

**2022/0277(COD)**

**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**

**DRAFT LIBE Compromise Amendments**

## **Compromise 1 : Chapter I - General provisions, Article 1 and corresponding recitals**

**Covering:** AM 312 (Greens), AM 1-2 rapporteur, AM 127 (Left), AM 128 (S&D), AM 131 (Left), AM 133 (Left), , AM 137 (Greens), AM 138(Greens), AM 140 (Greens), AM 141 (S&D), AM 142 (Greens)

**Falling:** AM 307(EPP), AM 308(EPP), AM 309(EPP), AM 310(EPP), AM 311(Left), AM 129 (NA), AM 130 (ID), AM 132(ID), AM 134 (ID) deletion, AM 135 (The Left), AM 136 (Left), Am 139(Left)

### *Article 1*

#### Subject matter and scope

1. This Regulation lays down common rules for the proper functioning of the internal market for media services, including the establishment of the European Board for Media Services, while preserving the quality of media services.
2. This Regulation shall not affect rules laid down by:
  - (a) Directive 2000/31/EC;
  - (b) Directive 2019/790/EU;
  - (c) Regulation 2019/1150;
  - (d) Regulation (EU) 2022/XXX [the Digital Services Act];
  - (e) Regulation (EU) 2022/XXX [the Digital Markets Act];
  - (f) Regulation (EU) 2022/XXX [Regulation on the transparency and targeting of political advertising].
3. This Regulation shall not affect the possibility for Member States to adopt more detailed or stricter rules in the fields covered by Chapter II and Section 5 of Chapter III *and Article 24 of Section 6 of Chapter III (AM 312 Greens)*, provided that those rules comply with Union law.

#### **Corresponding Recitals**

##### **Recital 1**

**Covers AM 127 (The Left), AM 128 (S&D)**

**Falls AM 129 (NA), AM 130 (ID)**

(1) Independent media services play a unique role in the internal market. They represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, thereby fulfilling the general interest **and the** function of ‘public watchdog’, **therefore ensuring their access to relevant information is an essential element (AM 128 SD)**. Media services are increasingly available online and **subject to ever more intense marketisation. They are also increasingly available [AM 127 The Left]** across borders ~~while~~ **and [AM 127 The Left]** they are not subject to the same rules and the same level of protection in different Member States.

### **Recital 2**

**Covers AM 131 (The Left)**

**Falls AM 132 (ID)**

(2) Given their unique role, the protection of media freedom and pluralism is an essential feature of a well-functioning internal market for media services (or ‘internal media market’). **While the scope of this Regulation is limited to the regulation of the internal market features of media services, it should be noted that the protection of media freedom and pluralism is a prerequisite for functional democracy, [AM 131 The Left].** ~~This market~~ **The environment for media services [AM 131 The Left]** has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should help the media sector seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.

### **Recital 3**

**Covers AM 1 (Rapp), AM 133 (The Left)**

**Falls**

(3) In the digital media space, citizens and businesses access and consume media content, immediately available on their personal devices, increasingly in a cross-border setting, **as new technologies and applications render media content easily accessible even to users who do not speak the language in which the content was produced. [AM 1 Rapp]**. Global online platforms **and online search engines [AM 1 Rapp]** act as gateways to media content, with business models that tend to disintermediate access to media services tend to amplify polarising content and disinformation.. **Moreover online platforms are structured to facilitate instantaneous feedback loops in order to drive constant engagement, which facilitates more rapid and deeper polarisation than traditional media. [AM 133 The Left]**. These platforms are also essential providers of online advertising, which has diverted financial resources from the media sector, affecting its financial sustainability, and consequently the diversity of content on offer. As media services are knowledge- and capital-intensive, they require scale to remain competitive and to thrive in the internal market. To that effect, the possibility to offer services across

borders and obtain investment including from or in other Member States is particularly important. *Furthermore, the decrease in funding from advertising available to traditional media has accelerated the decline of quality journalism. Notwithstanding the fact that media is considered as a crucial pillar of democracy, [AM 133 The Left] States is particularly important. Member States governments have not in any substantial way stepped in to make funding available on a no-strings-attached basis to traditional media to support quality investigative or other journalism. [AM 133 The Left]*

#### **Recital 4**

**Covers**

**Falls AM 134 (ID) deletion, AM 135 (The Left)**

- (4) However, the internal market for media services is insufficiently integrated. A number of national restrictions hamper free movement within the internal market. In particular, different national rules and approaches related to media pluralism and editorial independence, insufficient cooperation between national regulatory authorities or bodies as well as opaque and unfair allocation of public and private economic resources make it difficult for media market players to operate and expand across borders and lead to an uneven level playing field across the Union. The integrity of the internal market for media services may also be challenged by providers that systematically engage in disinformation, including information manipulation and interference, and abuse the internal market freedoms, including by state-controlled media service providers financed by certain third countries.

#### **Recital 5**

**Covers AM 2 (Rapp), , AM 137 (Greens) AM 138 (Greens)**

**Falls AM 136 (The Left)**

- (5) Moreover, in response to challenges to media pluralism and media freedom online, some Member States have taken regulatory measures and other Member States are likely to do so, with a risk of furthering the divergence in national approaches and restrictions to free movement in the internal market

#### **Recital 5 a (new)**

*(5 a) A free and well-functioning internal market for media services is also an essential pillar of a functioning democracy, by providing access to a plurality of views and trustworthy sources of information to the consumers. The increased role of the online environment and its new functionalities have had a disruptive effect on the market for media services, rendering it increasingly cross-border and fostering a true European market for media services. In this environment, media content is not only available but also easily accessible to European consumers irrespective of their Member State of origin. Media content created for consumers in one Member State is able to reach far further than initially intended. The ability of media service providers to operate in a fair level-playing field environment in order to make news and current affairs information available to the European citizens is hampered by divergent approaches at national level. These approaches have created market fragmentation, legal uncertainty and increasing compliance costs for media companies and media professionals. Therefore, it is necessary to*

*have a single legal framework that ensures a harmonised application of rules for media service providers throughout the Union, ensuring that European consumers have access to a broad range of reliable sources of information and to quality journalism as public goods in order to make informed choices, including about the state of their democracies. [AM 2 Rapp, AM 137 Greens]*

*(5b) The right to freedom of expression and information, enshrined in Article 11 of the Charter and in Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, encompasses the right to receive and impart information as well as the freedom and pluralism of the media. Accordingly, this Regulation draws upon the case law of the European Court of Human Rights (ECHR) and builds upon the standards developed by the Council of Europe in this regard. [AM 138 Greens]*

#### **Recital 6**

**Covers AM 140 (Greens), AM 141 (S&D) AM 142 (Greens)**

**Falls AM 139 (The Left)**

(6) ~~Recipients of media services in the Union~~ *citizens or* (natural persons who ~~who are nationals of Member States or benefit from rights conferred upon them by Union law and legal persons established in the Union~~) [AM 140 Greens] should be able to effectively enjoy the freedom to ~~receive~~ *have access to independent*, [AM 141 S&D] free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards<sup>1</sup>.

6a (new) *The media environment is undergoing major and fast changes. In this regard, the role of the media in a democratic society has not changed, but media have additional tools to facilitate interaction and engagement. Media-related policy must take these and future developments into account. Therefore, this Regulation should adopt a broad notion of media which encompasses all actors involved in the production and dissemination, to potentially large numbers of people, of content (for example information, analysis, comment, opinion, education, culture, art and entertainment in text, audio, visual, audiovisual or other form) and applications which are designed to facilitate interactive mass communication (for example social networks), while retaining (in all these cases) editorial responsibility or oversight of the contents. Such a notion should include, but not be limited to print media, broadcast media, non-linear audiovisual media, online newspapers, news websites, online news portals, online news archives, print and online publishers, journalists, including those in non-standard forms of employment such as free-lancing and independent journalism other public watchdogs reporting on matters of public interest. (AM 142 Greens)*

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

## Compromise **2** : Chapter II, Article 2

### Corresponding Recitals:

**Covering:** AMs 33 to 45 (Rapp), AM 315(Greens), AM 316(ECR), AM 317(S&D) AM 318(S&D), AM 323(ECR), AM 325(EPP), AM 326(ECR), AM 327(Greens) AM 329(ECR), AM 331(ECR), AM 331(ECR), AM 333(Greens), AM 334(Greens), AM 339(S&D), AM 340(EPP), AM 341(Greens), AM 342(Renew), AM 343(Greens), AM 344(Left), AM 345(ECR), AM 346(S&D) AM 352(Left), AM 353(Greens), AM 356(Renew)AM 3 (Rapp), AM 143 (Greens), AM 144 (The Left) AM 4 (Rapp), AM 145 (ECR), AM 146 (The Left), AM 148 (Greens)AM 149 (EPP), AM 150 (NA) , AM 151 (ECR) AM 5 (Rapp), AM 6(Rapp), AM 152 (Greens), AM 153 (EPP), AM 155 (rapp), AM 156 (S&D)

**Falling:** AM 313(ECR), AM 314(S&D), AM 319(EPP), AM 320(EPP), AM 321(Greens), AM 322(ECR), AM 324(Greens), AM 328(Left), AM 330(Left), AM 332(Left), AM 335(NI), AM 336(ECR), AM 337(EPP), AM 338(S&D), AM 342(Renew), AM 343(Greens), AM 344(Left), AM 347(S&D), AM 348(ECR), AM 349(S&D), AM 350(ECR), AM 351(Left), AM 354(Left), AM 355(Greens)AM 147 (EPP)AM 154 (Renew)

### Article 2

#### Definitions

For the purposes of this Regulation, the following definitions shall apply:

- 1) 'media service' means a service as defined by Articles 56 and 57 of the Treaty, where the principal purpose of the service or a dissociable section thereof consists in providing programmes or press publications to the general public, by any means, in order to inform, entertain or educate, under the editorial responsibility of a media service provider;
- 2) 'media service provider' means a natural or legal person, **including natural persons in non-standard forms of employment, such as free-lancing and independent journalism (AM 315 (Greens), Am 316 (ECR))** whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines **the approach and perspective of presenting and delivering the content and (317 SD)** the manner in which it is organised;
- 3) 'public service media provider' means a media service provider which is entrusted with a public service mission under national law or receives national public funding for the fulfilment of such a mission;

- 4) 'programme' means a set of moving images or sounds constituting an individual item, irrespective of its length, within a schedule or a catalogue established by a media service provider;
  - 5) 'press publication' means a publication as defined in Article 2(4) of Directive 2019/790/EU;
  - 6) 'audiovisual media service' means a service as defined in Article 1(1), point (a), of Directive 2010/13/EU;
  - 7) 'editor' means a natural person or a number of natural persons possibly grouped in a body, regardless of its legal form, status and composition, that takes or supervises editorial decisions within a media service provider;
- (7a) 'editor-in-chief' means a natural person who takes or supervises editorial decisions within a media service provider; (AM 34 Rapp)***
- 8) 'editorial decision' means a decision taken on a regular basis for the purpose of exercising editorial responsibility and linked to the day-to-day operation of a media service provider;
  - 9) "'editorial responsibility' means the exercise of effective control both over the selection of the programmes or the content of press publications, and other media products and over their organisation, for the purposes of the provision of a media service, regardless of the existence of liability under national law for the service provided; (AM 36 Rapp, AM 323 ECR, AM 325 EPP)
- (9a) 'online platform' means a service as defined in Article 3, point (i) of Regulation (EU) 2022/2065; (AM 36 Rapp, AM 326 ECR)***
- (9b) 'online search engine' means a service as defined in Article 3, point (j) of Regulation (EU) 2022/2065; (AM 37 Rapp, AM 329 ECR)***
- (9c) 'provider of online platform' means a hosting service as defined in article 3 (I) in the of Regulation (EU) 2022/2065 (AM327 Greens)***
- 10) 'provider of very large online platform' means a provider of an online platform that has been designated as a very large online platform pursuant to Article 33(4) of Regulation (EU) 2022/2065; (AM 38 Rapp)
- (10a) 'provider of a very large online search engine' means a provider of an online search engine that has been designated as a very large online search engine pursuant to Article 33(4) of Regulation (EU) 2022/2065; (AM 39 Rapp, AM 331 ECR)***
- 11) 'video-sharing platform service' means a service as defined in Article 1(1), point (aa), of Directive 2010/13/EU;
  - 12) 'national regulatory authority or body' means the authority or body designated by Member States pursuant to Article 30 of Directive 2010/13/EU;
  - 13) 'media market concentration' means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one party in the media value chain, such as media service providers, providers of very large online platforms or of very large online search engines; (AM 333 Greens, AM 40 Rapp)
  - 14) 'audience measurement' means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services and users of online platforms for the purposes of decisions regarding advertising allocation or prices or the related buying, planning, selling or distribution of content; (AM 41 Rapp, AM 334 Greens)

15) ‘State advertising’ (AM 339 SD) means the placement, publication or dissemination, in any media service or online platform or search engine that provides media services (AM 42 rapp. , AM 341 Greens), of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of Union institutions or bodies or any national or regional or local public authority (AM 341), such as national, federal or regional and local governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government of a territorial entity of more than 1 million inhabitants; (AM 42 Rapp, AM 339 S&D, AM 340 EPP, AM 341 Greens)

(15a) ***‘Emergency messages by public authorities’ means the placement, publication or dissemination, in any media service, of a message of informative nature, considered necessary by the public authorities in the event of natural or sanitary disasters, accidents, other sudden incidents or critical situations that may cause harm to individuals;*** (AM 43 Rapp)

(15b) ***‘surveillance technologies’ means any digital, mechanical, or other instrument/product that enables the acquisition of information by intercepting, monitoring, extracting, collecting or analysing data without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent, as defined under Article 7 of Regulation EU 2016/679 in that regard;***

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

(17) ‘serious crime’ means any of the following criminal offences listed in Article 2(2) of the Council Framework Decision 2002/584/JHA<sup>2</sup>:

(a) terrorism ***as defined in Directive (EU) 2017/541 of the European Parliament and of the Council (AM 352 Left, 353 Greens)***,

(b) trafficking in human beings,

(c) sexual exploitation of children and child pornography,

(d) illicit trafficking in weapons, munitions and explosives,

(e) murder, grievous bodily injury,

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<sup>2</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1-20).



- (f) illicit trade in human organs and tissues,
- (g) kidnapping, illegal restraint and hostage-taking,
- (h) organised or armed robbery,
- (i) rape,
- (j) crimes within the jurisdiction of the International Criminal Court.

**(17a) 'user interface' means a service or facility that provides a textual or visual overview of audiovisual media services or their content, which serves the purpose of orientating, discovering, finding, selecting or accessing audiovisual content or services by the user;** (AM 44 Rapp)

**(17b) 'user interface provider' means a natural or legal person providing a user interface, determining predominantly the design of the overview of audiovisual media services and the order or manner in which they are presented to the user.** (AM 45 Rapp)

**(17c) "Recipients of media services" means any natural or legal person for whom a "media service", as set out in subparagraph 1 of this paragraph, is intended for.** (AM 356(Renew))

### **Recital 7**

**Covers AM 3 (Rapp), AM 143 (Greens), AM 144 (The Left)**

**Falls**

- (7) For the purposes of this Regulation, the definition of a media service should be limited to services as defined by the Treaty and therefore should cover any form of economic activity, **for which normally remuneration is provided [AM 143 Greens] also including non-standard forms of employment, such as free-lancing and independent journalism.[AM 3 Rapp, AM 144 The Left]** This definition should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal purpose, meaning where the content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. ~~The definition of a media service should cover in particular television or radio broadcasts, on-demand audiovisual media services, audio podcasts or press publications.~~ [AM 143 Greens] Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.

