodies. The role of the relevant public authorities includes recognition of the co-regulatory scheme, audit of its processes, funding of the scheme. Co-regulation should allow for the possibility of State intervention in the event of its objectives not being met. Without</p>
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			<p>prejudice to formal obligations of the Member States regarding transposition, this Directive encourages the use of co-regulation and self-regulation. This should neither oblige Member States to set up co-regulation and/or self-regulatory regimes nor disrupt or jeopardise current co-regulation initiatives which are already in Member States and which are working effectively.</p>
<p align="center"><b>CHAPTER 3 - Point 6</b></p> <p align="center"><b>PROVISIONS APPLICABLE TO [...] AUDIOVISUAL MEDIA SERVICES</b></p>			
<p align="center">Article 5 – <b>AMD 56</b></p>			
Member States shall ensure that audiovisual media service providers under their jurisdiction shall make easily, directly and permanently accessible to the recipients of a service at least the following information:	<b>1a.</b> Member States shall ensure that audiovisual media service providers under their jurisdiction shall make easily, directly and permanently accessible to the recipients of a service at least the following information:	Member States shall ensure that [...] a media service <b>provider</b> under their jurisdiction shall make easily, directly and permanently accessible to the recipients of a service at least the following information:	<p><b><u>EP and accepted in full</u></b></p> <p><b>1a.</b> A Member State [...] shall ensure that [...] a media service <b>provider</b> under its [...] jurisdiction shall make easily, directly and permanently accessible to the recipients of a service at least the following information:</p>
(a) the name of the media service provider;	[No change]	(a) <b>its</b> [...] name [...];	a) <b>its</b> [...] name [...];
(b) the geographical address at which the media service provider is established;	[No change]	(b) the geographical address at which [...] <b>it</b> is established;	b) the geographical address at which [...] <b>it</b> is established;


(c) the details of the media service provider, including its electronic mail address or website, which allow it to be contacted rapidly in a direct and effective manner;	[No change]	(c) the details [...], including its [...] <b>email</b> address or website, which allow it to be contacted rapidly in a direct and effective manner;	c) the details [...], including its [...] <b>email</b> address or website, which allow it to be contacted rapidly in a direct and effective manner;
<b>Point 7</b> (d) the Member State having jurisdiction over the media service providers and the competent regulatory authorities or supervisory bodies.	[No change]	(d) the Member State having jurisdiction over [...] <b>it</b> and the competent regulatory authorities <b>and/or bodies</b> or supervisory bodies.	(d) the Member State having jurisdiction over [...] <b>it</b> and the competent regulatory authorities <b>and/or bodies</b> or supervisory bodies.
	<b>1b. Member States may adopt legislative measures providing that, in addition to the information listed in paragraph 1, audiovisual media service providers under their jurisdiction make accessible information concerning their ownership structure, including the beneficial owners, as well as information related to politically exposed persons who own media service providers, provided that such measures respect the essence of the</b>		<b>1b. Member States may adopt legislative measures providing that, in addition to the information listed in paragraph 1, [...] media service providers under their jurisdiction make accessible information concerning their ownership structure, including the beneficial owners [...]. Such measures shall respect [...] fundamental rights [...] concerned, such as private and family life of beneficial owners. They [...] shall be necessary and proportionate [...] and shall aim to pursue</b>

	<p><b>fundamental rights and freedoms concerned and are necessary and proportionate in a democratic society to safeguard an objective of general interest.</b></p>		<p>[...] an objective of general interest.</p>
Article 6 - <i>Point 8 – AMD 57</i>			
<p><b>Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to violence or hatred based directed against a group of persons or a member of such a group defined by reference to sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.</b></p>	<p>Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any:</p> <p>aa) incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, racial or ethnic origin, <b>nationality</b>, religion or belief, disability, age or sexual orientation;</p> <p>ab) [...] <b>public provocation to commit a terrorist offence as set out in Article 5 of Directive 2017/XXX/EU on combating terrorism.</b></p>	<p>Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any <i>of the following</i>:</p> <p>(a)<i>incitement to undermine human dignity;</i></p> <p>(b)incitement to violence or hatred directed against <i>a person or</i> a group of persons defined by reference to <i>nationality</i>, sex, <i>race, colour, ethnic or social</i> origin, <i>genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health;</i></p> <p>(c)<i>incitement to terrorism.</i></p>	<p><b><u>COMPROMISE AGREED</u></b></p> <p><b><u>1. Without prejudice to the obligation of Member States to respect and protect human dignity,</u></b> Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any:</p> <p><b><u>EP and accepted in principle</u></b></p> <p>aa) incitement to violence or hatred directed against a group of persons or a member of [...] a group based on any of the grounds referred to [...] in Article 21 of the Charter of the Fundamental Rights of the European Union;</p> <p>ab) public provocation to commit a terrorist offence as set out in Article 5 of</p>

			<p><b>Directive 2017/541/EU on combating terrorism.</b></p> <p><b>2. The measures taken for the purposes of this article shall be necessary and proportionate and shall respect the rights and observe principles set out in the Charter.</b></p>
Article 6a - <i>Point 9 – AMD 58</i>			
<p><u><b>Text proposed in Article 12</b></u></p> <p><b>Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.</b></p>	<p><u><b>Articles 6a and 12 merged under Article 12</b></u></p> <p>1. Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.</p>	<p><u><b>Articles 6a and 12 merged under Article 6a</b></u></p> <p>1. Member States shall take appropriate, <b>proportionate and efficient measures</b> to ensure that [...] <b>audiovisual media services</b> provided by [...] media service providers under their jurisdiction, which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme, <b>shall not lead to</b></p>	<p><u><b>EP amd on data protection accepted in principle in the new paragraph 1-a</b></u></p> <p>1. Member States shall take appropriate measures to ensure that [...] <b>audiovisual media services</b> provided by [...] media service providers under their jurisdiction, which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.</p>

		<i>any additional processing of personal data and shall be without prejudice to Article 8 of Regulation (EU) 2016/679 of the European Parliament and the Council<sup>20</sup>.</i>	
<b>The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures, such as encryption and effective parental controls.</b>	The most harmful content, such as gratuitous violence and pornography, shall be subject to [...] <b>strict access control</b> measures, such as encryption and effective parental controls, <b>without prejudice to Member States adopting stricter measures.</b>	The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures [...].	<b><u>EP and accepted</u></b> The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures [...].  <i>Related Council recital 9-a also agreed.</i>
	<b>The Commission may encourage media service providers to exchange best practices on co-regulatory codes of conduct. Where appropriate, Member States and the Commission may foster self-regulation through Union codes of conduct referred to in Article 4a(2).</b>		<b><u>Council text to be moved to Article 4a</u></b>
			<b>1-a. Personal data collected or otherwise generated by media service providers pursuant to</b>


<sup>20</sup> *Regulation EU 2016/679 of the European Parliament and the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).*

			<p>paragraph 1 shall not be processed for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising.</p> <p><i>A new related recital was also agreed:</i></p> <p><b>Regulation (EU) 2016/679</b> recognises that children deserve specific protection with regard to the processing of their personal data. The establishment of child protection mechanisms by media service providers inevitably leads to the processing of personal data of minors. Given that such mechanisms aim at protecting children, personal data of minors processed in the framework of technical child protection measures pursuant to Article 6a should not be used for commercial purposes.</p> <p><i>'Regulation EU 2016/679 of the European Parliament and the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and</i></p>
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			<i>repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</i>
<b>1. Member States shall ensure that audiovisual media service providers provide sufficient information to viewers about content which may impair the physical, mental or moral development of minors. For this purpose, Member States may use a system of descriptors indicating the nature of the content of an audiovisual media service.</b>	<b>1a.</b> Member States shall ensure that [...] media service providers provide sufficient information to viewers about content which may impair the physical, mental or moral development of minors. For this purpose, [...] <b>media service providers shall</b> use a system [...] <b>describing the potentially harmful</b> nature of the content of an audiovisual media service.	<b>2.</b> Member States shall ensure that [...] media service providers provide sufficient information to viewers about content which may impair the physical mental or moral development of minors. For this purpose, Member States may use a system of descriptors indicating the nature of the content of an audiovisual media service.	<b><u>EP and accepted</u></b> <b>1a.</b> Member States shall ensure that [...] media service providers provide sufficient information to viewers about content which may impair the physical, mental or moral development of minors. For this purpose, [...] <b>media service providers shall</b> use a system [...] <b>describing the potentially harmful</b> nature of the content of an audiovisual media service.  <i>Related Council recital 9 is agreed to be kept.</i>
		<b>2a.</b> Member States shall ensure that the measures taken to protect minors from audiovisual media services provided by media service providers under their jurisdiction, which may impair their physical, mental or moral development, are necessary and proportionate and fully respect the rights, freedoms and principles set out in the Charter, in particular those set out in	<b><u>EP text to be reworded and moved to a recital.</u></b>

		<b>Title III and Article 52 thereof.</b>	
<b>2. For the implementation of this Article, Member States shall encourage co-regulation.</b>	For the implementation of this [...] <b>paragraph</b> , Member States [...] <b>are encouraged to use</b> co-regulation <b>as provided for in Article 4a(1).</b>	<b>4.</b> For the implementation of this Article, Member States shall encourage <i>self-regulation and</i> co-regulation.	<b><u>EP amd rejected</u></b> For the implementation of this [...] <b>paragraph</b> , Member States [...] <b>shall encourage the use of co-regulation as provided for in Article 4a(1).</b>
<b>3. The Commission and ERGA shall encourage media service providers to exchange best practices on co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.</b>	The Commission [...] shall encourage media service providers to exchange best practices on co-regulatory [...] <b>codes of conduct.</b> [...]	<b>5.</b> The Commission and the ERGA shall encourage media service providers to exchange best practices on <i>self-regulation and</i> co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.	<b><u>To be dealt with in Article 4a</u></b>
	<b>1b. In addition to the measures referred to in paragraphs 1 and 1a, Member States shall encourage policies and schemes to develop media literacy skills.</b>		<b><u>A new Article 33a on media literacy</u></b>  <b>1. Member States shall promote and take measures for the development of media literacy skills.</b>  <b>2. Member States shall report to the Commission by ... [Official Journal: please insert date, (4) years after the date of entry into force] and every 3 years thereafter,</b>



			<p><b>on the implementation of paragraph 1.</b></p> <p><b>3. The Commission shall, after consulting the Contact Committee, issue guidelines regarding the scope of such reports.</b></p> <p><i>Related recital to be added:</i>  <b>In order to enable citizens to access information and to use, critically assess and create media content responsibly and safely, citizens need to possess advanced media literacy skills. It is therefore necessary that the development of media literacy in all sections of society, for citizens of all ages, and for all media, is promoted also in cooperation with audiovisual media service providers, video-sharing platform providers and all other relevant and that its progress is followed closely.</b></p> <p><i>N.B. Consequently:</i>  - Council text in this paragraph 1b as well as in Article 28(6a)) is dropped,</p>
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			- media literacy part of EP Amd 82 is dropped, - media literacy is added to Article 30a on ERGA (Art. 30a(3)(c))
	<b>Member States and the Commission may foster self-regulation through Union codes of conduct referred to in Article 4a(2).</b>		<u><b>To be dealt with in Article 4a</b></u>
Article 7 – <b>Point 10 – <u>AMD 59</u></b>			
<b>Article 7 deleted</b>	<b>1. Member States shall ensure that media service providers under their jurisdiction develop appropriate and proportionate measures to enable their services to be made progressively accessible to people with a visual or hearing disability.</b>	<b>1. Member States shall, without undue delay, develop measures to ensure that services provided by media service providers under their jurisdiction are made continuously and progressively more accessible to persons with disabilities. Those measures shall be developed in consultation with relevant stakeholders, including media service providers and organisations of persons with disabilities.</b>	<u><b>EP amd accepted in part</b></u>  <b>1. Member States shall ensure, without undue delay, that services provided by media service providers under their jurisdiction are made continuously and progressively more accessible to people with disabilities through proportionate measures.</b>
	<b>2. Member States shall ensure that media service</b>	<b>2. The measures referred to in paragraph 1 shall include a</b>	<u><b>EP amd accepted in principle</b></u>  <b>2. Member States shall ensure that media service providers</b>


	providers report, on a regular basis, to the national regulatory authorities or bodies on the implementation of the measures referred to in paragraph 1.	<i>requirement that media service providers report on an annual basis to Member States about the steps taken and progress made in respect of progressively making their services more accessible to persons with disabilities. Member States shall report to the Commission on the steps taken by media service providers under their jurisdiction.</i>	report on [...] a regular basis to the national regulatory authorities and/or bodies on the implementation of the measures referred to in paragraph 1. Member States shall report to the Commission by ... [Official Journal: please insert date, (4) years after the date of entry into force] and every 3 years thereafter, on the implementation of paragraph 1.
		3. <i>The measures referred to in paragraph 1 shall encourage media service providers to develop, in cooperation with the representatives of organisations of persons with disabilities and regulatory bodies, accessibility action plans in respect of continuously and progressively making their services more accessible to persons with disabilities. Such action plans shall be developed without undue delay and communicated to national regulatory authorities and/or</i>	<u>EP and accepted in part</u>  3. Member States shall encourage media service providers to develop accessibility action plans in respect of continuously and progressively making their services more accessible to persons with disabilities. Any such action plan shall be communicated to national regulatory authorities and/or bodies.

