C/2024/1196

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European Media Freedom Act

Amendments adopted by the European Parliament on 3 October 2023 on the proposal for a regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU (COM(2022)0457 — C9-0309/2022 — 2022/0277(COD)) [1]

(Ordinary legislative procedure: first reading)

(C/2024/1196)

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission	*Amendment*
(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 function of 'public watchdog'. Media services are increasingly available online and across borders while they are not subject to the same rules and the same level of protection in different Member States.	(1) Independent media services play a unique role ***for democracy, for ensuring the rule of law and for the functioning of*** the internal market. They ***are an indispensable factor in the public opinion-forming process,*** 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 function of 'public watchdog'. Media services are increasingly available online and across borders while they are not subject to the same rules and the same level of protection in different Member States.

Amendment 2

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission	*Amendment*
	(1a) At the same time, media services are always either carriers of cultural forms of expression or directly represent a cultural form of expression themselves. This dual character must be respected throughout. Article 167(4) of the Treaty on the Functioning of the European Union (TFEU) requires the Union to take cultural aspects into account in its action under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures.

[1] The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0264/2023).

Amendment 3

Proposal for a regulation

Recital 2

Text proposed by the Commission	*Amendment*
(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')***. This market has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should ***help*** the media sector seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.	(2) Given their unique role ***and the fact that they are one of the main pillars of democracy***, ***special attention should be paid to*** the protection of media freedom and ***media*** pluralism ***in the*** internal market for media services. This market has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should ***support*** the media sector ***so that it can*** 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.

Amendment 4

Proposal for a regulation

Recital 3

Text proposed by the Commission	*Amendment*
(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. Global online platforms act as gateways to media content, with business models that tend to disintermediate access to media services and amplify polarising content and disinformation. These platforms are also essential providers of online advertising, which ***has diverted*** financial resources from the media sector, affecting its financial sustainability, and consequently the diversity of content on offer. As 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.	(3) In the digital media space, citizens and businesses access and consume media content ***and services***, immediately available on their personal devices, increasingly in a cross-border setting. Global online platforms ***and search engines,*** act as gateways to media content, with business models that ***too often*** tend to disintermediate access to media services and amplify polarising content and disinformation. These platforms ***and search engines*** are also essential providers ***or facilitators*** of online advertising, which ***divert*** financial resources from the media sector, affecting its financial sustainability ***and journalistic work***, and consequently the diversity of content on offer***. Therefore, online platforms and search engines should be included in the scope of this Regulation in order to ensure the independence and diversity of the media***. As media services are knowledge- and capital-intensive, ***their ability to reach their audiences needs*** 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.

Amendment 5

Proposal for a regulation

Recital 4

Text proposed by the Commission	*Amendment*
(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.	(4) However, the internal market for media services is insufficiently integrated. 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. ***Furthermore, common minimum standards for national rules and approaches related to media pluralism and editorial independence should be established, while respecting the competence of the Member States. The establishment of such standards is a pre-condition to the functioning of the internal market.***

Amendment 6

Proposal for a regulation

Recital 5

Text proposed by the Commission	*Amendment*
(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.	(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 ***continue to*** do so with a risk of furthering the divergence in national approaches and restrictions to free movement in the internal market.

Amendment 7

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5a) A free and well-functioning internal market for media services is an essential pillar of a functioning democracy because it provides recipients with access to a plurality of views and trustworthy sources of information. 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 truly European market for media services. In such an environment, media services are not only available but also easily accessible to Union consumers, irrespective of their Member State of origin. Media services created for recipients in one Member State are able to reach far further than initially intended. Divergent approaches at national level can hamper the ability of media service providers to operate on a fair level-playing field in order to make media services, including news and current affairs information available. Such approaches have created market fragmentation, legal uncertainty and increasing compliance costs for media service providers 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 Union recipients 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.

Amendment 8

Proposal for a regulation

Recital 5 b (new)

Text proposed by the Commission	*Amendment*
	(5b) The right to freedom of expression and information, enshrined in Article 11 of the Charter of Fundamental Rights of the European Union (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 and media freedom and media pluralism without interference by public authority and regardless of frontiers. They also require that diversity is established in European communication spaces and require Member States to safeguard and foster media pluralism. Accordingly, this Regulation draws upon the case law of the European Court of Human Rights and builds upon the standards developed by the Council of Europe in that regard.

Amendment 9

Proposal for a regulation

Recital 6

Text proposed by the Commission	*Amendment*
(6) Recipients of media services in the Union (natural persons who ***are nationals of Member States or*** benefit from rights conferred upon them by Union law and legal persons established in the Union) should be able to effectively enjoy the freedom to ***receive*** free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right ***to receive and impart information*** pursuant to Article 11 of the Charter ***of Fundamental Rights of the European 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 ([46]).	(6) Recipients of media services in the Union (natural persons who benefit from rights conferred upon them by Union law and legal persons established in the Union) should be able to effectively enjoy the freedom to ***have access to independent,*** 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, pursuant to Article 11 of the Charter***. In accordance with Article 22 of*** the Charter***, the Union is to respect cultural, religious and linguistic diversity***. 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 ([46]).
([46]) Conference on the Future of Europe — Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).	([46]) Conference on the Future of Europe — Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).

Amendment 10

Proposal for a regulation

Recital 7

Text proposed by the Commission	*Amendment*
(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. This definition should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal purpose, meaning where the content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. ***The definition of a media service should cover in particular television or radio broadcasts, on-demand audiovisual media services, audio podcasts or press publications.*** Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.	(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 including non-standard forms of employment, such as free-lancing or independent journalism***. 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. Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.

Amendment 11

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission	*Amendment*
	(7a) The media environment is undergoing major and rapid changes. While the role of the media in a democratic society has not changed, media have additional tools to facilitate interaction and engagement. It is important that media-related policy take those and future developments into account. Therefore, the notion of media used in this Regulation should be interpreted broadly to encompass all actors who are involved in the production and dissemination, to potentially large numbers of people, of content, who have editorial responsibility or who oversee content.

Amendment 12

Proposal for a regulation

Recital 8

Text proposed by the Commission	*Amendment*
(8) In the digitalised media market, providers of video-sharing platforms or very large online platforms may fall under the definition of media service provider. In general, such providers play a key role in the content organisation, including by automated means or algorithms, but do not exercise editorial responsibility over the content to which they provide access. However, in the increasingly convergent media environment, some providers of video-sharing platforms or very large online platforms have started to exercise editorial control over a section or sections of their services. Therefore, ***such an entity*** could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.	(8) In the digitalised media market, providers of video-sharing platforms or very large online platforms may fall under the definition of media service provider. In general, such providers play a key role in the content organisation, including by automated means or algorithms, but do not exercise editorial responsibility over the content to which they provide access. However, in the increasingly convergent media environment, some providers of video-sharing platforms or very large online platforms have started to exercise editorial control over a section or sections of their services. Therefore, ***when such entities exercise editorial control over a section or sections of their services, they*** could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.

Amendment 13

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission	*Amendment*
	(8a) The capacity of online platforms to provide access to media services 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 media services they intermediate and distribute. Given the transfer of economic value in favour of online platforms, the definition of 'audience measurement' set out in this Regulation should be understood as including data on the media services consumed by recipients of media services and of online platforms. That 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, which should drive competition.

Amendment 14

Proposal for a regulation

Recital 9

Text proposed by the Commission	*Amendment*
(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. Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation.	(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***, including online platforms,*** who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. 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 commonly agreed industry standards should not be considered providers of proprietary audience measurement systems.***

Amendment 15

Proposal for a regulation

Recital 10

Text proposed by the Commission	*Amendment*
(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national ***or*** regional ***level***, or local ***governments of territorial entities of more than 1 million inhabitants. However, the definition*** of state advertising ***should not include emergency messages by public authorities which are necessary, for example,*** in cases of natural or sanitary disasters, accidents or other ***sudden*** incidents that can cause harm to ***individuals***.	(10) State advertising should be understood broadly as covering promotional or self-promotional activities***, which include advertising and purchases*** undertaken by, for or on behalf of a wide range of public authorities or entities, including ***Union institutions, bodies, offices or agencies,*** governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national, regional, or local ***level. For the purposes of allocation*** of state advertising ***and purchases 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. Emergency messages by public authorities should be understood broadly as different from state advertising.***

Amendment 16

Proposal for a regulation

Recital 11

Text proposed by the Commission	*Amendment*
(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 ***and*** editors in an independent manner and in line with journalistic standards and ***hence*** provide trustworthy information, ***including news and current affairs content. Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law***. Such quality media services are also an antidote against disinformation, including foreign information manipulation and interference.	(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. Recipients ***of media services*** should have access to quality media services, which have been produced by journalists, editors***, editors-in-chief and media workers*** in an independent manner and in line with ***ethical and professional*** journalistic standards and ***which, therefore,*** provide trustworthy information, ***of political or societal interest at local, national or international level without any interference by public authority or without being influenced by economic interests***. Such quality media services are also an ***essential*** antidote against disinformation, including foreign information manipulation and interference.

Amendment 17

Proposal for a regulation

Recital 14

Text proposed by the Commission	*Amendment*
(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity***. Editorial independence is*** especially ***important for media service providers providing news and current affairs content*** given its societal role as a public good. Media service providers should be able to exercise their economic activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.	(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity especially given its societal role as a public good. Media service providers should be able to exercise their economic activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders. ***Furthermore, in order to guarantee independent and pluralistic media, it is of key importance that the necessary measures be put in place to create a safe environment that allows journalists, editors, editors-in-chief and media workers to exercise their activities. To that end, in addition to safeguarding the freedom of the media, it is necessary to protect freedom within the media.***

Amendment 18

Proposal for a regulation

Recital 15

Text proposed by the Commission	*Amendment*
(15) Member States have taken different approaches to the protection of editorial independence, which is increasingly challenged across the Union. ***In particular, there is*** growing interference with editorial decisions of media service providers in several Member States. Such interference can be direct or indirect, from the State or other actors, including 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***.	(15) Member States have taken different approaches to the protection of editorial independence, which is increasingly challenged across the Union. ***Because of*** growing interference with editorial decisions of media service providers in several Member States***, legislative action is necessary***. Such interference ***can represent a breach of principle of the rule of law, which*** can be direct or indirect, from the State or other actors, including 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 ***This seems to be particularly the case where economic power generates a power to shape opinions that may interfere with the public opinion forming process***. 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 ***media services*** across borders and service recipients can receive such ***media services***.

Amendment 19

Proposal for a regulation

Recital 16

Text proposed by the Commission	*Amendment*
(16) Journalists ***and*** editors 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 and journalists (including those operating in non-standard forms of employment, such as freelancers) should be able to rely on ***a*** robust protection of journalistic sources and communications, including against 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' freedom to exercise their economic activity and fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources ***contributes to*** the protection of the fundamental right enshrined in Article 11 of the Charter.	(16) Journalists, editors***, editors-in-chief and media workers*** are the main actors in the production and provision of trustworthy media ***services***. It is essential therefore to protect journalists' capability to collect, fact-check and analyse information, including information imparted confidentially ***both in the offline and online world***. In particular, media service providers***, media workers*** and journalists (including those operating in non-standard forms of employment, such as freelancers ***and bloggers***) should be able to rely on ***the most*** robust protection of journalistic sources and communications, including against ***arbitrary interferences and*** 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'*** freedom ***of expression and capacity*** to exercise their economic activity and fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources ***is a precondition for*** 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***.

Amendment 20

Proposal for a regulation

Recital 16 a (new)

Text proposed by the Commission	*Amendment*
	(16a) Upholding the rule of law in the Union is essential for the functioning of democracies in the Member States. Union instruments for that purpose have expanded to include, in addition to procedure set out in Article 7 TEU, new frameworks such as the Commission's annual rule of law report and Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council ([1a]). The functionality of rule of law systems is directly interlinked with free and pluralistic media. Media freedom and media pluralism represent a central pillar of the Union framework for upholding the rule of law and the state of media freedom and media pluralism is examined annually through the Commission's 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's rule of law framework. Actions that put the freedom and pluralism of the media at risk, such as the detention, sanctioning, search, seizure or inspection of media service providers, severely damage the rule of law and therefore should be considered breaches of the principle of the rule of law, thus triggering sanctioning mechanisms provided for by Article 7 TEU and Regulation (EU, Euratom) 2020/2092.
	([1a]) Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget (OJ L 433 I, 22.12.2020, p. 1).