### **Recital 8**

**Covers AM 4 (Rapp), AM 145 (ECR), AM 146 (The Left), AM 148 (Greens)**

**Falls AM 147 (EPP)**

- (8) In the digitalised media market, providers of video-sharing platforms, ~~or very large online platforms or very large online search engines [AM 4 Rapp]~~ may fall under the definition of media service provider. In general, such providers play a key role in the ~~content~~

*of content [AM 146 The Left] organisation, including by automated means or algorithms, but claim they [AM 146 The Left] do not exercise editorial responsibility over the content to which they provide access. However, in the increasingly convergent media environment, some many [AM 146 The Left] providers of video-sharing platforms or very large online platforms have started [AM 146 The Left] to exercise editorial control over a section or sections of [AM 146 The Left] their services. Therefore, such an entity when such entities exercise editorial control, [AM 4 Rapp] whether via algorithm or otherwise, [AM 146 The Left] they [AM 4 Rapp] could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.*

*(8a) On the other hand, online platform's capacity to offer content without exercising editorial responsibility over it and to market the ability to target users with advertising allows them to act as direct competitors to media service providers whose content they intermediate and distribute. Given the transfer of economic value in favour online platforms, the audience measurement definition should take into account content consumed by users of media services and users of online platforms. This will ensure that all intermediaries involved in content distribution are transparent about their audience measurement methodologies so as to enable advertisers to make informed choices that drive competition. (AM 148 Greens)*

#### **Recital 9**

Covers AM 149 (EPP), AM 150 (NA) , AM 151 (ECR)

Falls

- (9) The definition of audience measurement should cover measurement systems developed as agreed by industry standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed outside such self-regulatory approaches. The latter tend to be deployed by certain online players who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. *Systems developed outside of commonly agreed industry standards should be considered proprietary audience measurement systems.* Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation. *Media service providers which abide by the commonly agreed industry standards shall not be considered as providers of proprietary audience measurement systems. (AM 149 EPP, AM 150 NI, AM 151 ECR)*

#### **Recital 10**

Covers AM 5 (Rapp), AM 6(Rapp), AM 152 (Greens), AM 153 (EPP), AM 155 (Ramona Strugariu), AM 156 (S&D)

Falls AM 154 (Renew)

- (10) State *Public [AM 156 S&D]* advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including *European Union institutions or bodies, [AM 156 S&D] governments, regulatory authorities or bodies , political*

*parties receiving public funding, [AM 155 rapp]* as well as state-owned enterprises or other state-controlled entities in different sectors, at national, ~~or~~ regional level, or local ~~governments of territorial entities of more than 1 million inhabitants~~ level. [AM 156 S&D] However, the definition of state advertising should not include emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other sudden incidents that can cause harm to individuals (AM 155 Rapp, AM 153 EPP, 156 S&D)

**10 a (new)**

*(10 a) Emergency messages by public authorities should be understood broadly as different from state advertising and should refer to messages or information campaigns conducted by the public authorities in emergency situations such as cases of natural or sanitary disasters, accidents or any other sudden incidents or critical situations that can cause harm to individuals. Such messages may be conducted on behalf of a wide variety of public authorities or entities, including central or local governmental institutions, regulatory authorities or bodies, as well as state owned or state controlled enterprises and entities in different sectors, at national, regional or local level. [AM 6 Rapp]*

**10 b (new)**

*For the purposes of allocation of state advertising and other financial support including in cases of natural or sanitary disasters, accidents or other unforeseen, major incidents that can cause harm to significant portions of the population, criteria should be laid down in advance by national law. Such emergency messages should not be exempted from transparency obligations. Besides, state advertising is only one form of financial support for media that may include also direct subsidies in the form of direct state support awarded to media service providers, tax advantages, reductions to taxes or full tax exemptions for the media sector, state advertising, project-based support schemes funding covering specific needs of media outlets, such as training and skills development, upgrade of technology or facilities, or restructuring processes. [AM 152 Greens]*

### **Compromise 3 : Chapter II, Article 3 and corresponding recitals**

**Covering:** AM 46 (Rapp), AM 358(S&D), AM 360(S&D), AM 361(EPP), AM 359(Greens), AM 7 (Rapp), AM 158 (Greens)

**Falling:** AM 357(Greens), AM 362 (EPP), AM 363(Renew), 364(ECR), Am 365(ECR), AM 366(ECR) AM 157 (The Left) AM 159 (EPP)

### Article 3

#### Rights of recipients of media services

Recipients of media services in the Union shall have the right to *have access (AM 358), in an easily accessible manner, to a plurality of media services, in particular news and current affairs content, produced with respect for editorial freedom of media service providers, in absence of any interference (AM 46 Rapp, 361EPP), from national authorities and bodies, as well as advertisers, donors, political parties and state and non-state actors from third countries (AM 358 SD), to the benefit of the purposes of free and democratic public discourse.* (359 Greens)

#### Corresponding Recitals

Covers AM 7 (Rapp), AM 158 (Greens),

Falls AM 157 (The Left) AM 159 (EPP)

(11) In order to ensure that society reaps the benefits of the internal media market, it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits. Such recipients should have access to quality media services, which have been produced by journalists , *editors-in-chief [AM 7 Rapp]* and editors in an independent manner and in line with journalistic standards and hence provide trustworthy information, including news and current affairs content. ~~Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law. [AM 158 Greens]~~ Such quality media services are also an antidote against disinformation, including foreign information manipulation and interference.

## Compromise **4** : Chapter II, Article 4 and corresponding recitals

**Covering:** AMs 47 to 51(Rapp), AM 367 (SD) AM 369(S&D), AM 370(EPP), AM 371(S&D), AM 372(EPP), AM 376 (EPP), AM 377(ECR), AM 378(Renew), AM 380 (Greens) AM 382(Renew), AM 383(Renew), AM 386(EPP), AM 388(S&D) AM 389(Renew), AM 391(Left), AM 392(Renew), AM 393(Renew), AM 394(Greens), AM 395(S&D), AM 398(EPP), AM 399(Renew), AM 401(Greens AM 407(S&D), AM 408(Greens), AM 409(S&D), AM 410(EPP), AM 411(Renew), AM 412(EPP), AM 414(Greens),AM 161 (Greens), AM 162 (S&D) AM 8 (Rapp), 165 (EPP) 166 partly (The Left), AM 167 (Greens)AM 168 (Greens), AM 169 (The Left), AM 171 (The Left), AM 172 (Greens),AM 9 (Rapp), AM 174 (The Left), AM 175 (Greens), AM 177 (EPP)

**Falling:** AM 368(ECR), AM 373(ECR), Am 374(S&D), AM 375(Renew), AM 379(ECR),

AM 381(Left), AM 384(EPP), AM 385(S&D), AM 387(ID), AM 390(ECR), AM 396(EPP), AM 397(ID), AM 400(Renew), AM 402(Left), AM 403(Greens), AM 404(ECR), AM 405(ECR), AM 406(ECR), AM 413(ECR), AM 415(Renew), AM 416(Renew), AM 417(NI), AM 160 (EPP), AM 163 (ID), AM 164 ID (deletion), AM 173 (Greens) AM 170 (EPP) linguistic  
 AM 176 (NA), AM 178 (Greens)

#### Article 4

##### Rights of media service providers

1. Media service providers shall have the right to exercise their economic activities (AM 367 SD) in the internal market without restrictions other than those allowed under Union law.
2. **The Union**, Member States (AM 370 EPP) **and private entities** AM 371(S&D) shall respect effective editorial freedom **and independence** of media service providers (AM 372(EPP), AM 369 SD). Member States, including their national regulatory authorities and bodies; **the Union's institutions and agencies (AM 370 EPP) as well as private entities(AM 371(S&D)**, shall not:
  - (a) interfere in or try to influence in any way, directly or indirectly, editorial policies and **editorial** decisions by media service providers; (AM 376 EPP)
    - (a a) **oblige media services providers and their employees to disclose any information related to the editorial processing or to disseminate this information, including on their sources;** (AM 47, AM 377 ECR and 378 Rapp)
    - (b) detain, sanction, subject search and seizure, or inspect media service providers, **their employees or**, if applicable, their family members, **or any other subject belonging to their professional network of relationships, including occasional contacts**, or their corporate and private premises, **where such actions may lead to a violation of their professional activity and in particular where they might lead to access to journalistic sources;** ( AM 380(Greens), AM 382(Renew), AM 383(Renew), AM 386(EPP), AM 388(S&D))
    - (b a) **access encrypted content data in any device or machine used by media service providers or, if applicable, their families or their employees or their family members or, if applicable, any other subject belonging to their professional or private network of relationships, including occasional contacts;** (AM 48 Rapp; AM 389(Renew))
    - (c) deploy **measures for surveillance or surveillance technologies or instruct private entities to use such technologies**, in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members **or, if applicable, any other subject belonging to their professional network, including occasional contacts** AM

49(Rapp), AM 392(Renew) AM 393(Renew), AM 393(Renew), AM 394(Greens), AM 395(S&D), AM 398(EPP)

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

*(cb) Commission a third party to perform any of the measures under paragraphs (b), (ba), (c) and (ca). (AM 401 Greens)*

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

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

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

*non-standard forms of employment, such as free-lancers exercising activities in the same field as media service providers and their employees.*

3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate **and guarantee** (AM 410 EPP) an independent authority or body, **such as an ombudsperson (AM 408 Greens, 409 SD)**, to handle complaints lodged by media service providers or **their employees**, their family members, **the family members of their employees, or any other person professionally or privately associated with them (Am 407 SD)**, regarding breaches of paragraph 2, **first subparagraph**, points **(aa), (b), (ba), (c), (ca)** and (cb). Media service providers shall have the right to request that authority or body to issue, within three months of the request, an opinion regarding compliance with paragraph 2, **first subparagraph**, points **(aa), (b), (ba), (c), (ca)** and (cb). AM 51(Rapp) , Am 408(Greens), AM 409(S&D)

### **Corresponding recitals**

#### **Recital 14**

**Covers AM 161 (Greens), AM 162 (S&D)**

**Falls AM 160 (EPP), AM 163 (ID)**

- (14) **Information of general interest is a public good.** [AM 161 Greens]The protection of editorial independence is a precondition for exercising the activity of **media** service providers and their professional integrity.~~In order to guarantee an independent and pluralistic media it is of key importance to put in place the necessary measures to create a safe environment that allows journalists to exercise [AM 161 Greens]~~ editorial independence. ~~is especially important for media service providers providing news and current affairs content given its societal role as a public good.~~ **Journalists, including freelancers and self-employed journalists, as well as other [AM 161 Greens]** media service providers should be able to exercise their ~~economic~~ [AM 161 Greens, AM 162 S&D] activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.

#### **Recital 15:**

**Covers: AM 8 (Rapp), 165 (EPP) 166 partly (The Left), AM 167 (Greens)**

**Falls: AM 164 ID (deletion),**

- (15) Member States have taken different approaches to the protection of editorial independence, which **has been** challenged **for many years** across the Union. In particular, there is **longstanding pressure on** (AM 166 Left) editorial decisions of media service providers in several Member States. Such interference **represents an infringement of the rule of law and** [AM 8 Rapp] can be direct or indirect, from the State or other actors, **Union and its institutions and agencies [AM 165 EPP]**, including **business representatives, [AM 8 Rapp]** public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers

may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage. Moreover, recent trends in media distribution and consumption, including in particular in the online environment, have prompted Member States to consider laws aimed at regulating the provision of media content. Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their content across borders and service recipients can receive such content.

- (15a) *According to the Council of Europe Resolution 1003 (1993), on Ethics of journalism, inside the news organisation, publishers and journalists must co-exist, bearing in mind that the legitimate respect for publishers' and owners' ideological orientations is limited by the absolute requirements on truthful news reporting and ethical opinions. These requirements are such that it is necessary to reinforce the safeguards of the journalist's freedom of expression, for they must in the last instance operate as the ultimate sources of information. To that end, in addition to safeguarding the freedom of the media, freedom within the media must also be protected and internal pressures guarded against. (AM 167 (Greens))*

#### **Recital 16**

**Covers:** AM 168 (Greens), AM 169 (The Left), AM 171 (The Left), AM 172 (Greens),

**Falls :** AM 173 (Greens)

**AM 170 (EPP) linguistic**

- (16) Journalists ~~and~~ editors-in-chief, editors, **and media workers** [AM 168 Greens] are the main actors in the production and provision of trustworthy media content, in particular by-reporting on news or current affairs. It is essential therefore to protect journalists' capability to collect, fact-check and analyse information, including information imparted confidentially. In particular, media service providers, **media workers** [AM 168 Greens] and journalists (including those operating in non-standard forms of employment, such as freelancers **and bloggers**[AM 168 Greens]) should be able to rely on a robust ~~protection of~~ **protections for** [AM 169 The Left] journalistic sources and communications, including against **arbitrary interferences and** [AM 168 Greens] deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists' **and media workers'** [AM 168 Greens] freedom **of expression and capacity** [AM 168 Greens] to exercise their ~~economic~~ [AM 169 The Left] activity and **to** [AM 168 Greens] fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources ~~contributes to~~ **is a precondition for** [AM 168 Greens, AM 169 partially covers] the protection of the fundamental right enshrined in Article 11 of the Charter **and crucial for safeguarding the 'watchdog' role of investigative journalism in democratic societies..** [AM 168 Greens]



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

*(16a) Surveillance methods deployed against journalists are varied, such as interception of electronic communications and metadata, device or software hacking including denial of service attacks, wiretapping, bugging, videotaping, geolocation tracking via Radiofrequency identification (RFID), Global Positioning System (GPS) or cell-site data, data mining and social media monitoring. These techniques might gravely impact journalists' rights to privacy, data protection and freedom of expression. The protections afforded by this Regulation should therefore encompass current forms of digital surveillance but also future technologies that may appear along with technological innovation and they are without prejudice to the application of existing and future Union's law that restricts or prohibits the development, trade in, and use of specific surveillance technologies deemed too invasive. Spyware which grant full unlimited access to personal data, including sensitive data, on a device could affect the very essence of the right to privacy.. (AM 171 Left, AM 172 Greens)*

#### **Recital 17**

**Covers AM 9 (Rapp), AM 174 (The Left), AM 175 (Greens), AM 177 (EPP),  
Falls AM 176 (NA), AM 178 (Greens)**

(17) The protection of journalistic sources *and communication* [AM 175 Greens] is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. *In spite of existing standards codified by the Council of Europe and of established case law by the European Court of Human Rights, practical examples from several Member States have revealed very different approaches to this matter and a lack of protection for journalistic sources in some situations.* [AM 9 Rapp, AM 175 Greens]. This leads to fragmentation in the internal media market. As a result, journalists, ~~which~~ *who* [AM 174 The Left] work increasingly on cross-border projects and provide ~~their services~~ *information* [AM 174 The Left] to cross-border audiences, and by extension providers of media services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources

and communications needs harmonisation and further strengthening at Union level, *without weakening the current protection in any Member State [AM 175 Greens] and building up from already established soft law by the Council of Europe and the European Court of Human Rights, in accordance with Article 52(1) of the Charter and in compliance with other Union Law. In order to offer an adequate protection to journalistic sources, measures disposing interference with journalistic sources should be, ex ante, ordered exclusively by an independent and impartial judicial authority. Such measures should only be ordered at the request of an individual or body with a direct legitimate interest, and who has exhausted all reasonable alternatives to protect that interest, only if there is an overriding requirement in the public interest provided for in national law, the information sought is essential for investigations of serious crimes, there are no other alternatives for obtaining the information sought and the interference with journalists' rights is proportionate and prescribed by law. The interest in interfering with journalistic sources should always be balanced against the harm to freedom of expression and information. Any such measures should be subject to appeal in a court [AM 9 Rapp, AM 174 The Left]. Journalists working on cross-border projects should benefit from the highest protection standards of the Member States involved. The protection of journalistic sources and communications should correspond, as minimum, to the protection as provided in accordance with international and European standards as well as the case law from the CJEU and the ECtHR. [AM 175 Greens]*

- (17a) *An independent authority or body designated to handle complaints lodged by media service providers or, if applicable, their family members, their employees (including those operating in non-standard forms of employment such as free-lancers and self-employed) or their family members, should be protected from any direct or indirect external influence. Such authority or body should have the necessary financial resources and relevant expertise, given the highly technical nature and sophistication of the surveillance measures. Furthermore, it should cooperate with other relevant supervisory authorities, such as data protection authorities, each acting within their respective areas of competence. (177 EPP)*

## Compromise 5 : Chapter II, Article 5 and corresponding recitals

**Covering:** AMs 52 to 54 (Rapp), 423(Greens) AM 424(S&D), AM 425(EPP), 426(Greens), AM 428(S&D), AM 429(S&D), AM 430(EPP), AM 431(Greens)AM 432(S&D), AM 433(S&D), AM 434(S&D), AM 435(S&D), AM 436(EPP), AM 437(NI), AM 438(ECR), AM 439(EPP), AM 441(Left), AM 442(NI) AM 443(Greens), AM 444(S&D), AM 445(Greens), AM 10 (Rapp), AM 180 (The Left), AM 181 (ECR) AM 182 (EPP), AM 183 (Greens), AM 184 (S&D), AM 185 (EPP)

**Falling:** AM 418(NI), AM 419(EPP), AM 420(EPP), AM 421(ECR), AM 422(Left), AM 427(Left), AM 440(Greens), AM 446(EPP), AM 179 (NA).