		<i>bodies.</i>	
		4. <i>The measures developed pursuant to paragraph 1 shall be notified to the Commission, the contact committee and the ERGA without undue delay. The Commission and the ERGA shall facilitate the exchange of best practices between media service providers.</i>	<u><b>EP amd rejected</b></u>
		(EP amd 80 on Art. 30(4a))  4a. <i>Member States shall ensure that national regulatory authorities and/or bodies designate a single and publicly available point of contact for information and complaints about the accessibility issues referred to in Article 7.</i>	<u><b>EP amd 80 accepted in part and in principle</b></u>  4a. <b>Member States shall designate a single, easily accessible, including by persons with disabilities, and publicly available online point of contact for providing information and receiving complaints regarding any accessibility issues referred to in this Article.</b>
	3. <b>Member States shall ensure that emergency information, including public communications and announcements in</b>	5. <i>Member States shall ensure that emergency information, including public communications and announcements in natural</i>	<u><b>EP amd accepted in part</b></u>  5. <b>Member States shall ensure that emergency information, including public communications and announcements in natural</b>

	natural disaster situations, which is made public through audiovisual media services, is provided in a manner which is accessible to people with a visual or hearing disability.	<i>disaster situations, which is made available to the public through audiovisual media services, is provided in a manner which is accessible to persons with disabilities, including subtitles for the deaf and hard of hearing, audio messages and audio descriptions for any visual information and, where practicable, sign language interpretation.</i>	disaster situations, which is made available to the public through audiovisual media services, is provided in a manner which is accessible to persons with disabilities.
		6. <i>Member States shall ensure that media service providers aim, through their content acquisition, programming and editorial policies, to deliver access services as part of content producers' packages.</i>	<u>EP and rejected</u>
		7. <i>Member States shall encourage media service providers to enable consumers to find and watch accessible content, and to make their websites, media-players, online applications and mobile-based services, including mobile apps, used for the provision of the service, more accessible in a consistent and adequate way so that users can perceive,</i>	<u>EP and rejected</u>

		<p><i>operate and understand them, and in a robust way that facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level.</i></p>	
		<p><b><u>AMD 60</u></b></p> <p><i>Article 7a</i></p> <p>Member States remain free to impose obligations to ensure the appropriate prominence of audiovisual media services of general interest.</p> <p>The imposition of such obligations shall be proportionate and meet objectives of general interest, such as media pluralism, freedom of speech, cultural diversity and gender equality, which shall be clearly defined by Member States in accordance with Union law.</p>	<p><b><u>EP md accepted in part and in principle</u></b></p> <p>Member States may take measures to ensure the appropriate prominence of audiovisual media services of general interest.</p>
		<p><b><u>AMD 61</u></b></p> <p><i>Article 7b</i></p> <p><i>Member States shall ensure that</i></p>	<p><b><u>MAIN ISSUE: COMPROMISE AGREED</u></b></p> <p><i>Article 7b</i></p>

		<p><i>the programmes and services of media service providers are not modified or overlayed without their explicit consent with the exception of services initiated by the recipient of a service for private use.</i></p>	<p>Member States shall take <b>appropriate and proportionate</b> measures to ensure that audiovisual media services provided by media service providers [...] are not overlaid <b>for commercial purposes</b> or modified without the explicit consent of those providers.</p> <p><b>In this context Member States shall specify the regulatory details including exceptions notably in relation to safeguarding the legitimate interests of users whilst taking into account the legitimate interests of the media service providers that originally provided the audiovisual media services.</b></p> <p><i>Related recital 15a (AMD 21) would be modified as follows:</i></p> <p>In order to protect the editorial responsibility of the media service providers and the audiovisual value chain, it is essential <b>to be able to guarantee</b> the integrity of the programmes and audiovisual media services supplied by media service providers [...]. Programmes and audiovisual media services should be transmitted without being shortened, altered or interrupted, <b>or overlaid for commercial</b></p>
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		 <p><b>purposes, [...] without the explicit consent of such media service providers.</b></p> <p>Member States <b>should</b> ensure that <b>overlays</b> solely initiated or authorised by the recipient of the service for private use, such as <b>overlays resulting from</b> services for individual communications, do not require the consent of the media service provider.</p> <p>Control elements of any user interfaces necessary for the device operation or programme navigation, <b>such as volume bars, search functions, navigation menus or lists of channels</b>, should not be covered by the provision. <b>Neither should be covered legitimate overlays such as warning information, public interest information, subtitles or commercial communications overlays provided by the media service provider. Without prejudice to Article 3(3) of Regulation 2015/2120/EU and the relevant recital, data compression techniques which reduce the size of a data file and other techniques to adapt a service to the distribution means (such as</b></p>
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			<p><b><u>resolution and coding), without any modification of the content, should not be covered either.</u></b></p> <p><b>Measures to protect the integrity of programmes and audiovisual media services should <u>only</u> be imposed where they are necessary to meet general interest objectives clearly defined by Member States in conformity with Union law. Such measures should <u>only</u> impose proportionate obligations on undertakings in the interest of legitimate public policy considerations.</b></p>
Article 8			
Member States shall ensure that media service providers under their jurisdiction do not transmit cinematographic works outside periods agreed with the rights holders.	[No change]	<p><b><u>AMD 62</u></b></p> <p>Member States shall ensure that media service providers <b><i>and video-sharing platform providers</i></b> under their jurisdiction do not transmit cinematographic works outside periods agreed with the rights holders.</p>	
Article 9 – <b><u>AMD 63</u></b>			
1. Member States shall ensure that audiovisual commercial communications provided by media service providers under their jurisdiction comply with the following requirements:	[No change]	1. Member States shall ensure that audiovisual commercial communications provided by media service providers under their jurisdiction comply with	1. Member States shall ensure that audiovisual commercial communications provided by media service providers under their jurisdiction comply with the following requirements:

		the following requirements:	
(a) audiovisual commercial communications shall be readily recognisable as such. Surreptitious audiovisual commercial communication shall be prohibited;	[No change]	(a) audiovisual commercial communications shall be readily recognisable as such <b><i>and distinguishable from editorial content;</i></b> surreptitious audiovisual commercial communication shall be prohibited;	<b><i>EP and rejected</i></b> (a) audiovisual commercial communications shall be readily recognisable as such. Surreptitious audiovisual commercial communication shall be prohibited;
(b) audiovisual commercial communications shall not use subliminal techniques;	[No change]	[No change]	(b) audiovisual commercial communications shall not use subliminal techniques;
(c) audiovisual commercial communications shall not:	[No change]	[No change]	(c) audiovisual commercial communications shall not:
(i) prejudice respect for human dignity;	[No change]	[No change]	(i) prejudice respect for human dignity;
(ii) include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;	[No change]	[No change]	(ii) include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;
(iii) encourage behaviour prejudicial to health or safety;	[No change]	[No change]	(iii) encourage behaviour prejudicial to health or safety;
(iv) encourage behaviour grossly prejudicial to the protection of the environment;	[No change]	(iv) encourage behaviour [...] prejudicial to the protection of the environment;	<b><i>EP and rejected</i></b> (iv) encourage behaviour grossly prejudicial to the protection of the environment;

(d) all forms of audiovisual commercial communications for cigarettes and other tobacco products shall be prohibited;	(d) all forms of audiovisual commercial communications for cigarettes <b>and other tobacco products, as well as for electronic cigarettes and refill containers [...]</b> shall be prohibited;	(d) all forms of audiovisual commercial communications for cigarettes, <i>electronic cigarettes and</i> other tobacco products shall be prohibited;	<b><u>EP and accepted</u></b> (d) all forms of audiovisual commercial communications for cigarettes <b>and other tobacco products, as well as for electronic cigarettes and refill containers [...]</b> shall be prohibited;
(e) audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages;	[No change]	(e) audiovisual commercial communications for alcoholic beverages shall not be aimed <i>[...]</i> at minors and shall not encourage immoderate consumption of such beverages;	<b><u>EP and rejected</u></b> (e) audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages;
(f) audiovisual commercial communication for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the media service provider falls shall be prohibited;	[No change]	[No change]	(f) audiovisual commercial communication for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the media service provider falls shall be prohibited;
(g) audiovisual commercial communications shall not cause physical or moral detriment to minors. Therefore they shall not directly exhort minors to buy or hire a product or	[No change]	(g) audiovisual commercial communications shall not cause physical <i>[...]</i> detriment to minors. Therefore they shall not directly exhort minors to buy or hire a product or service by	<b><u>COMPROMISE AGREED</u></b> (g) audiovisual commercial communications shall not cause physical, <b>mental</b> or moral detriment to minors. Therefore, they shall not directly exhort minors to buy or hire a product

service by exploiting their inexperience or credulity, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, or unreasonably show minors in dangerous situations.		exploiting their inexperience or credulity [...], or unreasonably show minors in dangerous situations.	or service by exploiting their inexperience or credulity, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, or unreasonably show minors in dangerous situations.
			<b>1a. Audiovisual commercial communications for alcoholic beverages in on-demand audiovisual media services, with the exception of sponsorship and product placement, shall comply with the criteria in Article 22.</b>  <i>(text moved from Article 22(1b))</i>
<b>Point 11(a)</b> <b>2. Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in programmes with a</b>	<b>2. Member States [...] are encouraged [...] to use co-regulation and to foster self-regulation through codes of conduct as provided for in Article 4a(1) regarding inappropriate audiovisual commercial communications, accompanying or included in</b>	<b>3.</b> Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in <i>children's</i> programmes [...], of	<u>Order of paragraphs 2 and 3 to be reversed</u>  <b>COMPROMISE AGREED</b> <b>2. Member States shall encourage the use of co-regulation and the fostering of self-regulation through codes of conduct as provided for in Article 4a(1) regarding inappropriate</b>

<p><b>significant children's audience, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.</b></p>	<p><b>children's</b> programmes [...], of foods and beverages containing nutrients, and substances with a nutritional or physiological effect, <b>in particular fat, saturated fats, trans-fatty acids, salt or sodium and sugars, of which excessive intakes [...]</b> in the overall diet are not recommended [...].</p>	<p>foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars.</p>	<p>audiovisual commercial communications, accompanying or included in <b>children's</b> programmes [...], of foods and beverages containing nutrients, and substances with a nutritional or physiological effect, <b>in particular fat, [...]</b> trans-fatty acids, salt or sodium and sugars, of which excessive intakes [...] in the overall diet are not recommended [...].</p> <p><i>N.B. Reference to "saturated fats" to be kept in related recital 10.</i></p>
<p><b>Those codes should be used to effectively reduce the exposure of minors to audiovisual commercial communications of foods and beverages that are high in salt, sugars or fat or that otherwise do not fit national or international nutritional guidelines. Those codes should provide that the audiovisual commercial communications are not to emphasise the positive quality of the nutritional aspects of such foods and beverages.</b></p>	<p>Those codes [...] <b>shall aim</b> to effectively [...] <b>limit</b> the exposure of minors to audiovisual commercial communications of foods and beverages that are high in salt, sugars or fat or that otherwise do not fit national or international nutritional guidelines. Those codes [...] <b>shall also ensure</b> that audiovisual commercial communications [...] <b>do not</b> [...] emphasise the positive quality of the nutritional aspects of such foods and beverages.</p>	<p>Those codes [...] <i>shall aim</i> to effectively reduce the exposure of [...] <b>children to audiovisual commercial communications</b> [...] for such foods and beverages. [...] <i>They shall aim to</i> provide that [...] <i>such</i> audiovisual commercial communications [...] <i>do not</i> emphasise the positive quality of the nutritional aspects of such foods and beverages.</p>	<p><b>COMPROMISE AGREED</b></p> <p>Those codes [...] <b>shall aim</b> to effectively <b>reduce</b> the exposure of [...] <b>children</b> to audiovisual commercial communications <b>for</b> [...] <b>such</b> foods and beverages. [...] <b>They shall aim to</b> provide that [...] <b>such</b> audiovisual commercial communications [...] <b>do not</b> emphasise the positive quality of the nutritional aspects of such foods and beverages.</p> <p><i>N.B. Reference to national and international guidelines is to be</i></p>

			<i>kept in related recital 10.</i>
The Commission and ERGA shall encourage the exchange of best practices on self and co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.	<i>deleted</i>	<i>deleted</i>	<b><u>EP amd accepted in full</u></b>  <i>deleted</i>
<b>Point 11(b)</b> 3. Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes should be used to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic beverages.	3. [...] Member States [...] are encouraged [...] <b>to use co-regulation and to foster self-regulation through codes of conduct as provided for in Article 4a(1)</b> regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes [...] <b>shall aim</b> to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic beverages.	<b>2.</b> Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes [...] <b>shall aim to</b> effectively [...] reduce the exposure of minors to <i>inappropriate</i> audiovisual commercial communications for alcoholic beverages.	<b><u>EP amd accepted in part</u></b> <b>2.</b> [...] Member States shall <b>encourage the use of co-regulation and the fostering of self-regulation through codes of conduct as provided for in Article 4a(1)</b> regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes [...] <b>shall aim to</b> effectively [...] <b>reduce</b> the exposure of minors to audiovisual commercial communications for alcoholic beverages.
4. The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. If considered appropriate, the Commission	4. The Commission [...] shall encourage the exchange of best practices on self- and co-regulatory [...] <b>codes of conduct referred to in paragraphs 2 and 3.</b> [...]	4. The Commission and <i>the</i> ERGA shall [...] <b>ensure</b> the exchange of best practices on self- and co-regulatory systems across the Union. [...]	<b><u>EP amd rejected</u></b> <i>deleted</i>

shall facilitate the development of Union codes of conduct.			
	<b>4a. Member States and the Commission may foster self-regulation through Union codes of conduct referred to in Article 4a(2).</b>	<i>Where necessary, the Commission and the ERGA shall facilitate, in cooperation with the Member States, the development, promotion and adoption of Union codes of conduct.</i>	<b><u>EP and rejected</u></b> <b>4a. Member States and the Commission may foster self-regulation through Union codes of conduct referred to in Article 4a(2).</b>
Article 10 – <b><u>AMD 64</u></b>			
1. Audiovisual media services or programmes that are sponsored shall meet the following requirements:	[No change]	[No change]	1. Audiovisual media services or programmes that are sponsored shall meet the following requirements:
(a) their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;	[No change]	[No change]	(a) their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;
<b>Point 12</b> <b>(b) they shall not directly encourage the purchase or rental of goods or services;</b>	<b>(b) they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;</b>	[No change]	<b>(b) they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;</b>