Amendment 21

Proposal for a regulation

Recital 16 b (new)

Text proposed by the Commission	*Amendment*
	(16b) Surveillance methods deployed against journalists and media workers are varied and include the interception of electronic communications and metadata, device or software hacking, including denial of service attacks, wiretapping, bugging, videotaping, geolocation tracking via radio-frequency identification, the global positioning system or cell-site data, data mining and social media monitoring. Such methods could gravely impact journalists' and media workers' rights to privacy, to the protection of their data and to the freedom of expression. The protections afforded by this Regulation, therefore, encompass both current forms of digital surveillance and future technologies that might appear as a result of technological innovation. Those protections are without prejudice to the application of existing and future Union law that restricts or prohibits the development and use of, and trade in, specific surveillance technologies deemed too invasive. Spyware that grants full unlimited access to personal data, including sensitive data, on a device could affect the very essence of the right to privacy and should, therefore, under no circumstance be considered necessary and proportionate under Union law.

Amendment 22

Proposal for a regulation

Recital 17

Text proposed by the Commission	*Amendment*
(17) The protection of journalistic sources 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. This leads to fragmentation in the internal media market. As a result, journalists, which work increasingly on cross-border projects and provide their services 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.	(17) The protection of journalistic sources ***and communications*** 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 that there are very different approaches to the matter and that journalistic sources are not protected in some situations.*** This leads to fragmentation in the internal media market. As a result, journalists, which work increasingly on cross-border projects and provide their services 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 ***to be strengthened as comprehensively and as extensively as possible. To that end, this Regulation harmonises the standard of protection provided to journalistic sources and communications by introducing minimum rules*** at Union level. ***An interference with journalistic sources always needs to be balanced against the harm to the freedom of expression and information. Any measures which interfere with journalistic sources should be subject to appeal to a court. Journalists working on cross-border projects should benefit from the highest standards of protection of the Member States involved. At Union level, the protection of journalistic sources and communications should correspond, as minimum, to the protection provided in accordance with international and European standards and should be in accordance with the case law of the Court of Justice of the European Union and the European Court of Human Rights.***

Amendment 23

Proposal for a regulation

Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17a) Digital safety and the confidentiality of electronic communications have become a major concern for journalists and media workers. In light of that fact, the promotion and protection of anonymisation tools and end-to-end encrypted services used by media service providers and their employees needs to be encouraged at Union level in order to ensure an equal level of access to such equipment across all Member States. Those tools have become vital for them to freely exercise their work and their rights to privacy, to data protection and to the freedom of expression, including by securing their communications and protecting the confidentiality of their sources.

Amendment 24

Proposal for a regulation

Recital 18

Text proposed by the Commission	*Amendment*
(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 quality information and impartial media coverage, as part of their ***mission***. 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. 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. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their ***mission*** that enables predictability in their planning***. Preferably,*** such funding should be decided and appropriated on a multi-year basis, in line with the public service ***mission*** of public service media providers, to avoid potential for undue influence from yearly budget negotiations. ***The*** requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.	(18) Public service media established by the Member States play a particular role in the internal media market ***and in safeguarding media pluralism***, by ensuring that citizens and businesses have access to ***a diverse content offer, including*** quality information and impartial media coverage, as part of their ***remit. They provide a forum for public discussion and a means of promoting the broader democratic participation of individuals. That is why media pluralism can only be guaranteed by a proper diversity reflected in the content offer of public service media. Independence of public service media is particularly important during electoral periods to ensure citizens have access to impartial and quality information***. 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 might expose them to additional vulnerabilities compared to other players in the internal media market to the extent that they threaten their existence.*** This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This ***risk can also result in politically appointed senior management exerting pressure on the editorial independence of journalists and editors-in-chief for political or economic interests. Those situations*** 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. 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

Text proposed by the Commission	*Amendment*
	independent functioning of public service media across the Union. ***The management of public service media providers should be independent, impartial and free from political or economic interests. There should be clear rules for any conflicts of interest on the part of the management of public media service providers. The persons or bodies constituting the highest decision-making authority within public service media providers should be appointed, and, if necessary, dismissed in accordance with predictable, transparent, non-discriminatory, gender-balanced and objective criteria, ensuring the qualification of persons filling those positions.*** 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 ***remit*** that enables predictability in their planning***, allows them to develop offerings for new areas of interest to the public or new content and forms and evolve technologically in order to maintain a competitive position on the internal media market.*** Such funding should be decided and appropriated ***on the basis of predictable, transparent, independent, impartial and non-discriminatory procedures,*** on a multi-year basis, in line with the public service ***remit*** of public service media providers, to avoid potential for undue influence from yearly budget negotiations.**.** ***The transparency*** requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union ***(the 'Amsterdam Protocol')***.

Amendment 25

Proposal for a regulation

Recital 18 a (new)

Text proposed by the Commission	*Amendment*
	(18a) For the benefit of European audiences, public service media providers should promote media pluralism and contribute to making media markets more robust. They should offer an extensive array of content catering to diverse interests, perspectives and demographics, encompassing all segments of society, including minorities.

Amendment 26

Proposal for a regulation

Recital 18 b (new)

Text proposed by the Commission	*Amendment*
	(18b) Article 5(2) should not apply to a media service provider that is part of a group of which the securities are admitted to trading on a regulated market of any Member State and of which the total revenues linked to the public service remit represent less than 10 % of the consolidated media related revenue of such group at the time at which this Regulation enters into force.

Amendment 27

Proposal for a regulation

Recital 19

Text proposed by the Commission	*Amendment*
(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the news media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. Such transparency is ***also*** an effective tool to limit risks of interference with editorial independence. It is thus necessary to introduce common information requirements for ***all relevant*** media service providers across the Union that should include proportionate requirements to disclose ownership information. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849 ([49]) should not be affected. The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible.	(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the news media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. Such transparency is***, therefore,*** an effective tool to limit risks of interference with editorial independence. It is thus necessary to introduce common information requirements for media service providers ***exercising editorial responsibility*** across the Union that should include proportionate requirements to disclose ownership information. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849 ([49]) should not be affected. The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible ***in a user-friendly format***. ***It is therefore necessary that Member States entrust a relevant national regulatory authority or body with monitoring compliance with such information requirements and with developing and maintaining a media ownership database. That national regulatory authority or body should be able to request and receive additional information from media service providers relevant to its tasks. To further strengthen and guarantee the accessibility and uniformity of the information available to recipients of media services, the Board should establish and maintain a European database of media ownership.***

([49]) 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).

Amendment 28

Proposal for a regulation

Recital 19 a (new)

Text proposed by the Commission	*Amendment*
	(19a) Public access to certain contact details, ownership information and information on state advertising and state financial support allocated to media service providers is essential so that the recipients of media services can understand and scrutinise potential conflicts of interest, contributing at the same time to preserving trust and facilitating the timely and efficient availability of information for national regulatory authorities or bodies or the Board. Nevertheless, in order to mitigate possible administrative burden, certain categories of data should be provided only in duly justified cases, in a proportionate and balanced manner and to guarantee the rights to respect for private life and the protection of personal data.

Amendment 29

Proposal for a regulation

Recital 20

Text proposed by the Commission	*Amendment*
(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 ***proportionate*** measures to guarantee***, once the overall editorial line has been agreed between their owners and editors,*** the freedom of ***the*** editors to take ***individual*** decisions in the course of their professional activity. The objective to shield editors from undue interference in their decisions taken on specific pieces of content as part of their everyday work contributes to ensuring a level playing field in the internal market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency ***of*** actual or potential conflicts of interest to their service recipients.	(20) Media integrity ***can be supported by promoting and ensuring journalistic standards across the Union and by promoting and ensuring the*** editorial independence ***of*** media ***service providers***, in particular through internal safeguards***, in order to guarantee that information is trustworthy and that any ideological orientation is limited by the absolute requirement to report the news and opinions truthfully and ethically***. Media service providers should adopt measures to guarantee the freedom of editors ***and editors-in-chief*** to take ***editorial*** decisions***, on the basis of the established editorial line,*** in the course of their professional activity. ***Those measures should not only reinforce the safeguards for freedom of the media but also freedom within the media.*** The objective to shield editors ***and editors-in-chief*** from undue interference in their decisions taken on specific pieces of content as part of their everyday work contributes to ensuring a level playing field in the internal market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter ***and with Resolution 1003 (1993) of the Council of Europe***. In view of these considerations, media service providers should also ensure transparency ***and disclose any*** actual or potential conflicts of interest to their service recipients ***and ensure that their owners, publishers and management follow the highest professional standards with respect to editorial integrity and independence***.

Amendment 30

Proposal for a regulation

Recital 21

Text proposed by the Commission	*Amendment*
(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 ([50]) should be exempted from the requirements related to information and internal safeguards with a view to guaranteeing the independence of individual editorial decisions. Moreover, media service providers should be free to tailor the internal safeguards to their needs, in particular if they are small and medium-sized enterprises within the meaning of that Article.*** The Recommendation that accompanies this Regulation ([51]) 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.	(21) ***Media service providers should adopt internal safeguards in line with their structures and needs.*** The Recommendation that accompanies this Regulation ([51]) provides a catalogue of voluntary internal safeguards that ***could be considered*** within media companies in this regard. ***This*** Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative ***to decide on the composition of their editorial teams or on their editorial line,*** to set strategic or general goals and to foster the growth and financial viability of their undertakings. ***However, this Regulation should also not be construed as meaning that the owner or corporate manager of a media service provider can unduly interfere with the work of its editors and editors-in-chief operating in accordance with its established editorial line by, for example, compelling them to add or remove content before it is made available to the public.*** In this respect, this Regulation recognises that the goal of ***ensuring and*** fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.
([50]) 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 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).	
([51]) OJ C , , p. .	([51]) OJ C , , p. .

Amendment 31

Proposal for a regulation

Recital 22

Text proposed by the Commission	*Amendment*
(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union.	(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. In order to ensure a consistent application of this Regulation and other Union media law***, it is necessary that national regulatory authorities or bodies hold consultations with representatives of media service providers, civil society organisations, media experts, representatives of academia, trade union associations and associations of journalists. In addition***, 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. ***National regulatory authorities or bodies should have adequate financial and human resources proportional to the additional tasks conferred to them under this Regulation to perform necessary tasks within Member States and enable the independent and effective functioning of the Board and the application of this Regulation. National regulatory authorities or bodies should enjoy full operational autonomy and be independent of any political and economic interference. The independence of national regulatory authorities or bodies participating in the activities of the Board is a necessary condition for the effective performance of the Board's tasks and the credibility of the Expert Group established by this Regulation.***

Amendment 32

Proposal for a regulation

Recital 23

Text proposed by the Commission	*Amendment*
(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 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, ***experts and*** observers, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of ***the votes***.	(23) The Board should bring together senior representatives of the national regulatory authorities or bodies ***established in accordance with the requirements set out*** in Article 30 of Directive 2010/13/EU. 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 mechanisms*** to participate, as appropriate, in the meetings of the Board. The Board ***and the Expert Group*** should also have the possibility to invite to attend its meetings, ***external experts on a case-by-case basis. The Board should also have the possibility,*** in agreement with the Commission, ***to designate permanent*** observers ***to attend its meetings***, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of ***of its members with voting rights. The Board's rules of procedure should specify the role and tasks of, and the procedures for the appointment and the term of office of the members of, the Steering Group. The Steering Group should consist of a chair, a vice-chair, the outgoing chair and two other members. The election of the chair and of the other members of the Steering Group should take into account the principle of geographical balance. Furthermore, in its rules of procedure, the Board should include mechanisms for the prevention and management of conflicts of interest, for assessing the independence of the national regulatory authorities or bodies and for temporarily suspending the voting rights of members whose independence has been challenged.***

Amendment 33

Proposal for a regulation

Recital 23 a (new)

Text proposed by the Commission	*Amendment*
	(23a) The Board will need to address, in accordance with this Regulation, issues beyond the remit of the ERGA, in particular issues related to press publications, radio, online media. It is thus necessary to establish an Expert Group, consisting of experts, media representatives of self-regulatory or co-regulatory organisations such as journalistic associations, media or press councils, and representatives of civil society, to advise and consult the Board on the implementation of this Regulation. The composition of the Expert Group should be determined by the Board's rules of procedure and reflect the existing self-regulatory media frameworks from each Member State and different sectoral and geographic areas within the Member States. In addition to representatives from the Member States, the Expert Group should consist of widely recognised and established European organisations representing diverse interests from the media sector. The Expert Group should be positioned within the structure of the Board. The Expert Group should advise the Board on the performance of its tasks. The Expert Group should have the necessary autonomy to act independently. The Expert Group should be able to invite, on its own initiative, experts and media representatives, whether in a structured dialogue or otherwise, to help it assess the application of this Regulation and to contribute to its work based on its needs. The Expert Group should be empowered to issue recommendations and draw the Board's attention to possible breaches of this Regulation on its own initiative or where requested by the Commission or by the European Parliament. The Expert Group should make its recommendations or reports on the results of consultations with relevant stakeholders publicly available. Such contributions of the Expert Group should provide the Board with adequate information to base its decisions upon them, while complementing and feeding into existing established mechanisms in the Union, such

Text proposed by the Commission	*Amendment*
	as the Commission's annual rule of law reports or the Media Pluralism Monitor. Such contributions should also enable the Board to deal with outstanding issues. The Board should take into consideration such contributions when preparing its annual work programme. The Board should be able to seek advice from the Expert Group whenever it needs analysis and insight from a particular field of expertise. The Board should consult the Expert Group for any opinion or decision the Board takes which relates to issues beyond the audiovisual media sector.