### Article 5

Safeguards for the independent functioning of public service media providers

1. Public service media providers shall be **editorially independent and (AM 423Greens, AM 424S&D)** provide **independently and** in an (AM 52(Rapp) impartial manner a plurality of information and opinions to **the recipients of media services** (AM 424 SD) , in accordance with their public service **remit (AM 423 Greens)**.
2. The head of management, the members of the governing board and all management positions **that entail responsibility for editorial policy** of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure, **while aimed at achieving a gender balanced representation (AM 428 SD)** and on the basis of transparent, objective, non-discriminatory and proportionate criteria **that emphasises professional competence, political neutrality and commitment to public service journalism**, (AM 426Greens) laid down in advance by national law. **Selection criteria shall be predictable and consistent for the candidates and shall be known no less than 1 year before the planned appointment.** (AM 425EPP)

The duration of **the term of office of the head of management and the members of the governing board** shall be **of at least four years in order to** be adequate and sufficient **and** (AM 429 SD) to ensure effective independence of the public media service provider. They may be dismissed before the end of their term of office only **under exceptional circumstances** (AM 431 Greens) **and on the basis of a review mechanism** (AM 430EPP) where they no longer fulfil the legally predefined conditions required for the performance of their duties laid down in advance by national law or for specific reasons of illegal conduct or serious misconduct as defined in advance by national law. **At the end of the term or in case of a dismissal of the head of management of public service media providers, a new procedure for**

***appointment of a head of management and the members of the governing board shall be opened.*** (AM 429S&D)

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

***Without prejudice to the right of Member States to define the competences and duties of the head of management and members of the governing board of public service media providers as laid down by national law, the head of management and members of the governing board shall not take, interfere or overrule editorial decisions of editors, who shall exercise editorial responsibility in public service media providers within the meaning of Article 2 (9) of this Regulation*** (AM 432S&D)

3. Member States shall ensure that public service media providers ***benefit from sustainable (AM 435) funding, aiming to facilitate and nurture editorial independence (AM 441 Left), allocated on a multi-year basis and determined according to predictable, transparent, independent, impartial and non-discriminatory procedures and on the basis of transparent, objective and proportionate criteria laid down in advance by national law taking into account the standards laid down in the 'Communication from the Commission on the application of State aid rules to public service broadcasting'.<sup>1a</sup>*** Those procedures shall be such that editorial independence is safeguarded. (AM 53 Rapp, AM 433S&D, AM 434S&D, AM 435S&D, AM 436EPP, AM 437NI, AM 438ECR, AM 439EPP, AM 442NI, AM 443Greens)

<sup>1a</sup> *OJ C 257, 27.10.2009, p. 1–14*

4. Member States shall ***put in place mechanism and may*** AM 54(Rapp), designate one or more independent authorities or bodies in order to monitor compliance with paragraphs 1 to 3. ***Following findings related to non-compliance or partial compliance with this Article, the designated independent authorities or bodies shall make the findings available to the public, launch an investigation in accordance with the corresponding regulatory provisions in the Member State and inform the European Board for Media Services and the Commission.*** AM 444 (SD), AM 445(Greens)

## **Corresponding Recitals**

### **Recital 18**

**Covers AM 10 (Rapp), AM 180 (The Left), AM 181 (ECR) AM 182 (EPP), AM 183 (Greens), AM 184 (S&D), AM 185 (EPP)**

**Falls AM 179 (NA)**

- (18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to ***universal and varied offers including [AM 182, 185 EPP] quality information , pluralistic [AM 182,185 EPP] impartial and independent [AM 183 Greens] media coverage, as part of their mission remit. [AM 181 ECR, AM 182 EPP, AM 183 Greens]. They provide a forum for public discussion and a means of promoting broader democratic participation of individuals. That is why, media pluralism can only be guaranteed by a proper political balance in the content of public service***

*media.* [AM 10 Rapp] However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive, **which may expose them to additional vulnerabilities compared to other players in the internal media market to the extent that they threaten their very existence** [AM 10 Rapp]. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. **Furthermore, in the absence of harmonised minimum standards, Member States have taken divergent measures that resulted in the fragmentation of the internal media market. This fragmentation may create legal uncertainty and an unfair level playing-field deterring private media services providers from entering the market.** [AM 10 Rapp]. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their ~~mission~~ **remit** [AM 181 ECR, 182 EPP, AM 183 Greens] that enables predictability in their planning **and allows them to maintain a competitive position on the internal media market.** [AM 10 Rapp] Preferably, [AM 182 EPP, AM 184 S&D] Such funding should be decided and appropriated **on the basis of predictable, transparent, independent, impartial and non-discriminatory procedures,** [AM 10 Rapp, AM 180 Left] on a multi-year basis **and determined according to transparent and objective criteria,**[AM 184 S&D, AM 180 Left] in line with the public service ~~mission~~ **remit** [AM 182 EPP, AM 183 Greens] of public service media providers, to avoid potential for undue influence from yearly budget negotiations. **The absence of harmonisation in what concerns the allocation of finances to public service media providers may create an unfair advantage for certain players in the internal media market, including advertisers and thus produce significant distortions to the internal media market.** [AM 10 Rapp] The requirements laid down in this Regulation do not affect the **application of the State aid rules as applied on a case-by-case basis or the** [AM 182 EPP] competence of Member States to **define a broad and dynamic remit, organise and** [AM 181 ECR, 182 EPP] provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

## Compromise 6 : Chapter II, Article 6

### Corresponding Recitals:

**Covering:** AMs 55 to 63(Rapp), AM 451(ECR), AM 452(S&D), AM 453(Greens), AM 454(Renew), AM 455(Renew), AM 456(ECR), AM 457(S&D), AM 458(S&D), AM 458(S&D), AM 460(Greens), AM 461(ECR), AM 462(Renew), AM 463(S&D), AM 464(Greens), AM 465(S&D), AM 466(EPP), AM 467(Greens), AM 468(ECR), AM 469(Renew), AM 471(S&D), 477(Greens),), AM 478(Greens), AM 481(Greens), AM

484(S&D), AM 485(ECR), AM 486(Greens), AM 492(EPP), AM 493(Greens), AM 494(S&D), AM 495(EPP), AM 496(ECR), AM 497(Renew), AM 498(S&D), AM 499(EPP), AM 505(EPP), AM 510 (Greens) AM511 (Renew), AM 513(EPP), AM 514(EPP), AM 515(EPP), AM 516(ECR), AM 517(S&D), AM 186 (S&D), AM 187 (Greens), AM 190 (Greens) AM 11 (Rapp), AM 193 (EPP), AM 191 (The Left) AM 12 (Rapp), AM 227 (Renew)

**Falling:** AM 447(Renew), AM 448(Greens), AM 449(S&D), Am 450(ECR), AM 457(S&D), AM 459(EPP),), AM 470(S&D), AM 472(Greens), AM 473(ECR), AM 474(Renew), AM 475(ECR), AM 476(Renew),AM AM 479(ECR), AM 480(Renew), ~~AM 482(Greens), AM 483(EPP), AM 487(ECR),~~ AM 488(ECR), ~~AM 489(ECR), AM 490(ECR), AM 491(ECR),~~ AM 500(EPP), AM 501(EPP), AM 502(Greens), AM 503(EPP), AM 504(ECR), AM 506(Left), AM 507(Greens), AM 508(Renew), AM 509(ECR), AM 512(EPP), AM 518(Greens), AM 519(EPP), ~~AM520(Renew),~~ AM 521(Renew), ~~AM 523(Renew), AM 524(Greens),~~ AM 188 (The Left], AM 189 (ECR), AM 192 (EPP), 194, 195 (EPP), 196 Greens

## Article 6

### Duties of media service providers **exercising editorial responsibility over content**

1. Media service providers **exercising editorial responsibility over content** ~~providing news and current affairs content~~ (AM 451ECR, AM 452S&D, AM 453Greens, AM 454 Renew) shall make easily and directly accessible to the recipients of their services the following information *in electronic, machine readable and user-friendly format*: AM 452(S&D), AM 453(Greens), AM 454(Renew.)
  - (a) their legal name, *and registration* details (AM 455 Renew, AM 456 ECR;
  - (b) the name(s) (*AM 461ECR and AM 462Renew*), *and where applicable, its registered office, legal form and name(s) of legal representative(s)* of their direct or indirect owner(s) with shareholdings *of at least 15% of its capital* (AM 55(Rapp), AM 460(Greens)) *and where applicable, the extent to which their direct, indirect or beneficial ownership is held by the government, a state institution, state-owned enterprise or other public body.* (AM 457S&D, AM 458S&D, AM 466(EPP), AM 467(Greens), AM 468(ECR), AM 469(Renew)
  - (c) the name(s) of their beneficial owners within the meaning of Article 3, point 6 of Directive (EU) 2015/849 of the European Parliament and of the Council Article 2, *paragraph 1*, point 22 of Regulation (EU) XXXX/XXX [*Anti-Money Laundering Regulation*]. (AM464 Greens)
  - (ca) *the legal name of any advertisers, sponsors or donors whose annual payments or contributions to the media service provider amount to 10% or more of that providers' annual turnover;* (AM 463S&D, AM 465 S&D)
  - (cb) *the provision of political advertising services by clearly marking and labelling any advertised political or otherwise sponsored content and by making publicly accessible the content of any concluded contract for political advertising by the media service provider, including by disclosing the total monthly amount received for the advertising service, in accordance*

*with Regulation (EU) 2023/XXX [Regulation on the transparency and targeting of political advertising]; AM471(S&D)*

*(cd) information concerning the ownership structure related to their parent and sister companies, as well as their subsidiaries; (AM478 Greens)*

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

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

*1.a (new) Media service providers shall submit upon request the information referred to in paragraph 1 to national regulatory authorities or bodies and the European Board for Media Services and inform them within 30 days of any change to their ownership AM 484(S&D, AM 485(ECR), AM 486(Greens, AM 511Renew)*

*2. Without prejudice to national constitutional or other national laws, including national laws on media pluralism and media freedom consistent with the Charter, media service providers exercising editorial responsibility over content providing news and current affairs content (AM 493Greens, AM 496ECR, AM 497Renew, AM 498S&D) shall take the appropriate self-regulatory measures to guarantee the independence of individual editorial decisions based on established professional editorial line. AM 56(Rapp), AM 492(EPP), AM 494(S&D) AM 495(EPP), AM 496(ECR)*

~~*(a) guarantee that editors are free to take individual editorial decisions in the exercise of their professional activity; and AM 57(Rapp), AM 499(EPP),*~~

~~*(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. AM 58(Rapp), AM 505(EPP)*~~

*2.a. Without prejudice to the right of owners or the entity legally liable for the content to set out the general editorial line or strategic or general goals, owners or other company management of media service providers shall guarantee the independence of editors-in-chief and editors, with respect to individual editorial decisions taken in the exercise of their profession. AM 60(Rapp)*

*2 b. Without prejudice to national constitutional laws consistent with the Charter, media service providers exercising editorial responsibility over content shall take the appropriate self-regulatory measures to disclose conflict of interest by any party having a stake in media service providers that may affect the provision of content. AM 61 Rapp*

*2.c. Media service providers are encouraged to develop self-regulatory instruments, as they deem appropriate, such as codes of conduct, in cooperation with professional associations or journalistic organisations, representatives of publishers and other stakeholders, establishing the principles of independence, reliability and freedom of information, as well as the roles, rights and obligations of the various actors involved in the information process. AM 62(Rapp) AM 510 Greens)*

3. ~~The obligations under this Article shall not apply to media service providers that are micro enterprises within the meaning of Article 3 of Directive 2013/34/EU. AM 63(Rapp), AM 513(EPP), AM 514(EPP), Am 515(EPP), Am 516(ECR), AM 517(S&D),~~

## Corresponding recitals

### Recital 19

**Covers AM 186 (S&D), AM 187 (Greens),  
Fall AM 188 (The Left] AM 189 (ECR)**

- (19) It is crucial for the recipients of media services to know with certainty who owns and is behind the ~~news~~ *(AM 186 S&D)* media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. ~~Such~~ ***It is thus important for media service providers to disclose its sources of funding by making publicly available information regarding advertisers, sponsors, large donors or the provision of political advertising services, which in addition to (AM 186 S&D) transparency of ownership measures (AM 186 S&D) is also an effective tool to limit risks of interference with editorial independence. It is thus (AM 186 S&D) necessary to introduce common information requirements for all relevant media service providers across the Union that should include proportionate requirements to disclose ownership information, as well as information on advertisers, sponsors, large donors or the provision of political advertising services. (AM 186 S&D), including the information on their parent and sister companies and details, if applicable, of their contracts with state bodies [AM 187 Greens].*** In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849<sup>3</sup> should not be affected. The required information ***for transparency of media ownership (AM 186 S&D)*** should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible. ***Establishing a National Repository of Media Ownership operated by national regulatory authorities or bodies, as well as a European Repository of Media Ownership operated by the European Board of Media Services should further strengthen and guarantee the accessibility and uniformity of the information available to recipients of media services. [AM 186 S&D]***

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<sup>3</sup> Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).



**Recital 19 b (new) AM 190 (Greens) +Am 227 (Renew)**

*(19b) Transparency of media ownership is the precondition to a fuller understanding of media ownership in Europe and makes media pluralism effective. A media ownership database serves as a one stop shop for citizens and other stakeholders with information mapping the ownership structures in the market and constitutes a valuable resource for citizens and a wide range of stakeholders, but collecting such information in a comprehensive manner remains a challenge. Therefore, Member States and the Board actively participate in information gathering, updating and dissemination activities relating to media-ownership issues. (AM 190 Greens + AM 227 (Renew))*

**Recital 20**

**Covers AM 11 (Rapp), AM 193 (EPP), AM 191 (The Left)**

**Falls AM 192 (EPP)**

(20) Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt *the proportionate measures they deem appropriate, in a self-regulatory manner, [AM 11 Rapp]* to guarantee, once the overall editorial line has been agreed between their owners, relevant stakeholders such as publishers, editors *and editors-in-chief*, the freedom of the editors to take individual decisions in the course of their professional activity. *This should be done without prejudice to the possibility for owners or legally liable entities to consult with editors and editors-in-chief, in the process of taking the editorial decisions. In order to guarantee editorial independence, no owner or other corporate manager should unduly interfere with the work of editors and editors-in-chief such as by imposing to add or remove content before it is made available to the public.* The objective to shield editors *editorial decisions [AM 193 EPP]* from undue interference *from owners or other company management [AM 20 Rapp]* ~~in their decisions taken on specific pieces of content as part of their everyday work [AM 193 EPP]~~ contributes to ensuring a level playing field in the internal market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency of actual or potential conflicts of interest , *including in particular business interests and political affiliations*, to their service recipients *[AM 191 The Left]*. *This should not affect the right of the owner to also hold a controlling editorial position, to set and change an editorial line and to determine the staffing and organisation of editorial teams. [AM 193 EPP]*

**Recital 21**

**Covers AM 12 (Rapp),**

**Falls: 194 (EPP)**

~~(21) To mitigate regulatory burdens, micro-enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council<sup>4</sup> should be~~

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<sup>4</sup> Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European

~~exempted from the requirements related to information and internal safeguards with a view to guaranteeing the independence of individual editorial decisions. Moreover, [AM 12 Rapp] media service providers should be free to tailor the internal safeguards to their needs, in particular if they are small and medium-sized enterprises within the meaning of that Article. The Recommendation that accompanies this Regulation<sup>5</sup> provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.~~

## **Compromise 6a : Chapter II, Article 6a (separate vote)**

Covered: AM 524 (Greens)

### Article 6a

#### Media Ownership Restrictions

1. *A natural person who is or has been entrusted with the following prominent public functions:*
  - a. *in a Member State:*
    - i. *heads of State, heads of government, ministers;*
    - b. *at Union level:*
      - i. *President of the European Council, President of the Commission and members of the Commission*
  - c. *in a third country:*
    - i. *functions that are equivalent to those listed in point (a)*

shall not be beneficial owners, as defined within the meaning of Article 2, paragraph

1, point 22, of Regulation (EU) XXXX/XXX [Anti-Money Laundering Regulation],

of any press publications, or audiovisual media service.

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

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Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).

## **Compromise 7 : Chapter III, Section 1, Article 7 and Article 8 and corresponding Recitals**

**Covering:** AMs 13, 63-66 (Rapp), AM 197 (ECR), AM 198 (ECR), AM 199 (Greens), AM 200 (EPP), Am 202 (Greens) AM 482 Greens , AM 487 ECR, AM 489 Greens, AM 490 ECR, AM 491 ECR, AM 520, 522, 523 Renew, AM 525(Left), AM 527(Greens), AM 528(ECR), 529(ECR), 530(S&D), 531(EPP), 532(EPP), 533(S&D), 534(Greens), 535(ECR), 536(ECR),537(Greens), 538(Greens), 539(Greens), 540(Greens), 541(EPP), 542(Greens), 543(S&D), 544(S&D), 545(Greens)546(Greens) AM 228 (Renew) AM 657 S&D

**Falling:** AM 526(S&D), 547 EPP , AM 201 (The Left), AM 197 (ECR), AM 198 (ECR), AM 201 (The Left), AM 203(ECR), AM 204(ECR)

### *Article 7*

#### *National regulatory authorities or bodies*

1. The national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU shall be responsible for the application of Chapter III of this Regulation.
2. The national regulatory authorities or bodies shall be subject to the requirements set out in Article 30 of Directive 2010/13/EU in relation to the exercise of the tasks assigned to them by this Regulation.
- 2a (new) Member States shall guarantee the organisational and functional autonomy of the national regulatory authorities or bodies, as well as the operational autonomy to manage their financial and human resources.** (Am 64Rapp, AM 525 Left, AM 527 Greens, AM537 Greens)
3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources to carry out their tasks under this Regulation ***independently of any government, public or private body*** (AM 530 S&D), ***transparently and without political or any other undue influence.***(AM 531EPP). ***Such allocations shall be sustainable*** (AM 529ECR, AM 530S&D, AM 532 EPP, AM 533S&D) ***and proportional to the additional tasks conferred under this Regulation.*** (Rapp) ~~***National regulatory authorities or bodies and their governing bodies shall have full operational autonomy to manage their financial and human resources.***~~AM 537(Greens)
- 3a. (new) Member States shall ensure that the heads and members of national regulatory authorities and bodies are appointed through a transparent, open and non-discriminatory procedure and on the basis of objective, gender-balanced, clear, transparent and proportionate criteria laid down in advance by national law. They may be dismissed before the end of their term of office under exceptional circumstances where they no longer fulfil the legally predefined conditions required for the performance of their duties or serious misconduct as defined in advance by national law. Dismissal decisions shall be duly justified, subject to**

*prior notification to the person concerned, and include the possibility for judicial review. The grounds for dismissal shall be made available to the public. (AM 534 Greens)*

**3b. (new) *Members of the national regulatory authorities or bodies, their governing bodies and their management shall, in the performance of their tasks or the exercise of their powers, neither seek nor take instructions from the government, institution, person or body and fulfill their missions in an effective, independent and transparent manner. This shall not affect the competencies of the Board or the Commission in conformity with this Regulation. (AM 538 Greens)***

**3c. (new) *Within one year after the entry into application of this Regulation pursuant to Article 28(2), the Commission shall assess the implementation of this Article. To this end, Member States shall send all relevant information to the Commission upon its request. (AM 535 ECR, AM 536 ECR, AM 539 Greens)***

**4.** Where needed for carrying out their tasks under this Regulation, the national regulatory authorities or bodies shall have appropriate powers of investigation, with regard to the conduct of natural or legal persons to which Chapter III applies.