(c) viewers shall be clearly informed of the existence of a sponsorship agreement. Sponsored programmes shall be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in an appropriate way for programmes at the beginning, during and/or at the end of the programmes.	[No change]	(c)viewers shall be clearly informed of the existence of a sponsorship agreement; <b>sponsored</b> programmes shall be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in an appropriate way for programmes at the beginning, during and/or at the end of the programmes.	<b><u>EP and accepted in full</u></b> (c)viewers shall be clearly informed of the existence of a sponsorship agreement; <b>sponsored</b> programmes shall be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in an appropriate way for programmes at the beginning, during and/or at the end of the programmes.
2. Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.	2. Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes <b>and other tobacco products, as well as electronic cigarettes and refill containers [...].</b>	2. Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes, <b>electronic cigarettes</b> and other tobacco products.	<b><u>EP and accepted</u></b> 2. Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes <b>and other tobacco products, as well as electronic cigarettes and refill containers [...].</b>
3. The sponsorship of audiovisual media services or programmes by undertakings whose activities include the manufacture or sale of medicinal products and	[No change]	[No change]	3. The sponsorship of audiovisual media services or programmes by undertakings whose activities include the manufacture or sale of medicinal products and medical



medical treatment may promote the name or the image of the undertaking, but shall not promote specific medicinal products or medical treatments available only on prescription in the Member State within whose jurisdiction the media service provider falls.			treatment may promote the name or the image of the undertaking, but shall not promote specific medicinal products or medical treatments available only on prescription in the Member State within whose jurisdiction the media service provider falls.
4. News and current affairs programmes shall not be sponsored. Member States may choose to prohibit the showing of a sponsorship logo during children's programmes, documentaries and religious programmes.	[No change]	4. News and current affairs programmes shall not be sponsored. Member States may [...] prohibit [...] <i>the sponsorship of children's programmes or content aimed primarily at children.</i>	<b><u>COMPROMISE AGREED</u></b> 4. News and current affairs programmes shall not be sponsored. <b><u>Member States may prohibit the sponsorship of children's programmes.</u></b> Member States may choose to prohibit the showing of a sponsorship logo during children's programmes, documentaries and religious programmes.
<b>Article 11 - Point 13 – AMD 65</b>			
1. Paragraphs 2, 3 and 4 shall apply only to programmes produced after 19 December 2009.	[No change]	1. [...] <i>This Article</i> shall apply only to programmes produced after 19 December 2009.	<b><u>EP and accepted in full</u></b> 1. [...] <b>This Article</b> shall apply only to programmes produced after 19 December 2009.
2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes,	2. Product placement shall be [...] <b>allowed</b> in all audiovisual media services, except in news and current affairs programmes, consumer affairs	2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious	<b><u>EP and accepted</u></b> 2. Product placement shall be [...] <b>allowed</b> in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes,


religious programmes and programmes with a significant children's audience.	programmes, religious programmes and <b>children's</b> programmes [...].	programmes and <i>children's</i> programmes [...] or content aimed primarily at children.	religious programmes and <b>children's</b> programmes [...].
3. Programmes that contain product placement shall meet the following requirements:	[No change]	[No change]	3. Programmes that contain product placement shall meet the following requirements:
(a) their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;	(a) their content and <b>organisation in a schedule</b> , in the case of television broadcasting, [...] or in a <b>catalogue in the case of on-demand audiovisual media service</b> , shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;	[No change]	(a) their content and <b>organisation in a schedule</b> , in the case of television broadcasting, [...] or in a <b>catalogue in the case of on-demand audiovisual media service</b> , shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;
(b) they shall not directly encourage the purchase or rental of goods or services;	(b) they shall not directly encourage the purchase or rental of goods or services, in particular by making <b>special promotional references to those goods or services</b> ;	[No change]	(b) they shall not directly encourage the purchase or rental of goods or services, in particular by making <b>special promotional references to those goods or services</b> ;
	(ba) they shall not give undue prominence to the product in question;	(ba) they shall not give undue prominence to the product in question;	<u>EP and accepted in full</u> (ba) they shall not give undue prominence to the product in question;
(c) viewers shall be clearly informed of the existence	(c) viewers shall be clearly informed of the existence of	(c) viewers shall be clearly informed of the existence of	<u>EP and rejected</u>

of product placement. Programmes containing product placement shall be appropriately identified at the start and the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer;	product placement [...] by an <b>appropriate identification</b> at the start and the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer.	product placement. Programmes containing product placement shall be appropriately identified at the start and the end of the programme [...].	(c) viewers shall be clearly informed of the existence of product placement [...] by an <b>appropriate identification</b> at the start and the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer.
By way of exception, Member States may choose to waive the requirements set out in point (c) provided that the programme concerned has neither been produced nor commissioned by the media service provider itself or a company affiliated to the media service provider.	[...] Member States may [...] waive the requirements set out in point (c) [...] <b>except for programmes produced or commissioned by the media service provider [...] or by a company affiliated to [...] that</b> media service provider.	[No change]	[...] Member States may [...] waive the requirements set out in point (c) [...] <b>except for programmes produced or commissioned by the media service provider [...] or by a company affiliated to [...] that</b> media service provider.
4. In any event programmes shall not contain product placement of:	[No change]	[No change]	4. In any event programmes shall not contain product placement of:
(a) tobacco products or cigarettes or product placement from undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products;	(a) <b>cigarettes and other tobacco products, as well as electronic cigarettes and refill containers [...]</b> or product placement from undertakings whose principal activity is the	(a) tobacco products, cigarettes <b>or electronic cigarettes</b> or product placement from undertakings whose principal activity is the manufacture or sale of cigarettes, <b>electronic cigarettes or</b> other tobacco	<b><u>EP and accepted</u></b> (a) <b>cigarettes and other tobacco products, as well as electronic cigarettes and refill containers [...]</b> or product placement from undertakings whose principal activity is the manufacture or sale of [...] <b>those</b> products;

	manufacture or sale of [...] those products;	products;	
(b) specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls.	[No change]	[No change]	(b) specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls.
Article 12 - <i>Point 14 [article moved to Chapter III.]</i>			
For the sake of comparison, text from this Article was moved to Article 6a. This in no way prejudices a final decision on where the text will be placed.		<u>AMD 66</u> <i>Deleted [text moved to Article 6a]</i>	Text moved to Article 6a
<b><u>CHAPTER IV.</u></b> <b><u>PROVISIONS APPLICABLE ONLY TO ON-DEMAND AUDIOVISUAL MEDIA SERVICES</u></b>			
Article 13 - <i>Point 15</i>			
1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a 20% share of European works in their catalogue and ensure prominence of these works.	1. Member States shall ensure that media service providers of on-demand audiovisual media services under their jurisdiction secure at least a [...] 30% share of European works in their catalogues and ensure prominence of these works.	<u>AMD 67</u> 1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a [...] 30% share of European works in their catalogue and ensure prominence of these works. <i>That share shall include works in the official languages of the territory in which they are distributed.</i>	<u>EP amd accepted in part</u> 1. Member States shall ensure that media service providers of on-demand audiovisual media services under their jurisdiction secure at least a [...] 30% share of European works in their catalogues and ensure prominence of these works.

<p>2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.</p>	<p>2. Where Member States [...] require <b>media service</b> providers [...] under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contribution to national funds, [...] <b>they</b> may <b>also</b> require media service providers [...] targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes <b>such</b> a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.</p>	<p><u>AMD 68</u></p> <p>2. Member States may require providers of on-demand audiovisual media services established under their jurisdiction to contribute financially to the production of European works, <i>taking into account the cultural and linguistic diversity of the territorial area in which they are located or provide their service</i>, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but not established [...] <i>therein</i>, to make such financial contributions. In this case, the financial contribution shall be based only on the <i>on-demand</i> revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall</p>	<p><b>MAIN ISSUE: COMPROMISE AGREED</b></p> <p>2. Where Member States [...] require <b>media service</b> providers [...] under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contribution to national funds, [...] <b>they</b> may <b>also</b> require media service providers [...] targeting audiences in their territories, but established in other Member States to make such financial contributions <b>which shall be proportionate and non-discriminatory</b>.</p> <p>2a. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes such a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.</p>
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		<p>comply with Union law, in particular with State aid rules.</p>	<p><b><i>Recital 22 would be modified as follows:</i></b></p> <p>(22) In order to ensure adequate levels of investment on European works, Member States should be able to impose financial obligations to [...] <b>media</b> service providers established on their territory. Those obligations can take the form of direct contributions to the production of and acquisition of rights in European works. The Member States could also impose levies payable to a fund, on the basis of the revenues made with [...] <b>audiovisual media</b> services that are provided in and targeted towards their territory. This Directive clarifies that, given the direct link between financial obligations and Member States' different cultural policies, a Member State [...] <b>is</b> also allowed to impose such financial obligations on media service providers [...] established in another Member State which are targeted towards its territory. In this case financial obligations should only be charged on the revenues generated through the audience in [...] <b>the targeted</b> Member State.</p>
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			<p>Media service providers that are required to contribute to film funding schemes in a targeted Member State should be able to benefit in a non-discriminatory way, even in the absence of an establishment in that Member States, from the aid available under respective film funding schemes to media service providers.</p> <p>Broadcasters are nowadays investing more in European audiovisual works than on-demand service providers.</p> <p><u>Therefore, if a targeted Member State chooses to impose a financial obligation on a broadcaster that is under the jurisdiction of another Member State, the direct contributions to the production and acquisition of rights in European works, in particular co-productions, made by that broadcaster, should be taken into account, with due consideration of the principle of proportionality.</u> This is without prejudice to the Member States' competence to establish, in accordance with their cultural policy and subject to</p>
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			<b>compatibility with state aid rules, the level of financial contributions payable by media service providers under their jurisdiction.</b>  N.B. - a general reference to cultural and linguistic diversity will be made in a recital
<b>3. Member States shall report to the Commission by [date – no later than three years after adoption] at the latest and every two years thereafter on the implementation of paragraphs 1 and 2.</b>	[No change]	[No change]	3. Member States shall report to the Commission by <i>[date – no later than three years after adoption]</i> at the latest and every two years thereafter on the implementation of paragraphs 1 and 2.
<b>4. The Commission shall, on the basis of the information provided by Member States and of an independent study, report to the European Parliament and to the Council on the application of paragraphs 1 and 2, taking into account the market and technological developments and the objective of cultural diversity.</b>	[No change]	[No change]	4. The Commission shall, on the basis of the information provided by Member States and of an independent study, report to the European Parliament and to the Council on the application of paragraphs 1 and 2, taking into account the market and technological developments and the objective of cultural diversity.
		<u>AMD 69</u>	<b>COMPROMISE AGREED</b>



5. Member States shall waive the requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience or if they are small and micro enterprises. Member States may also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the on-demand audiovisual media services.	5. The obligation imposed pursuant to paragraph 1 and the requirement on media service providers targeting audiences in other Member States set out in paragraph 2 shall not apply to media service [...] providers with a low turnover or a low audience [...]. Member States may also waive such obligations or requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the [...] audiovisual media services.	5. Member States shall waive the requirements laid down in paragraphs 1 and 2 for providers with a low turnover or low audience or if they are small and micro enterprises <i>or independent producers</i> . Member States [...] shall also waive such requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the on-demand audiovisual media services.	5. The obligation imposed pursuant to paragraph 1 and the requirement on media service providers targeting audiences in other Member States set out in paragraph 2 shall not apply to media service [...] providers with a low turnover or a low audience [...]. Member States may also waive such obligations or requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the [...] audiovisual media services.
	5a. The Commission shall [...] issue guidelines regarding the calculation of the share of European works referred to in paragraph 1 and regarding the definition of [...] low audience and low turnover referred to in paragraph 5 after consulting the Contact Committee.		<b>COMPROMISE AGREED</b> 5a. The Commission shall issue guidelines regarding the calculation of the share of European works referred to in paragraph 1 and regarding the definition of low audience and low turnover referred to in paragraph 5 after consulting the Contact Committee.
CHAPTER V. PROVISIONS CONCERNING EXCLUSIVE RIGHTS AND SHORT NEWS REPORTS IN TELEVISION BROADCASTING			
Article 14			

<p>1. Each Member State may take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.</p>	<p>[No change]</p>	<p>[No change]</p>	<p>1. Each Member State may take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.</p>
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<p>2. Member States shall immediately notify to the Commission any measures taken or to be taken pursuant to paragraph 1. Within a period of 3 months from the notification, the Commission shall verify that such measures are compatible with Union law and communicate them to the other Member States. It shall seek the opinion of the contact committee established pursuant to Article 29. It shall forthwith publish the measures taken in the Official Journal of the European Union and at least once a year the consolidated list of the measures taken by Member States.</p>	<p>[No change]</p>	<p>[No change]</p>	<p>2. Member States shall immediately notify to the Commission any measures taken or to be taken pursuant to paragraph 1. Within a period of 3 months from the notification, the Commission shall verify that such measures are compatible with Union law and communicate them to the other Member States. It shall seek the opinion of the contact committee established pursuant to Article 29. It shall forthwith publish the measures taken in the Official Journal of the European Union and at least once a year the consolidated list of the measures taken by Member States.</p>
<p>3. Member States shall ensure, by appropriate means within the framework of their legislation, that broadcasters under their jurisdiction do not exercise the exclusive rights purchased by those broadcasters after 18 December 2007 in such a way that a substantial proportion of the public in another Member State is deprived of the possibility of following events</p>	<p>[No change]</p>	<p>[No change]</p>	<p>3. Member States shall ensure, by appropriate means within the framework of their legislation, that broadcasters under their jurisdiction do not exercise the exclusive rights purchased by those broadcasters after 18 December 2007 in such a way that a substantial proportion of the public in another Member State is deprived of the possibility of following events</p>

which are designated by that other Member State in accordance with paragraphs 1 and 2 by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage on free television as determined by that other Member State in accordance with paragraph 1.			which are designated by that other Member State in accordance with paragraphs 1 and 2 by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage on free television as determined by that other Member State in accordance with paragraph 1.
Article 15			
1. Member States shall ensure that for the purpose of short news reports, any broadcaster established in the Union has access on a fair, reasonable and non-discriminatory basis to events of high interest to the public which are transmitted on an exclusive basis by a broadcaster under their jurisdiction.	[No change]	[No change]	1. Member States shall ensure that for the purpose of short news reports, any broadcaster established in the Union has access on a fair, reasonable and non-discriminatory basis to events of high interest to the public which are transmitted on an exclusive basis by a broadcaster under their jurisdiction.
2. If another broadcaster established in the same Member State as the broadcaster seeking access has acquired exclusive rights to the event of high interest to the public, access shall be sought from that broadcaster.	[No change]	[No change]	2. If another broadcaster established in the same Member State as the broadcaster seeking access has acquired exclusive rights to the event of high interest to the public, access shall be sought from that broadcaster.