Amendment 34

Proposal for a regulation

Recital 24

Text proposed by the Commission	*Amendment*
(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 request*** in the cases envisaged by this Regulation. In order to effectively fulfil its tasks, the Board should be able to rely on the expertise and human resources of ***a*** secretariat provided ***by the Commission. The Commission*** secretariat should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks.	(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. ***Nevertheless, the Board's work should be independent from the Commission and from any political or economic influence.*** 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, draw up opinions ***and carry out any other tasks on its own initiative or at the request of*** the Commission or ***the European Parliament*** in the cases envisaged by this Regulation. In order to effectively ***and independently*** fulfil its tasks, the Board should be able to rely on the expertise and human resources of ***an independent secretariat. The*** secretariat ***should act only on the Board's instructions. The secretariat should be*** provided ***with sufficient budgetary and human resources. The*** secretariat should provide ***substantive,*** administrative and organisational support to the Board, and help the Board in carrying out its tasks.

Amendment 35

Proposal for a regulation

Recital 24 a (new)

Text proposed by the Commission	*Amendment*
	(24a) It is important that the Board issue, in cooperation with the national regulatory authorities or bodies and taking into account existing national law, guidelines on the definition of media services of general interest and on the criteria, assessment framework and process for determining their scope. It is important that those guidelines be consistent with Union values and established general interest objectives such as media pluralism, freedom of expression, access to reliable information, social cohesion and cultural diversity.

Amendment 36

Proposal for a regulation

Recital 25

Text proposed by the Commission	*Amendment*
(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 ([52]), 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.	(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 ([52]), 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. ***Therefore, the Board, in consultation with the Commission, should also be able to establish cooperation arrangements with competent Union bodies, offices, agencies and advisory groups, with competent authorities of third countries and with international organisations.***

([52]) 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).

([52]) 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).

Amendment 37

Proposal for a regulation

Recital 26

Text proposed by the Commission	*Amendment*
(26) To ensure the effective enforcement of Union media law, to prevent ***the*** possible circumvention of the applicable ***media*** rules by rogue media service providers and to avoid ***the raising of*** additional barriers in the internal market ***for media services***, it is essential ***to provide for a clear, legally binding framework for*** national regulatory authorities or bodies ***to*** cooperate effectively and efficiently.	(26) ***In 2020, the ERGA adopted a Memorandum of Understanding consisting of a voluntary framework for cooperation to strengthen the cross-border enforcement of media rules on audiovisual media services and video-sharing platform services. Building on that voluntary framework and in order*** to ensure the ***comprehensive and*** effective enforcement of Union ***measures concerning*** media law, to prevent possible circumvention of the applicable rules by rogue media service providers and to avoid additional barriers ***to the provision of media services*** in the internal market, it is essential ***that*** national regulatory authorities or bodies cooperate effectively and efficiently ***with one another within the established legal framework***.

Amendment 38

Proposal for a regulation

Recital 27

Text proposed by the Commission	*Amendment*
(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, 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 ([53]) are met and following the procedure set out therein.	(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect ***users*** of video-sharing platform services from certain 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 ([53]) are met and following the procedure set out therein.

([53]) Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

([53]) Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

Amendment 39

Proposal for a regulation

Recital 28

Text proposed by the Commission	*Amendment*
(28) Ensuring a consistent ***regulatory practice regarding*** 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 audio-visual 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.	(28) Ensuring a consistent ***and effective implementation of*** 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 ***should*** 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 audio-visual 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. ***Such guidelines should be drafted with the support of the Board and should respect the Member States' competence in cultural matters with a view to promoting media pluralism, be principle-based and be without prejudice to existing national prominence measures.*** 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.

Amendment 40

Proposal for a regulation

Recital 28 a (new)

Text proposed by the Commission	*Amendment*
	(28a) Minimum harmonisation of rules regarding restrictions on media ownership across the European Union is one of the fundamental ways of guaranteeing a fair plurality of views, of protecting fair competition among media services providers within the European media market and of upholding the right of consumers to receive a variety of diverse sources of information and diverse opinions in an impartial and pluralistic manner. For that reason, certain politically exposed persons, as defined in Article 3, point (9), of Directive (EU) 2015/849, such as heads of State, heads of government and ministers, should, after being appointed as such, terminate their business relationship with a media service provider.

Amendment 41

Proposal for a regulation

Recital 29

Text proposed by the Commission	*Amendment*
(29) In order to ensure a level playing field in the provision of diverse audiovisual media services in the face of technological developments in the internal market, it is necessary to find common ***technical prescriptions*** for devices controlling or managing access to and use of audiovisual media services ***or*** carrying digital signals conveying the audiovisual content from source to destination. In this context, it is important to avoid diverging technical standards creating barriers and additional costs for the industry and consumers while encouraging solutions to implement existing obligations concerning audiovisual media services.	(29) In order to ensure a level playing field in the provision of diverse audiovisual media services in the face of technological developments in the internal market, it is necessary to find common ***harmonised European standards*** for devices controlling or managing access to and use of audiovisual media services***, including remote controls, or devices*** carrying digital signals conveying the audiovisual content from source to destination. In this context, it is important to avoid diverging technical standards creating barriers and additional costs for the industry and consumers while encouraging solutions to implement existing obligations concerning audiovisual media services.

Amendment 42

Proposal for a regulation

Recital 30

Text proposed by the Commission	*Amendment*
(30) 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*** outside the Union that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they ***may prejudice or pose risks*** of prejudice to public security and defence. In this regard, the coordination between national regulatory authorities or bodies to face together possible public security and defence threats stemming from such media services needs to be strengthened 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 public security and defence threats by media services ***established*** outside ***of*** the Union and targeting audiences in the Union, including the possibility for the Board, ***in agreement with the Commission***, to issue opinions on such measures, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.	(30) 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 ***and safeguarding and promoting media pluralism***. This is key in particular when it comes to protecting the internal market from media ***services from*** outside the Union***, irrespective of the means by which they are distributed or accessed,*** that target ***or reach*** audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they ***contain a public provocation to commit a terrorist offence as set out in Directive (EU) 2017/541 or constitute a serious and grave risk*** of prejudice to public security and ***to the safeguarding of national security and*** defence***. Media service providers established outside the Union and wishing to benefit from the free movement of media services for their media offerings, as one of the advantages of the internal market of the Union, should be subject to the same conditions and requirements as media service providers established within the Union***. In this regard, the coordination between national regulatory authorities or bodies to face together possible public security and defence threats stemming from such media services needs to be strengthened 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 ***the same*** 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

Text proposed by the Commission	*Amendment*
	measures that may be adopted to counter public security and defence threats by media services ***from*** outside the Union and targeting audiences in the Union, including the possibility for the Board, ***on its own initiative or at the request of the relevant national regulatory authority or body***, to issue opinions on such measures, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.

Amendment 43

Proposal for a regulation

Recital 31

Text proposed by the Commission	*Amendment*
(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play ***an important*** role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory ***requirements*** they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article ***26*** of Regulation (EU) ***2022/XXX [the Digital Services Act]***, they should duly ***consider*** freedom and pluralism ***of media***, ***in accordance with Regulation (EU) 2022/XXX [the Digital Services Act]*** and provide, as early as possible, the necessary explanations to media service providers as ***their*** business ***users*** in the statement of reasons ***under*** Regulation (EU) 2019/1150 of the European Parliament and of the Council ([54]). To minimise the impact of any restriction ***to that content***	(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play ***a key*** role in the distribution of ***and access to*** information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory ***requirements and co-regulatory*** or self-regulatory ***mechanisms*** they are subject to in the Member States***. At the same time, providers of very large online platforms should also take due account of users' right to freedom of expression and information, media freedom and media pluralism. Providers of very large online platforms should contribute in an appropriate manner to the plurality of the media by respecting the freedom of media service providers to exercise their activities without restrictions***. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article ***34*** of Regulation (EU)

Text proposed by the Commission	*Amendment*
on users' freedom of information, very large online platforms should ***endeavour to submit*** the statement of reasons prior to the restriction taking effect ***without prejudice to their obligations under Regulation (EU) 2022/XXX [the Digital Services Act]***. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) ***2022/XXX [the Digital Services Act]***.	***2022/2065***, they should duly ***respect media*** freedom and ***media*** pluralism, and provide, as early as possible, the necessary explanations to media service providers as ***a*** business ***user,*** in the statement of reasons ***referred to in*** Regulation (EU) 2019/1150 of the European Parliament and of the Council [54] ***and Regulation (EU) 2022/2065***. To minimise the impact of any ***suspension or*** restriction on users' freedom of information, very large online platforms should ***provide the media service provider with an opportunity to reply to*** the statement of reasons***, within 24 hours,*** prior to the restriction ***or suspension*** taking effect. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) ***2022/2065. Where a provider of a very large online platform still intends to apply the suspension or restriction, the competent regulatory authority or body or the body of the self-regulatory or co-regulatory mechanism should decide whether the intended suspension or restriction is justified in view of the specific clause in the terms and conditions and, in particular, taking into account fundamental freedoms***.
([54]) Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).	([54]) Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).

Amendment 44

Proposal for a regulation

Recital 32

Text proposed by the Commission	*Amendment*
(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that where media service providers ***adhere to*** certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms are treated with priority and ***without undue delay***.	(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that where media service providers ***comply with*** certain regulatory or self-regulatory standards, their complaints ***and, where applicable, complaints filed by their representative bodies in accordance with Regulation (EU) 2022/2065*** against decisions of providers of very large online platforms are treated with priority and***, in any event, no later than 24 hours after their submission***.

Amendment 45

Proposal for a regulation

Recital 33

Text proposed by the Commission	*Amendment*
(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility ***not to accept*** such self-declaration where they consider that these conditions are not met. Providers of very large online platforms may rely on information regarding ***adherence to*** these requirements, such as the machine-readable standard of the Journalism Trust Initiative or other relevant codes of conduct. Guidelines by the Commission may be useful to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.	(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility ***for*** such self-declaration ***to be confirmed, for example by the national regulatory authorities or bodies or the body of the self- or co-regulatory mechanism,*** where they consider that these conditions are not met***. If confirmed in that manner, media service providers should be deemed to be recognised media service providers. It should also be possible to refer the matter to the Board, which should be able to issue a recommendation on such matters***. Providers of very large online platforms may rely on information regarding ***compliance with*** these requirements, such as the machine-readable standard of the Journalism Trust Initiative***, developed under the aegis of the European Committee for Standardisation,*** or other relevant codes of conduct. ***That mechanism should not deter very large online platforms from signing up to voluntary commitment No 22 of the EU Code of Practice on Disinformation or from taking measures to foster the visibility, discoverability and prominence of media services in their recommendation systems provided by media service providers that demonstrably comply with professional and ethical standards for journalism. Certification to ISO standards for professional and ethical journalism, such as the Journalism Trust Initiative could serve as a benchmark in that regard.*** Guidelines ***issued*** by the Commission***, in consultation with the Board,*** may be useful to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.

Amendment 46

Proposal for a regulation

Recital 34

Text proposed by the Commission	*Amendment*
(34) This Regulation recognises the importance of self-regulatory mechanisms in the context of the provision of media services on very large online platforms. They represent a type of voluntary initiatives, for instance in a form of codes of conduct, which enable media service providers or their representatives to adopt common guidelines, including on ethical standards, correction of errors or complaint handling, amongst themselves and for themselves. Robust, inclusive and ***widely-recognised*** media self-regulation represents an effective guarantee of quality and professionalism of media services and is key for safeguarding editorial integrity.	(34) This Regulation recognises the importance of ***co-regulatory and*** self-regulatory mechanisms ***that are legally recognised in the relevant media sector in one or more Member States*** in the context of the provision of media services on very large online platforms. They represent a type of voluntary initiatives, for instance in a form of codes of conduct, which enable media service providers or their representatives to adopt common guidelines, including on ethical standards, correction of errors or complaint handling, amongst themselves and for themselves. Robust, inclusive and ***widely-accepted*** media ***co-regulation and*** self-regulation represents an effective guarantee of quality and professionalism of media services and is key for safeguarding editorial integrity.