Those powers ***shall be laid down in advance by national law and*** (AM 540 Greens) include in particular the power to request such persons to provide, within a reasonable time period, information that is proportionate and necessary for carrying out the tasks under Chapter III; the request can also be addressed to any other person that, for purposes related to their trade, business or profession, may reasonably be in possession of the information needed.

**4a. *Member States shall entrust the national regulatory authorities or bodies with developing and maintaining a dedicated online media ownership database as the National Repository of Media Ownership, containing disaggregated data about different types of media, as defined in Article 6.1 of this Regulation, including at regional and/or local levels, to which the public would have direct, easy, swift and effective access free of charge. National regulatory authorities or bodies shall produce yearly reports on the ownership of media services under the jurisdiction of a given Member State and submit them to the European Board for Media Services. (AM 482 Greens, AM 487 ECR, AM 520 Renew, AM 523 Renew, AM 491 ECR, AM 542 Greens, AM 543 SD, AM 546 Greens)***

**4b. *National regulatory authorities or bodies shall submit data provided according to Article 6.1 of this Regulation to the European Database of Media Ownership on a bi-annual basis. (AM 489 Greens, AM 490 ECR, AM 522 Renew)***

**4c. *National regulatory authorities or bodies shall submit data provided according to article 24 to the European Database of State Financial Support on a bi-annual basis , including at regional and/or local levels, to which the public would have easy, swift and effective access free of charge.(AM 546 Greens)***

**4 d. *National regulatory authorities or bodies shall organise annual consultations with representatives of the media sector established in the Union, civil society members, academia and independent media experts (AM 541 EPP, AM 544 SD). The results of these consultations shall be reflected in reports published annually. (AM 65 Rapp), (AM 545 Greens)***

**Corresponding Recitals**

**Covers** AM 13 (Rapp), AM 197 (ECR), AM 198 (ECR), AM 199 (Greens), AM 200 (EPP), Am 202 (Greens)

**Falls** AM 201 (The Left), AM 203(ECR), AM 204(ECR)

(22) Independent national regulatory authorities or bodies are key for *media pluralism and media freedom and (AM 199 Greens)* the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. *They are the primary enforcers and guardians of media freedom and pluralism at the national level. As independent regulatory authorities, they should be able to set their own priorities guided by the general interest of safeguarding media pluralism and freedom and decide independently about the allocation of their resources. Their decisions should respect the European Charter of Fundamental Rights, in particular Article 11 thereof. (AM 199 Greens)* In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union. *Considering that press publications are traditionally not subject to regulatory oversight, the interaction between press publications and national regulatory authorities sitting in the Board, should be strictly limited to the purpose of implementing Chapter III of this Regulation. (AM 13 Rapp). "Media service" shall be understood as any media service with the exception of media services providing press publications, unless otherwise specified. (AM 200 EPP)*

(22a) *Given the importance and the extensive nature of the new tasks conferred by this Regulation to independent national regulatory authorities or bodies, directly or indirectly, it is of utmost importance to ensure that the financial, human and technical resources of the national regulatory authorities or bodies are adequately and sufficiently increased. In this sense, Member States could make use of national resources coming from the auctioning of the spectrum, the digital dividend or the introduction of a levy on regulated entities. Member States should also provide the Commission with all relevant information concerning the increase of financial, human and technical resources. Moreover, within the framework of the applicable public function, and budgetary regulations, the NRA should have full authority over the recruitment and management of the staff, who should be hired under clear and transparent rules. The capacity over the management of the staff should include autonomy to decide the required profile, qualification, expertise, and other human resources features, including salary and retribution, with independence*

*from other public bodies. The NRA should also have full autonomy and decision-making control in terms of management of internal structure, organisation, and procedures for the effective performance of their duties and the effective exercise of their powers. Without prejudice to national budgetary rules and procedures, NRAs should have allocated a separated annual budget. Member states should ensure that national authorities are granted full autonomy in the spending of the allocated budget for the purpose of carrying out their duties. Any control on the budget of the NRAs should be exercised in a transparent manner. Annual accounts of regulatory Authorities should have an ex post control by an independent auditor, and should be made public.*(AM 197 ECR, AM 198 ECR, AM 202 Greens)

Recitals moved up from CA 14

**Recita 22b(new)**

*(22b) National regulatory authorities or bodies established in accordance with Directive 2010/13/EU uphold a media ownership database in order to ensure the public interest because the media helps form public opinion and has direct influence on the outcome of elections. The Commission provides guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.* (AM 228 Renew)

**Recital 22 (c)**

*(22c) Where there is lack of certainty in the information provided, raised by national regulatory authorities or bodies, or experts, representatives of civil society or journalistic organisations, the Board may request further information from media service providers, including on any possible influence on its operation, general editorial line and strategic decision-making from advertisers, sponsors, donors of private or commercial nature or political parties providing remuneration or financial resources to the media service provider.* (AM 657 S&D)

*Article 8*

*European Board for Media Services*

**Falling:** AM 547 (EPP)

European Board for Media Services

1. The European Board for Media Services ('the Board') is established.
2. The Board shall replace and succeed the European Regulators Group for Audiovisual Media Services (ERGA) established by Directive 2010/13/EU.
- ~~2a. The Board's competence shall be limited to the audiovisual media services, unless otherwise specified in this Regulation.~~ (AM 547 EPP A Voss)



## Compromise 8 : Chapter III, Section 2, Article 9

Corresponding Recitals:

**Covering:** AM 548(EPP), 551(Renew- Rapp)

**Falling:** AMs 549 (ECR), 550(ECR), 552(Greens)

### Article 9

#### Independence of the Board

The Board shall act in full independence, **including of any government or other undue influence**, when performing its tasks or exercising its powers. In particular, the Board shall **be completely autonomous**, in the performance of its tasks or the exercise of its powers **of any political, governmental or other influence when performing its tasks and**, (AM548 EPP) neither seek nor take instructions from any government, **national agency, body, person or Union institution, body, office or agency**, (AM551 Renew). This shall not affect the competences of the Commission or the national regulatory authorities or bodies in conformity with this Regulation.

## Compromise 9 : Chapter III, Section 2, Article 10 and Article 10a

Corresponding Recitals:

**Covering:** AMs 67 to72 (Rapp), AM 553(Greens), AM 554(Renew), AM 555 (ECR), AM 556 (ECR), AM 561(Greens), AM 566(Renew), AM 568(EPP), AM 572(S&D), AM 573(Renew), AM 574 ( Left), AM 575(S&D), 567(Greens), AM 569(ECR,) AM 576(Greens), AM 577(ECR), AM 579(S&D), AM 580 (S&D), AM 581(Greens), AM 582(ECR), AM 583(ECR) AM 14(Rapp), AM 208 (Left), AM 209 (S&D)

**Falling:** AM 557(ID), AM 558 (Greens), AM 559(ECR),AM 560 (Left), AM 562(S&D), AM 563(ECR), AM 564(ECR), AM 565(S&D), AM 570 (S&D), AM 571(ECR), AM 578(S&D), AM 584(Left), AM 585(S&D) AM 205 (Greens)AM 206 (ECR), AM 207 (ECR) ,



## Article 10

### *Structure and composition (AM 553 Greens) of the Board*

1. The Board shall be composed of **high level** representatives of national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU. (AM 554 Renew-Donath, AM 555 ECR, AM 556 ECR)
2. Each member of the Board shall have one vote.
3. Where a Member State has more than one national regulatory authority or body, those regulatory authorities or bodies shall coordinate with each other as necessary and appoint a joint representative which shall exercise the right to vote.
4. The Board shall be represented by its Chair **and its Vice-Chairs**. The Board shall elect a Chair **and four Vice-Chairs** from amongst its members by a two-thirds majority of its members with voting rights. **The Board shall take into account geographical representation when electing its Chair and Vice-Chairs**. The **terms of office of the Chair and the Vice-Chairs** shall be two years. (AM 67 Rapp)
5. The Commission shall designate a representative to the Board. The representative of the Commission shall participate in the activities and meetings of the Board, in agreement with the Board, without voting rights. The Chair of the Board shall keep the Commission and the European Parliament (AM 561 Greens) informed about the ongoing and planned activities of the Board. The Board shall consult the Commission **and other relevant stakeholders** in preparation of its work programme and main deliverables. (AM 566 Renew - Donath)
- 5 a. ~~The Board in agreement with the Commission may invite experts and observers~~ (AM 572 S&D Yoncheva, AM 573 Renew Donath, AM 574 Left, AM 575 S&D Santos, 576 Greens)**from the Member States to attend its meetings**. (AM 68 Rapp)
6. The Board, in agreement with the Commission, may invite observers **from outside the Union** to attend its meetings **and may designate permanent observers from amongst national regulatory authorities with competence in the media field, coming from non-EU countries, which have entered into agreements with the Union to that effect. The observers shall not have voting rights.**(AM 567 Greens, AM 569 ECR, AM 577 ECR) (AM 69 Rapp)
- 6 a. ~~The Board, in particular when discussing matters or taking decisions that concern press publications, shall invite two national experts from each Member State, such as representatives of press self-regulatory bodies, or in particular in the case of Member States where such bodies are not established, representatives of journalistic organisations or associations, members of the civil society or other relevant stakeholders such as publishers or business representatives to consult with and advise the Board on its decisions.~~ (AM 70 Rapp)
- 6 a. **The Board, in particular when discussing matters or taking decisions that concern the non-audiovisual media sector, shall consult with and take advice from the Non-Audiovisual Media Expert Group;**
- 6 b. **The Board shall organise annual consultations with representatives of the media services providers established in the Union, civil society members, academia and independent** (AM 568 EPP) **media experts. Without prejudice to the independence of the Board the results of these consultations shall be reflected in the preparation of its work programme and activities.** (AM 71 Rapp)

7. The Board shall take decisions by a two-thirds majority of its members with voting rights.
- 7a. ***The voting rights of a national regulatory authority or body within the Board shall be suspended in case one or more of the following criteria are met:***
  - i. the Member State that the national regulatory authority or body is representing in the Board is the subject to an infringement procedure in connection with breach of Article 30 of Directive 2010/13/EU;***
  - ii. independent media pluralism monitoring instruments indicating a high risk of non-independence of the national regulatory authority or body in two consecutive years.***
  - iii. the Member State is subject to a procedure pursuant to Article 7 of the Treaty on European Union, following breaches of the rule of law relating to issues concerning the failure to uphold media freedom or media pluralism.***
  - iv. The report referred to in Article 12 paragraphs 1 point (g b) points to serious non-compliance of that regulatory authority or body with its obligations in defending the freedom of media in the member state. (AM 579 SD)***
- 7b. ***The suspension of the voting rights shall be terminated once the criteria as set in Article 10 (7a) of this Regulation are no longer met (AM 580 SD)***
8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights, following a ***consultation*** (AM 582ECR, AM 583ECR) with the Commission. ***The results of this consultation shall not be binding for the Board. The Board shall lay down, in its rules of procedure, the practical arrangements for the prevention and management of conflict of interests. (AM 581 Greens) The Board shall inform the European Parliament of any substantial changes it adopts to its rules of procedure. (AM 72 Rapp)***

#### ***Article 10a***

##### ***Non-Audiovisual Media Expert Group***

- 1. The European Board for Media Services shall establish the Non-Audiovisual Media Expert Group (Expert Group);***
- 2. The Expert Group shall be composed by representatives of the media sector from beyond the audiovisual sector, appointed in a transparent, objective and non-discriminatory procedure, based on applications submitted to the Board;***
- 3. The number of members shall be laid down in the Board Rules of Procedure and shall comprise representatives from all Member States, as well as up to eight representatives of European journalistic associations, organisations or natural persons with expertise in the media sector;***
- 4. The Expert Group shall provide independent expertise, assistance, and advice to the Board in carrying out its tasks on issues related to media freedom and pluralism the non-audiovisual media sector and may provide advice to the Board in any situations where requested by the Board;***

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

### Corresponding Recitals

**Covers:** AM 14(Rapp), AM 208 (Left), AM 209 (S&D)

**Falls:** AM 205 (Greens)AM 206 (ECR), AM 207 (ECR) ,

~~(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies *or, where applicable, a common representative of self-regulatory or co-regulatory systems* [AM 14 Rapp] to participate, as appropriate, in the meetings of the Board. *Considering that press publications are traditionally not subject to regulatory oversight, when its discussions or decisions concern press publications, the Board should invite two national experts from each Member State, representing self-regulatory bodies, or where such bodies do not exist, representatives of civil society or journalistic organisations to sit on the Board and advise on those matters. In cases where Member States have several relevant such bodies, the Board should aim to include as many of those bodies as possible through the alternation of invited representatives over time.* [AM 14 Rapp] The Board should also have the possibility to invite to attend its meetings, in agreement with the Commission, [AM 14 Rapp, AM 208 The Left, AM 209 S&D] experts and observers, *established within the Union. When such experts are established outside the Union and include* including [AM 14 Rapp] in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities, *such decisions should be taken only in agreement with the Commission.* [AM 14 Rapp] Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes. *The Board should be represented by a Chair and four Vice-Chairs. The election of the Chair and Vice-Chairs should take into account the principle of geographical balance* [AM 14 Rapp]~~

(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies *or, where applicable, a common representative of self-regulatory or co-regulatory systems* [AM 14 Rapp] to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite to attend its meetings, in agreement with the Commission, [AM 14 Rapp, AM 208 The Left, AM 209 S&D] experts and observers, *established*

*within the Union. When such experts are established outside the Union and include including-[AM 14 Rapp] in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities, such decisions should be taken only in agreement with the Commission. [AM 14 Rapp] Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes. The Board should be represented by a Chair and four Vice-Chairs. The election of the Chair and Vice-Chairs should take into account the principle of geographical balance [AM 14 Rapp]*

*(23a) Taking into account that the members of the Board are representatives of national audiovisual regulatory authorities and bodies and considering that press publications and the audio sector are traditionally not subject to regulatory oversight, when its discussions or decisions concern the non-audiovisual media sector, the Board should consult and take advice from an independent body of experts, representing the non-audiovisual media sector. For this purpose, the Board should establish the Non-Audiovisual Media Expert Group. The Expert Group should entail a number of non-audiovisual media experts to be laid down in the Board Rules of Procedure. The Expert Group should entail members from every Member State as well as a number of representatives from the European media sector organisations. Such representatives should be members of self-regulatory bodies, media-sector civil society or journalistic organisations, or other relevant stakeholders for the media sector such as publishers, advertisers, or academics. [AM 14 Rapp]*

## **Compromise 10 : Chapter III, Section 2, Article 11**

Corresponding Recitals:

**Covering:** AM 73(Rapp), AM 588(Left), AM 589(EPP), AM 590(S&D), AM 592 (Greens),

**Falling:** AM 586(ECR), AM 587(S&D), AM 591(ECR), AM 594(ECR), AM 595(ECR), AM 596(S&D), AM 597(ECR), AM 598(ECR), AM 599(ECR), AM 593(Renew)

### *Article 11*

#### *Secretariat of the Board*

1. The Board shall ~~have~~, **be supported by** a secretariat ~~which shall be provided by the independent from the Commission and the Member States, acting only on the instructions of the Board. The secretariat shall be provided with sufficient budget, independent expertise (AM 589 EPP) and human resources to support the Board in carrying out tasks outlined in this Regulation.~~ (AM73 Rapp, AM 588Left, AM 590S&D, AM 592 Greens)

**1a (new) Members of the secretariat shall be selected and appointed through an open and transparent competition; (AM589 Left, AM591 ECR)**

2. The main task of the secretariat shall be to contribute to the execution of the tasks of the Board laid down in this Regulation and in Directive 2010/13/EU.
3. The secretariat shall provide administrative and organisational support to the activities of the Board. The secretariat shall also assist the Board in carrying out its tasks.