3. Member States shall ensure that such access is guaranteed by allowing broadcasters to freely choose short extracts from the transmitting broadcaster's signal with, unless impossible for reasons of practicality, at least the identification of their source.	[No change]	[No change]	3. Member States shall ensure that such access is guaranteed by allowing broadcasters to freely choose short extracts from the transmitting broadcaster's signal with, unless impossible for reasons of practicality, at least the identification of their source.
4. As an alternative to paragraph 3, Member States may establish an equivalent system which achieves access on a fair, reasonable and non-discriminatory basis through other means.	[No change]	[No change]	4. As an alternative to paragraph 3, Member States may establish an equivalent system which achieves access on a fair, reasonable and non-discriminatory basis through other means.
5. Short extracts shall be used solely for general news programmes and may be used in on-demand audiovisual media services only if the same programme is offered on a deferred basis by the same media service provider.	[No change]	[No change]	5. Short extracts shall be used solely for general news programmes and may be used in on-demand audiovisual media services only if the same programme is offered on a deferred basis by the same media service provider.
6. Without prejudice to paragraphs 1 to 5, Member States shall ensure, in accordance with their legal systems and practices, that the modalities and conditions regarding the provision of such short extracts are defined, in particular, with respect to any	[No change]	[No change]	6. Without prejudice to paragraphs 1 to 5, Member States shall ensure, in accordance with their legal systems and practices, that the modalities and conditions regarding the provision of such short extracts are defined, in particular, with respect to any

compensation arrangements, the maximum length of short extracts and time limits regarding their transmission. Where compensation is provided for, it shall not exceed the additional costs directly incurred in providing access.			compensation arrangements, the maximum length of short extracts and time limits regarding their transmission. Where compensation is provided for, it shall not exceed the additional costs directly incurred in providing access.
<b>CHAPTER VI.</b> <b>PROMOTION OF DISTRIBUTION AND PRODUCTION OF TELEVISION PROGRAMMES</b>			
Article 16			
1. Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve for European works a majority proportion of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria.	[No change]	[No change]	1. Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve for European works a majority proportion of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria.
2. Where the proportion laid down in paragraph 1 cannot be	[No change]	[No change]	2. Where the proportion laid down in paragraph 1 cannot be

attained, it must not be lower than the average for 1988 in the Member State concerned.			attained, it must not be lower than the average for 1988 in the Member State concerned.
However, in respect of Greece and Portugal, the year 1988 shall be replaced by the year 1990.	[No change]	[No change]	However, in respect of Greece and Portugal, the year 1988 shall be replaced by the year 1990.
3. Member States shall provide the Commission every 2 years, starting from 3 October 1991, with a report on the application of this Article and Article 17.	[No change]	[No change]	3. Member States shall provide the Commission every 2 years, starting from 3 October 1991, with a report on the application of this Article and Article 17.
That report shall in particular include a statistical statement on the achievement of the proportion referred to in this Article and Article 17 for each of the television programmes falling within the jurisdiction of the Member State concerned, the reasons, in each case, for the failure to attain that proportion and the measures adopted or envisaged in order to achieve it.	[No change]	[No change]	That report shall in particular include a statistical statement on the achievement of the proportion referred to in this Article and Article 17 for each of the television programmes falling within the jurisdiction of the Member State concerned, the reasons, in each case, for the failure to attain that proportion and the measures adopted or envisaged in order to achieve it.
The Commission shall inform the other Member States and the European Parliament of the reports, which shall be accompanied, where appropriate, by an opinion. The Commission shall ensure the application of this Article	[No change]	[No change]	The Commission shall inform the other Member States and the European Parliament of the reports, which shall be accompanied, where appropriate, by an opinion. The Commission shall ensure the application of this Article and

and Article 17 in accordance with the provisions of the Treaty on the Functioning of the European Union. The Commission may take account in its opinion, in particular, of progress achieved in relation to previous years, the share of first broadcast works in the programming, the particular circumstances of new television broadcasters and the specific situation of countries with a low audiovisual production capacity or restricted language area.			Article 17 in accordance with the provisions of the Treaty on the Functioning of the European Union. The Commission may take account in its opinion, in particular, of progress achieved in relation to previous years, the share of first broadcast works in the programming, the particular circumstances of new television broadcasters and the specific situation of countries with a low audiovisual production capacity or restricted language area.
Article 17			
Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10 % of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, at least 10 % of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard	[No change]	[No change]	Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10 % of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, at least 10 % of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard



to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within 5 years of their production.			to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within 5 years of their production.
Article 18			
This Chapter shall not apply to television broadcasts that are intended for local audiences and do not form part of a national network.	[No change]	[No change]	This Chapter shall not apply to television broadcasts that are intended for local audiences and do not form part of a national network.
<b>CHAPTER VII.</b> <b>TELEVISION ADVERTISING AND TEleshopping</b>			
Article 19			
1. Television advertising and teleshopping shall be readily recognisable and distinguishable from editorial content. Without prejudice to the use of new advertising techniques, television advertising and teleshopping shall be kept quite distinct from other parts of the	[No change]	<b><u>AMD 70</u></b> 1. Television advertising and teleshopping shall be readily recognisable and distinguishable from editorial content. Without prejudice to the use of new advertising techniques, television advertising and teleshopping shall be kept [...] <b>clearly</b> distinct from other parts of the	<b><u>EP and rejected</u></b> 1. Television advertising and teleshopping shall be readily recognisable and distinguishable from editorial content. Without prejudice to the use of new advertising techniques, television advertising and teleshopping shall be kept quite distinct from other parts of the programme by

programme by optical and/or acoustic and/or spatial means.		programme by optical and/or acoustic and/or spatial means.	optical and/or acoustic and/or spatial means.
2. Isolated advertising and teleshopping spots, other than in transmissions of sports events, shall remain the exception.	[No change]	<b><u>AMD 71</u></b> 2. Isolated advertising and teleshopping spots [...] <i>shall be admissible in</i> sports events [...]. <i>Apart from sport events, isolated advertising and teleshopping spots shall be admissible subject to the conditions set out in Article 20(2).</i>	<b><u>COMPROMISE AGREED</u></b> 2. <b><u>Isolated advertising and teleshopping spots shall be admissible in sports events.</u></b> Isolated advertising and teleshopping spots, other than in transmissions of sports events, shall remain the exception.
Article 20			
1. Member States shall ensure, where television advertising or teleshopping is inserted during programmes, that the integrity of the programmes, taking into account natural breaks in and the duration and the nature of the programme concerned, and the rights of the right holders are not prejudiced.	[No change]	[No change]	1. Member States shall ensure, where television advertising or teleshopping is inserted during programmes, that the integrity of the programmes, taking into account natural breaks in and the duration and the nature of the programme concerned, and the rights of the right holders are not prejudiced.
<b><u>Point 16</u></b> 2. <b>The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or</b>	2. The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or	<b><u>AMD 72</u></b> 2. The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping	<b><u>EP amd accepted in full</u></b> 2. The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period

<p><b>teleshopping once for each scheduled period of at least 20 minutes.</b> The transmission of children's programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes. No television advertising or teleshopping shall be inserted during religious services.</p>	<p>teleshopping once for each scheduled period of at least [...] 30 minutes. The transmission of children's programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes. No television advertising or teleshopping shall be inserted during religious services.</p>	<p>once for each scheduled period of at least [...] 30 minutes. The transmission of children's programmes may be interrupted by television advertising [...] once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes. <b><i>The transmission of teleshopping shall be prohibited during children's programmes.</i></b> No television advertising or teleshopping shall be inserted during religious services.</p>	<p>of at least [...] 30 minutes. The transmission of children's programmes may be interrupted by television advertising [...] once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes. <b>The transmission of teleshopping shall be prohibited during children's programmes.</b> No television advertising or teleshopping shall be inserted during religious services.</p>
Article 21			
<p>Teleshopping for medicinal products which are subject to a marketing authorisation within the meaning of Directive 2001/83/EC, as well as teleshopping for medical treatment, shall be prohibited.</p>	<p>[No change]</p>	<p>[No change]</p>	<p>Teleshopping for medicinal products which are subject to a marketing authorisation within the meaning of Directive 2001/83/EC, as well as teleshopping for medical treatment, shall be prohibited.</p>
Article 22			
<p>Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:</p>	<p><b>1a.</b> Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:</p>	<p>[No change]</p>	<p>Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:</p>
<p>(a) it may not be aimed specifically at minors or, in</p>	<p>(a) it [...] <b>shall</b> not be aimed specifically at minors or, in</p>	<p>[No change]</p>	<p>(a) it may not be aimed specifically at minors or, in particular,</p>

particular, depict minors consuming these beverages;	particular, depict minors consuming these beverages;		depict minors consuming these beverages;
(b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;	[No change]	[No change]	(b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;
(c) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;	[No change]	[No change]	(c) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;
(d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;	[No change]	[No change]	(d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;
(e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;	[No change]	[No change]	(e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;
(f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.	[No change]	[No change]	(f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.
	<b>1b. <u>Audiovisual commercial communications for alcoholic beverages in on-demand audiovisual media services, with the exception of sponsorship and product placement,</u></b>		<b><u>Text moved to Article 9(1a)</u></b>

	<u>shall comply with the criteria in paragraph 1a.</u>		
Article 23 - Point 17			
1. The daily proportion of television advertising spots and teleshopping spots within the period between 7:00 and 23:00 shall not exceed 20 %.	1. The [...] proportion of television advertising spots and teleshopping spots within the period between [...] 06:00 and 18:00 shall not exceed 20 % of that period. The proportion of television advertising spots and teleshopping spots within the period between 18:00 and 00:00 shall not exceed 20 % of that period.	<u>AMD 73</u> 1. The daily proportion of television advertising spots and teleshopping spots [...] shall not exceed 20 %. <i>Member States shall remain free to define a prime time window, the duration of which shall not exceed a period of four consecutive hours. Within such a prime time window, the proportion of television advertising spots and teleshopping spots shall not exceed 20 %.</i>	<b>COMPROMISE AGREED</b> 1. The [...] proportion of television advertising spots and teleshopping spots within the period between [...] 06:00 and 18:00 shall not exceed 20 % of that period. The proportion of television advertising spots and teleshopping spots within the period between 18:00 and 00:00 shall not exceed 20 % of that period.
2. Paragraph 1 shall not apply to:	[No change]	<u>AMD 74</u> 2. Paragraph 1 shall not apply to:	2. Paragraph 1 shall not apply to:
(a) announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes or with programmes from other entities belonging	[No change]	(a) <i>self-promotional and cross-promotional</i> announcements made by the broadcaster in connection with its own programmes and ancillary products <i>and audiovisual media services</i> directly derived from those programmes or with programmes, <i>product and</i>	<u><i>EP amd accepted in part</i></u> (a) announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes or with programmes and audiovisual media services from other entities

to the same media group;		services from [...] entities belonging to the same [...] broadcasting group;	belonging to the same broadcasting group;
(b) sponsorship announcements;	[No change]	[No change]	(b) sponsorship announcements;
(c) product placements;	[No change]	[No change]	(c) product placements;
		(ca) public service announcements and charity appeals	<p><u>EP and accepted in principle in a new recital 43b (based on current recital 87 of 2010/13 directive):</u></p> <p>Daily transmission time allotted to announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from these, or to public service announcements and charity appeals broadcast free of charge, with the exception of the costs incurred for the transmission of such appeals, should not be included in the maximum amounts of daily or hourly transmission time that may be allotted to advertising and teleshopping.</p>
	(ca) neutral frames between editorial content and television advertising or	(cb) neutral frames used to distinguish between editorial content and audiovisual commercial communications,	<p><u>EP and accepted in principle</u></p> <p>(ca) neutral frames between editorial content and television advertising or</p>

	<b>teleshopping spots, and between individual spots.</b>	<i>and between audiovisual commercial communications.</i>	<b>teleshopping spots, and between individual spots.</b>
Article 24			
Teleshopping windows shall be clearly identified as such by optical and acoustic means and shall be of a minimum uninterrupted duration of 15 minutes.	[No change]	[No change]	Teleshopping windows shall be clearly identified as such by optical and acoustic means and shall be of a minimum uninterrupted duration of 15 minutes.
Article 25			
This Directive shall apply mutatis mutandis to television channels exclusively devoted to advertising and teleshopping as well as to television channels exclusively devoted to self-promotion.	[No change]	[No change]	This Directive shall apply mutatis mutandis to television channels exclusively devoted to advertising and teleshopping as well as to television channels exclusively devoted to self-promotion.
However, Chapter VI as well as Articles 20 and 23 shall not apply to these channels.	[No change]	[No change]	However, Chapter VI as well as Articles 20 and 23 shall not apply to these channels.
Article 26			
Without prejudice to Article 4, Member States may, with due regard for Union law, lay down conditions other than those laid down in Article 20(2) and Article 23 in respect of television broadcasts intended solely for the national territory which cannot be received directly or indirectly by the public in one or more other Member States.	[No change]	[No change]	Without prejudice to Article 4, Member States may, with due regard for Union law, lay down conditions other than those laid down in Article 20(2) and Article 23 in respect of television broadcasts intended solely for the national territory which cannot be received directly or indirectly by the public in one or more other Member States.
<b>CHAPTER VIII</b>			