Amendment 47

Proposal for a regulation

Recital 35

Text proposed by the Commission	*Amendment*
(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that restrictions on their content are frequently imposed by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.	(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that restrictions on their content are frequently imposed by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information. ***Where the provider of a very large online platform and a media service provider fail to find an amicable solution, the media service provider should be able to lodge a complaint before a certified out-of-court dispute settlement body in accordance with Regulation (EU) 2022/2065.***

Amendment 48

Proposal for a regulation

Recital 35 a (new)

Text proposed by the Commission	*Amendment*
	(35a) Within the meaning of this Regulation, obligations for restrictions of content should not prevent very large online platforms from fighting disinformation or protecting minors. In this context, obligations should not apply in instances of down-ranking, labelling of content or diluting its visibility (such as blurring of images) when they are in line with the code of practice on disinformation and other relevant Union law. At the same time, it should be recognised that services acting in a not-for-profit purpose capacity, such as online encyclopaedias as well as educational and scientific repositories, should not be considered very large online platforms for the purpose of Article 17.

Amendment 49

Proposal for a regulation

Recital 36

Text proposed by the Commission	*Amendment*
(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, representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large online platforms, discuss experience and best practices related to the application of the relevant provisions of this Regulation ***and*** to monitor ***adherence to*** 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]*** and may ask the Board to support it to this effect.	(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board***, with the involvement of the Expert Group,*** should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms, ***providers of very large search engines,*** representatives of media service providers and representatives of civil society***, including from fact-checking organisations,*** to foster access to diverse offers of independent media on very large online platforms ***and very large search engines***, ***to*** discuss experience and best practices related to the application of the relevant provisions of this Regulation, to monitor ***compliance with*** self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation***, and to assess the possible negative effects that such initiatives or content moderation policies might have on media freedom and media pluralism***. 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) ***2022/2065*** and may ask the Board ***and the Expert Group*** to support it to this effect.

Amendment 50

Proposal for a regulation

Recital 37

Text proposed by the Commission	*Amendment*
(37) ***Recipients of*** audiovisual media services should be able to effectively choose the audiovisual content they want to watch according to their preferences. Their freedom in this area may however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between manufacturers of devices or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected televisions, and media service providers. Prioritisation can be implemented, for example, on the home screen of a device, through hardware or software shortcuts, applications and search areas, which have implications on the ***recipients' viewing*** behaviour, who may be unduly incentivised to choose certain audiovisual media offers over others. ***Service recipients*** should have the possibility to change, in a simple and user-friendly manner, the ***default*** settings ***of a device or*** user interface controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest implementing Article 7a of Directive ***2010/13/EC***, taken in the pursuit of legitimate public policy considerations.	(37) ***Users of audio and*** audiovisual media services should be able to effectively choose the ***audio and*** audiovisual content they want to ***listen to or*** watch according to their preferences. 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 or providers of user interfaces controlling or managing access to and use of ***audio and*** audiovisual media services, such as connected televisions ***or car audio systems***, and media service providers. Prioritisation can be implemented, for example, on the home screen of a device, through hardware***, including remote controls,*** or software shortcuts, applications and search areas, which have implications on the ***users'*** behaviour, who may be unduly incentivised to choose certain ***audio or*** audiovisual media offers over others. ***Users of audio or audiovisual media services*** should have the possibility to change, in a simple and user-friendly manner, the settings ***and default layout, including the configuration of audiovisual media services or of applications allowing users to access such services, on a*** user interface ***or on devices*** controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest***, in particular measures*** implementing Article 7a ***and 7b*** of Directive ***2010/13/EU***, taken in the pursuit of legitimate public policy considerations.

Amendment 51

Proposal for a regulation

Recital 37 a (new)

Text proposed by the Commission	*Amendment*
	(37a) Users of media services increasingly face difficulties in identifying who bears the editorial responsibility for the media services they use, in particular when they access them through connected devices, user interfaces or online platforms. Failure to clearly indicate editorial responsibility for media content or services, for example by incorrectly attributing or removing logos, trademarks or other characteristic traits, deprives users of media services of the ability to understand and assess the information they receive. Users of media services should therefore be able to easily identify the media service provider bearing the editorial responsibility for any given media service on all devices and user interfaces controlling or managing access to and use of media services.

Amendment 52

Proposal for a regulation

Recital 37 b (new)

Text proposed by the Commission	*Amendment*
	(37b) Audiovisual media services are subject to various obligations to meet public policy goals such as supporting cultural diversity and a pluralistic media environment. It is therefore essential that devices be designed in such a way that ensures fair access to audiovisual media services in all their diversity, from the perspective of both viewers and media service providers. In that regard, particular attention should be paid to the impact of device manufacturers' choices with respect to the design of remote controls. Numeric keypads should therefore be standard on television remote controls to avoid users becoming unjustifiably dependent on user interfaces designed by equipment manufacturers.

Amendment 53

Proposal for a regulation

Recital 38

Text proposed by the Commission	*Amendment*
(38) Different legislative, regulatory or administrative measures can negatively affect ***the operation*** of media service providers in the internal market. ***They include***, 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 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 enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.	(38) Different legislative, regulatory or administrative measures can negatively affect ***media pluralism and the editorial independence*** of media service providers ***regarding either the provision or the operation of their media services*** in the internal market. ***Such measures can take various forms***, 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 related to licensing, ***such as revoking, or preventing the renewal of, media service providers' licences or in any way unjustifiably blocking or limiting their ability to broadcast, print or otherwise disseminate content, and decisions related to*** authorisation or prior notification for media service providers. In order to mitigate their potential negative impact ***on media pluralism and editorial independence and*** on the functioning of the internal market for media services and enhance legal certainty, it is important that such measures ***minimise disruptions to the activities of media service providers and*** comply with the principles of objective justification, transparency, non-discrimination and proportionality. ***Any measures that negatively affect media pluralism, editorial independence or the operations of media service providers, including where they are related to the implementation of Union legal acts such as Directive 2010/13/EU, should be communicated to media service providers well in advance of their adoption in order to prevent possible disruptions and allow media service providers enough time to assess the impact of such measures on media pluralism and editorial freedom. The requirement to communicate such measures does not aim to affect national measures implementing Directive 2010/13/EU, in so far as they do not affect media pluralism and editorial independence, national measures taken pursuant to Article 167 TFEU, national measures taken for the purpose of promoting European works or national measures which are otherwise governed by State aid rules.***

Amendment 54

Proposal for a regulation

Recital 39

Text proposed by the Commission	*Amendment*
(39) It is also key that the Board is empowered to issue an opinion, on 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.	(39) It is also key that the Board is empowered to issue an opinion, on ***its own initiative or at*** the request ***of the Commission or the European Parliament***, where national measures are likely to affect the functioning of the internal market for media services ***or to impact media pluralism and editorial independence***. 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. ***A media service provider individually and directly affected by such a measure should be able to request that the Board draw up an opinion on that measure.***

Amendment 55

Proposal for a regulation

Recital 40

Text proposed by the Commission	*Amendment*
(40) Media play a decisive role in shaping public opinion and ***helping*** citizens ***participate*** in democratic processes. This is why Member States should provide for rules and procedures in ***their legal systems to ensure*** assessment of media market concentrations that could have ***a significant*** impact on media pluralism ***or*** editorial independence. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration.	(40) Media play a decisive role in shaping public opinion and ***enabling*** citizens ***to access relevant information for participation*** in democratic processes. This is why Member States should provide for rules and procedures in ***national law to enable a quality*** assessment of media market concentrations that could have ***an*** impact on media pluralism ***and*** editorial independence. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion***, including very large online platforms carrying content provided by media service providers which control access to and the visibility of the content of media service providers*** in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration. ***Moreover, local and regional media market players play a key role in shaping public opinion. It is, therefore, necessary to take into account the sustainability of a strong, pluralistic and well-funded local and regional media ecosystem, especially when assessing media market concentrations. Therefore, it is essential to provide for such rules and procedures in order to avoid conflicts of interest between media ownership concentrations and political power, which are detrimental to free competition, a level playing field and media pluralism.***

Amendment 56

Proposal for a regulation

Recital 41

Text proposed by the Commission	*Amendment*
(41) National regulatory authorities or bodies, who have specific expertise in the area of media pluralism, should be involved in the assessment of the impact of media market concentrations on media pluralism and editorial independence 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.	(41) National regulatory authorities or ***bodies, or when appropriate self-regulatory*** bodies, who have specific expertise in the area of media pluralism, should be ***significantly*** involved in the assessment of the impact of media market concentrations on media pluralism and editorial independence 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 ***appropriate deadlines and*** objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism and editorial independence ***be*** set out in advance.

Amendment 57

Proposal for a regulation

Recital 42

Text proposed by the Commission	*Amendment*
(42) When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004 ([55]), the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their assessment of ***the impact of*** media market concentrations on media pluralism 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.	(42) When a media market concentration constitutes a concentration falling within the scope of Council Regulation (EC) No 139/2004 ([55]), 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 media market concentrations ***that could have an impact*** 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.
([55]) 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).	([55]) 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).

Amendment 58

Proposal for a regulation

Recital 43

Text proposed by the Commission	*Amendment*
(43) The Board should be empowered to provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, where the notifiable concentrations may affect the functioning of the internal media market. This would be the case, for example, where such concentrations involve at least one undertaking established in another Member State or operating in more than one Member State or result in media service providers having a significant influence on formation of public opinion in a given media market. Moreover, where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, upon request of the Commission. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.	(43) The Board should be empowered to provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, where the notifiable concentrations may affect the functioning of the internal media market. This would be the case, for example, where such concentrations involve at least one undertaking established in another Member State or operating in more than one Member State or result in media service providers having a significant influence on formation of public opinion in a given media market. Moreover, where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, ***on its own initiative or*** 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.

Amendment 59

Proposal for a regulation

Recital 44

Text proposed by the Commission	*Amendment*
(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. 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. 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.	(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. 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 editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the editorial decisions within the media undertakings involved should also be taken into account***. Furthermore, the results of the Commission's annual rule of law reports presented in the chapters on press freedom and the risk assessment carried out annually by media monitoring exercises should be considered in determining the overall climate for media and the effects of the media market concentration in question over media pluralism and editorial independence***. 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.

Amendment 60

Proposal for a regulation

Recital 45

Text proposed by the Commission	*Amendment*
(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 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. 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.	(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 of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective ***and comparable*** audience data stemming from transparent, unbiased and verifiable audience measurement solutions. ***Such solutions should comply with Union data protection and privacy rules.*** However, certain new players that have emerged in the media ecosystem***, such as very large online platforms,*** provide ***proprietary*** measurement services without making available information on their methodologies. This could result in ***audience data that is not comparable,*** information asymmetries among media market players and potential market distortions, to the detriment of equality of opportunities for media service providers in the market.

Amendment 61

Proposal for a regulation

Recital 46

Text proposed by the Commission	*Amendment*
(46) In order to enhance the verifiability 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, 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 any obligations that apply to providers of audience measurement services under ***Regulation 2019/1150 or*** Regulation (EU) ***2022/XX [Digital Markets Act]***, including those concerning ranking or self-preferencing.	(46) In order to enhance the verifiability***, comparability*** 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***. In principle, audience measurement should be carried out in accordance with widely-accepted industry self-regulatory mechanisms***. Under these obligations, such actors, when requested and to the extent possible, 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, the measurement period ***and the coverage of measurement. Furthermore, providers of proprietary audience measurement systems should provide media service providers with anonymised data, including non-aggregated data, in an industry-standard and comparable form. Such data should be at least as granular as data from the industry's recognised self-regulatory mechanisms***. The obligations imposed under this Regulation are without prejudice ***to the right of audiences to the protection of personal data concerning them as provided for by Article 8 of the Charter and Regulation (EU) 2016/679 of the European Parliament and of the Council ([1a]) and*** to any obligations that apply to providers of audience measurement services under Regulation (EU) ***2019/1150 or (EU) 2022/1925***, including those concerning ranking or self-preferencing ***or to the protection of undertakings' trade secrets as defined in Article 2 of Directive (EU) 2016/943***.

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

Amendment 62

Proposal for a regulation

Recital 47

Text proposed by the Commission	*Amendment*
(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, 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 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 and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers, 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.	(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, their representative organisations, online platforms and other relevant stakeholders,*** can contribute to the effective application of this Regulation and should, therefore, be encouraged. ***Self-regulatory mechanisms widely recognised in the media industry have*** already been used to foster high quality standards in the area of audience measurement. ***Moreover, such self-regulatory mechanisms, known as joint industry committees, are able to ensure that audience measurement is impartial and audience measurement data are comparable. An inconsistent take-up of such mechanisms among the Member States could negatively impact advertising. The adoption of such mechanisms should therefore be promoted at national level. The*** further development ***of self-regulatory mechanisms, including with the assistance of national regulatory authorities or bodies,*** could be seen as an effective tool for the industry 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*** and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers 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.