## **Compromise 11 : Chapter III, Section 2, Article 12**

### **Corresponding Recitals:**

**Covering:** AM 74-81 (Rapp), 600 (S&D), 604(Left), 606 (ECR), 607(ECR), 608((Greens), 609(S&D), AM 612(S&D), AM 613(Greens), 615 (Left), 616(S&D), 617(Renew), 618(Greens), 619(S&D), 620(ECR), 621(ECR), 622(Left), AM 625(ECR), AM 626(ECR), AM 828(Left) AM 629(S&D), AM 630(ECR), AM 631(ECR), AM 636(Greens) AM 638(Greens), AM 639(S&D), AM 640(EPP), AM641(S&D), 644(Greens), AM 645(S&D), 646(Greens), 647(Greens), 649(S&D), 655(Greens), 656(Greens), ~~AM 657(S&D)~~, AM 661(S&D), AM 662 (Renew), Am 663 (S&D) AM 664 (greens), 654(Greens), Am 665(S&D), 666(renew), AM 667(Renew), Am 668(Greens), Am 669(S&D), AM 670 (Greens), AM 671(Renew), 672(Greens), 673(Greens), 674(Greens) AM 15 (Rapp), AM 210 (Greens), AM 213 S&D, AM 214 (EPP), AM 215 (ECR),

**Falling:** 601(EPP), 602(Left), AM 603(EPP), 605(EPP), AM 610(S&D), AM 611(Renew), AM 614(S&D), 623 (EPP), AM 624(Left), AM 627(EPP), 632(EPP), 633(Greens), 634(S&D), 635(Renew), AM 637(EPP), AM 642(Greens), AM 643(EPP), 648(Left), 650(EPP), 651(Left), 652(EPP), 653(Left), 658(Greens), 659(ECR), 660(ECR), AM 211 (The Left), AM 212 (ECR)

### **Article 12**

#### **Tasks of the Board**

Without prejudice to the powers granted to the Commission by the Treaties **and the competences of national regulatory authorities or bodies** (AM 600 S&D), the Board shall promote the effective and consistent application of this Regulation and of national rules implementing of Directive 2010/13/EU throughout the Union. The Board shall:

- (a) support the Commission, through technical expertise, in ensuring the correct application of this Regulation and the consistent implementation of Directive 2010/13/EU across all Member States, without prejudice to the tasks of national regulatory authorities or bodies;
- (b) promote cooperation and the effective exchange of information, experience and best practices between the national regulatory authorities or bodies on the application of the Union and national rules applicable to media services, including this Regulation and Directive 2010/13/EU, in particular as regards Articles 3, 4 and 7 of that Directive;
- (c) advise the Commission, *on its own initiative* (AM 74Rapp, Am 604 Left, AM 606ECR, AM 607(ECR) AM 608Greens, Am 609S&D) or where requested by it, on regulatory, technical or practical aspects pertinent to the consistent application of this Regulation and implementation of Directive 2010/13/EU as well as all on other matters related to media services within its competence. Where the Commission requests advice or opinions from the Board, it may indicate a time limit, taking into account the urgency of the matter;(d) *on its own initiative, or* (AM 77Rapp, AM 612 S&D, AM 613Greens, AM 615Left) when requested by the Commission, provide opinions on the technical and factual issues that arise with regard to Article 2(5c), Article 3(2) and (3), Article 4(4), point (c) and Article 28a(7) of Directive 2010/13/EU;
- (e) ~~in agreement with the Commission,~~ (AM 76 Rapp, AM 616S&D, AM 617Renew, Am 618Greens, Am 619S&D, Am 620ECR, Am 621 ECR, Am 622Left, )draw up opinions with respect to:
  - (i) requests for cooperation *including exchange of information and/or* mutual assistance between national regulatory authorities or bodies, in accordance with Article 13(7) of this Regulation; (AM 625 ECR, AM 626 ECR)
  - (ii) requests for enforcement measures in case of disagreement between the requesting authority or body and the requested authority or body regarding the actions recommended pursuant to Article 14(4) of this Regulation;
  - (iii) national measures concerning media service providers established outside of the Union, in accordance with Article 16(2) of this Regulation;
- (f) *on its own initiative*, (Am 77Rapp, Am 628Left, Am 629S&D Am 630 ECR, Am 631ECR,) upon request of the Commission *or of the European Parliament*, (AM 77Rapp) draw up opinions with respect to:
  - (i) national measures which are likely to affect the functioning of the internal market for media services *or have a significant impact on media pluralism (AM 636 Greens)*, in accordance with Article 20(4) of this Regulation;
  - (ii) media market concentrations and associated services *such as printing and dissemination of products* (AM 639 S&D) which are likely to affect the functioning of the internal market for media services *and that could have a significant impact on media pluralism and editorial independence* (AM 638Greens, Am 640 EPP), in accordance with Article 22(1) of this Regulation;
- (g) draw up opinions on draft national opinions or decisions assessing the impact on media pluralism and editorial independence of a notifiable media market

concentration *and associated services such as printing and dissemination of products* (AM 641 S&D) where such a concentration may affect the functioning of the internal market, in accordance with Article 21 of this Regulation (*as well as existing concentrations at the entry into force of the present Regulation, in accordance with Article 22 of this Regulation AM646 Greens*), and make these findings available to the European Parliament upon its request; when drawing up such opinions, the Board, in its assessment, shall take into consideration the findings of the Commission's Annual Rule of Law report, as well as those of instruments monitoring media pluralism in determining the overall risk towards media pluralism; (AM 78 Rapp)

(ga) *issue and monitor compliance with publicly available guidelines and recommendations on methodology to assess media market concentrations as referred to in Article 21 of this Regulation; (AM 644 Greens, AM 647 Greens)*

(

- (h) provide assistance to the Commission in drawing up guidelines with respect to:
  - (i) the application of this Regulation and of the national rules implementing Directive 2010/13, in accordance with Article 15(2) of this Regulation.
  - (ii) factors to be taken into account when applying the criteria for assessing the impact of media market concentrations *and associated services such as printing and dissemination of products*, in accordance with Article 21(3) of this Regulation; (AM 649 S&D Dobrev)
  - (iii) the application of Articles 23(1), (2) and (3) pursuant to Article 23(4) of this Regulation.
- (i) upon request of at least one of the concerned authorities, mediate in the case of disagreements between national regulatory authorities or bodies, in accordance with Article 14(3) of this Regulation;
- (j) foster cooperation on technical standards related to digital signals and the design of devices or user interfaces, in accordance with Article 15(4) of this Regulation;
- (k) coordinate national measures related to the dissemination of or access to content of media service providers established outside of the Union that target audiences in the Union, where their activities prejudice or present a serious and grave risk of prejudice to public security and defence, in accordance with Article 16(1) of this Regulation;
- (l) organise a structured dialogue between providers of very large online platforms, representatives of media service providers and of civil society, and report on its results to the public, the European Parliament, and the Commission, in accordance with Article 18 of this Regulation;
- (la) *under request or at its own initiative, the Board may provide mediation assistance in case of no agreement between media service providers and providers of very large online platforms pursuant to Article 17(4). (AM 655 Greens)*
- (m) foster the exchange of best practices *and promote compliance with existing codes of conduct (AM 656 Greens)* related to the deployment of audience measurement systems, in accordance with Article 23(5) of this Regulation.

- (m a) (new) draw up and make available to national regulatory authorities and bodies established according to Directive 2010/13/EU a template for reporting on the ownership of media service providers and the allocation of state resources according to Article 6(4) and Article 24(2a) of this Regulation. (AM 80 Rapp)*
- (m b) establish and operate a European Repository of Public Funding for State Advertising allocated to media service providers (AM 81 Rapp) in all Member States, compiled on the basis of the reports submitted by national regulatory authorities or bodies and including the calculation of ratio of state advertising allocated to media service providers in relation to their annual revenue and establish an European level benchmarks on allocation practices; (AM 663 S&D) (AM 665 SD, AM 668 Greens, AM 669 SD)*
- (mc) establish and maintain the European Database for Media Ownership collecting information provided by national regulatory authorities and bodies, in accordance with Article 6 of this Regulation. (AM 664 Greens, AM 666 Renew)*
- (md) organise a structured dialogue with representatives of media service providers, civil society, academia and other relevant stakeholders to cooperate and exchange information, experience and best practices on the implementation of this Regulation and Directive 2010/13/EU. The results of these consultations shall inform the preparation of its work programme and activities, and shall be publicly available.*
- (me) prepare a detailed annual report of its activities and tasks as provided for in this Article, in particular an overview of the state of play of compliance with the recommendations issued by the Board. The annual report shall be made publicly available. The Board shall provide, in its future annual reports, a follow-up of the previous reports prepared. (AM 672 Greens)*
- (mf) develop guidelines and recommendations on criteria, in consultation with media stakeholders, for the distribution of public funds through state financial support in accordance with article 24 of this Regulation, that ensure they are insulated from political interference. (AM 673 Greens)*
- (mg) analyse the potential interdependency between media service providers and the state created by financial flows from the state to media owners via state contracts through companies belonging to the same business group as the media service provider, operating in other industries. The Board should draw up guidelines on how to prevent any conflict of interest arising from and its potential impact on editorial policy. (AM 674 Greens)*

**Corresponding Recitals: 24**

**Covers** AM 15 (Rapp), AM 210 (Greens), AM 213 S&D, AM 214 (EPP), AM 215 (ECR), AM 674 Greens

**Falls** AM 211 (The Left), AM 212 (ECR)

(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, the Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote



cooperation and the effective exchange of information, experience and best practices and draw up opinions in agreement with the Commission or upon its ***at its own initiative, upon the Commission's request , or at the request of the European Parliament*** (AM 15 Rapp, AM 210 Greens, AM 214 EPP, AM 213 SD) in the cases envisaged by this Regulation. In order to effectively ***and independently*** (AM 15 Rapp, AM 214 EPP, AM 215 ECR) fulfil its tasks, the Board should be able to rely on the expertise and human resources of ***a an independent*** secretariat ~~provided by the Commission.~~ (AM 15 Rapp) The ~~Commission~~ (AM 15 Rapp, AM 214 EPP, AM 15 ECR) secretariat should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks. ***The secretariat should be provided with sufficient budgetary and human resources.*** (AM 15 Rapp) ***The Board should have the expertise and resources necessary to provide its opinion in cases where it finds that media freedom and pluralism, or editorial independence are systematically undermined in a Member State either by national measures of the respective Member State or decisions of its National Regulatory Authority or body, or due to other reasons. In its opinions the Board should take due account of various sources of information, in particular the decisions of the respective National Regulatory Authority or body, submissions by civil society organisations and other available sources including the results of the Commission Annual Rule of Law Report or of media pluralism monitoring instruments.*** (AM 210 Greens) ***In so far as necessary in order to achieve the objectives set out in this Regulation and carry out its tasks, and without prejudice to the competences of the Member States and the institutions of the Union, the Board, in consultation with the Commission, might cooperate with competent Union bodies, offices, agencies and advisory groups, with competent authorities of third countries and with international organisations. To that end, the Board might, subject to prior approval by the Commission, establish working arrangements*** (AM 674 Greens).

## **Compromise 12 : Chapter III, Section 3, Article 13**

### **Corresponding Recitals:**

***Covering:*** AM 82(Rapp), 678(Greens 683(ECR), 684(Greens), 685(ECR 686(ECR), 687(ECR), 689(S&D), 690(S&D) , AM 218 (ECR), AM 219 (ECR)

***Falling:*** AM 675(Left), AM 676(ECR), 677(ECR),), 679(ECR), 680(ECR), 681(Greens), 682(ECR,) Am 686(ECR) 688(Greens), AM 216, 217(Left)

### **Article 13**

#### **Structured cooperation**

1. A national regulatory authority or body may request ('requesting authority') cooperation or mutual assistance at any time from one or more national regulatory authorities or bodies ('requested authorities') for the purposes of exchange of information or taking measures relevant for the consistent and effective application of this Regulation or the national measures implementing Directive 2010/13/EU.

2. Where a national regulatory authority or body considers that there is a serious and grave risk of prejudice to the functioning of the internal market for media services or a serious and grave risk of prejudice *to democracy and rule of law and/or* (AM 678 Greens) public security ~~and defence~~, it may request other national regulatory authorities or bodies to provide accelerated cooperation or mutual assistance, while ensuring compliance with fundamental rights, in particular freedom of expression.
3. Requests for cooperation or mutual assistance, including accelerated cooperation or mutual assistance, shall contain all the necessary information, including the purpose of and reasons for it, *as specified in the Board's Rules of Procedure. (AM 679 ECR, AM 680 ECR, AM 681 Greens).*
4. The requested authority may refuse to address the request only in the following cases:
  - (a) it is not competent for the subject matter of the request or for the measures it is requested to take;
  - (b) execution of the request would infringe this Regulation, Directive 2010/13/EU or other Union legislation or Member State law compliant with Union law to which the requested authority is subject.

The requested authority shall provide reasons for any refusal to address a request.

5. The requested authority shall inform the requesting authority of the results achieved or of the progress of the measures taken in response to the request.
6. The requested authority shall do its utmost to address and reply to the request without undue delay. The requested authority shall provide intermediary results within the period of 14 calendar days from the receipt of the request, with subsequent regular updates on the progress of execution of the request. In case of requests for accelerated cooperation or mutual assistance, the requested authority shall address and reply to the request within 14 calendar days. *Further details on the procedure of the structured cooperation, including the rights and obligations of the parties, shall be defined in the Board's rules of procedure (AM 684 Greens, AM 683 ECR, AM 685 ECR)*
7. Where the requesting authority does not consider the measures taken by the requested authority to be sufficient to address and reply to its request, it shall inform the requested authority without undue delay, explaining the reasons for its position. If the requested authority does not agree with that position, or if the requested authority's reaction is missing, either authority may refer the matter to the Board. Within 14 calendar days from the receipt of that referral, the Board shall issue, , an opinion on the matter, including recommended actions. The requested authority shall do its utmost to take into account the opinion of the Board. (AM 82Rapp, , AM 689 S&D Santos)

## Recital 25

### Covers

Falls AM 216 (The Left, deletion suggested)

- (25) *Regulatory cooperation between independent media regulatory authorities or bodies is essential to make the internal market for media services function properly.*

*However, Directive 2010/13/EU does not provide for a structured cooperation framework for national regulatory authorities or bodies. Since the revision of the EU framework for audiovisual media services by Directive 2018/1808/EU of the European Parliament and of the Council<sup>52</sup>, which extended its scope to video-sharing platforms, there has been an ever-increasing need for close cooperation among national regulatory authorities or bodies, in particular to resolve cross-border cases. Such a need is also justified in view of the new challenges in the EU media environment that this Regulation seeks to address, including by entrusting national regulatory authorities or bodies with new tasks.*

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<sup>52</sup> *Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 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 (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303, 28.11.2018, p. 69-92).*

#### **Recital 26**

**Covers:** AM 218 (ECR), AM 219 (ECR)

**Falls:** AM 217(Left)

*(26) The European Regulators' Group for Audiovisual Media Services adopted in 2020 a Memorandum of Understanding, a voluntary framework for cooperation to strengthen cross-border enforcement of media rules on audiovisual media services and video-sharing platforms. Building on this voluntary framework, in order to ensure the comprehensive and effective enforcement of Union media law, to prevent the possible circumvention of the applicable media rules by rogue media service providers and to avoid the raising of additional barriers in the internal market for media services, it is essential to provide for a clear, legally binding framework for national regulatory authorities or bodies to cooperate effectively and efficiently. (AM 218 ECR, AM 219 ECR)*

### **Compromise 13 : Chapter III, Section 3, Article 14**

#### **Corresponding Recitals:**

**Covering:** AM 83 to 84(Rapp), AM 691(ECR), AM 692(Greens) AM 693(ECR), AM 694 (ECR), Am 695(ECR), Am 696(Greens), AM 699(S&D), AM 700(S&D), AM 701(Left), AM 702 Greens,) AM 220 (ECR), AM 221 (ECR)

**Falling:** AM 697(ECR), AM 698(ECR) Am 703(ECR), AM 704(ECR), AM 705(Greens)

## *Article 14*

### *Requests for enforcement of obligations by video-sharing platforms*

1. Without prejudice to Article 3 of Directive 2000/31/EC, a national regulatory authority or body may request another national regulatory authority or body to take necessary and proportionate actions for the effective enforcement of the obligations imposed on video-sharing platforms under Article 28b of Directive 2010/13/EU.
2. The requested national authority or body shall, without undue delay and within **30 calendar days**, inform the requesting national authority or body about the actions taken or planned pursuant to paragraph 1, **or justify the reasons for which action was not taken..** (AM 691(ECR), AM 692(Greens) AM 693(ECR))
3. In the event of a disagreement between the requesting national authority or body and the requested authority or body regarding actions taken **or a refusal to take action** (Am 83 Rapp, AM 694 ECR, AM 695ECR, AM 696 Greens)) pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.
4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a request referred to in paragraph 1. If the Board considers that the requested authority has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its opinion without undue delay. (AM 84 Rapp, AM 699S&D, AM 700S&D, AM 701Left, AM 702 Greens,)
5. The requested national authority or body shall, without undue delay and within **30 calendar days at the latest** from the receipt of the opinion referred to in paragraph 4, inform the Board, the Commission and the requesting authority or body of the actions taken or planned in relation to the opinion.