PROTECTION OF MINORS IN TELEVISION BROADCASTING			
<i>Point 18</i> – chapter deleted			
CHAPTER IX			
RIGHT OF REPLY IN TELEVISION BROADCASTING			
Article 28			
1. Without prejudice to other provisions adopted by the Member States under civil, administrative or criminal law, any natural or legal person, regardless of nationality, whose legitimate interests, in particular reputation and good name, have been damaged by an assertion of incorrect facts in a television programme must have a right of reply or equivalent remedies. Member States shall ensure that the actual exercise of the right of reply or equivalent remedies is not hindered by the imposition of unreasonable terms or conditions. The reply shall be transmitted within a reasonable time subsequent to the request being substantiated and at a time and in a manner appropriate to the broadcast to which the request refers.	[No change]	[No change]	1. Without prejudice to other provisions adopted by the Member States under civil, administrative or criminal law, any natural or legal person, regardless of nationality, whose legitimate interests, in particular reputation and good name, have been damaged by an assertion of incorrect facts in a television programme must have a right of reply or equivalent remedies. Member States shall ensure that the actual exercise of the right of reply or equivalent remedies is not hindered by the imposition of unreasonable terms or conditions. The reply shall be transmitted within a reasonable time subsequent to the request being substantiated and at a time and in a manner appropriate to the broadcast to which the request refers.
2. A right of reply or equivalent remedies shall exist in relation	[No change]	[No change]	2. A right of reply or equivalent remedies shall exist in relation




to all broadcasters under the jurisdiction of a Member State.			to all broadcasters under the jurisdiction of a Member State.
3. Member States shall adopt the measures needed to establish the right of reply or the equivalent remedies and shall determine the procedure to be followed for the exercise thereof. In particular, they shall ensure that a sufficient time span is allowed and that the procedures are such that the right or equivalent remedies can be exercised appropriately by natural or legal persons resident or established in other Member States.	[No change]	[No change]	3. Member States shall adopt the measures needed to establish the right of reply or the equivalent remedies and shall determine the procedure to be followed for the exercise thereof. In particular, they shall ensure that a sufficient time span is allowed and that the procedures are such that the right or equivalent remedies can be exercised appropriately by natural or legal persons resident or established in other Member States.
4. An application for exercise of the right of reply or the equivalent remedies may be rejected if such a reply is not justified according to the conditions laid down in paragraph 1, would involve a punishable act, would render the broadcaster liable to civil-law proceedings or would transgress standards of public decency.	[No change]	[No change]	4. An application for exercise of the right of reply or the equivalent remedies may be rejected if such a reply is not justified according to the conditions laid down in paragraph 1, would involve a punishable act, would render the broadcaster liable to civil-law proceedings or would transgress standards of public decency.
5. Provision shall be made for procedures whereby disputes as to the exercise of the right of	[No change]	[No change]	5. Provision shall be made for procedures whereby disputes as to the exercise of the right of

reply or the equivalent remedies can be subject to judicial review.			reply or the equivalent remedies can be subject to judicial review.
<p style="text-align: center;"><b>CHAPTER IXa – Point 19</b></p> <p style="text-align: center;"><b>PROVISIONS APPLICABLE TO VIDEO-SHARING PLATFORM SERVICES</b></p> <p style="text-align: center;">Article 28a - <b><u>AMD 75</u></b></p>			
1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers take appropriate measures to:	1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers <b>under their jurisdiction</b> take appropriate measures to:	1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers take appropriate, <i>proportionate and efficient</i> measures to:	<b><u>COMPROMISE AGREED</u></b> 1. Without prejudice to Articles <b><u>12 to 15</u></b> of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers <b>under their jurisdiction</b> take appropriate measures to <b><u>protect</u></b> :
(a) protect minors from content which may impair their physical, mental or moral development;	(a) protect minors from [...] <b>programmes, user-generated videos and audiovisual commercial communications</b> which may impair their physical, mental or moral development;	<b><u>(b)</u></b> protect minors from content which may impair their physical, mental or moral development;	(a) [...] minors from [...] <b>programmes, user-generated videos and audiovisual commercial communications</b> which may impair their physical, mental or moral development <b><u>in accordance with Article 6a(1)</u></b> ;
(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion,	(b) protect [...] <b>the general public</b> from [...] <b>programmes, user-generated videos and audiovisual commercial communications</b> containing incitement to violence or hatred directed against a group of persons	<b><u>(a)</u></b> protect all citizens from <i>content containing incitement to undermine human dignity, or</i> content containing incitement to violence or hatred directed against a <i>person or a</i> group of persons [...] defined by reference to <i>nationality</i> , sex,	(b) [...] <b>the general public</b> from [...] <b>programmes, user-generated videos and audiovisual commercial communications</b> containing incitement to violence or hatred directed against a group of persons or a member of [...] a group

descent or national or ethnic origin.	or a member of such a group defined by reference to sex, [...] racial or ethnic origin, nationality, religion or belief, [...] disability, age or sexual orientation;	race, colour, <i>ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national [...] minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health</i> ;	<u>based on any of the grounds referred to in Article 21 of the Charter of the Fundamental Rights of the European Union</u> ;
	(ba) protect the general public from programmes, user-generated videos and audiovisual commercial communications containing the public provocation to commit a terrorist offence as set out in Article 5 of Directive (EU) 2017/541 on combating terrorism;		(ba) the general public from programmes, user-generated videos and audiovisual commercial communications <u>containing content the dissemination of which constitutes an activity which is a criminal offence under Union law, namely public provocation to commit a terrorist offence within the meaning of Article 5 of Directive (EU) 2017/541, offences concerning child pornography within the meaning of Article 5(4) of Directive 2011/93/EU and offences concerning racism and xenophobia within the meaning of Article 1 of Council Framework</u>

			<p><b><u>Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law.</u></b></p> <p><i>Recital 28 would be amended as follows:</i></p> <p>(28) An important share of the content stored on video-sharing platforms is not under the editorial responsibility of the video-sharing platform provider. However, those providers typically determine the organisation of the content, namely programmes, user-generated videos <b><u>and audiovisual commercial communications</u></b>, including by automatic means or algorithms. Therefore, those providers should be required to take appropriate measures to protect minors from content that may impair their physical, mental or moral development. <b><u>They should also be required to take appropriate measures to protect [...] the general public from content that contains incitement to violence or hatred directed against a</u></b></p>
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			<p><u>group or a member of a group on any of the grounds referred to in Article 21 of the Charter or Fundamental Rights of the European Union, or the dissemination of which constitutes a criminal offence under Union law.</u></p>
	<p><b>1a. Member States shall ensure that video-sharing platform providers comply with the requirements set out in Article 9(1) with respect to audiovisual commercial communications that are marketed, sold and arranged by those video-sharing platform providers. Taking into account the limited control exercised by video sharing platforms over audiovisual commercial communication that are not marketed, sold and arranged by those video sharing platform providers, Member States shall ensure that the video sharing platform providers take appropriate measures to</b></p>		<p><b>COMPROMISE AGREED</b></p> <p><b>1a. Member States shall ensure that video-sharing platform providers under their jurisdiction comply with the requirements set out in Article 9(1) with respect to audiovisual commercial communications that are marketed, sold <u>or</u> arranged by those video-sharing platform providers.</b></p> <p><b>Member States shall ensure that the video sharing platform providers under their jurisdiction take appropriate measures to comply with the requirements set out in Article 9(1) <u>with respect</u> to audiovisual commercial communications that are not marketed, sold or arranged by those video-sharing platform providers, taking into account</b></p>

	<p>comply with the requirements set out in Article 9(1).</p>		<p>the limited control exercised by those video-sharing platforms over those audiovisual commercial communications.</p> <p><u>Member States shall ensure that video-sharing platform providers clearly inform users of the programmes and user-generated videos that contain audiovisual commercial communications, where such communications are declared under point aaa) of paragraph 2 or the provider has knowledge of that fact.</u></p> <p><u>Member States shall encourage the use of co-regulation and the fostering of self-regulation through the codes of conduct as provided for in Article 4a(1) aiming at effectively reducing the exposure of children to audiovisual commercial communications for foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular fat, trans-fatty acids, salt or sodium and sugars, of which excessive intakes in the overall diet are</u></p>
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			<p><b><u>not recommended. Those codes shall aim to provide that such audiovisual commercial communications do not emphasise the positive quality of the nutritional aspects of such foods and beverages.</u></b></p>
<p><b>2. What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.</b></p>	<p><b>2. [...] For the purposes of paragraphs 1 and 1a, the appropriate measures shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest. The measures shall be practicable and proportionate, taking into account the size of the video-sharing platform service and the nature of the service that is provided.</b></p>	<p><b>2a.</b> What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having [...] uploaded the content as well as the public interest. <i>Appropriate measures shall respect the freedom of expression and information, and media pluralism. The most harmful content shall be subject to the strictest measures. Such measures shall not lead to any ex-ante control measures or upload-filtering of content.</i></p>	<p><b><u>MAIN ISSUE: COMPROMISE AGREED</u></b></p> <p><b>2. [...] For the purposes of paragraphs 1 and 1a, the appropriate measures shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest.</b></p> <p><b>Such measures shall be applied to all video-sharing platform providers. The measures shall be practicable and proportionate, taking into account the size of the video-sharing platform service and the nature of the service that is provided. They shall not lead to</b></p>

			any ex-ante control measures or upload-filtering of content, which do not comply with <u>Article 15 of Directive 2000/31/EC. For the purposes of the protection of minors, provided for in point (a) of paragraph 1, the most harmful content shall be subject to the strictest access control measures.</u>
Those measures shall consist of, as appropriate:	[...] Such measures shall [...] include, as appropriate:	2. Those measures shall consist of, as appropriate:	<b>COMPROMISE AGREED</b> Those measures shall consist of, as appropriate:
(a) defining and applying in the terms and conditions of the video-sharing platform providers the concepts of incitement to violence or hatred as referred to in point (b) of paragraph 1 and of content which may impair the physical, mental or moral development of minors, in accordance with Articles 6 and 12 respectively;	(a) [...] including and applying, in the terms and conditions of the video-sharing platform [...] services, [...] the requirements not to incite to violence or hatred as referred to in point (b) of paragraph 1 and <b>not to publicly provoke the commitment of terrorist offences as referred to in point (ba) of paragraph 1, in accordance with Article 6, as well as the concept of content which may impair the physical, mental or moral</b>	(a) defining and applying in the terms and conditions of the video-sharing platform providers the concepts of incitement to violence or hatred as referred to in point [...] (a) of paragraph 1 and of content which may impair the physical, mental or moral development of minors, in accordance with Article 6 [...] (a) and (b) and Article 6a respectively. <i>For the purposes of paragraph 1, Member States shall ensure that such measures based on terms and conditions are only permitted if national</i>	(a) [...] including and applying in the terms and conditions of the video-sharing platform services the requirements [...] as referred to in [...] of paragraph 1 [...].



	development of minors, in accordance with Article [...] 12(1) [...];	<i>procedural rules provide the possibility for users to assert their rights before a court after learning of such measures;</i>	
	(aa) including and applying, in the terms and conditions of the video-sharing platform services, the requirements set out in Article 9(1) for audiovisual commercial communications that are not marketed, sold or arranged by the video-sharing platform providers;		(aa) including and applying, in the terms and conditions of the video-sharing platform services, the requirements set out in Article 9(1) for audiovisual commercial communications that are not marketed, sold or arranged by the video-sharing platform providers;
			<u>aaa) having a functionality for users who upload user-generated videos to declare whether such videos contain audiovisual commercial communications as far as they know or can be reasonably expected to know;</u>
(b) establishing and operating mechanisms for users of video-sharing platforms to report or flag to the video-sharing	[No change]	(b) establishing and operating <i>transparent and user-friendly</i> mechanisms for users of video-sharing platforms to report or flag to the video-	(b) establishing and operating <b>transparent and user-friendly</b> mechanisms for users of video-sharing platforms to report or flag to the video-

platform provider concerned the content referred to in paragraph 1 stored on its platform;		sharing platform provider concerned the content referred to in paragraph 1 [...] <i>hosted</i> on its platform;	sharing platform provider concerned the content referred to in paragraph 1 [...] <b><u>provided</u></b> on its platform;
Point f)	Point f)	<i>(ba) establishing and operating systems through which providers of video-sharing platforms explain to users of video-sharing platforms what effect has been given to the reporting and flagging referred to in point (b);</i>	<b><u>(ba)</u></b> establishing and operating systems through which providers of video-sharing platforms explain to users of video-sharing platforms what effect has been given to the reporting and flagging referred to in point (b);
(c) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors;	[No change]	(c) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors; <i>such systems shall not lead to any additional processing of personal data and shall be without prejudice to Article 8 of Regulation (EU) 2016/679;</i>	(c) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors;
(d) establishing and operating systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1;	[No change]	(d) establishing and operating <b><i>easy-to-use</i></b> systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1;	(d) establishing and operating <b><u>easy-to-use</u></b> systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1;

(e) providing for parental control systems with respect to content which may impair the physical, mental or moral development of minors;	[No change]	(e)providing for parental control systems <i>that are under the control of the end-user and proportionate to the measures referred to in this paragraph and paragraph 3</i> with respect to content which may impair the physical, mental or moral development of minors; <i>the regulatory authorities and/or bodies shall provide the necessary guidelines to ensure that the measures taken respect the freedom of expression and include a requirement to inform users;</i>	(e) providing for parental control systems <b><u>that are under the control of the end-user</u></b> with respect to content which may impair the physical, mental or moral development of minors;
(f) establishing and operating systems through which providers of video-sharing platforms explain to users of video-sharing platforms what effect has been given to the reporting and flagging referred to in point (b).	[No change]	(f) establishing and operating [...] <i>transparent, easy-to-use and effective procedures for the handling and resolution of disputes between the video-sharing [...] platform provider and its users in relation to the implementation of the measures referred to in [...] points (b) to (f).</i>	<b><u>(f) establishing and operating transparent, easy-to-use and effective procedures for the handling and resolution of complaints between the video-sharing platform provider and its users in relation to the implementation of the measures referred to in points (b) to e),</u></b>
	(fa) providing for effective media literacy measures and tools and raising		<b><u>(fa) providing for effective media literacy measures and tools and raising users' awareness of these measures and tools.</u></b>

	<b>users' awareness of these measures and tools.</b>		
			<b><u>Personal data of minors collected or otherwise generated by video-sharing platform providers pursuant to point c) shall not be processed for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising.</u></b>
<b>3. For the purposes of the implementation of the measures referred to in paragraphs 1 and 2, Member States shall encourage co-regulation as provided for in Article 4(7).</b>	3. For the purposes of the implementation of the measures referred to in <b>paragraph [...] 2</b> , Member States [...] <b>are</b> encouraged <b>to use</b> co-regulation as provided for in <b>Article 4a(1) [...]</b> .	3. For the purposes of the implementation of the measures referred to in paragraphs 1 and 2, Member States <i>and the Commission</i> shall encourage <i>and facilitate self-regulation and</i> co-regulation as provided for in Article 4(7) <i>and (7a) ensuring that codes of conduct comply with the provisions of this Directive and fully respect the rights, freedoms and principles set out in the Charter, in particular Article 52 thereof.</i>  <i>Member States shall ensure that video-sharing platform providers conduct and publish regular audits of their performance in accordance</i>	<b>COMPROMISE AGREED</b> 3. For the purposes of the implementation of the measures referred to in <b>paragraphs 1 and 2</b> , Member States <b>shall</b> encourage <b>the use of</b> co-regulation as provided for in <b>Article 4a(1)</b> .