Amendment 63

Proposal for a regulation

Recital 48

Text proposed by the Commission	*Amendment*
(48) State advertising ***is*** an important source of revenue for many media service providers, contributing 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. Moreover, State advertising may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of state advertising is therefore a powerful tool to exert influence ***or*** 'capture' media service providers. The distribution and transparency of state advertising ***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 advertising expenditure nor*** offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council ([56]) 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 advertising, where they exist, diverge significantly from one Member State to another.	(48) ***Public funds for the purposes of*** state advertising ***and purchases are*** an important source of revenue for many media service providers, ***providers of online platforms and providers of online search engines,*** contributing to their economic sustainability. Access to ***such funds*** must be granted in a non-discriminatory way to any media service provider***, provider of online platforms and provider of online search engines*** 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. Moreover, ***public funds for the purposes of*** state advertising ***and purchases from State-affiliated entities such as State-owned companies, particularly in the form of funding or purchasing goods or services,*** may make media service providers vulnerable to undue state influence ***or partial interests*** to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of ***public funds for the purposes of*** state advertising ***and purchases*** is therefore a powerful tool to exert influence ***on the editorial freedom of media service providers,*** 'capture' media service providers ***or covertly subsidise or finance politically captured media service providers to gain unfair political or commercial advantage or favourable coverage. That is why, in order to address such situations, public funds allocated for the purposes of state advertising directed by a public authority or a State-controlled or State-owned enterprise to a single media service provider, a single provider of an online platform or a single provider of an online search engine should not exceed 15 % of the total amount allocated to state advertising by that public authority or State-controlled or State-owned enterprise to the totality of media service providers operating at national level***. The distribution and transparency of ***public funds for the purposes of*** state advertising ***and purchases is*** in some regards

([56]) 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).

Text proposed by the Commission	*Amendment*
	regulated through a fragmented framework of media-specific measures and general public procurement laws, which ***do not*** offer sufficient protection against preferential or biased distribution***. That can create information asymmetry, increase risks for media market players and have a negative impact on cross-border economic activity. For example, channelling public funds to pro-government media outlets or to receive favourable media coverage through public expenditure distorts competition and discourages investments in the internal market and is detrimental to fair competition within the media market ecosystem***. In particular, Directive 2014/24/EU of the European Parliament and of the Council ([56]) 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 ***public funds for the purposes of*** state advertising ***and purchases***, where they exist, diverge significantly from one Member State to another.

([56]) 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).

Amendment 64

Proposal for a regulation

Recital 49

Text proposed by the Commission	*Amendment*
(49) In order to ensure undistorted competition between media service providers and to avoid the risk of covert subsidies and of undue political influence on the media, it is necessary to establish common requirements of transparency, objectivity, proportionality and non-discrimination in the allocation of state advertising and ***of state resources*** to media service providers ***for the purpose of purchasing goods or services from them other than state advertising***, including the requirement to publish information on the beneficiaries of state advertising ***expenditure*** and the amounts spent. It is important that Member States make the necessary information related to state advertising publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.	(49) In order to ensure undistorted competition between media service providers and to avoid the risk of covert subsidies and of undue political influence on the media, it is necessary to establish common requirements of transparency, objectivity, proportionality and non-discrimination in the allocation of ***public funds for the purposes of*** state advertising and ***purchases*** to media service providers***, to providers of online platforms or to providers of online search engines in accordance with Regulation (EU) 2022/2065***, including the requirement to publish information on the beneficiaries of ***public funds for the purposes of*** state advertising ***and purchases*** and the amounts spent. It is ***thus necessary for national regulatory authorities or bodies to monitor and report on the allocation of public funds for the purposes of state advertising and purchases to media service providers, to providers of online platforms and to providers of online search engines. Where requested by national regulatory authorities or bodies, public authorities and state-affiliated entities should provide them with additional information necessary to assess the accuracy of information published and the application of criteria and procedures used for such state public funds. It is*** important that ***the Union and the*** Member States make the necessary information related to ***public funds for the purposes of*** state advertising ***and purchases*** publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. ***Moreover, it is necessary to create easily understandable and publicly available reports in order to gather all information concerning the allocation of public funds for the purposes of state advertising and purchases provided by media service providers, providers of online platforms and providers of online search engines. Those reports should provide a yearly overview of the total amount of public funds for the purposes of state advertising and purchases from State entities, including from third countries, allocated to each media service provider, provider of online platforms and provider of online search engines. The Board should provide the national regulatory authorities or bodies with guidance for reporting on the allocation of public funds for the purposes of state advertising and purchases.*** This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.

Amendment 65

Proposal for a regulation

Recital 49 a (new)

Text proposed by the Commission	*Amendment*
	(49a) Emergency messages by public authorities are a necessary form of informing the general public about risks in the event of a natural or health disaster, an accident or any other sudden unforeseen, major incident that could cause harm to significant sections of the population. Emergency situations have the potential to create new or enhance existing vulnerabilities in the media sector. In that context, the allocation of State resources for transmitting emergency messages could make media service providers vulnerable to undue State influence to the detriment of fundamental rights and the freedom to provide services. While emergency situations are becoming increasingly cross-border in nature, the rules on the allocation of State resources differ from one Member State to another, creating fragmentation and legal uncertainty in the internal media market. Therefore, such allocations to media service providers, providers of online platforms and providers of online search engines should follow the same harmonised rules as those for public funds for the purposes of advertising and purchases. Nevertheless, recognising the urgency of taking measures during a crisis period, special provisions should apply in order to allow State authorities and State-owned or State-controlled enterprises and entities to comply with transparency and reporting obligations once the emergency situation has ended.

Amendment 66

Proposal for a regulation

Recital 50

Text proposed by the Commission	*Amendment*
(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 at national and regional level and risks ***of foreign information manipulation and interference***. ***It*** should be conducted independently, on the basis of a robust list of key performance indicators, developed and regularly updated by the Commission, in consultation with the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, 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,*** 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.	(50) Risks to the functioning and resilience of the internal media market***, including risks of information manipulation and interference,*** 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 ***existing concentrations*** of the ***media*** market at national and regional level and ***the*** risks ***such concentrations pose to editorial independence and media pluralism***. ***In order to bring clarity to market participants and allow for the monitoring of the functioning of the internal market, while assessing the impact on editorial independence and media pluralism in the Union, it is necessary that the Commission provide an objective overview on existing media market concentrations, both in terms of their contribution to the structure of the media market and to the diversity of media ownership and of their influence on the formation of public opinion in each Member State. Such monitoring*** should be conducted independently, on the basis of a robust list of key performance indicators, developed and regularly updated by the Commission, in consultation with the Board***. Additionally, in order to facilitate the effective application of this Regulation, the Commission should establish a user-friendly alert mechanism to allow media service providers and any relevant interested party to report any issues they encounter or any risks they detect concerning the application of this Regulation. Such a mechanism will help the Commission to identify and address potential infringements of this Regulation more quickly***. 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

Text proposed by the Commission	*Amendment*
	alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular, regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including ***the position of media service providers*** in a digital environment, ***the compliance of providers of very large online platforms and providers of very large online search engines with their obligations and*** 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 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. ***Such monitoring should also take into account the results of existing media monitoring exercises in all Member States, the monitoring exercises referred to in the Media and Audiovisual Action Plan, established in the communication of the Commission of 3 December 2020 entitled 'Europe's Media in the Digital Decade: An Action Plan to Support Recovery and Transformation', the results from the Media Pluralism Monitor and findings from the Commission's annual rule of law reports.***

Amendment 67

Proposal for a regulation

Recital 50 a (new)

Text proposed by the Commission	*Amendment*
	(50a) It is important that the European Centre for Press and Media Freedom in Leipzig and the Centre for Media Pluralism and Media Freedom at the European University Institute in Florence be recognised as having relevant expertise in media freedom and pluralism. It is also important that European instruments such as the Euromedia Ownership Monitor be taken into account when dealing with media ownership in Europe.

Amendment 68

Proposal for a regulation

Recital 51

Text proposed by the Commission	*Amendment*
(51) 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.	(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.*** 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.

Amendment 69

Proposal for a regulation

Article 1 — paragraph 1

Text proposed by the Commission	*Amendment*
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.	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 ***(the 'Board'), and common basic principles to serve as minimum standards***, while ***ensuring the independence*** of media services.

Amendment 70

Proposal for a regulation

Article 1 — paragraph 2 — introductory part

Text proposed by the Commission	*Amendment*
2. This Regulation shall not affect ***rules laid down by***:	2. This Regulation shall not affect:

Amendment 71

Proposal for a regulation

Article 1 — paragraph 2 — point a a (new)

Text proposed by the Commission	*Amendment*
	(aa) competition rules, including those laid down by Regulation (EC) No 139/2004;

Amendment 72

Proposal for a regulation

Article 1 — paragraph 2 — point a b (new)

Text proposed by the Commission	*Amendment*
	(ab) Directive 2001/29/EC;

Amendment 73

Proposal for a regulation

Article 1 — paragraph 2 — point a c (new)

Text proposed by the Commission	*Amendment*
	(ac) Directive 2019/789/EU;

Amendment 74

Proposal for a regulation

Article 1 — paragraph 2 — point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) rules laid down by Directive 2010/13/EU;

Amendment 75

Proposal for a regulation

Article 1 — paragraph 2 — point d

Text proposed by the Commission	*Amendment*
(d) Regulation (EU) ***2022/XXX [the Digital Services Act]***;	(d) ***rules laid down by*** Regulation (EU) ***2022/2065***;

Amendment 76

Proposal for a regulation

Article 1 — paragraph 2 — point e

Text proposed by the Commission	*Amendment*
(e) Regulation (EU) ***2022/XXX [the Digital Markets Act]***;	(e) ***rules laid down by*** Regulation (EU) ***2022/1925***;

Amendment 77

Proposal for a regulation

Article 1 — paragraph 2 — point f a (new)

Text proposed by the Commission	*Amendment*
	(fa) rules laid down by Directive (EU) 2019/1937 of the European Parliament and of the Council [1a];
	[1a] Directive 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

Amendment 78

Proposal for a regulation

Article 1 — paragraph 2 — point f b (new)

Text proposed by the Commission	*Amendment*
	(fb) Directive (EU) xxx/ XXX of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation').

Amendment 79

Proposal for a regulation

Article 1 — paragraph 3

Text proposed by the Commission	*Amendment*
3. This Regulation shall not affect the possibility for Member States to adopt more detailed rules in the fields covered by Chapter II ***and*** Section 5 of Chapter III, provided that those rules comply with Union law.	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, Section 5 of Chapter III ***and Article 24***, provided that those rules comply with Union law.

Amendment 80

Proposal for a regulation

Article 2 — paragraph 1 — point 1

Text proposed by the Commission	*Amendment*
(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;	(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***, or excerpts from them,*** to the general public, by any means, in order to inform, entertain or educate, under the editorial responsibility of a media service provider;

Amendment 81

Proposal for a regulation

Article 2 — paragraph 1 — point 2

Text proposed by the Commission	*Amendment*
(2) 'media service provider' means a natural or legal person 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 manner in which it is organised;	(2) 'media service provider' means a natural or legal person, whose professional activity***, regardless of whether, in the case of a natural person, it is exercised in a standard or non-standard form of employment,*** is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organised;

Amendment 82

Proposal for a regulation

Article 2 — paragraph 1 — point 3

Text proposed by the Commission	*Amendment*
(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***;	(3) 'public service media provider' means a media service provider which is entrusted with a public service ***remit*** under national law or receives national public funding for the fulfilment of such a ***remit***;

Amendment 83

Proposal for a regulation

Article 2 — paragraph 1 — point 7

Text proposed by the Commission	*Amendment*
(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;	(7) '***editor-in-chief***' 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;

Amendment 84

Proposal for a regulation

Article 2 — paragraph 1 — point 8

Text proposed by the Commission	*Amendment*
(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;	(8) 'editorial decision' means a decision taken on a regular basis for the purpose of exercising editorial responsibility of a media service provider;

Amendment 85

Proposal for a regulation

Article 2 — paragraph 1 — point 9

Text proposed by the Commission	*Amendment*
(9) 'editorial responsibility' means the exercise of effective control both over the selection of the programmes or press publications 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;	(9) 'editorial responsibility' means the exercise of effective control both over the selection of the programmes or ***the content of*** press publications 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;

Amendment 86

Proposal for a regulation

Article 2 — paragraph 1 — point 9 a (new)

Text proposed by the Commission	*Amendment*
	(9a) 'online platform' means online platform as defined in Article 3, point (i), of Regulation (EU) 2022/2065;

Amendment 87

Proposal for a regulation

Article 2 — paragraph 1 — point 9 b (new)

Text proposed by the Commission	*Amendment*
	(9b) 'online search engine' means online search engine as defined in Article 3, point (j) of Regulation (EU) 2022/2065;

Amendment 88

Proposal for a regulation

Article 2 — paragraph 1 — point 10

Text proposed by the Commission	*Amendment*
(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 ***25(4)*** of Regulation (EU) ***2022/XXX [Digital Services Act]***;	(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***;

Amendment 89

Proposal for a regulation

Article 2 — paragraph 1 — point 10 a (new)