### **Recital 27**

Covers AM 220 (ECR), AM 221 (ECR)

Falls

(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect viewers of video-sharing platform services from certain illegal and harmful content, including commercial communications. In particular, **and without prejudice to the country-of-origin principle**, a mechanism is needed to allow any relevant national regulatory authority or body to request its peers to take necessary and proportionate actions to ensure enforcement of obligations under

this Article by video-sharing platform providers. In case the use of such mechanism does not lead to an amicable solution, the freedom to provide information society services from another Member State can only be restricted if the conditions set out in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council<sup>53</sup> are met and following the procedure set out therein. (*AM 220 ECR, AM 221 ECR*)

## Compromise 14 : Chapter III, Section 3, Article 15

### Corresponding Recitals:

**Covering:** AMs 85 to 87 (Rapp), AM 709(EPP), AM 710(Greens), AM 222 (Greens), AM 223 (Renew)

**Falling:** AM 706(Left), AM 707(Left), AM 708(EPP), Am 711(ECR), Am 712(ECR), AM 224 (NI), AM 225 (Left), AM 226 (Greens), **AM 229 (ECR), AM 417 (NI)**

### Article 15

#### Guidance on media regulation matters

1. The Board shall foster the exchange of best practices among the national regulatory authorities or bodies, consulting stakeholders, where appropriate, and in close cooperation with the Commission, on regulatory, technical or practical aspects pertinent to the consistent and effective application of this Regulation and of the national rules implementing Directive 2010/13/EU.
2. Where the Commission issues guidelines related to the application of this Regulation or the national rules implementing Directive 2010/13/EU, the Board shall assist it by providing expertise on regulatory, technical or practical aspects, as regards in particular:
  - (a) the appropriate prominence of audiovisual media services of general interest under Articles 7a of Directive 2010/13/EU;
  - (b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU **and Article 6 of this Regulation , as well as of their parent or sister companies or of their subsidiaries.** (AM 85 Rapp and AM 709 EPP, AM 710 Greens).
3. The Commission may issue an opinion on any matter related to the application of this Regulation and of the national rules implementing Directive 2010/13/EU. The Board shall assist the Commission in this regard, where requested.
4. The Board shall *facilitate* cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to *promote* the development of **EU-wide harmonised** standards related to digital signals or design of devices or user interfaces controlling or managing access to and use of audiovisual media services. (AM 86 Rapp)

## Corresponding Recitals: 28

### Recital 28

Covers AM 222 (Greens), AM 223 (Renew)

Falls AM 224 (NI), AM 225 (Left), AM 226 (Greens),

- (28) Ensuring a consistent regulatory practice regarding *an effective application of [AM 222 Greens]* this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission may issue guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help achieving a level playing field in the internal market and compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field. ~~It would also be useful to provide guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines. [AM 22 Greens, AM 223 Renew]~~

## Compromise 15 : Chapter III, Section 3, Article 16

### Corresponding Recitals:

*Covering: AM 16 (Rapp), AMs 88 to 95 (Rapp), AM 231 (Greens) AM 232 (ECR), AM 233 (ECR), AM 234 (Greens), AM 235 (ECR), AM 236 (ECR), AM 237 (Greens), AM 238 (ECR), AM 239 (ECR), AM 240 (ECR), AM 241 (ECR), AM 242 (Greens), AM 713(S&D), AM 714(Greens), 715(ECR) AM 719(ECR), AM 720 (ECR), AM 721(EPP), AM 722 (Greens), AM 724(Greens), Am 723 (S&D), 729(Greens), AM 726(ECR), AM 728(ECR), AM 731(ECR), AM 732 ECR, AM 733 Greens , AM 735(Greens), AM 736(ECR)*

*Falling: AM 230 (Left), AM 716(Left), AM 717(ECR), AM 718(Left), AM 725(ECR), AM 727(ECR), AM 730(Left), AM 734 (ECR),*

## Article 16

Coordination of measures concerning media service providers established ~~or originating from~~ (AM 88 Rapp, AM 714 Greens, AM 715 ECR), ~~funded or owned by state and non-state actors from~~ (AM 713 S&D) outside the Union

1. ***Without prejudice to Article 3 of Directive 2010/13/EU (Am 89 Rapp, AM 719 ECR, the Board shall, upon the request of the national regulatory authorities or bodies from at least two Member States, (AM 89 Rapp) coordinate relevant measures by national regulatory authorities or bodies concerned, related to the dissemination of or access to media services provided by media service providers established, originating, funded or owned by state and non-state actors (AM 714 S&D) from outside the Union that, irrespective of their means of distribution, target or reach audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to public interest, public security, and defence, including foreign interference within the EU information ecosystem and including defense against dangerous disinformation (AM 721 EPP), public health, or where they incite to violence, hatred or promote terrorist activities, including committing terrorist acts. (AM 89 Rapp, AM 719 (ECR), AM 720 (ECR), AM 721 (EPP), Am 722 (Greens), Am 723 (S&D)***
2. ***The Board may issue opinions on appropriate national measures under paragraph 1. National regulatory authorities or bodies of a country of destination may request the Board to issue an opinion advising the (AM 90 Rapp) competent national authorities to take appropriate measures against the media service provider established, originating funded or owned by state and non-state actors from outside the Union. The Board shall issue guidelines on the format of such requests. When the request is formulated by a minimum number of Board members, defined in the Board's rules of procedure, the Board shall be automatically triggered to issue an opinion. The Board may consult the Commission in issuing such opinions, where deemed appropriate. Without prejudice to their powers under national law, the competent national authorities concerned, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board. (AM 90 Rapp, AM 728 ECR) The competent authority or body shall provide reasons for any refusal to undertake the recommended actions. (AM 729 Greens, AM 731 ECR)***
  - 2a (new) ***When preparing its opinion, the Board shall confirm that the following conditions are met:***
    - (i) ***there is substantiated evidence that the audiovisual media service is prejudicing or presenting a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence, public health or the content of the audiovisual media service provider manifestly, seriously and gravely infringes article 6(1) of Directive 2010/13/EU.***
    - (ii) ***the audiovisual media service is prejudicing or presenting a serious and grave risk of prejudice for several Member States or the Union. (AM 724 Greens, AM 726 ECR)***



- 2 b. *Member States shall ensure that when relevant, national regulatory authorities or bodies, when deciding to take action (inter alia through licensing or registration) (AM 732 ECR, AM 733 Greens) against a media service provider established or originating, funded or owned by state and non-state actors from outside the Union, have a legal basis to take into account at least one of the following conditions:*
- (i) *a decision taken against that provider by a national regulatory authority or body from another Member State and/or;*
  - (ii) *an opinion of the Board relating to that provider and taken on the grounds of this article. (Am 91 Rapp, AM 735 Greens, Am 736(ECR )*
- 2 c. *Online platforms and online search engines shall cooperate fully with any investigations or inquiries conducted by regulatory authorities or bodies on media service providers from outside the Union, that may present a risk to public security and defence, and shall provide all required information and data to support such investigations or inquiries. (Am 95 Rapp)*

### Recital 30

Covers AM 16 (Rapp), AM 231 (Greens) AM 232 (ECR), AM 233 (ECR)

Falls AM 230 (The Left),

- (30) *National (AM 232 ECR) regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers established **or originating from, funded or owned by state and non-state actors from** [AM 16 Rapp, AM 231 Greens] outside the ~~Union~~ **EU but under jurisdiction of an EU Member State through the Directive 2010/13/EU satellite criteria or established in the EU) irrespective of the means of distribution or access, [AM 231 Greens, AM 232 ECR, AM 233 ECR] that target or reach [AM 231 Greens, AM 232 ECR, AM 233 ECR ] audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to **national and [AM 16 Rapp] public security and defence, public health, incite to violence, hatred or promote terrorist activities, including committing terrorist acts. [AM 16 Rapp, AM ]** In this regard, the ~~coordination~~ **cooperation [AM 231 Greens, AM 232 ECR, AM 233 ECR]** between national regulatory authorities or bodies to face together possible public security and defence threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. In order to ensure that media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance should also be available to guarantee the ‘effet utile’ of the relevant national measures, in compliance with Union law. Additionally, it is necessary to coordinate the national measures that may be adopted to counter **national and [AM 16 Rapp] public security and defence threats by media services established or originating from, funded or owned by state and non-state actors from [AM 16 Rapp]** outside of the Union and targeting audiences in the Union, including the possibility for the **Board, in agreement with the Commission, to** issue opinions on***

such measures, *at its own initiative or at the request of a national regulatory authority, [AM 16 Rapp]* as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.

**Recital 30 a (new)**

Covers AM 234 (Greens), AM 235 (ECR), AM 236 (ECR)

Fall

*(30a) In the case of audiovisual media services providers under jurisdiction of EU Member States pursuant to Article 2 of Directive 2010/13/EU, in order to ensure that audiovisual media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance, pursuant to an opinion of the Board, should also be available to guarantee the ‘effet utile’ of the relevant national measures, in compliance with Union law. Following the request of the authority or body from another Member State, the competent national authority or body could be invited by the opinion of the Board to undertake certain measures, where the threats mentioned above are proven and are prejudicing or presenting a serious and grave risk of prejudice for several Member States or the Union. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union. [AM 235 ECR, AM 236 ECR]*

**Recital 30 b (new)**

Covers AM 237 (Greens), AM 238 (ECR), AM 239 (ECR)

Fall

*(30b) As any measures limiting the freedom of media and of speech can only be envisaged in highly exceptional and justified cases, the implication of the Board should be limited to what is strictly necessary and in line with international and European standards, therefore should be triggered following a request of a minimum number of Board members to be defined in the Board's Rules of procedure. Once adopted, the opinions of the Board should be taken into utmost account by the national regulatory authorities or bodies concerned. [AM 237 Greens, AM 238 ECR, AM 239 ECR]*

**Recital 30 c (new)**

Covers AM 240 (ECR), AM 241 (ECR), AM 242 (Greens)

Falls

*(30c) In order to foster the coherence of decisions and facilitate the eventual cooperation between national regulatory authorities or bodies, the Board should develop a set of basic criteria on the media service providers established or originating from, funded or owned by state and non-state actors from outside the Union and the service provided (AM 242 Greens). These criteria (Am 242 Greens) should be used by*

*national regulatory authorities or bodies when a media service provider originating from outside of the Union seeks jurisdiction in a Member State, or when a media service provider already under the jurisdiction of a Member State, (AM 242 Greens) appears to pose serious and grave risks to national security and defence. The criteria should inter alia cover content, ownership, financing structures, editorial independence from third countries or adherence to a co-regulatory or self-regulatory mechanism governing editorial standards in one or more Member States. These criteria should allow relevant authorities or bodies to identify, and if needed prevent, the entry into the EU market, of media service providers which present a serious and grave risk of prejudice to public security and defence or where their programs contain incitement to violence or hatred or public provocation to commit a terrorist offence. [AM 240 ECR, AM 241 ECR]*

## **Compromise 17 : Chapter III, Section 4, Article 18 and Corresponding Recitals**

*Covering: AM 107 to 108(Rapp), AM 790(S&D), AM 794(S&D), AM 792(S&D) AM 255 (Greens), AM 256 (The Left AM 22 (Rapp), AM 258 (Greens)*

*Falling: AM 786(S&D), AM 787(Greens), AM 788(Left), Am 789(Greens), AM 791(Left, , AM 793(Greens)), 21 rapp, 257 Left*

### *Article 18*

#### Structured dialogue

1. The Board shall regularly organise a structured dialogue between providers of very large online platforms **and very large online search engines**, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation, to foster access to diverse offers of independent media on very large online platforms and **very large online search engines and** to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference, **as well as to ensure the autonomy, independence and security of journalists and to identify numbers and trends related to the subject matter, volume, and affected parties.** (Am 107 Rapp, AM 789 Greens, AM 790 S&D)
2. The Board shall report on the results of the dialogue to the Commission **and make the results available to the public and the European Parliament upon request.** (AM 108 Rapp, AM 792 S&D)
- 2a. **The organisations referred to in paragraph 1 and having activities at European level shall be registered in the Transparency Register and the list thereof shall be made public by the Board**

**Corresponding Recitals:**

**Recital 35**

**Covers AM 255 (Greens), AM 256 (The Left)**

**Falls AM 21(Rapp)**

- (35) Providers of very large online platforms ~~and very large online search engines~~ [AM 21 Rapp] should engage with media service providers ~~that respect standards of credibility and transparency [AM 256 The Left]~~ and that consider that restrictions on their ~~where audits undertaken pursuant to Article 37 of Regulation (EU) 2022/2065 demonstrate that a VLOP's [AM 255 Greens]~~ content are frequently imposed by providers of very large online platforms without sufficient grounds, **moderation practices are negatively impacting freedom and pluralism of the media**, [AM 255 Greens] in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms ~~and very large online search engines~~ [AM 21 Rapp] should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.

**Recital 36**

**Covers AM 22 (Rapp), AM 258 (Greens)**

**Falls AM 257 (The Left)**

- (36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms ~~and very large online search engines~~, [AM 22 Rapp] representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large online platforms ~~and very large online search engines~~, [AM 22 Rapp] discuss experience and best practices related to the application of the relevant provisions of this Regulation and to monitor ~~adherence to compliance with~~ [AM 258 Greens] self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) 2022/XXX ~~[Digital Services Act]~~ 2022/2065 [AM 22 Rapp] and may ask the Board to support it to this effect. **The results of the dialogue should be made available to the European Parliament upon its request.** [AM 22 Rapp]

**Compromise 18 : Chapter III, Section 4, Article 19 and 19a**  
**Corresponding Recitals: 37, 37a(new),**

**Covering:** AM 109 to AM 111(Rapp), AM 797(ECR), AM 798(ECR) AM 799 (EPP), AM 800 (NI), AM 801(Greens) AM 23 (Rapp) AM 259 (ECR) AM 260 (Greens) , AM 261 (ECR), AM 262 (NA), AM 263 (EPP), AM 264 (Greens)

**Falling:** AM 795 (Greens), AM 796(Greens)

#### *Article 19*

Right of customisation of ***the audio and*** (AM 109 Rapp) audiovisual media offer

1. Users shall have ***access to a functionality allowing them*** to easily ***customise*** the default ***layout*** of any device, (AM 797ECR) or user interface controlling or managing access to and use of ***audio or*** audiovisual media services, in order to customise the ***audio or*** audiovisual media offer according to their interests or preferences in compliance with the law. This provision shall not affect national measures implementing Article 7a of Directive 2010/13/EU. (AM 110 Rapp,)
2. When placing the devices, and user interfaces referred to in paragraph 1 on the market, manufacturers and developers shall ensure that they include a functionality enabling users to freely and easily change the default ***layout*** controlling or managing access to and use of the audiovisual media services offered. (AM 111 Rapp)

#### *Article 19a*

##### ***Right to identify the content of a media service***

1. ***Recipients of media services shall have a right to easily identify the media service provider on any device or user interface controlling or managing access to and use of media services.***
2. ***Manufacturers of devices and providers of user interfaces controlling or managing access to and use of media services shall ensure that the identity of the media service provider bearing the editorial responsibility for the content or services is clearly visible alongside the content and services offered (AM 799 EPP, AM 800 NI, AM 801 Greens)***

#### ***Corresponding Recitals***

##### **Recital 37**

Covers AM 23 (Rapp) AM 259 (ECR)

Falls

- (37) Recipients of audiovisual media services should be able to effectively choose the audiovisual content they want to watch according to their preferences ***customise and easily access their preferences.*** [AM 23 Rapp] Their freedom in this area may however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between manufacturers of devices , ***such as remote controls,*** [AM 23 Rapp] or providers of user interfaces controlling or

managing access to and use of audiovisual media services, such as connected televisions , *connected cars, smart speakers* [AM 23 Rapp] and media service providers. Prioritisation can be implemented, for example, on the home screen of a device, through hardware or software shortcuts, applications and search areas, which have implications on the recipients' viewing behaviour, who may be unduly incentivised to choose certain audiovisual media offers over others. Service recipients should have the possibility to ~~change~~, *customise*, [AM 23 Rapp] in a simple and user-friendly manner, the default *settings layout* [AM 23 Rapp] of a device or user interface controlling *such as a remote control or the home screen* [AM 23 Rapp] and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest implementing Article 7a of Directive 2010/13/EC, taken in the pursuit of legitimate public policy considerations.

**Recital 37 a (new)**

Covering AM 260 (Greens) , AM 261 (ECR), AM 262 (NA), AM 263 (EPP), AM 264 (Greens)

Falls

**(37a)** *Recipients of media services increasingly face difficulties in identifying who bears the editorial responsibility for the content or services they consume, in particular when they access media services through connected devices or on-line platforms. Failure to clearly indicate editorial responsibility for media content or services (e.g., through incorrect attribution of logos, trademarks, or other characteristic traits) deprives recipients of media services of the possibility to understand and assess the information they receive, which is a prerequisite for forming well-informed opinions and consequently to actively participate in democracy. Recipients of media services should therefore be enabled to easily identify the media service provider bearing the editorial responsibility over any given media service on all devices and user interfaces controlling or managing access to and use of media services [AM 260 Greens]*

<p><b>Compromise 19 : Chapter III, Section 5, Article 20</b></p> <p><b>Corresponding Recitals</b></p>
<p><b>Covering:</b> AM 112 to AM 115(Rapp), AM 803(EPP), AM 804(EPP), AM 805(Renew), AM 810(EPP), AM 811(ECR), AM 812(EPP), AM 813(EPP), AM 817(S&amp;D) AM 24 (Rapp), AM 265 (Renew), AM 266 (Greens), AM 267 (The Left), AM 268 (EPP) AM 25 (Rapp), AM 269 (EPP), AM 271 (Greens)</p>
<p><b>Falling:</b> AM 802(Greens), AM 806(EPP), Am 807(Greens), AM 808(S&amp;D), AM 809(Greens), AM 814(Greens), AM 815 (EPP), AM 816(Left), AM 818 (Renew), Am 819(ECR), AM 820(Left), AM 821 (Greens), Am 822(EPP) AM 270 (The Left),</p>

Article 20

National measures affecting the *provision and (AM 802 Greens)* operation of media service providers

1. Any legislative, **implementing**, (AM 805Renew) regulatory or administrative measure taken by a Member State, **including, but not limited to, the implementation of Directive 2010/13/EU** (AM 112 Rapp AM 803EPP) that is liable to affect the **provision (AM 807 Greens) of media services or** operation of media service providers in the internal market shall be duly justified, and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory, **shall not disproportionately disrupt the operation of media service providers** (AM 803EPP) **and shall follow the principle of non-regression on EU values in Member States with respect to media freedom and independence.** ( AM 804 EPP)
2. Any national procedure used for the purposes of the preparation or the adoption of a regulatory or administrative measure as referred to in paragraph 1 shall be subject to clear timeframes set out in advance.
3. Without prejudice and in addition to its right to effective judicial protection, any media service provider subject to an administrative or regulatory measure referred to in paragraph 1 that concerns it individually and directly shall have the right to appeal against that measure to an appellate body, **which may be a court of law.**(AM 113Rapp, AM 811ECR) That body shall be independent of the parties involved and of any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. It shall have the appropriate expertise **and funding** (Am 113Rapp)to enable it to carry out its functions effectively **and to respond to any appeals timely. Where the Board has issued an opinion on the matter, such national appellate bodies may take this into particular consideration.** (AM 113 Rapp, AM 810 EPP)
4. The Board, upon **its own initiative or at the** (AM 114 Rapp, AM 812 EPP, AM 816 Left, AM 817 SD) request of the Commission **or the media service provider affected by the measure (AM 814 Greens)**, shall draw up an opinion where a national legislative, regulatory or administrative measure is likely to affect the functioning of the internal market for media services. **The opinion shall, where applicable, include the justification, the proportionality analysis and can include consultation with national stakeholders.** (AM 813EPP) Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter. Opinions by the Board and, where applicable, by the Commission shall be made publicly available. **Where applicable, media service providers that consider to be directly affected by such measures shall also be able to request the Board to issue an opinion.** (AM 812 EPP)
5. Where a national authority or body adopts a measure that affects individually and directly a media service provider and is likely to affect the functioning of the internal market for media services, it shall communicate, at the request of the Board, and where applicable, of the Commission, without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the

grounds on which the national authority or body has based its measure, and, where applicable, the views of other authorities concerned. ***Media service providers considering to be directly affected by such measures shall be able to request the Board to issue an opinion.*** (AM 115 Rapp)

### ***Corresponding Recitals***

#### **Recital 38**

Covers AM 24 (Rapp), AM 265 (Renew), AM 266 (Greens), AM 267 (The Left), AM 268 (EPP)

Falls

- (38) Different legislative, regulatory or administrative measures can ~~negatively~~ [AM 267 *The Left*] affect ***and restrict*** [AM 24 *Rapp*, AM 265 *Renew*] the ~~operation~~ ***media pluralism and editorial independence by restricting the possibility*** [AM 266 *Greens*] of media service providers in the internal market ***to provide access to a plurality of views and to reliable sources of information. Such measures can take various forms, They include,*** [AM 266 *Greens*] for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors; ~~they also include decisions,~~ ***the disproportionate or distorted implementation at national level of minimum requirements foreseen in Directive 2010/13/EU, which can create new barriers or obstacles in the internal market, or decisions*** [AM 24 *Rapp*, AM 265 *Renew*, AM 266 *Greens*] related to licensing, authorisation or prior notification for media service providers. In order to ~~mitigate their potential negative impact on the functioning of the internal market for media services and~~ [AM 267 *The Left*] enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.