		<i>with the measures referred to in paragraph 1.</i>	
	3a. For the purposes of ensuring effective and consistent implementation of this Article, where necessary, the Commission shall, after consulting the Contact Committee, issue guidelines regarding the practical application of point (iii) of Article 1(aa).		<b>COMPROMISE AGREED</b>  <i>Deleted (guidelines kept in recital 3b)</i>
4. Member States shall establish the necessary mechanisms to assess the appropriateness of the measures referred to in paragraphs 2 and 3 taken by video-sharing platform providers. Member States shall entrust this task to the authorities designated in accordance with Article 30.	4. Member States shall establish the necessary mechanisms to assess the appropriateness of the measures, referred to in paragraph 2 [...] taken by video-sharing platform providers. Member States shall entrust [...] the assessment of those measures to the national regulatory authorities [...].	4. Member States shall establish the necessary mechanisms to assess [...] <i>and report on the delivery and effectiveness</i> of the measures [...] taken [...], <i>taking into account their legality, transparency, necessity, effectiveness and proportionality.</i> Member States shall entrust this task to the authorities designated in accordance with Article 30. <i>The regulatory authorities and/or bodies shall provide the necessary guidelines to ensure that the measures taken respect the freedom of expression, and include a requirement to inform users.</i>	<b>COMPROMISE AGREED</b>  4. Member States shall establish the necessary mechanisms to assess the appropriateness of the measures, referred to in <b>paragraph 2 [...]</b> taken by video-sharing platform providers. Member States shall entrust [...] <b>the assessment of those measures to the national regulatory authorities [...]</b> <u><b>and/or bodies.</b></u>

<p>5. Member States shall not impose on video-sharing platform providers measures that are stricter than the measures referred to in paragraph 1 and 2. Member States shall not be precluded from imposing stricter measures with respect to illegal content. When adopting such measures, they shall respect the conditions set by applicable Union law, such as, where appropriate, those set in Articles 14 and 15 of Directive 2000/31/EC or Article 25 of Directive 2011/93/EU.</p>	<p>5. Member States [...] may impose on video-sharing platform providers measures that are more detailed or stricter than the measures referred to in paragraph [...] 2. [...] When adopting such measures, [...] Member States shall [...] comply with the requirements set out by applicable Union law, such as [...] those set in Articles 14 and 15 of Directive 2000/31/EC or Article 25 of Directive 2011/93/EU.</p>	<p>5. [...] Article 8 shall apply to video-sharing platform providers.</p>	<p><b>COMPROMISE AGREED</b> EP amendment dropped.</p> <p>5. Member States [...] may impose on video-sharing platform providers measures that are more detailed or stricter than the measures referred to in paragraph [...] 2. [...] When adopting such measures, [...] Member States shall [...] comply with the requirements set out by applicable Union law, such as [...] those set in Articles <b>12-15</b> of Directive 2000/31/EC or Article 25 of Directive 2011/93/EU.</p>
		<p><i>5a. Member States shall provide that sponsorship or audiovisual commercial communications that are marketed, sold, or arranged by video-sharing platform providers comply with the requirements of Articles 9 and 10.</i></p> <p><i>Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall provide that video-sharing platforms require</i></p>	<p><u>EP amendment taken on board in:</u> - para 1a, 3rd and 4th sub-paras - para 2, point aaa)</p>


		<p><i>users who upload content to declare whether such content contains advertisements, sponsored content or product placement.</i></p> <p><i>Member States shall require video-sharing platforms to provide that service recipients be clearly informed of declared or known content including advertisements, sponsored content or product placement.</i></p>	
<p><b>6. Member States shall ensure that complaint and redress mechanisms are available for the settlement of disputes between users and video-sharing platform providers relating to the application of the appropriate measures referred to in paragraphs 1 and 2.</b></p>	<p>6. Member States shall ensure that complaint and redress mechanisms are available for the settlement of disputes between users and video-sharing platform providers relating to the application of paragraphs 1 and 2.</p>		<p><b><u>MAIN ISSUE: COMPROMISE AGREED</u></b></p> <p><b>6. Member States shall ensure that out-of-court redress mechanisms are available for the settlement of disputes between users and video-sharing platform providers relating to the application of paragraphs 1 and 2. <u>Such mechanisms shall enable disputes to be settled impartially and shall not deprive the user of the legal protection afforded by national law.</u></b></p>


			<p><b><u>6a. Member States shall ensure that users can defend their rights before a court in relation to video-sharing platform providers pursuant to paragraphs 1 and 2.</u></b></p> <p><i>New Recital 30a to be added:</i></p> <p><b><u>(30a) The right to an effective remedy and the right to a fair trial are fundamental rights laid down in Article 47 of the Charter of Fundamental Rights of the European Union. The provisions of this Directive should not, therefore, be construed in a way that would prevent parties from exercising their right of access to the judicial system.</u></b></p>
	<p><b>6a. In addition to the measures referred to in paragraph 2, Member States shall encourage policies and schemes to develop media literacy skills.</b></p>		<p><i>Council text covered in a new article 33a on media literacy</i></p>
<p><b>7. The Commission and ERGA shall encourage video-</b></p>	<p>7. The Commission [...] shall encourage video-sharing</p>	<p>7. The Commission and <i>the</i> ERGA shall encourage video-</p>	<p><b>COMPROMISE AGREED</b></p>



sharing platform providers to exchange best practices on co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.	platform providers to exchange best practices on co-regulatory [...] codes of conduct referred to in paragraph 3. [...].	sharing platform providers to exchange best practices on <i>self-regulatory and</i> co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.	7. The Commission [...] shall encourage video-sharing platform providers to exchange best practices on co-regulatory [...] codes of conduct referred to in paragraph 3. [...].
8. Video-sharing platform providers or, where applicable, the organisations representing those providers in this respect shall submit to the Commission draft Union codes of conduct and amendments to existing Union codes of conduct. The Commission may request ERGA to give an opinion on the drafts, amendments or extensions of those codes of conduct. The Commission may give appropriate publicity to those codes of conduct.	8. [...] Member States and the Commission may foster self-regulation through Union codes of conduct referred to in Article 4a(2).	8. Video-sharing platform providers or, where applicable, the organisations representing those providers in this respect shall submit to the Commission draft Union codes of conduct and amendments to existing Union codes of conduct. The Commission may request <i>the</i> ERGA to give an opinion on the drafts, amendments or extensions of those codes of conduct. The Commission [...] <i>shall publish those codes in order to promote the exchange of best practices.</i>	<b>COMPROMISE AGREED</b> 8. [...] Member States and the Commission may foster self-regulation through Union codes of conduct referred to in Article 4a(2).
Article 28b			
	-1. For the purposes of this Directive, a video-sharing platform provider established on the territory of a Member		<b>COMPROMISE AGREED</b> -1. For the purposes of this Directive, a video-sharing platform provider established on the territory

	State within the meaning of Article 3(1) of Directive 2000/31/EC shall be under the jurisdiction of that Member State.		of a Member State within the meaning of Article 3(1) of Directive 2000/31/EC shall be under the jurisdiction of that Member State.
1. Member States shall ensure that video-sharing platform providers which are not established on their territory, but which have either a parent company or a subsidiary that is established on their territory or which are part of a group and another entity of that group is established on their territory, are deemed to have been established on their territory for the purposes of Article 3(1) of Directive 2000/31/EEC.	<p>1. [...] A video-sharing platform provider which is not established on the territory of a Member State pursuant to paragraph -1 shall be [...] deemed to be established on the territory of a Member State for the purposes of this Directive if that video-sharing platform provider:</p> <p>a) has a parent [...] undertaking or a subsidiary undertaking that is established on [...] the territory of that Member State [...]; or</p> <p>b) is part of a group and another undertaking of that group is established on [...] the territory of that Member State.</p>	[No change]	<p><b>COMPROMISE AGREED</b></p> <p>1. [...] A video-sharing platform provider which is not established on the territory of a Member State pursuant to paragraph -1 shall be [...] deemed to be established on the territory of a Member State for the purposes of this Directive if that video-sharing platform provider:</p> <p>a) has a parent [...] undertaking or a subsidiary undertaking that is established on [...] the territory of that Member State [...]; or</p> <p>b) is part of a group and another undertaking of that group is established on [...] the territory of that Member State.</p>
		[No change]	<b>MAIN ISSUE: COMPROMISE AGREED</b>

	<p><b>For the purposes of this Article:</b></p> <p>a) "parent undertaking" means parent undertaking as defined in point 9 of Article 2 of Directive 2013/34/EU;</p> <p>b) "subsidiary undertaking" means subsidiary undertaking as defined in point 10 of Article 2 of Directive 2013/34/EU;</p> <p>c) "group" means a parent undertaking, all its subsidiary undertakings and all other undertakings which are part of the group.</p>		<p><b>For the purposes of this Article:</b></p> <p>a) "parent undertaking" an undertaking which controls one or more subsidiary undertakings [...];</p> <p>b) "subsidiary undertaking" means an undertaking controlled by a parent undertaking, including any subsidiary undertaking of an ultimate parent undertaking;</p> <p>c) "group" means a parent undertaking, all its subsidiary undertakings and all other undertakings <u>having economic and legal organisational links to them</u>.</p> <p><i>Recital 32 will be modified as follows:</i></p> <p>(32) The video-sharing platform providers covered by this Directive provide information society services within the meaning of point (a) of Article 2 of Directive 2000/31/EC.</p>
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			<p>Those providers are consequently subject to the rules on the internal market set out in Article 3 of that Directive, if they are established in a Member State. It is appropriate to ensure that the same rules apply to video-sharing platform providers which are not established in a Member State with a view to safeguarding the effectiveness of the measures to protect minors and <b>the general public</b> set out in this Directive and ensuring a level playing field in as much as possible, in as far as those providers have either a parent <b>undertaking</b> or a subsidiary <b>undertaking</b> which is established in a Member State or where those providers are part of a group and another <b>undertaking</b> of that group is established in a Member State. [...] <u><b>In view of the above, definitions set out in the relevant provisions of this Directive should be principles-based and should ensure that it is not possible for an undertaking to exclude itself from the scope</b></u></p>
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			<p><b><u>of this Directive by creating a group structure containing multiple layers of undertakings established inside or outside the Union.</u></b></p> <p>The Commission should be informed of the providers under each Member State's jurisdiction in application of the rules on establishment set out in this Directive and in Directive 2000/31/EC.</p>
<p><b>For the purposes of applying the first subparagraph, where the parent company, the subsidiary or the other entity of the group are each established in different Member States, the provider shall be deemed to have been established in the Member State where its parent company is established or, in the absence of such an establishment in a Member State, where its subsidiary is established or, in the absence of such an establishment in a Member State, where the other entity of the group is established.</b></p>	<p><b>1a.</b> For the purposes of applying [...] <b>paragraph 1</b>, where the parent [...] <b>undertaking, the subsidiary undertaking</b> or the other [...] <b>undertakings</b> of the group are each established in different Member States, <b>the video-sharing platform</b> provider shall be deemed to [...] <b>be</b> established in the Member State where its parent [...] <b>undertaking</b> is established or, in the absence of such an establishment, in the Member State where its subsidiary <b>undertaking</b> is established or, in the</p>	<p>[No change]</p>	<p><b>COMPROMISE AGREED</b></p> <p><b>1a.</b> For the purposes of applying [...] <b>paragraph 1</b>, where the parent [...] <b>undertaking, the subsidiary undertaking</b> or the other [...] <b>undertakings</b> of the group are each established in different Member States, <b>the video-sharing platform</b> provider shall be deemed to [...] <b>be</b> established in the Member State where its parent [...] <b>undertaking</b> is established or, in the absence of such an establishment, in the Member State where its subsidiary <b>undertaking</b> is established or, in the absence of such an establishment, in <b>the</b> Member</p>

	absence of such an establishment, in the Member State where the other [...] <b>undertaking of the group is established.</b>		State where the other [...] <b>undertaking of the group is established.</b>
<b>For the purposes of applying the second subparagraph, where there are several subsidiaries each of which are established in different Member States, or where there are several other entities of the group each of which are established in different Member States, the Member States concerned shall ensure that the provider designates in which of these Member States it shall be deemed to have been established.</b>	<b>1b.</b> For the purposes of applying [...] <b>paragraph 1a</b> , where there are several subsidiary <b>undertakings</b> and each of [...] <b>them</b> is established in a different Member State, [...] <b>the video-sharing platform provider shall be deemed to be established in the Member State where one of the subsidiary undertakings first began its activity, provided that it maintains a stable and effective link with the economy of that Member State. Where there are several other undertakings [...] which are part of the group and each of them is established in a different Member State, the video-sharing platform provider shall be deemed to be established in the Member State where one of these undertakings first began</b>		<b>COMPROMISE AGREED</b> <b>1b.</b> For the purposes of applying [...] <b>paragraph 1a</b> , where there are several subsidiary <b>undertakings</b> and each of [...] <b>them</b> is established in a different Member State, [...] <b>the video-sharing platform provider shall be deemed to be established in the Member State where one of the subsidiary undertakings first began its activity, provided that it maintains a stable and effective link with the economy of that Member State. Where there are several other undertakings [...] which are part of the group and each of them is established in a different Member State, the video-sharing platform provider shall be deemed to be established in the Member State where one of these undertakings first began its activity, provided</b>

	its activity, provided that it maintains a stable and effective link with the economy of that Member State.		that it maintains a stable and effective link with the economy of that Member State.
	1c. For the purposes of this Directive, Articles 3, 14 and 15 of Directive 2000/31/EC shall apply to video-sharing platform providers deemed to be established in a Member State in accordance with paragraph 1.		<b>COMPROMISE AGREED</b> 1c. For the purposes of this Directive, Articles 3, 14 and 15 of Directive 2000/31/EC shall apply to video-sharing platform providers deemed to be established in a Member State in accordance with paragraph 1.
2. Member States shall communicate to the Commission a list of the video-sharing platform providers established on their territory and the criteria, set out in Article 3(1) of Directive 2000/31/EC and in paragraph 1, on which their jurisdiction is based. They shall update the list regularly. The Commission shall ensure that the competent independent regulatory authorities have access to this information.	2. Member States shall [...] <b>establish and maintain an up-to-date</b> list of the video-sharing platform providers established <b>or deemed to be established</b> on their territory and <b>indicate on which</b> [...] criteria, set out in [...] <b>paragraphs -1 and 1</b> , [...] their jurisdiction is based. [...] <b>Member States shall communicate this list, including any updates, to the Commission. In case of inconsistencies between the lists, the Commission</b>	<u><b>AMD 76</b></u> 2. Member States shall communicate to the Commission a list of the video-sharing platform providers established <i>or deemed to be established</i> on their territory [...] <i>in accordance with</i> the criteria set out in [...] paragraph 1, on which their jurisdiction is based. They shall update the list regularly. The Commission shall ensure that the competent independent regulatory authorities <i>and/or bodies and the public</i> have <i>easy and effective</i> access to	

