



Council of the European Union
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LIMITE

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NOTE

From:	General Secretariat of the Council
To:	Audiovisual and Media Working Party (Attachés) Audiovisual and Media Working Party
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU - Comments from LV

Delegations will find attached the written contributions from delegations that were made during or after the Audiovisual and Media Working Party meeting on 22 May 2023 in relation to the Presidency compromise proposals set out in WK 6368/2023 INIT.

Latvia's proposals 22.05.2023

Article 2

(14a) 'public authority or entity' means a national or subnational government, a regulatory authority or body, or an entity controlled, directly or indirectly, by a national or subnational government at [...] national or regional level;

Reasoning: The threshold of national or regional should be deleted as this would exclude very large entities controlled by city municipalities whose budgets can run into hundreds of millions of euros.

Article 6

Duties of media service providers **providing news and current affairs content**

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

Reasoning: No argument has been heard for limiting transparency of media ownership to providers of news and current affairs content. The current version excludes from the scope of the Article service providers who, for example, insert documentaries containing historical falsehoods between entertainment programmes. Films and comedy shows are also used to express known narratives with the intent of influencing public opinion. Such broadcasts are not news or current affairs programmes. Full transparency of media ownership would also help MS assess the level of media pluralism.

2. Without prejudice to national constitutional laws consistent with the Charter, media service providers providing news and current affairs content **or other content that may influence the formation of public opinion** shall take measures that they deem appropriate with a view to guaranteeing the independence of individual editorial decisions. In particular, such measures shall aim to:

- (a) guarantee that editors are free to take individual editorial decisions in the exercise of their professional activity; and
- (b) ensure disclosure of any actual or potential conflict of interest by any party having a stake in media service providers that may affect the provision of news and current affairs content **or other content that may influence the formation of public opinion**.

Reasoning: The addition of this wording would cover disinformation, distortions of history and similar content.

Article 17

1. last sentence

In case of reasonable doubts concerning the media service provider's compliance with points (a), (b) and (c), the provider of a very large online platform shall seek

confirmation on the matter from the relevant national regulatory authority or body or the relevant co- or self-regulatory body.

Reasoning: We think those declaring themselves as bona fide media service providers should also comply with the condition that they have editorial responsibility for the choice of the content of the media service and determine the manner in which it is organised as foreseen in point (a). This is clearly not the case with, for example, the RT channels whose content is determined centrally in Moscow. Therefore, compliance with point (b) is also necessary and any doubts should be investigated.

4a. In case a provider of very large online platforms rejects a declaration by a media service provider submitted pursuant to paragraph 1 of this Article or in case no amicable solution was found following the dialogue pursuant to paragraph 4 of this Article, the media service provider concerned may use the mediation mechanism under Article 12 of Regulation (EU) 2019/1150. The media service provider concerned may notify the outcome of such mediation to the Board.

Reasoning: The last sentence seems to be superfluous. Do media service providers need official permission to notify the Board of the results of the mediation process. In the absence of such a sentence, would media service providers be barred from contacting the Council?

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

Reasoning: To get a full picture of VLOPs activities the detailed information they provide should be disaggregated.

Article 19

3. Member States shall take [...] appropriate measures to ensure that devices or user interfaces placed on the European Union market manufacturers and developers comply with paragraph 2.

Reasoning: Most of these devices and interfaces will have been manufactured and developed in third countries and thus imported into the EU. This wording would cover the products of both EU and third country manufacturers and developers.

Article 23

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

Reasoning: A situation in which one section of the market abides by mutually agreed rules and another uses only its own non-transparent methodologies cannot be tolerated. Therefore, we recommend adding comparability to the principles of audience measurement systems and methodologies.

2. Delete the reference to business secrets.

Reasoning: The business secrets exemption can be used to hide dubious audience measurement methodologies, which may distort the advertising market through unfair competition.

Article 24

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

Reasoning: As we emphasised at the EYCS 16.05 meeting, LV does not support the establishment of any thresholds for the application of this Regulation. In the current version we are saying that certain municipalities do not have to account for how taxpayers' money is spent. LV is calling for the 100,000 inhabitants' threshold to be deleted.

Article 28

2. This Regulation shall apply from [~~6~~ 18 months after the entry into force].

Reasoning: 6 months is an unrealistic deadline as pointed out by many MS.