#### **Recital 39**

Covers AM 25 (Rapp), AM 269 (EPP), AM 271 (Greens)

Falls AM 270 (The Left), AM 272 (EPP)

- (39) It is also key that the Board is empowered to issue an opinion, on ***its own initiative or at*** [AM 25 *Rapp*, AM 269 *EPP*, AM 271 *Greens*] the Commission's request, where national measures are likely to affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, or ~~when the concerned media service provider has a significant influence on the formation of public opinion in that Member State.~~ ***when it is preventing a media service provider established in one Member State from providing media services in another Member State. Any media service provider considering to be directly affected by such a measure should be able to request the Board to issue an opinion on such measures.*** [AM 25 *Rapp*, AM 269 *EPP*]



**Compromise 20 : Chapter III, Section 5, Article 21**  
**Corresponding Recitals**

**Covering:** AM 116 to AM 120(Rapp), AM 834(Greens), AM 835(Greens), AM 836(EPP), AM 844(Greens), AM 845(Greens)AM 846(Greens) AM 26 (Rapp), AM 274 (Greens), AM 275 (The Left) AM 27 (Rapp), AM 277 (EPP), AM 276 (Greens) AM 279 (Greens)

**alling:** AM 823(Greens), AM 824(S&D), AM 825(Greens), AM 826(S&D), AM 827(Greens), Am 828(S&D), AM 829(Greens), Am 830(Greens), AM 833(Greens), AM 837(EPP), AM 838(Left), AM 839(Greens), AM 840(S&D),AM 841 (Left), AM 842((S&D), AM 843(Greens), AM 273 (NA) AM 278 (Greens)

*Article 21*

Assessment of media market concentrations

1. Member States shall provide, in their national legal systems, substantive and procedural rules which ensure an assessment of media market concentrations that could have a significant impact on media pluralism and editorial independence. These rules shall:
  - (a) be transparent, objective, proportionate and non-discriminatory;
  - (b) require the parties to a media market concentration that could have a significant impact on media pluralism and editorial independence to notify that concentration in advance to the relevant national authorities or bodies;
  - (c) designate the national regulatory authority or body as responsible for the assessment of the impact of a notifiable concentration on media pluralism and editorial independence or ensure the involvement of the national regulatory authority or body in such assessment;
  - (d) set out in advance objective, non-discriminatory and proportionate criteria for notifying media market concentrations that could have a significant impact on media pluralism and editorial independence and for assessing the impact of media market concentrations on media pluralism and editorial independence.

The assessment referred to in this paragraph shall ***provide an independent evaluation of any undue distortions to the media environment*** and be distinct from the competition law assessments including those provided for under merger control rules. It shall be without prejudice to Article 21(4) of Regulation (EC) No 139/2004, where applicable. (AM 831 EPP)

2. In the assessment referred to in paragraph 1, the following elements shall be taken into account:
  - (a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity ***and independence*** of media players on the market, ***focusing on the activities related to the provision of information***, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses; (Am 116 Rapp, AM 832 EPP)
  - a a) the results of the risk assessment made by the annual Commission Rule of Law Report and media pluralism monitoring instruments to identify, analyse and asses any systemic risks to media freedom and media pluralism in the particular Member State*** (AM 117 Rapp, Am 834 Greens)
  - (b) the safeguards for editorial independence, including the impact of the concentration on the functioning ***and independence (AM 837 EPP)*** of the editorial teams and the existence of measures by media service providers taken with a view to guaranteeing the independence ***of*** individual editorial decisions, ***as well as national legislation and self-regulatory norms in this regard***; (AM 118 Rapp, AM 835 Greens,)
  - (c) whether, in the absence of the concentration, the acquiring and acquired entity would remain economically sustainable, whether there are any possible alternatives to ensure its economic sustainability, ***as well as the absence of the proposed concentration would have a negative impact on media pluralism***; (AM 119 Rapp)
  - (c a) the entirety of the media market, including the associated services such as printing and dissemination of products (SD horizontal AMs), online environment actors such as the providers of very large online platforms or very large online search engines as well as public media service providers.*** (AM 120Rapp)
3. The Commission, advised by the Board, may issue guidelines on the factors to be taken into account when applying the criteria for assessing the impact of media market concentrations on media pluralism and editorial independence by the national regulatory authorities or bodies.
4. The national regulatory authority or body shall consult the Board in advance on any opinion or decision it aims to adopt assessing the impact on media pluralism and editorial independence of a notifiable media market concentration where such concentrations may affect the functioning of the internal market.
5. Within 14 calendar days from the receipt of the consultation referred to in paragraph 4, the Board shall draw up an opinion on the draft national opinion or decision referred to it, taking account of the elements referred to in paragraph 2 and transmit that opinion to the consulting authority and the Commission.

6. The national regulatory authority or body referred to in paragraph 4 shall take utmost account of the opinion referred to in paragraph 5. Where that authority does not follow the opinion, fully or partially, it shall provide the Board and the Commission with a reasoned justification explaining its position within 30 calendar days from the receipt of that opinion. Without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter.
- 6a** *The respective national regulatory authorities or bodies, at their own initiative or requested by the Board, shall conduct an ex-post evaluation of concentrations taking into account criteria referred to in paragraph 2. (AMs 844 and 845 Greens - streamlined by EPP)*
- 6b.** *The assessments and opinions referred to in this Article shall be made publicly available. (AM 846 Greens)*

### **Corresponding Recitals**

#### **Recital 40**

Covers AM 26 (Rapp), AM 274 (Greens), AM 275 (The Left)

Falls AM 273 (NA)

- (40) Media play a decisive role in shaping public opinion and ~~helping citizens participate in~~ *can contribute to a democratic processes public sphere, when well-functioning and living up to normative standards, including as regards topic selection.* [AM 275 The Left] *Moreover, providers of very large online platforms and of very large online search engines play a significant role in the access to information and in the presentation of this information to the consumers. Concentration of ownership of the media system can create an environment favouring the monopolisation of the advertising market, introduce barriers to the entry of new market players and also lead to uniformity of media content.* [AM 26 Rapp] This is why Member States should provide for rules and procedures in their legal systems to ensure ~~assessment of media market~~ *ex-ante and ex-post quality assessments of* [AM 274 Greens] *concentrations affecting the media market* [AM 274 Greens] that could have a significant impact on media pluralism or editorial independence, *in its entirety, including the providers of very large online platforms and very large online search engines, as well as public service media.* [AM 26 Rapp], *including existing concentrations at the time of entry into force of this Regulation.* [AM 274 Greens] Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion in a given media market, *including by means of carrying content provided by media service providers or by controlling access and visibility to such content,* [AM 26 Rapp] within a media sub-sector or across different media sectors in one or more Member States. An important

criterion to be taken into account is the reduction of ~~competing~~ *in access to a variety* [AM 275 The Left] views within that market as a result of the concentration. *Therefore, taking such measures is essential, in order to guarantee access, competition and quality and avoid conflicts of interests between media ownership concentration and political power, which are detrimental to free competition, a level playing field and pluralism.* [AM 26 Rapp] *A detailed assessment of such media market concentrations capable of distorting media pluralism and competition should always be made by the competent national regulatory authorities or other bodies without any political interference.* [AM 274 Greens]

#### **Recital 41**

**Covers AM 27 (Rapp), AM 277 (EPP), AM 276 (Greens)**

**Falls AM 278 (Greens)**

- (41) National regulatory authorities or bodies, *as well as press self-regulatory bodies or civil society organisations* [AM 27 Rapp, AM 277 EPP] who have specific expertise in the area of media pluralism, should be involved in the assessment of the ~~impact of concentrations affecting~~ [AM 276 Greens] media market ~~concentrations that could have an impact~~ [AM 276 Greens] on media pluralism and editorial independence *including existing concentrations at the time of entry into force of this Regulation*, [AM 276 Greens] where they are not the designated authorities or bodies themselves. In order to foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence, it is essential that objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism and editorial independence are set out in advance.

#### **Recital 42**

**Covers AM 279 (Greens)**

**Falls**

- (42) When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004<sup>6</sup>, the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their ~~assessment of the impact of media market~~ *assessments of* [AM 279 Greens] concentrations *affecting the media market that could have an impact* [AM 279 Greens] on media pluralism and editorial independence should therefore be aimed at protecting legitimate interests within the meaning of Article 21(4), third subparagraph, of Regulation (EC) No 139/2004, and should be in line with the general principles and other provisions of Union law.

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<sup>6</sup> Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (*OJ L 24, 29.1.2004, p. 1-22*).

**Compromise 21 : Chapter III, Section 5, Article 22**  
**Corresponding Recitals**

**Covering:** AM121(Rapp), AM 850(S&D), AM 851 (EPP),

**Falling:** AM 847(Greens), AM 848(S&D), AM 849(Left), AM 852(Greens), AM 853(Renew), AM 854(EPP), AM 855(Greens), AM 856(Greens), AM 857(Greens), AM 858(Greens), AM 859(Greens), AM 860(Greens), AM 861(Greens),

*Article 22*

Opinions on media market concentrations

1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, ***at its own initiative or*** upon request of the Commission, shall draw up an opinion on the impact of a media market concentration on media pluralism and editorial independence, where a media market concentration is likely to affect the functioning of the internal market for media services. The Board shall base its opinion on the elements set out in Article 21(2). The Board may bring media market concentrations likely to affect the functioning of the internal market for media services to the attention of the ***European Parliament and the*** Commission. (Am 121Rapp, AM 850 S&D, AM 851EPP, AM852 Greens)
  - a. ***The Board shall take utmost account of input from civil society and other stakeholders from the media sector when deciding whether to draw up an assessment on a concentration which would objectively impact the media market. (AM855 Greens)***
  - 1d. ***The National Regulatory Authority who is addressed by the opinion shall report to the Board within 90 days concerning the measures it has taken to comply with the recommendations. (AM858 Greens)***
2. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter.
3. Opinions by the Board and, where applicable, by the Commission shall be made publicly available.

Corresponding Recitals

**Recital 43**

**Covers AM 28 (Rapp), AM 281 (The Left), AM 282 (EPP), AM 280 (Greens), AM 283 (S&D)**

**Falls AM 284 (Greens)**

- (43) The Board should be empowered to [AM 280 Greens] provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, where the notifiable ***at its own initiative, or upon request, and conduct assessments of [AM 280 Greens] concentrations may affect the functioning of the internal market affecting the media market*** This would be the case, for example, where such ***that could have a significant impact on media pluralism and editorial independence, including existing concentrations involve at least one undertaking established in another Member State or operating in more than one Member State or result in at the entry into force of the present Regulation. Democratic processes across the EU are rooted in national media service providers having a significant influence on formation of public opinion in a given media market. markets, whereas national democratic processes spill over to EU level governance. Accordingly, it is necessary to have appropriate measures to enforce and protect democratic processes both at national and EU level. [AM 280 Greens] Moreover, the Board should provide an assessment [AM 280 Greens] where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or [AM 280 Greens] where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, at its own initiative or [AM 28 Rapp, AM 282 EPP] if the Board agrees [AM 281 The Left] upon request of the Commission. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.***

#### Recital 44

Covers AM 29 (Rapp), AM 285 (Greens), AM 287 (EPP)

Falls AM 286 (The Left)

- (44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria ***as well as the criteria that should take precedence or prevail in case of conflicts.***[AM 285 Greens] In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the prospective owner, management or governance structure in the individual editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should also be taken into account. ***Furthermore, the results of the annual Commission Rule of Law report presented in the chapters on press freedom as well as the risk assessment made annually by instruments such as the Media Pluralism Monitor and any country specific recommendations on media pluralism and media freedom [AM 287 EPP] should be considered in determining the overall climate for media and the effects of the concentration in question over media pluralism and editorial independence, under these specific conditions [AM 29 Rapp, AM 285 Greens].*** In assessing the

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

**Compromise 21a : Chapter III, Section 5, Article 22a, 22b, 22c (separate vote)**

**Covering :** AM 862(Greens), AM 863(Greens), AM 864(Greens)

*Article22a*

*Investigation of media market concentrations into systematic non-compliance*

1. *Following the recommendation of the Board pursuant to Article 22(1e), or under request of the European Parliament, or on its own initiative, the Commission may conduct an investigation of a media market concentration for the purpose of examining whether such concentration has engaged in systematic non-compliance with the obligations laid down under this Regulation, putting in serious risk the independence, plurality and freedom of media. The Commission shall conclude the investigation within 6 months. Where the findings of the investigation show that a media market concentration has systematically infringed the obligations laid down in this Regulation and that there is a clear risk of seriously undermining the independence, plurality and freedom of the media, the Commission is empowered to adopt a delegated act pursuant to Article 22c, imposing on the undertakings part of the media market concentration any behavioural or structural remedies which are proportionate and necessary to ensure effective compliance with this Regulation and the protection of media freedom, pluralism and independence.*
2. *The remedy imposed in accordance with paragraph 1 of this Article may include, to the extent that such remedy is proportionate and necessary in order to maintain or restore the independence, plurality and freedom of media as affected by the systematic non-compliance, the prohibition, during a limited period, for the undertakings which are part of the media market concentration under investigation to remain or enter into a further media market concentration as defined in Article 2, paragraph 13, of this Regulation.*
3. *A media market concentration shall be deemed to have engaged in systematic non-compliance with the obligations laid down in this Regulation, where the opinions of concentrations issued by the Board pursuant to Article 22 of this Regulation conclude that there is a potential risk to the independence, plurality and freedom of media and issues a recommendation to the Commission pursuant to Article 22(1e) of this Regulation advising the Commission to launch an investigation in*

*order to determine whether the concerned media market concentration poses a serious risk to the independence, plurality and freedom of media. For the purpose of its investigation, the Commission shall take into account procedures launched under Article 7 TEU.*

- 4. The Commission shall communicate its findings to the Member States and undertakings concerned within 6 months from the date of the adoption of the recommendation issued by the Board pursuant to Article 22, paragraph 1e, of this Regulation. In its findings, the Commission shall explain whether it considers that the conditions of paragraph 1 and 3 of this Article are met and which remedy or remedies it considers necessary and proportionate. The findings of the Commission shall be public and made available to the European Parliament and to the Council.*
- 5. In the course of the investigation of a media market concentration, the Commission may extend its duration where such extension is justified on objective grounds and proportionate. The total duration of any extension or extensions pursuant to this paragraph shall not exceed 6 months. The Commission shall inform the European Parliament and the Council.*
- 6. In order to ensure effective compliance by the media market concentration with its obligations laid down in this Regulation, the Commission shall regularly review the remedies that it imposes in accordance with paragraphs 1 and 2 of this Article. The Commission shall be entitled to modify those remedies if, following an investigation of a media market concentration, it finds that they are not effective.*

#### *Article 22b*

##### *Non-compliance*

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



7. *Where the Commission decides not to adopt a non-compliance decision, it shall close the proceedings.*
8. *The non-compliance decisions issued by the Commission shall be made publicly available.*

*Article 22c*

*Delegated acts*

1. *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*
2. *The power to adopt delegated acts referred to in Articles 22a and 22b shall be conferred on the Commission for an indeterminate period of time from [OP please insert the date = 6 months after the date of entry into force of this Regulation].*
3. *The power to adopt delegated acts referred to in Articles 22a and 22b may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*
4. *Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.*
5. *As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*
6. *A delegated act adopted pursuant to Articles 22a and 22b shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of one month of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.*

**Compromise 22 : Chapter III, Section 6, Article 23**

**Corresponding Recitals**

**Covering:** AM 865(Greens), AM 866(NI), Am 867(EPP), AM 868(ECR), AM 873(Greens), AM 874(ECR) AM 875(NI), AM 876(EPP), AM 881(Greens), AM 882(EPP)AM 885(Greens)

**Falling:** AM 869(EPP), AM 870(ECR), AM 871(NI), AM 872(Greens), AM 877(EPP), AM 878(NI) AM879(ECR), AM 880 (Left), AM 883(NI), AM 884(ECR),

## Article 23

### Audience measurement

1. Audience measurement systems and methodologies shall comply with principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination, **comparability** (AM 865 Greens, 866 NI, 867 EPP, 868 ECR) and verifiability.
2. Without prejudice to the protection of undertakings' **trade secrets** *within the meaning of Article 2(1) of Directive (EU) 2016/943 (AM 872 Greens)*, providers of proprietary audience measurement systems shall provide, without undue delay and free of costs, to media service providers and advertisers, as well as to third parties authorised by media service providers and advertisers, accurate, detailed, comprehensive, intelligible and up-to-date information on the methodology used by their audience measurement systems. This provision shall not affect the Union's data protection and privacy rules.
3. National regulatory authorities or bodies shall encourage the drawing up of codes of conduct by providers of audience measurement systems, together with media service providers, their representative organisations, **civil society** and any other interested parties, **shall draw up codes of conduct, with the support of national regulatory authorities or bodies** that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits.