	<p><b>shall contact the Member States concerned in order to find a solution.</b> The Commission shall ensure that the [...] <b>national</b> regulatory authorities have access to this [...] <b>list. To the extent possible, the Commission shall make this information publicly available.</b></p>	<p>this information.</p>	
		<p><u><b>AMD 77</b></u></p> <p><i>2a. Where, in applying paragraph 1, the Member States concerned do not agree on which Member State has jurisdiction, they shall bring the matter to the Commission's attention without undue delay. The Commission may request the ERGA to provide an opinion on the matter within 15 working days from the submission of the Commission's request.</i></p>	
Article 28c - <u><b>AMD 78</b></u>			
		<p><i>Member States shall ensure that a video-sharing platform provider under their jurisdiction make at least the following information</i></p>	<p><i>EP can drop its Amd 78</i></p>



		<p><i>easily, directly and permanently accessible to the user:</i></p> <p><i>(a) its name;</i></p> <p><i>(b) the geographical address at which it is established;</i></p> <p><i>(c) the details, including its email address or website, which allow it to be contacted rapidly in a direct and effective manner;</i></p> <p><i>(d) the Member State having jurisdiction over it and the competent regulatory authorities and/or bodies or supervisory bodies.</i></p>	
<p style="text-align: center;"><b>CHAPTER X</b></p> <p style="text-align: center;"><b>CONTACT COMMITTEE</b></p>			
<p style="text-align: center;">Article 29 - <b><i>AMD 79</i></b></p>			
<p>1. A contact committee is established under the aegis of the Commission. It shall be composed of representatives of the competent authorities of the Member States. It shall be chaired by a representative of the Commission and meet either on his initiative or at the request of the delegation of a Member State.</p>	<p>[No change]</p>	<p>1. A contact committee is established under the aegis of the Commission. It shall be composed of representatives of the competent authorities <b><i>or bodies</i></b> of the Member States <b><i>and four Members of the European Parliament as observers nominated every three years</i></b>. It shall be chaired by a representative of the Commission and meet either on</p>	<p><b><i>EP can drop its Amd 79 except the last sentence</i></b></p>

		his initiative or at the request of the delegation of a Member State. <i>Gender parity in the composition of the contact committee shall be encouraged.</i>	
2. The tasks of the contact committee shall be:	[No change]	[No change]	2. The tasks of the contact committee shall be:
(a) to facilitate effective implementation of this Directive through regular consultation on any practical problems arising from its application, and particularly from the application of Article 2, as well as on any other matters on which exchanges of views are deemed useful;	[No change]	[No change]	(a) to facilitate effective implementation of this Directive through regular consultation on any practical problems arising from its application, and particularly from the application of Article 2, as well as on any other matters on which exchanges of views are deemed useful;
(b) to deliver own-initiative opinions or opinions requested by the Commission on the application by the Member States of this Directive;	[No change]	[No change]	(b) to deliver own-initiative opinions or opinions requested by the Commission on the application by the Member States of this Directive;
(c) to be the forum for an exchange of views on what matters should be dealt with in the reports which Member States must submit pursuant to Article 16(3) and on their methodology;	[No change]	[No change]	(c) to be the forum for an exchange of views on what matters should be dealt with in the reports which Member States must submit pursuant to Article 16(3) and on their methodology;
(d) to discuss the outcome of regular consultations which the	[No change]	[No change]	(d) to discuss the outcome of regular consultations which the

Commission holds with representatives of broadcasting organisations, producers, consumers, manufacturers, service providers and trade unions and the creative community;			Commission holds with representatives of broadcasting organisations, producers, consumers, manufacturers, service providers and trade unions and the creative community;
(e) to facilitate the exchange of information between the Member States and the Commission on the situation and the development of regulatory activities regarding audiovisual media services, taking account of the Union's audiovisual policy, as well as relevant developments in the technical field;	[No change]	[No change]	(e) to facilitate the exchange of information between the Member States and the Commission on the situation and the development of regulatory activities regarding audiovisual media services, taking account of the Union's audiovisual policy, as well as relevant developments in the technical field;
(f) to examine any development arising in the sector on which an exchange of views appears useful.	[No change]	(f) to examine, <i>and give opinions to the Commission on</i> , any development arising in the sector on which an exchange of views appears useful.	<i>EP can drop its Amd 79</i>
<b>CHAPTER XI - Point 20</b>			
<b>[...] REGULATORY [...] AUTHORITIES AND/OR BODIES OF THE MEMBER STATES</b>			
<b>Article 30 - <u>AMD 80</u></b>			
<b>Point 21</b>			<b><i>EP amd accepted in part</i></b>
<b>1. Each Member State shall designate one or more independent national regulatory authorities. Member States shall ensure</b>	1. Each Member State shall designate one or more [...] national regulatory authorities <b>or bodies</b> . Member States shall ensure	1. Each Member State shall designate one or more independent national regulatory authorities <i>and/or bodies</i> . Member States shall ensure that	1. Each Member State shall designate one or more national regulatory authorities <b>and/or bodies</b> . Member States shall ensure that they are legally

that they are legally distinct and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.	that they are legally distinct from the government and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.	they are [...] functionally <i>and effectively</i> independent of <i>their respective governments</i> and of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.	distinct from the government and functionally [...] independent of <b>their respective governments and</b> of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.
2. Member States shall ensure that national regulatory authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural diversity, consumer protection, internal market and the promotion of fair competition.	2. Member States shall ensure that national regulatory authorities <b>or bodies</b> exercise their powers impartially and transparently and in accordance with the objectives of this Directive [...].	2. Member States shall ensure that national regulatory authorities <i>and/or bodies</i> exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural <i>and linguistic</i> diversity, consumer protection, <i>accessibility, non-discrimination</i> , internal market and the promotion of fair competition. <i>Member States shall ensure that national regulatory authorities and/or bodies exercise no ex ante influence over editorial decisions, editorial choices or layouts. Their tasks shall be limited to monitoring the</i>	<u><i>EP and accepted in part (also in recital 33)</i></u> 2. Member States shall ensure that national regulatory authorities <b>and/or bodies</b> exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural <b>and linguistic</b> diversity, consumer protection, <b>accessibility, non-discrimination,</b> internal market and the promotion of fair competition.

<p>National regulatory authorities shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with national constitutional law.</p>	<p>National regulatory authorities <b>or bodies</b> shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with national constitutional law.</p>	<p><i>implementation of this Directive, the application of national law and the fulfilment of statutory obligations.</i></p> <p>National regulatory authorities <b>and/or bodies</b> shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with national constitutional law.</p>	<p>National regulatory authorities <b>and/or bodies</b> shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with national constitutional law.</p>
<p>3. The competences and powers of the independent regulatory authorities, as well as the ways of making them accountable shall be clearly defined in law.</p>	<p>3. The competences and powers of the [...] regulatory authorities <b>or bodies</b>, as well as the ways of making them accountable shall be clearly defined in <b>national</b> law.</p>	<p>3. The competences and powers of the independent regulatory authorities <b>and/or bodies</b>, as well as the ways of making them accountable shall be clearly defined in law.</p>	<p><u><b>EP and accepted</b></u></p> <p>3. <b>Member States shall ensure that</b> the competences and powers of the [...] <b>national</b> regulatory authorities <b>and/or bodies</b>, as well as the ways of making them accountable <b>are</b> [...] clearly defined in [...] law.</p>
<p>4. Member States shall ensure that national regulatory authorities have adequate enforcement powers to carry</p>	<p>4. Member States shall ensure that national regulatory authorities <b>or bodies</b> have adequate <b>financial and</b></p>	<p>4. Member States shall ensure that national regulatory authorities <b>and/or bodies</b> have adequate enforcement powers to carry</p>	<p><u><b>EP and accepted</b></u></p> <p>4. Member States shall ensure that national regulatory authorities <b>and/or bodies</b> have adequate <b>financial and</b></p>

out their functions effectively.	<b>human resources and enforcement powers to carry out their functions effectively. Member States shall ensure that national regulatory authorities or bodies have separate annual budgets which shall be made public.</b>	out their functions effectively.	<b>human resources and enforcement powers to carry out their functions effectively and to contribute to the work of ERGA. Member States shall ensure that national regulatory authorities and/or bodies are provided with their own annual budgets which shall be made public.</b>
		<i>4a. Member States shall ensure that national regulatory authorities and/or bodies designate a single and publicly available point of contact for information and complaints about the accessibility issues referred to in Article 7.</i>	<u><i>EP and accepted in part and principle in Art. 7(4a)</i></u>
<b>5. The Head of a national regulatory authority or the members of the collegiate body fulfilling that function within a national regulatory authority, may be dismissed only if they no longer fulfil the conditions required for the performance of their duties which are laid down in advance in national law. A dismissal decision shall be</b>	<b>5. The Head of a national regulatory authority or body or the members of the collegiate body fulfilling that function within a national regulatory authority or body may be dismissed only if they no longer fulfil the conditions required for the performance of their duties which are laid down in advance [...] at national [...]</b>	<b>5. [...] Member States shall lay down in national law the conditions and the procedures for the appointment and dismissal of the head of a national regulatory authority and/or body or the members of the collegiate body fulfilling that function, including the duration of the mandate. [...] Alterations before the termination of the mandate</b>	<u><i>EP and accepted in part</i></u> <b>5. Member States shall lay down in national law the conditions and the procedures for the appointment and dismissal of the head of a national regulatory authority and/or body or the members of the collegiate body fulfilling that function, including the duration of the mandate. The procedures shall be</b>

made public and a statement of reasons shall be made available.	level. A dismissal decision shall be made public [...].	<i>shall be duly justified, subject to prior notification and made available to the public. The procedures shall be transparent, non-discriminatory and guarantee the requisite degree of independence.</i>	<b>transparent, non-discriminatory and guarantee the requisite degree of independence.</b> The Head of a national regulatory authority <b>and/or body</b> or the members of the collegiate body fulfilling that function within a national regulatory authority <b>and/or body</b> may be dismissed if they no longer fulfil the conditions required for the performance of their duties which are laid down in advance at national level. A dismissal decision shall be <b>duly justified, subject to prior notification and made available to the public [...].</b>
6. Member States shall ensure that independent national regulatory authorities have separate annual budgets. The budgets shall be made public. Member States shall also ensure that national regulatory authorities have adequate financial and human resources to enable them to carry out the task assigned to them and to actively participate in and contribute to ERGA.	<i>Deleted and merged with paragraph 4</i>	6. Member States shall ensure that regulatory authorities <i>and/or bodies</i> have separate annual [...] <i>budget allocations [...]</i> to enable them to carry out the tasks assigned to them and to actively participate in and contribute to <i>the</i> ERGA. The budgets shall be made public.	<u><i>EP and accepted in part (in paragraph 4)</i></u>

7. Member States shall ensure that effective mechanisms exist at national level under which any user or media services provider or video-sharing platform provider who is affected by a decision of a national regulatory authority has the right of appeal against the decision to an appeal body. The appeal body shall be independent of the parties involved in the appeal.	7. Member States shall ensure that effective <b>appeal</b> mechanisms exist at national level [...]. The appeal body, <b>which may be a court</b> , shall be independent of the parties involved in the appeal.	7. Member States shall ensure that effective mechanisms exist at national level under which any [...] <i>recipient of a service whose rights are directly affected by audiovisual content</i> or <i>audiovisual</i> media service provider or video-sharing platform provider who is affected by a decision of a national regulatory authority and/or body has the right of appeal against the decision to an appeal body. The appeal body shall be independent of the parties involved in the appeal.	
That appeal body, which should be a court, shall have the appropriate expertise to enable it to carry out its functions effectively. Member States shall ensure that the merits of the case are duly taken into account and that there is an effective appeal mechanism.	<i>deleted</i>	[No change]	
Pending the outcome of the appeal, the decision of the national regulatory authority shall stand, unless interim	Pending the outcome of the appeal, the decision of the national regulatory authority <b>or body</b> shall	[No change]	



measures are granted in accordance with national law.	stand, unless interim measures are granted in accordance with national law.		
Article 30-a			
	1. Member States shall ensure that their national regulatory authorities or bodies take appropriate measures to provide each other and the Commission with the information necessary for the application of this Directive, in particular Articles 2, 3 and 4.		1. Member States shall ensure that their national regulatory authorities and/or bodies take appropriate measures to provide each other and the Commission with the information necessary for the application of this Directive, in particular Articles 2, 3 and 4.
	2. Member States shall ensure that, when their national regulatory authorities or bodies receive information from a media service provider under their jurisdiction that it wishes to provide a service wholly or mostly directed at the audience of another Member State, the national regulatory authority or body in the Member State having jurisdiction shall inform the national regulatory		<b>COMPROMISE AGREED</b> 2. <u>In the context of the information exchange under paragraph 1, [...],</u> when [...] national regulatory authorities <u>and/or</u> bodies receive information from a media service provider under their jurisdiction that it [...] <u>will</u> provide a service wholly or mostly directed at the audience of another Member State, the national regulatory authority <u>and/or</u> body in the Member State having jurisdiction shall inform the national

	authority or body of the receiving Member State.		regulatory authority <u>and/or</u> body of the [...] <u>targeted</u> Member State.
	<p>3. If the regulatory authority or body of a receiving Member State sends a request concerning the activities of a media service provider to the regulatory authority or body of the Member State having jurisdiction over that provider, the latter regulatory authority or body shall do its utmost to address the request within two months, without prejudice to stricter time limits applicable pursuant to this Directive. When requested, the regulatory authority or body of the receiving Member State shall provide any information to the regulatory authority or body of the Member State having jurisdiction that may assist it in addressing the request.</p>		<p><b>COMPROMISE AGREED</b></p> <p>3. If the regulatory authority <u>and/or</u> body of a [...] Member State <u>whose territory is targeted by a media service provider under the jurisdiction of another Member State</u>, sends a request concerning the activities of <u>that</u> provider to the regulatory authority <u>and/or</u> body of the Member State having jurisdiction over <u>it</u> [...], the latter regulatory authority <u>and/or</u> body shall do its utmost to address the request within two months, without prejudice to stricter time limits applicable pursuant to this Directive. When requested, the regulatory authority <u>and/or</u> body of the <u>targeted</u> [...] Member State shall provide any information to the regulatory authority <u>and/or</u> body of the Member State having jurisdiction that may assist it in addressing the request.</p>
Article 30a - <i>Point 22 - <u>AMD 81</u></i>			