Text proposed by the Commission	*Amendment*
	(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;

Amendment 90

Proposal for a regulation

Article 2 — paragraph 1 — point 12

Text proposed by the Commission	*Amendment*
(12) 'national regulatory authority or body' means ***the*** authority or body designated by Member States pursuant to Article 30 of Directive 2010/13/EU;	(12) 'national regulatory authority or body' means ***an*** authority or body designated by Member States pursuant to Article 30 of Directive 2010/13/EU;

Amendment 91

Proposal for a regulation

Article 2 — paragraph 1 — point 12 a (new)

Text proposed by the Commission	*Amendment*
	(12a) 'user interface' means a service that provides an overview of media services provided by individual or multiple media service providers and that enables a user to select media services or applications that essentially serve to provide access to media services and to control or manage access to, and the use of, media services;

Amendment 92

Proposal for a regulation

Article 2 — paragraph 1 — point 13

Text proposed by the Commission	*Amendment*
(13) 'media market concentration' means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one media ***service provider***;	(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***;

Amendment 93

Proposal for a regulation

Article 2 — paragraph 1 — point 13 a (new)

Text proposed by the Commission	*Amendment*
	(13a) 'media pluralism' means a variety of voices, analyses and opinions in public discourse, including minority positions and opinions, disseminated in an unimpeded way by media service providers which are in the hands of many different owners, each independent from one another, across different media channels and media genres and the recognition of the co-existence of private commercial media service providers and public service media providers;

Amendment 94

Proposal for a regulation

Article 2 — paragraph 1 — point 14

Text proposed by the Commission	*Amendment*
(14) 'audience measurement' means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services for the purposes of decisions regarding advertising allocation ***or*** prices or the ***related*** planning***, production*** or distribution of ***content***;	(14) 'audience measurement' means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services ***and of users of online platforms*** for the purposes of decisions regarding advertising allocation, prices***, purchases and sales,*** or the planning or distribution of ***media services***;

Amendment 95

Proposal for a regulation

Article 2 — paragraph 1 — point 14 a (new)

Text proposed by the Commission	*Amendment*
	(14a) 'proprietary audience measurement' means audience measurement which does not follow industry standards agreed by self-regulatory mechanisms covering media service providers;

Amendment 96

Proposal for a regulation

Article 2 — paragraph 1 — point 15

Text proposed by the Commission	*Amendment*
(15) 'State advertising' means the placement, publication or dissemination, in any media service, of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of any national or regional public authority, such as national, federal or regional governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government ***of a territorial entity of more than 1 million inhabitants***;	(15) 'State advertising' means the placement***, promotion***, publication or dissemination, in any media service***, online platform or online search engine***, of a promotional or self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of any ***Union,*** national or regional public authority, such as ***Union institutions, bodies, offices or agencies,*** national, federal or regional governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government;

Amendment 97

Proposal for a regulation

Article 2 — paragraph 1 — point 15 a (new)

Text proposed by the Commission	*Amendment*
	(15a) 'emergency message by a public authority' means the placement, publication or dissemination, in any media service, of a message of informative nature considered necessary by a public authority in the event of natural or sanitary disasters, accidents, other sudden incidents or critical situations that could cause harm to individuals;

Amendment 98

Proposal for a regulation

Article 2 — paragraph 1 — point 16

Text proposed by the Commission	*Amendment*
(16) '***spyware***' means ***any product with*** digital ***elements specially designed to exploit vulnerabilities in other products with digital elements*** that enables the ***covert surveillance of natural or legal persons by*** monitoring, extracting, collecting or analysing data ***from such products or from the natural or legal persons using such products, in particular by secretly recording calls or otherwise using the microphone of an end-user device, filming natural persons, machines or their surroundings, copying messages, photographing, tracking browsing activity, tracking geolocation, collecting other sensor data or tracking activities across multiple end-user devices,*** without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent in that regard;	(16) '***surveillance technology***' means ***a*** digital ***or mechanical instrument or product or another instrument or 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***, in accordance with the conditions for consent set out in Article 7 of Regulation (EU) 2016/679,*** in that regard;

Amendment 99

Proposal for a regulation

Article 2 — paragraph 1 — point 16 a (new)

Text proposed by the Commission	*Amendment*
	(16a) '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, typically 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, in accordance with the conditions for consent set out in Article 7 of Regulation (EU) 2016/679, in that regard;

Amendment 100

Proposal for a regulation

Article 2 — paragraph 1 — point 17 — point a

Text proposed by the Commission	*Amendment*
(a) terrorism,	(a) terrorism ***as defined in Directive (EU) 2017/541 of the European Parliament and of the Council***,

Amendment 101

Proposal for a regulation

Article 2 — paragraph 1 — point 17 a (new)

Text proposed by the Commission	*Amendment*
	(17a) 'media literacy' means skills, knowledge and understanding that allow citizens to use media effectively and safely which are not limited to learning about tools and technologies but aim to equip citizens with the critical thinking skills required to exercise judgment, analyse complex realities and recognise the difference between opinion and fact.

Amendment 102

Proposal for a regulation

Chapter II — title

Text proposed by the Commission	*Amendment*
Rights ***and duties*** of media service providers and ***recipients***	Rights ***of recipients of media services, rights*** of media service providers and ***safeguards for the independent functioning of public service media providers***

Amendment 103

Proposal for a regulation

Article 3 — paragraph 1

Text proposed by the Commission	*Amendment*
Recipients of media services ***in the Union shall have the right to receive*** a plurality of ***news and current affairs content,*** produced ***with respect for editorial freedom of*** media service providers, ***to the benefit of the public*** discourse.	***Member States shall ensure, in accordance with Article 11 of the Charter of Fundamental Rights of the European Union (the 'Charter'), that*** recipients of media services ***have access to*** a plurality of ***media services*** produced ***by editorially independent*** media service providers, ***without any State interference, in order to ensure free and democratic*** discourse. ***Member States shall establish the necessary framework conditions to guarantee those rights and to safeguard, preserve and promote media pluralism.***

Amendment 104

Proposal for a regulation

Article 4 — paragraph 1

Text proposed by the Commission	*Amendment*
1. Media service providers shall have the right to exercise their economic activities in the internal market without restrictions other than those allowed ***under*** Union law.	1. Media service providers shall have the right to exercise their economic activities in the internal market without restrictions other than those allowed ***pursuant to*** Union law.

Amendment 105

Proposal for a regulation

Article 4 — paragraph 2 — introductory part

Text proposed by the Commission	*Amendment*
2. Member States shall respect effective editorial freedom of media service providers. Member States, including their national regulatory authorities and bodies, shall not:	2. ***The Union,*** Member States ***and private entities*** shall respect ***the*** effective editorial freedom ***and independence*** of media service providers. Member States, including their national regulatory authorities and bodies, ***Union institutions, bodies, offices and agencies and private entities*** shall not:

Amendment 106

Proposal for a regulation

Article 4 — paragraph 2 — point a

Text proposed by the Commission	*Amendment*
(a) interfere in or try to influence in any way, directly or indirectly, editorial policies and decisions by media service providers;	(a) interfere in or try to influence in any way, directly or indirectly, editorial policies and ***editorial*** decisions by media service providers;

Amendment 107

Proposal for a regulation

Article 4 — paragraph 2 — point a a (new)

Text proposed by the Commission	*Amendment*
	(aa) oblige media services providers or their employees to disclose any information related to editorial processing, including on their sources, or to disseminate such information;

Amendment 108

Proposal for a regulation

Article 4 — paragraph 2 — point b

Text proposed by the Commission	*Amendment*
(b) detain, sanction, ***intercept,*** subject to ***surveillance or*** search and seizure, or inspect media service providers or, if applicable, their family members, ***their employees*** or their ***family members***, or their corporate and private premises, ***on the ground that they refuse to disclose information on*** their sources***, unless this is justified by an overriding requirement in the public interest, in accordance with Article 52 (1) of the Charter and in compliance with other Union law***;	(b) detain, sanction, subject to search and seizure, or inspect media service providers***, their employees*** or, if applicable, their family members, or ***any other person belonging to*** their ***professional network of relationships, including occasional contacts***, or their corporate and private premises, ***where such actions might lead to a violation of*** their ***right to exercise their professional activity and, in particular, where such actions might result in access to journalistic*** sources;

Amendment 109

Proposal for a regulation

Article 4 — paragraph 2 — point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) access encrypted content data on any device or in any machine used by media service providers or, if applicable, their families or their employees or their family members or, if applicable, any other person belonging to their professional or private network of relationships, including occasional contacts;

Amendment 110

Proposal for a regulation

Article 4 — paragraph 2 — point c

Text proposed by the Commission	*Amendment*
(c) deploy ***spyware*** in any device or machine used by media service providers or, if applicable, their family members or their employees or their family members***, unless the deployment is justified, on a case-by-case basis, on grounds of national security and is in compliance with Article 52(1) of the Charter and*** other ***Union law or the deployment occurs in serious crimes investigations of one of the aforementioned persons, it is provided for under national law and is in compliance with Article 52(1) of the Charter and other Union law, and measures adopted pursuant to sub-paragraph (b) would be inadequate and insufficient to obtain the information sought***.	(c) deploy ***surveillance measures or use surveillance technology, or instruct private entities to use such measures or such technology,*** 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 ***person belonging to their professional network, including occasional contacts***.

Amendment 111

Proposal for a regulation

Article 4 — paragraph 2 — point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) deploy spyware or any similar intrusive technology, or instruct private entities to use spyware or such technology, 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.

Amendment 112

Proposal for a regulation

Article 4 — paragraph 2 — point c b (new)

Text proposed by the Commission	*Amendment*
	(cb) commission a third party to carry out any of the actions referred to in points (b) to (ca).

Amendment 113

Proposal for a regulation

Article 4 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. By way of derogation from paragraph 2, point (b), Member States, including their national regulatory authorities and bodies, Union institutions, bodies, offices and agencies and private entities may carry out an action as referred to therein, provided that other legal measures would be inadequate and insufficient to obtain the information sought and provided that the action:
	(a) is unrelated to the professional activity of a media service provider and its employees;
	(b) does not result in access to journalistic sources;
	(c) is provided for under national law;
	(d) is justified on a case-by-case basis for the purpose of preventing, investigating or prosecuting a serious crime;
	(e) complies with Article 52(1) of the Charter and other relevant Union law;
	(f) is proportionate with respect to the legitimate aim pursued; and
	(g) is ordered, ex ante, 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 relevant Union law.
	When carrying out actions as referred to in paragraph 2, point (b), the Member States, including their national regulatory authorities and bodies, Union institutions, bodies, offices and agencies and private entities shall not retrieve data related to the professional activity of media service providers and their employees, in particular data which offer access to journalistic sources.

Amendment 114

Proposal for a regulation

Article 4 — paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2b. By way of derogation from paragraph 2, points (ba) and (c), Member States, including their national regulatory authorities and bodies, Union institutions, bodies, offices and agencies and private entities may carry out an action as referred to therein, provided that the actions referred to in paragraph 2, point (b), would be inadequate and insufficient to obtain the information sought and provided that the action:
	(a) complies with the conditions listed in paragraph 2a, points (a), (b), (c), (e), (f) and (g);
	(b) concerns only the investigation or prosecution of a serious crime that is punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least five years;
	(c) is carried out as a last resort; and (d) is subject to periodic review by an independent and impartial judicial authority.

Amendment 115

Proposal for a regulation

Article 4 — paragraph 2 c (new)

Text proposed by the Commission	*Amendment*
	2c. By way of derogation from paragraph 2, point (ca), Member States, including their national regulatory authorities and bodies, Union institutions, bodies, offices and agencies and private entities may carry out an action as referred to therein, provided that the actions referred to in paragraph 2, point (ba) or (c), would be inadequate and insufficient to obtain the information sought and provided that the action complies with the conditions listed in paragraph 2a, points (a), (b), (c), (e), (f) and (g), and paragraph 2b, points (b), (c) and (d).

Amendment 116

Proposal for a regulation

Article 4 — paragraph 2 d (new)

Text proposed by the Commission	*Amendment*
	2d. The carrying out of actions as referred to in paragraph 2, points (ba), (c) and (ca), shall be subject to ex-post scrutiny by means of judicial review or by means of another independent oversight mechanism. Member States shall inform persons targeted by actions as referred to in paragraph 2, points (b) to (ca), and persons whose data or communications were accessed as a result of such actions of the fact that their data or communications were accessed and of the duration and scope of the processing of those data, and the manner in which those data were processed. Member States shall ensure access to redress through an independent body for persons directly or indirectly affected by the carrying out of such actions. Member States shall publish the number of requests approved and rejected for the carrying out of such actions. The safeguards provided for in this paragraph shall extend to natural persons in non-standard forms of employment, such as freelancers exercising activities in the same field as media service providers and their employees.