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

*(AM 873 (Greens) 874(ECR) AM 875(NI), AM 876(EPP) )*

4. The Commission, assisted by the Board, may issue guidelines on the practical application of paragraphs 1, 2 and 3 of this Article.
5. The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems **media service providers, civil society organisations (AM 881 Greens AM882 EPP)** and other interested parties.
- 5a. ~~***The obligations imposed under this Regulation are without prejudice to audiences' right to protection of personal data as provided by Article 8 of the Charter of Fundamental Rights read in conjunction with Regulation 2016/679 (General Data Protection Regulation).***~~ *(AM 885 Greens)*

### Corresponding Recitals

#### Recital 45

Covers AM 289 (Greens)

Falls AM 288 (EPP), AM 290 (ECR)

- (45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future production, **buying, planning or selling** [AM 289 Greens] of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience measurement solutions, **which should be in compliance with EU data protection and privacy rules**. [AM 289 Greens] However, certain new players that have emerged in the media ecosystem provide their own measurement services without making available information on their methodologies. This could result in information asymmetries among media market players and in potential market distortions, to the detriment of equality of opportunities for media service providers in the market.

#### **Recital 46**

**Covers AM 293 (Greens), AM 294 (EPP)**

**Falls AM 291 (NA), AM 292 (ECR)**

- (46) In order to enhance the verifiability, **comparability** [AM 293 Greens] and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under these obligations, such actors, when requested ~~and to the extent possible~~, [AM 293 Greens] should provide advertisers and media service providers or parties acting on their behalf, with information describing the methodologies employed for the measurement of the audience. Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error as well as the measurement period. The obligations imposed under this Regulation are without prejudice to **audiences' right to protection of personal data as provided by Article 8 of the Charter of Fundamental Rights (AM 885 Greens) read in conjunction with Regulation 2016/679 (General Data Protection Regulation) as well as to** [AM 293 Greens] any obligations that apply to providers of audience measurement services under Regulation 2019/1150 or Regulation (EU) ~~2022/XX~~ **2022/1925** [AM 293 Greens] [Digital Markets Act], including those concerning ranking or self-preferencing.

#### **Recital 47**

**Covers AM 295, AM 296 (Greens)**

**Falls AM 297 (NA), AM 298 (ECR)**

- (47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, **together with media service providers and/or their representatives, civil society organisations and other relevant stakeholders** [AM 296 Greens] can contribute to the effective application of this Regulation and should, therefore, be encouraged. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry **with the support of national regulatory authorities or bodies** [AM 296 Greens] to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness,

proportionality, non-discrimination , **comparability** [AM 296 Greens] and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers **mentioned above**, [AM 296 Greens] account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.

## **Compromise 23 : Chapter III, Section 6, Article 24**

### **Corresponding Recitals: 48, 48a (new), 49**

**Covering:** AM 122 to Am 124 (Rapp), Am 888 (S&D) AM 890(EPP), AM 891(Left), AM 893(Greens), AM 898(S&D), AM 900(Renew), AM 901(EPP), AM 903(Greens) AM 904(EPP), AM 905(EPP), AM 914(Greens), AM 924(Greens), Am 902(EPP), AM 908(Greens),

**Falling:** AM 886(S&D), AM 887(Greens), Am 889(S&D) 892(Renew), AM 894(S&D), AM 895(Greens), AM 896(Renew), AM 897(EPP), AM 899(Greens), AM 906(Greens), AM 907(Renew), AM 909(Renew), AM 910(Greens), AM 911(S&D), AM 912(Renew), AM 913(S&D), AM 915(S&D), AM 916(Renew), AM917(S&D), AM 918(Renew), AM 919(Greens), AM 920 (Renew), AM 921(Greens), AM 923(Greens), AM 925(S&D)

#### *Article 24*

#### **~~Allocation~~ Allocation and transparency of state advertising and other state financial support (AM 887 Greens)**

1. Public funds, **including European Union, national or local funds**, or any other consideration or advantage granted by public authorities to media service providers, **including to very large online platform providers and very large online search engine providers**, for the purposes of advertising shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. **Such funds allocated by any public authority to a singular media service provider, including to a very large online platform provider or to a very large search online engine provider shall not exceed 15% of the total budget allocated by the said public authority to the totality of media service providers operating in the corresponding European, national or local market;** This Article shall not affect public procurement rules **and political advertising**. (AM 122 Rapp, AM 888 S&D, 891 Left)
2. **Relevant public** authorities (AM 902 EPP), including **at Union**, national, federal or regional **or local level (AM 899 Greens)**, regulatory authorities or bodies, as well as state-owned enterprises or other state-controlled entities at the national , regional **or local** level, ~~or local governments of territorial entities~~, (AM 898) shall make publicly available **through electronic and user-friendly means (AM899 Greens)** accurate, comprehensive, intelligible, **and machine readable** format detailed yearly information about their advertising expenditure **and other financial support from**

**public funds, including European Union funds,** allocated to media service providers and **online providers of online platforms,** which shall include at least the following details: (AM 123 Rapp, Am 898 S&D, *AM 900(Renew),Am 901(EPP)* )

- (a) the legal names of media service providers **or providers of online platforms** from which advertising services were purchased **or to whom an advantage was given** ; (AM 903 Greens, Am 904EPP)
- (b) the total annual amount spent as well as the amounts spent per media service provider **or providers of online platforms and the ratio of funds allocated to singular media service providers out of the total budget allocated to the totality of media service providers on the corresponding European, national or local level.** (Am 905EPP, 908 Greens)<sup>3</sup>. National regulatory authorities or bodies shall monitor the allocation of state advertising **or other financial support to media service providers and providers of online platforms.** In order to assess the accuracy of the information on state advertising **and other financial support** (AM 914 Greens) made available pursuant to paragraph 2, national regulatory authorities or bodies may request from the entities referred to in paragraph 2 further information, including information on the application of criteria referred to in paragraph 1.
- 3a. **The Board, on its own initiative or as a result of input from civil society, journalistic organisations or other relevant stakeholders, may decide to assess the allocation of European Union funding by national governments and issue an opinion on the application and compliance with paragraph 1 (AM 917 SD)**
- 3b. **National regulatory authorities or bodies shall submit data provided by public authorities pursuant to paragraph 2 on a bi-annual basis to the European Board for Media Services for the purpose of establishing European Database of State Financial Support. (AM911 S&D)**
- 3 c. **The allocation of state resources to media service providers, for the purpose of transmitting emergency messages by public authorities shall become subject to the requirements set out in paragraphs 2 and 3, 6 months of adoption of those emergency measures. Such allocations shall always be subject to the requirements set out in paragraph 1. (AM 124 Rapp, AM 918Renew)**
- 3d. **Member States shall publish, on an annual basis, details of all contracts between state bodies or state-owned enterprises and media service providers or other entities that belong to the same business grouping and their beneficial owners. This report should be published alongside the yearly National Regulatory Authorities reports on state advertising and other financial support. (AM922 Greens)**
4. The allocation of state **advertising or other financial support** to media service providers **and providers of online platforms** (AM 914, 924 Greens) for the purpose of purchasing goods or services from them other than state advertising shall be subject to the requirements set out in paragraph 1. This Article shall not affect the application of the State aid rules.

Corresponding Recitals

**Recital 48**

**Covers AM 30 (Rapp), AM 299 (S&D) , AM 300 (Greens), AM 301 (The Left)**

**Falls**

(48) *State Public [AM 299 S&D] advertising , financed by public funds, including national governments funding or European Union funding distributed by Member States for the purpose of implementing communication plans as part of EU Operational Programmes or EU Cohesion Policy Programmes, [AM 299 S&D] and other state financial support are is [AM 300 Greens] an important source of revenue for many media service providers, including for providers of very large online platforms and very large online search engines, [AM 30 Rapp] contributing and contribute [AM 300 Greens] to their economic sustainability. Access to it must be granted in a non-discriminatory way to any media service provider from any Member State which can adequately reach some or all of the relevant members of the public, in order to ensure equal opportunities in the internal market. [AM 300 Greens] Moreover, State public [AM 299 S&D] advertising and other state financial support [AM 300 Greens] may make media service providers vulnerable to undue state influence to the detriment of **fundamental rights and** the freedom to provide services and fundamental rights. [AM 301 The Left] Opaque and biased allocation of state public [AM 299 S&D] advertising and other state financial support [AM 300 Greens] is therefore a powerful tool to exert influence or ‘capture’ media service providers. **Furthermore, the unfair allocation of state advertising creates disruptions in the internal media market, creates an unfair level-playing field and deters players on the market to either enter it or to continue their operations in a particular Member State. This is why, in order to address such situations, state advertising allocations directed by a public authority, state-controlled or state-owned enterprise to a single media service provider or provider of a very large online platform or very large online search engine should not exceed 20% of the total budget allocated to state advertising by the said public authority, state-owned or state-controlled enterprise [AM 30 Rapp].** The distribution and transparency of state public [AM 299 S&D] advertising and other state financial support [AM 300 Greens] are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, however, may not cover all state public [AM 299 S&D] advertising expenditure nor do not [AM 300 Greens] offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council<sup>7</sup> does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on state-public [AM 299 S&D] advertising or other state financial support, [AM 300 Greens] where they exist, diverge significantly from one Member State to another.*

#### **Recital 48 a (new)**

Covers AM 31 (Rapp)

*(48 a) Emergency measures by public authorities are a necessary form of informing the general public about the risks in case of a sanitary or natural disaster, accidents, other sudden incidents or critical situations that may cause harm to individuals. Crisis situations have a great potential of creating new or enhancing existing vulnerabilities in the media sector. Thus, the allocation of state funding through the transmission of emergency messages by public authorities is essential to the economic viability of media service providers. In this context, the allocation of state resources for transmitting emergency messages may make media service providers*

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<sup>7</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).

*vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Unfair, opaque disproportionate and biased allocations in this regard create unfair advantages for certain players on the market and distort competition, deterring new players from joining the market or determining others to leave the market in a certain Member State. The fair, transparent, proportionate, independent and predictable allocation of such state funding is therefore essential for the well-functioning of the internal market, also having implications on media freedom and the fundamental rights of individuals, including on the right to information. Crises are becoming increasingly cross-border, while rules on such allocations differ from one Member State to another, creating fragmentation and legal uncertainty in the market. Therefore, such allocations should in principle follow the same harmonised rules as those for state advertising, as detailed in this Regulation. Nevertheless, recognising the urgency to take measures during a crisis period, special provisions should apply, allowing state authorities, state-owned or state-controlled companies and entities to comply with reporting obligations once the crisis situation has ended.*

#### **Recital 49**

**Covers AM 32 (Rapp), AM 302 (Greens), AM 303 (S&D)**

#### **Falls**

- (49) *Providers of online platforms are increasingly competing with media service providers for the purpose of state advertising and other financial support. [AM 302 Greens]. In order to ensure undistorted competition between media service providers and providers of online platforms [AM 302 Greens] and to avoid the risk of covert subsidies and of undue political influence on the media, and on online platforms, [AM 302 Greens] it is necessary to establish common requirements of particular importance that fair and transparent rules on the criteria for the allocation of state financial support and state advertising are in place, as well as them being effectively implemented. These criteria should follow principles [AM 302 Greens] of transparency, objectivity, proportionality and non-discrimination in the allocation of state public [AM 303 S&D] advertising, emergency messages by public authorities [AM 31 Rapp] and of state and European Union [AM 303 S&D] resources to media service providers and of providers of online platforms [AM 302 Greens] for the purpose of purchasing goods or services from them other than state advertising, or funding for transmitting emergency messages by public authorities, [AM 31 Rapp] including the requirement to publish information on the beneficiaries of state advertising expenditure and the amounts spent. [AM 302 Greens] It is important that Member States make the necessary information including beneficiaries and amounts spent, [AM 302 Greens] related to state public [AM 303 S&D] advertising and other state financial support [AM 302 Greens] publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. Establishing a European Repository of Public Funding for Advertising operated by the European Board of Media Services should further strengthen and guarantee the accessibility and uniformity of the information on public advertising for recipients of media services. [AM 303 S&D] This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.*

## Compromise 24 : Chapter IV, Final provisions, Article 25

### Corresponding Recitals

**Covering:** AM 928(Greens), AM 929(Greens), AM 932(Greens), AM 933(Greens), AM 934(S&D), AM 935(Renew), AM 936(Renew), AM 937(Greens), AM 938(Renew), AM 939(Greens), AM 940(Greens) AM 305 (Greens), AM 304 (The Left) AM 306 (Greens)

**Falling:** AM 926(Left), AM 927(Left), AM 930(Left), AM 931(Greens),

#### Article 25

##### Monitoring exercise

1. The Commission shall ensure an independent monitoring of the internal market for media services, including risks to and progress in its functioning and resilience. The findings of the monitoring exercise shall be subject to consultation with the Board.
2. The Commission shall define key performance indicators to be used for the monitoring referred in paragraph 1, in consultation with the Board.
- 2a. ***The Commission shall in its monitoring exercise take account of the Board's reports, assessments and recommendations, input from civil society, the results from the media pluralism monitoring instruments and the findings from Rule of Law Reports (AM 928 GREENS).***
3. The monitoring exercise shall include, ***in particular (AM 929 Greens):***
  - (a) a detailed analysis of the resilience of media markets of all Member States, including as regards the level of media concentration and risks of foreign information manipulation and interference;
  - (b) an overview and forward-looking assessment of the resilience of the internal market for media services as a whole;
  - (ba) ***a detailed overview of the allocation of state advertising and state financial support to media service providers and providers of online platforms, including of European Union funding. (AM 934 SD, 933 Greens, 935 Renew)***
  - (bc) ***an assessment of the rules and practices in the allocation of public subsidies to media services; (AMs 936 RE, 937 Greens)***
  - (bd) ***a detailed assessment of the decisions taken by media regulatory bodies to see if there is any undermining of independent decision-making and of the independence of national authorities or bodies (AM 938 RE, 940 Greens)***



- (c) an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions.
4. The monitoring shall be carried out annually, and its results shall be made publicly available.

Corresponding Recitals

### **Recital 50**

**Covers AM 305 (Greens), AM 304 (The Left)**

#### **Falls**

- (50) Risks to the functioning and resilience of the internal media market should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of concentration of the market *also* [AM 305 Greens] at national and regional level ~~and risks of foreign information manipulation and interference~~ [AM 304 The Left]. It should be conducted independently, on the basis of a robust list of ~~key performance indicators~~; *criteria* [AM 304 The Left] developed and regularly updated ~~by the Commission, in consultation with~~ [AM 304 The Left] the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular, ~~the level of cross-border activity and investment~~, [AM 305 Greens] regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including in a digital environment, as well as transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved.

### **Recital 51**

**Covers AM 306 (Greens)**

#### **Falls**

- (51) *The Commission should be able to take the necessary actions to monitor the effective implementation of and compliance with the obligations laid down in this Regulation.* [AM 306 Greens] To prepare the ground for a correct implementation of this Regulation, its provisions concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this Regulation) should apply 3 months after the entry into force of the Act, while all other

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

## **Compromise 25 : Chapter IV, Final provisions, Article 26**

**Covering:** AM 941(Greens),

**Falling:** AM 942(Renew), AM 943(Renew), AM 944(Greens),

### *Article 26*

#### Evaluation and reporting

1. By [*two* years after the entry into force of this Regulation] at the latest, and every *two* years thereafter, the Commission shall evaluate *the implementation of* this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee (AM 941 GREENS).
2. For the purposes of paragraph 1 and upon its request, Member States and the Board shall send relevant information to the Commission.
3. In carrying out the evaluations referred to in paragraph 1, the Commission shall take into account:
  - (a) the positions and findings of the European Parliament, the Council and other relevant bodies or sources;
  - (b) outcomes of the relevant discussions carried out in relevant fora;
  - (c) relevant documents issued by the Board;
  - (d) findings of the monitoring exercise referred to in Article 25.

## **Compromise 26 : Chapter IV, Final provisions, Article 28**

### **Corresponding Recitals:**

**Covering:**

**Falling:** AM 945(ECR)

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.-