1. The European Regulators Group for Audiovisual Media Services (ERGA) is hereby established.	[No change]	[No change]	1. The European Regulators Group for Audiovisual Media Services (ERGA) is hereby established.
2. It shall be composed of national independent regulatory authorities in the field of audiovisual media services. They shall be represented by the heads or by nominated high level representatives of the national regulatory authority with primary responsibility for overseeing audiovisual media services, or in cases where there is no national regulatory authority, by other representatives as chosen through their procedures. A Commission representative shall participate in the group meetings.	2. It shall be composed of [...] <b>representatives of</b> national [...] regulatory authorities <b>or bodies</b> in the field of audiovisual media services [...]. A Commission representative shall participate in [...] <b>ERGA</b> meetings.	2. It shall be composed of national regulatory authorities <i>and/or bodies, which may include those regional independent regulatory authorities and bodies that have full competence</i> in the field of audiovisual media services. They shall be represented by the heads or by nominated high level representatives of the national regulatory authority with primary responsibility for overseeing audiovisual media services, or in cases where there is no national regulatory authority <i>and/or body</i> , by other representatives as chosen through their procedures. A Commission representative shall participate in the group meetings.	<u><b>EP and accepted in part</b></u> 2. It shall be composed of [...] <b>representatives of</b> national [...] regulatory authorities <b>and/or bodies</b> in the field of audiovisual media services [...] with primary responsibility for overseeing audiovisual media services, or in cases where there is no national regulatory authority and/or body, by other representatives as chosen through their procedures. A Commission representative shall participate in the [...] <b>ERGA</b> meetings.
3. ERGA's shall have the following tasks:	3. ERGA [...] shall have the following tasks:	3. <i>The</i> ERGA [...] shall have the following tasks:	<u><b>EP and accepted in full</b></u> 3. <b>The</b> ERGA [...] shall have the following tasks:

<p>(a) to advise and assist the Commission in its work to ensure a consistent implementation in all Member States of the regulatory framework for audiovisual media services;</p> <p>(b) to advise and assist the Commission as to any matter related to audiovisual media services within the Commission's competence. If justified in order to advise the Commission on certain issues, the group may consult market participants, consumers and end-users in order to collect the necessary information;</p>	<p>(a) to [...] <b>provide technical expertise to</b> the Commission [...] to ensure a consistent implementation [...] of the regulatory framework for audiovisual media services</p> <p><i>[deleted]</i></p>	<p>(a)to advise and assist the Commission <i>at its request</i> in its [...] <i>task</i> to ensure a consistent implementation <i>of this Directive</i> in all Member States [...];</p> <p>(b)to advise and assist the Commission [...] <i>at its request on matters</i> related to audiovisual media services within [...] <i>its</i> competence [...];</p>	<p><u><i>EP and accepted in part</i></u></p> <p>(a) to [...] <b>provide technical expertise to</b> the Commission in [...]:</p> <p>- its <b>task</b> to ensure a consistent implementation of [...] <b>this Directive</b> in all Member States [...],</p> <p>- [...] <b>on</b> matters related to audiovisual media services within its competence [...];</p>
<p>(c) to provide for an exchange of experience and good practice as to the application of the regulatory framework for audiovisual media services;</p>	<p>(c)to [...] exchange [...] experience and [...] <b>best practices</b> [...] on the application of the regulatory framework for audiovisual media services;</p>	<p>[no change]</p>	<p>(c) to [...] exchange [...] experience and [...] <b>best practices</b> [...] on the application of the regulatory framework for audiovisual media services, <b>including on</b></p>

			<b>accessibility and media literacy;</b>
<b>(d) to cooperate and provide its members with the information necessary for the application of this Directive, in particular as regards Articles 3 and 4 thereof;</b>	[No change]	(d)to cooperate and provide its members <b>and the contact committee</b> with the information necessary for the application of this Directive, in particular as regards Articles 3, 4 <b>and 7</b> thereof;	<b><u>EP amd accepted in part</u></b>  (d) to cooperate and provide its members with the information necessary for the application of this Directive, in particular as regards Articles 3, [...] 4 <b>and 7</b> thereof;
<b>(e) to give opinions, when requested by the Commission, on the issues envisaged in Articles 2(5b), 6a(3), 9(2), 9(4) and on any matter relating to audiovisual media services, in particular on the protection of minors and incitement to hatred.</b>	(e) to give opinions, when requested by the Commission, <b>on the technical and factual aspects of</b> the issues [...] <b>pursuant to</b> Articles 2(5b), 3(4) and 4(4)(c) [...].	[No change]	(e) to give opinions, when requested by the Commission, <b>on the technical and factual aspects of</b> the issues [...] <b>pursuant to</b> [Articles 2(5b), 3(4) and 4(4)(c)]* [...].  * references to specific articles are pending until these articles are agreed
<b>4. The Commission shall be empowered to adopt, by means of an implementing act, the rules of procedure for ERGA.</b>	<b>4. [...] ERGA shall adopt [...] its rules of procedure [...].</b>	4. The Commission shall be empowered to adopt, by means of an implementing act, the rules of procedure for <b>the</b> ERGA.	<b><u>EP amd rejected</u></b>  4. [...] <b>The_ERGA shall adopt [...] its rules of procedure [...].</b>
		<b>4a. The ERGA shall have adequate financial and human resources to carry out its tasks. Regulatory authorities and/or</b>	<b><u>EP amd rejected</u></b>

		<i>bodies shall actively participate in and contribute to the ERGA.</i>	
<b>CHAPTER XII FINAL PROVISIONS</b>			
<b>Article 31</b>			
In fields which this Directive does not coordinate, it shall not affect the rights and obligations of Member States resulting from existing conventions dealing with telecommunications or broadcasting.	[No change]	[No change]	In fields which this Directive does not coordinate, it shall not affect the rights and obligations of Member States resulting from existing conventions dealing with telecommunications or broadcasting.
<b>Article 32</b>			
Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	[No change]	[No change]	Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.
<b>Article 33 - <i>Point 23</i></b>			
<b>The Commission shall monitor Member States' application of the Directive, including its application of co-regulation and self-regulation through codes adopted at national level.</b>	The Commission shall monitor Member States' application of this Directive [...].	[no change]	
<b>By [date – no later than four years after adoption] at the latest, and every three years thereafter, the Commission shall submit to the European Parliament, to the Council and to the European</b>	[No change]	<b><u>AMD 82</u></b> By [date – no later than [...] three years after adoption] at the latest, and every three years thereafter, the Commission shall submit to the European Parliament, to the	<b><u>EP can drop its Amd 82</u></b>

<p><b>Economic and Social Committee a report on the application of this Directive.</b></p>		<p>Council and to the European Economic and Social Committee a report on the application of this Directive <i>and, if necessary, make further proposals to adapt it to the developments in the field of audiovisual media services, in particular in the light of recent technological developments, the competitiveness of the sector as well as a report on practices, policies and accompanying measures supported by Member States in the field of media literacy.</i></p>	<p><u>N.B.</u> Media literacy part to be deleted in the light of a new article on media literacy.</p>
<p><b>By [date - no later than 10 years after adoption] at the latest, the Commission shall submit to the European Parliament and the Council an ex post evaluation, accompanied where appropriate by proposals for its review, in order to measure the impact of the Directive and its added value.</b></p>	<p>By [date - no later than [...] <b>eight</b> years after adoption] at the latest, the Commission shall submit to the European Parliament and the Council an ex post evaluation, accompanied where appropriate by proposals for its review, in order to measure the impact of the Directive and its added value.</p>	<p>[No change]</p>	

			<b>The Commission shall keep the Contact Committee and the ERGA duly informed on their respective works and activities.</b>
			<b>The Commission shall ensure that information received from Member States on any measure that they have taken in the fields coordinated by this Directive is communicated to the Contact Committee and the ERGA.</b>
<b>Article 2 of the proposal for amending Directive 2010/13/EU</b>			
<b>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [date – no later than 1 year after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.</b>	<b>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [date – no later than [...] 2 years after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall</b>	[No change]	<b>EP is proposing 18 months as a duration of transposition.</b>



	determine how such reference is to be made.		
<b>2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</b>	[No change]	[No change]	<b>2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</b>
Article 3			
<b>This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>.</b>	[No change]	[No change]	<b>This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>.</b>
Article 4			
<b>This Directive is addressed to the Member States. Done at Brussels, <i>For the European Parliament</i> <i>The President</i>  <i>For the Council</i> <i>The President</i></b>	[No change]	[No change]	<b>This Directive is addressed to the Member States. Done at Brussels, <i>For the European Parliament</i> <i>The President</i>  <i>For the Council</i> <i>The President</i></b>

## Article 3

1. Member States shall ensure freedom of reception and shall not restrict retransmissions on their territory of audiovisual media services from other Member States for reasons which fall within the fields coordinated by this Directive.
2. Member States may provisionally derogate from paragraph 1 if an audiovisual media service provided by a media service provider under the jurisdiction of another Member State manifestly, seriously and gravely infringes Article 6(aa) or 6a(1) or prejudices or presents a serious and grave risk of prejudice to public health,

The derogation referred to in the first subparagraph is subject to the following conditions:

- a) during the previous 12 months, the media service provider has on at least two prior occasions already performed one or more of the conducts described in the first subparagraph;
- b) the Member State concerned has notified the media service provider, the Member State having jurisdiction over that provider and the Commission in writing of the alleged infringements and of the proportionate measures it intends to take should any such infringement occur again;
- c) the Member State concerned has respected the right of defence of the media service provider and, in particular, has given that provider the opportunity to express its views on the alleged infringements; and
- d) consultations with the Member State having jurisdiction over the media service provider and the Commission have not produced an amicable settlement within one month of the Commission's receipt of the notification referred to in point (b).

Within three months of its receipt of the notification of the measures taken by the Member State [and after having consulted the ERGA]<sup>21</sup>, the Commission shall take a decision on whether those measures are compatible with Union law. If the Commission decides that they are not, it shall require the Member State concerned to put an end to the measures in question as a matter of urgency.

3. Member States may provisionally derogate from paragraph 1 if an audiovisual media service provided by a media service provider under the jurisdiction of another Member State manifestly, seriously and gravely infringes Article 6(ab) or prejudices or presents a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence where the following conditions are met:

<sup>21</sup> The EP is proposing to replace the text in square brackets with “**and after having requested the ERGA to provide an opinion in accordance with Article 30(3)(e)**”. The following sentence would be also added: “**The Commission shall inform the Contact Committee of the ERGA's opinion.**”

- a) during the previous 12 months this conduct occurred at least on one prior occasion; and
- b) the Member State concerned has notified the media service provider, the Member State having jurisdiction over that provider and the Commission in writing of the alleged infringement and of the proportionate measures it intends to take should any such infringement occur again.

The Member State concerned shall respect the rights of defence of the media services provider concerned, and, in particular give that provider the opportunity to express its views on the alleged infringements.

Within three months of its receipt of the notification of the measures taken by the Member State [after having consulted the ERGA]<sup>21</sup>, the Commission shall take a decision on whether those measures are compatible with the Union law. If the Commission decides that they are not, it shall require the Member State concerned to put an end to the measures in question as a matter of urgency.

- 4. Paragraphs 2 and 3 shall be without prejudice to the application of any procedure, remedy or sanction to the infringements in question in the Member State which has jurisdiction over the media service provider concerned.
- 4a. Member States may, in urgent cases, no later than one month after the alleged infringement, derogate from the conditions laid down in points a) and b) of paragraph 3. Where this is the case, the measures taken shall be notified in the shortest possible time to the Commission and to the Member State under whose jurisdiction the media service provider falls, indicating the reasons for which the Member State considers that there is urgency. The Commission shall examine the compatibility of the notified measures with the Union law in the shortest possible time. Where it comes to the conclusion that the measures are incompatible with the Union law, the Commission shall ask the Member State in question to urgently put an end to those measures.
- 4b. If the Commission lacks information necessary to take the decision pursuant to paragraph 2 or 3, it shall request from the Member State within one month of the receipt of the notification all information necessary to reach that decision. The time limit within which the Commission shall take the decision shall be suspended until the Member State has provided such necessary information. In any case, the suspension of the time limit shall not last longer than one month.
- 5. Member States and the Commission shall regularly exchange experiences and best practises regarding the procedure set out in this article in the framework of the contact committee established pursuant to Article 29 and the ERGA.