Amendment 117

Proposal for a regulation

Article 4 — paragraph 3

Text proposed by the Commission	*Amendment*
3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate ***an*** independent authority or body to handle complaints lodged by media service providers or***, if applicable,*** their family members, ***their*** employees or their family members, regarding breaches of paragraph 2, points ***(b) and (c)***. 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, points ***(b) and (c)***.	3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate ***a structurally and functionally*** independent authority or body***, such as an ombudsperson,*** to handle complaints lodged by media service providers or their family members, ***the*** employees ***of media service providers*** or their family members***, or any other person professionally or privately associated with them***, regarding breaches of paragraph 2, 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, points ***(aa), (b), (ba), (c), (ca) and (cb)***.

Amendment 118

Proposal for a regulation

Article 5 — paragraph 1

Text proposed by the Commission	*Amendment*
1. Public service media providers ***shall*** provide in an impartial manner a plurality of information and opinions to their audiences***, in accordance with their public service mission***.	1. ***Member states shall ensure, by means of national law and their actions, that*** public service media providers ***have full autonomy and editorial independence from governmental, political, economic or private vested interests in order to*** provide***, in the exercise of their public service remit,*** in an impartial ***and independent*** manner, a plurality of information and opinions to their audiences.

Amendment 119

Proposal for a regulation

Article 5 — paragraph 2 — subparagraph 1

Text proposed by the Commission	*Amendment*
The head of management and the members of the governing board of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria laid down in advance ***by*** national law.	***Member States shall ensure, by means of national law and their actions, that the principles of independence, accountability, effectiveness, transparency and openness are respected when the management structures of public service media are appointed. In particular,*** the head of management and the members of the governing board of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria laid down in advance ***in*** national law.

Amendment 120

Proposal for a regulation

Article 5 — paragraph 2 — subparagraph 2

Text proposed by the Commission	*Amendment*
The duration of their term of office shall be established ***by*** national law, ***and*** be adequate and sufficient to ensure effective independence of the public media service provider. They may be dismissed before the end of their term of office only ***exceptionally*** where they no longer fulfil the legally predefined conditions required for the performance of their duties laid down in advance ***by*** national law or for specific reasons of illegal conduct or serious misconduct as defined in advance ***by*** national law.	The duration of their term of office shall be established ***in*** national law, ***shall correspond to their tasks and shall*** be adequate and sufficient to ensure effective independence of the public media service provider. They may be dismissed before the end of their term of office only ***in exceptional circumstances*** where they no longer fulfil the legally predefined conditions required for the performance of their duties laid down in advance ***in*** national law or for specific reasons of illegal conduct or serious misconduct as defined in advance ***in*** national law.

Amendment 121

Proposal for a regulation

Article 5 — paragraph 2 — subparagraph 3

Text proposed by the Commission	*Amendment*
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.	Dismissal decisions shall be duly justified ***on the basis of criteria laid down in advance in national law***, 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.

Amendment 122

Proposal for a regulation

Article 5 — paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall ensure that public service media providers have adequate ***and stable*** financial resources for the fulfilment of their public service ***mission***. Those resources shall be such that editorial independence is safeguarded.	3. Member States shall ensure that public service media providers have adequate***, sustainable and predictable*** financial resources ***on a multiannual basis*** for the fulfilment of their public service ***remit and to meet the objectives thereof***. Those resources ***and the process by which they are allocated shall be based on transparent criteria laid down in advance and*** shall be such that editorial independence is safeguarded ***while allowing for the development of media services for new audience interests or new content and media forms and for technical development***.

Amendment 123

Proposal for a regulation

Article 5 — paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Member States shall appoint an independent authority or establish independent procedures for determining the financial needs appropriate for public service media providers in accordance with paragraph 3. Member States shall ensure that independent judicial review is guaranteed.
	The procedure for appointing an independent authority as referred to in the first subparagraph or the established procedures referred to therein shall be predictable, transparent, independent, impartial and non-discriminatory and be based on objective and proportionate criteria laid down in advance by national law.

Amendment 124

Proposal for a regulation

Article 5 — paragraph 4

Text proposed by the Commission	*Amendment*
4. Member States shall designate one or more independent authorities or bodies ***in order*** to monitor ***compliance with*** paragraphs 1 to 3.	4. Member States shall ***put in place mechanisms or*** designate one or more independent authorities or bodies to monitor ***the application of*** paragraphs 1 to 3. ***Such mechanisms, authorities or bodies shall be free from government influence. In the event of doubt or following findings related to non-compliance or partial compliance with this Article, an opinion shall be issued by the independent authorities or bodies which shall inform the Board; the findings shall be made available to the public.***

Amendment 125

Proposal for a regulation

Article 6 — paragraph 1 — introductory part

Text proposed by the Commission	*Amendment*
1. Media service providers ***providing news and current affairs content*** shall make ***easily and*** directly accessible to the recipients of their services ***the following information***:	1. Media service providers***, in compliance with Union and national law,*** shall make ***the following information*** directly ***and permanently*** accessible ***in an easy manner*** to the recipients of their services:

Amendment 126

Proposal for a regulation

Article 6 — paragraph 1 — point a

Text proposed by the Commission	*Amendment*
(a) their legal name and contact details;	(a) their legal name***(s)*** and contact ***and registration*** details;

Amendment 127

Proposal for a regulation

Article 6 — paragraph 1 — point c

Text proposed by the Commission	*Amendment*
(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.	(c) the name(s) of their beneficial owners ***as defined in*** Article 3, point 6, of Directive (EU) 2015/849 of the European Parliament and of the Council;

Amendment 128

Proposal for a regulation

Article 6 — paragraph 1 — point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) whether and to what extent their direct, indirect or beneficial ownership is held by the government, a State institution, a State-owned enterprise or another public body;

Amendment 129

Proposal for a regulation

Article 6 — paragraph 1 — point c b (new)

Text proposed by the Commission	*Amendment*
	(cb) the name and professional contact details of the natural person who bears editorial responsibility in accordance with the law of the relevant Member State, indicating, where the name and professional contact details of more than one person are given, the part of the media service for which each person is responsible;

Amendment 130

Proposal for a regulation

Article 6 — paragraph 1 — point c c (new)

Text proposed by the Commission	*Amendment*
	(cc) details concerning the ownership structure and how they are related to their parent and sister companies and their subsidiaries;

Amendment 131

Proposal for a regulation

Article 6 — paragraph 1 — point c d (new)

Text proposed by the Commission	*Amendment*
	(cd) State advertising and State financial support allocated to them.

Amendment 132

Proposal for a regulation

Article 6 — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Media service providers shall keep the information made accessible pursuant to paragraph 1 up to date.

Amendment 133

Proposal for a regulation

Article 6 — paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. Media service providers shall submit the information listed in paragraph 1 to the national media ownership databases referred to in paragraph 2b. Where there is a change in the information listed in paragraph 1, media service providers shall submit that updated information to the national media ownership databases within 30 days of the change.

Amendment 134

Proposal for a regulation

Article 6 — paragraph 1 c (new)

Text proposed by the Commission	*Amendment*
	1c. In duly justified cases and upon request, media service providers, in compliance with Union and national law, shall make available to the national regulatory authorities or bodies, to the Board or, where applicable, to any party with a legitimate interest the business and financial interests or activities of their direct, indirect and beneficial owners in other businesses, including their links to politically exposed persons, as defined in Article 3, point (9), of Directive (EU) 2015/849 of the European Parliament and of the Council, and to persons known to be close associates, as defined in Article 3, point (11), of that Directive.

Amendment 135

Proposal for a regulation

Article 6 — paragraph 1 d (new)

Text proposed by the Commission	*Amendment*
	1d. The information provided under paragraphs 1 and 2a shall respect the fundamental rights concerned, such as the respect for the private and family life of beneficial owners. That information shall be necessary and proportionate and shall aim to pursue an objective of general interest.

Amendment 136

Proposal for a regulation

Article 6 — paragraph 1 e (new)

Text proposed by the Commission	*Amendment*
	1e. National regulatory authorities or bodies shall be entrusted to establish national media ownership databases to monitor compliance with the obligation set out in paragraph 1. Those databases shall be publicly available and shall comply with relevant Union law.
	On a request from the national regulatory authorities or bodies, media service providers shall provide them with additional information for the purpose of assessing the accuracy of the information provided under paragraphs 1 and 2a.

Amendment 137

Proposal for a regulation

Article 6 — paragraph 1 f (new)

Text proposed by the Commission	*Amendment*
	1f. National regulatory authorities or bodies shall submit data on the information provided under paragraph 1 on a quarterly basis to the European Database of Media Ownership referred to in Article 12, first paragraph, point (fa).

Amendment 138

Proposal for a regulation

Article 6 — paragraph 2 — introductory part

Text proposed by the Commission	*Amendment*
2. Without prejudice to national constitutional laws consistent with the Charter, media service providers ***providing news and current affairs content*** shall take measures that they deem appropriate with a view to guaranteeing the independence of ***individual*** editorial decisions. In particular, such measures shall aim to:	2. Without prejudice to national constitutional laws consistent with the Charter, media service providers shall take measures that they deem appropriate with a view to guaranteeing the independence of editorial decisions. In particular, such measures shall aim to:

Amendment 139

Proposal for a regulation

Article 6 — paragraph 2 — point a

Text proposed by the Commission	*Amendment*
(a) guarantee that editors are free to take ***individual*** editorial decisions in the exercise of their professional activity; and	(a) guarantee that editors ***and editors-in-chief*** are free to take editorial decisions in the exercise of their professional activity ***within the editorial line of the media service provider***; and

Amendment 140

Proposal for a regulation

Article 6 — paragraph 2 — point b

Text proposed by the Commission	*Amendment*
(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***.	(b) ensure disclosure of any actual or potential conflict of interest***, and of any attempts of interference in the editorial decisions of*** media service providers.

Amendment 141

Proposal for a regulation

Article 6 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Media service providers which receive public funds from third countries for the purposes of advertising or purchases shall annually submit a report to the national regulatory authority or body. Such reports shall include at least the following details:
	(a) the names of the entities granting public funds;
	(b) the total annual amount of the public funds granted.
	The national regulatory authority or body shall make information reported pursuant to the first subparagraph publicly available.

Amendment 142

Proposal for a regulation

Article 6 — paragraph 3

Text proposed by the Commission	*Amendment*
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.	***deleted***

Amendment 143

Proposal for a regulation

Article 6 a (new)

Text proposed by the Commission	*Amendment*
	Article 6a
	Restrictions on media ownership
	1. Natural persons entrusted with the following prominent public functions shall not be beneficial owners, as defined in Article 2(1), point (22), of Regulation (EU) XXXX/XXX [on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, COD 2021/0239], of any press publication or audiovisual media service within the duration of their term of office:
	(a) in a Member State:
	(i) heads of State, heads of government or ministers;
	(b) at Union level:
	(i) President of the European Council, President of the Commission or members of the Commission;
	(c) in a third country:
	(i) functions that are equivalent to those set out in point (a)(i).
	2. Where a natural person is entrusted with a prominent public function as set out in paragraph 1, they shall cease operating the media service provider concerned or terminate the business relationship, where it allows for the exercise of influence over the media service provider, with the media service provider concerned without undue delay but, in any event, no later than 60 days after becoming a politically exposed person as defined in Article 3, point (9), of Directive (EU) 2015/849.

Amendment 144

Proposal for a regulation

Article 7 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Member states shall ensure that the national regulatory authorities or bodies are legally distinct from the government and functionally independent from their respective governments and from any other public or private body.

Amendment 145

Proposal for a regulation

Article 7 — paragraph 3

Text proposed by the Commission	*Amendment*
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.	3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources ***and expertise*** to carry out their tasks under this Regulation. ***Member States shall proportionally increase the financial, human and technical resources allocated to national regulatory authorities or bodies in order to take into account the additional tasks conferred upon them under this Regulation.***

Amendment 146

Proposal for a regulation

Article 7 — paragraph 4 — subparagraph 1

Text proposed by the Commission	*Amendment*
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.	***Member States shall ensure that the national regulatory authorities or bodies are given access to, or are provided with, all information and data necessary*** for carrying out their tasks under this Regulation, ***in particular*** with regard to the natural or legal persons to which Chapter III applies.

Amendment 147

Proposal for a regulation

Article 7 — paragraph 4 — subparagraph 2

Text proposed by the Commission	*Amendment*
Those powers shall 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.	***On a*** request ***from the national regulatory authorities or bodies, natural or legal*** persons to ***which Chapter III applies shall***, within a reasonable time period, ***provide them with*** information that is proportionate ***to*** and necessary for carrying out the tasks ***set out in*** Chapter III***. On a*** request ***from the national regulatory authorities or bodies,*** any other ***natural or legal*** person that, for purposes related to ***its*** trade, business or profession, ***might*** reasonably be in possession of information needed ***for carrying out the tasks set out in Chapter III shall provide them with that information***.

Amendment 148

Proposal for a regulation

Article 7 — paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. National regulatory authorities or bodies shall hold regular consultations with the representatives of the media sector. National regulatory authorities or bodies shall publish annually and make publicly available reports which reflect the results of such consultations.

Amendment 149

Proposal for a regulation

Article 7 — paragraph 4 b (new)

Text proposed by the Commission	*Amendment*
	4b. Member States shall entrust the national regulatory authorities or bodies with developing and maintaining dedicated online media ownership databases containing the information listed in Article 6(1), including at regional or local level. The public shall have easy, swift and effective access, free of charge, to such databases. National regulatory authorities or bodies shall produce regular reports on the ownership of media services under the jurisdiction of the Member State concerned.

Amendment 150

Proposal for a regulation

Article 8 — paragraph 1

Text proposed by the Commission	*Amendment*
1. The European Board for Media Services ('the Board') is established.	1. The European Board for Media Services ('the Board') is ***hereby*** established. ***The Board shall be a body of the Union and shall have legal personality.***

Amendment 151

Proposal for a regulation

Article 8 — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. The Board shall enjoy complete independence in the exercise of its functions.

Amendment 152

Proposal for a regulation

Article 8 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The Board shall have a secretariat and shall be advised by the Expert Group established by Article 11a.

Amendment 153

Proposal for a regulation

Article 8 — paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2b. The Board and the secretariat shall be provided with the human and financial resources necessary for the performance of their tasks.

Amendment 154

Proposal for a regulation

Article 8 — paragraph 2 c (new)

Text proposed by the Commission	*Amendment*
	2c. The budget of the Board and the secretariat shall be shown in a separate budgetary line within the relevant heading of section III of the budget of the Union.

Amendment 155

Proposal for a regulation

Article 9 — paragraph 1

Text proposed by the Commission	*Amendment*
The Board shall act in full independence when performing its tasks or exercising its powers. In particular, the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from any government, institution, ***person or body***. This shall not affect the competences of the Commission or the national regulatory authorities or bodies in conformity with this Regulation.	The Board shall act in full independence when performing its tasks or exercising its powers. In particular, the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from any government, ***national agency or body, person or Union*** institution, ***body, office or agency***. This shall not affect the competences of the Commission, or the national regulatory authorities or bodies in conformity with this Regulation. ***This shall also not affect the possibility for the other national regulatory authorities or bodies or representatives of self-regulatory or co-regulatory bodies to participate, as appropriate, in the meetings of the Board.***

Amendment 156

Proposal for a regulation

Article 10 — paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board shall be represented by its Chair. The Board shall ***elect*** a Chair from amongst its members by a two-thirds majority of its members with voting rights. The term of office of the Chair shall be two years.	4. The Board shall be represented by its Chair. The Board shall ***have a Steering Group. The Steering Group shall consist of members elected from among the members of the Board. The Steering Group shall consist of*** a Chair***, a Vice-Chair, the outgoing Chair and two other members. The Chair and the other members of the Steering Group shall be elected*** from amongst its members by a two-thirds majority of its members with voting rights. The term of office of the Chair shall be two years.

Amendment 157

Proposal for a regulation

Article 10 — paragraph 5

Text proposed by the Commission	*Amendment*
5. The Commission shall designate a representative to the Board. The representative of the Commission ***shall*** participate in ***all*** activities and meetings of the Board, without voting rights. The Chair of the Board shall keep the Commission informed about the ongoing and planned activities of the Board***. The Board shall consult the Commission in preparation of*** its work programme and main deliverables.	5. The Commission shall designate a representative to the Board. The representative of the Commission ***may*** participate in activities and meetings of the Board, without voting rights. The Chair of the Board shall keep the Commission ***and the European Parliament*** informed about the ongoing and planned activities of the Board ***and, in particular, on*** its work programme and main deliverables.

Amendment 158

Proposal for a regulation

Article 10 — paragraph 6

Text proposed by the Commission	*Amendment*
6. The Board***, in agreement with the Commission,*** may invite experts and observers to attend its meetings.	6. The Board may invite experts and***, with the agreement of the Commission,*** observers to attend its meetings ***or to participate, on an ad hoc basis, in its work***.

Amendment 159

Proposal for a regulation

Article 10 — paragraph 8

Text proposed by the Commission	*Amendment*
8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights***, in agreement with*** the Commission.	8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights***. Prior to the adoption of its rules of procedure, the Board shall give*** the Commission ***an opportunity to provide comments***. ***The Board shall lay down, in its rules of procedure, the practical arrangements for the prevention and management of conflict of interests and shall inform the European Parliament of the rules of procedures it adopts or any substantial changes it makes to them.***

Amendment 160

Proposal for a regulation

Article 11 — paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall ***have a*** secretariat***, which*** shall ***be provided by the Commission***.	1. The Board shall ***be assisted by a separate and independent*** secretariat***. The secretariat*** shall ***take instructions only from the Board***.

Amendment 161

Proposal for a regulation

Article 11 — paragraph 3

Text proposed by the Commission	*Amendment*
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.	3. The secretariat shall provide administrative and organisational support to the activities of the Board. The secretariat shall also assist the Board ***substantively*** in carrying out its tasks.

Amendment 162

Proposal for a regulation

Article 11 a (new)

Text proposed by the Commission	*Amendment*
	Article 11a
	Expert Group to the Board
	1. An Expert Group shall be established. The Expert Group shall consist of representatives from the media sector beyond the audiovisual media sector. The representatives of the Expert Groups shall be appointed in a transparent, objective and non-discriminatory manner.

Text proposed by the Commission	*Amendment*
	2. The Expert Group shall be composed of one or more representatives from the media sectors of each Member State, from European associations or from European organisations with expertise on media beyond the audiovisual media sector or one or more natural persons with expertise on media beyond the audiovisual media sector. Details on the full composition of the Expert Group shall be laid down in the Board's rules of procedure.
	3. 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.
	4. The Expert Group may draft a recommendation, on its own initiative or on a request by the Board, Commission or the European Parliament, regarding the Board's work programme and the effective and consistent application of Chapter 3 of this Regulation. The Expert Group shall make such recommendations publicly available.
	5. Where the Board deals with a matter beyond the audiovisual media sector or relating to the press, it shall consult the Expert Group.

Amendment 163

Proposal for a regulation

Article 12 — paragraph 1 — introductory part

Text proposed by the Commission	*Amendment*
Without prejudice to the powers granted to the Commission by the Treaties, the Board shall promote the effective and consistent application of this Regulation and of national rules implementing Directive 2010/13/EU throughout the Union. The Board shall:	The Board shall promote the effective and consistent application of this Regulation and of national rules implementing Directive 2010/13/EU throughout the Union. The Board shall:

Amendment 164

Proposal for a regulation

Article 12 — paragraph 1 — point a

Text proposed by the Commission	*Amendment*
(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;	(a) support the Commission, through ***its*** 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;

Amendment 165

Proposal for a regulation

Article 12 — paragraph 1 — point c

Text proposed by the Commission	*Amendment*
(c) advise the Commission, 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;	(c) advise the Commission, ***on its own initiative 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***, by which the Board is to respond to the Commission's request***;

Amendment 166

Proposal for a regulation

Article 12 — paragraph 1 — point d

Text proposed by the Commission	*Amendment*
(d) ***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;	(d) ***on its own initiative or upon request of*** 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;

Amendment 167

Proposal for a regulation

Article 12 — paragraph 1 — point e — introductory part

Text proposed by the Commission	*Amendment*
(e) ***in agreement with the Commission,*** draw up opinions with respect to:	(e) draw up opinions with respect to:

Amendment 168

Proposal for a regulation

Article 12 — paragraph 1 — point f — introductory part

Text proposed by the Commission	*Amendment*
(f) upon request of the Commission, draw up opinions with respect to:	(f) ***on its own initiative or*** upon request of the Commission, draw up opinions with respect to:

Amendment 169

Proposal for a regulation

Article 12 — paragraph 1 — point f — point i

Text proposed by the Commission	*Amendment*
(i) national measures which are likely to affect the functioning of the internal market for media services, in accordance with Article 20(4) of this Regulation;	(i) national measures which are likely to affect the functioning of the internal market for media services ***or which have an impact on media pluralism or the editorial independence of media service providers***, in accordance with Article 20(4) of this Regulation;

Amendment 170

Proposal for a regulation

Article 12 — paragraph 1 — point f — point i a (new)

Text proposed by the Commission	*Amendment*
	(ia) factors to be taken into account when applying the criteria for assessing the impact of media market concentrations, in accordance with Article 21(3) of this Regulation;

Amendment 171

Proposal for a regulation

Article 12 — paragraph 1 — point f — point ii

Text proposed by the Commission	*Amendment*
(ii) media market concentrations which are likely to affect the functioning of the internal market for media services, in accordance with Article 22(1) of this Regulation;	(ii) media market concentrations which are likely to affect the functioning of the internal market for media services ***or which have an impact on media pluralism or the editorial independence of media service providers***, in accordance with Article 22(1) of this Regulation;

Amendment 172

Proposal for a regulation

Article 12 — paragraph 1 — point f a (new)

Text proposed by the Commission	*Amendment*
	(fa) establish and maintain the European Database of Media Ownership, which collects information provided by national regulatory authorities and bodies under Article 6;

Amendment 173

Proposal for a regulation

Article 12 — paragraph 1 — point g

Text proposed by the Commission	*Amendment*
(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 ***where such a concentration may affect the functioning of the internal market***, in accordance with Article 21(5) of this Regulation;	(g) draw up opinions on draft national opinions or decisions assessing a notifiable media market concentration, in accordance with Article 21(5) of this Regulation;

Amendment 174

Proposal for a regulation

Article 12 — paragraph 1 — point h — point ii

Text proposed by the Commission	*Amendment*
(ii) factors to be taken into account when applying the criteria for assessing the impact of media market concentrations, in accordance with Article 21(3) of this Regulation;	(ii) factors to be taken into account when applying the criteria for assessing the impact of media market concentrations ***on media pluralism and editorial independence*** in accordance with Article 21(3) of this Regulation;

Amendment 175

Proposal for a regulation

Article 12 — paragraph 1 — point i

Text proposed by the Commission	*Amendment*
(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;	(i) upon request of at least one of the concerned authorities ***or bodies***, mediate in the case of disagreements between national regulatory authorities or bodies, in accordance with Article 14(3) of this Regulation;

Amendment 176

Proposal for a regulation

Article 12 — paragraph 1 — point j

Text proposed by the Commission	*Amendment*
(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;	(j) foster cooperation on ***harmonised European*** standards related to digital signals and the design of devices or user interfaces, in accordance with Article 15(4) of this Regulation;

Amendment 177

Proposal for a regulation

Article 12 — paragraph 1 — point k

Text proposed by the Commission	*Amendment*
(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;	(k) coordinate national measures related to the dissemination of or access to content of media service providers established outside of the Union that target ***recipients*** in the Union, in accordance with Article 16(1) of this Regulation;

Amendment 178

Proposal for a regulation

Article 12 — paragraph 1 — point l

Text proposed by the Commission	*Amendment*
(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 Commission, in accordance with Article 18 of this Regulation;	(l) organise***, with the involvement of the Expert Group,*** a structured dialogue between providers of very large online platforms, ***providers of very large online search engines and*** representatives of media service providers and of civil society ***and other relevant stakeholders***, and report on its results to the Commission ***and to the European Parliament***, in accordance with Article 18 of this Regulation;

Amendment 179

Proposal for a regulation

Article 12 — paragraph 1 — point m a (new)

Text proposed by the Commission	*Amendment*
	(ma) develop, in consultation with media service providers and other relevant stakeholders, guidelines and recommendations on the criteria and methodology for the distribution of public funds for State advertising and purchases in accordance with Article 24;

Amendment 180

Proposal for a regulation

Article 12 — paragraph 1 — point m b (new)

Text proposed by the Commission	*Amendment*
	(mb) support the Commission in carrying out the monitoring exercised referred to in Article 25;

Amendment 181

Proposal for a regulation

Article 12 — paragraph 1 — point m c (new)

Text proposed by the Commission	*Amendment*
	(mc) foster the development and use of effective measures and tools to strengthen media literacy, including the development of best practices for national authorities and bodies, media service providers, online platforms and online search engines;

Amendment 182

Proposal for a regulation

Article 12 — paragraph 1 — point m d (new)

Text proposed by the Commission	*Amendment*
	(md) prepare a detailed annual report and follow-up of its activities and tasks set out in this paragraph and present it to the European Parliament.

Amendment 183

Proposal for a regulation

Article 12 — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	In so far as necessary to achieve the objectives set out in this Regulation and to carry out its tasks, the Board may, without prejudice to the competences of the Member States and the Union institutions, in coordination with the Commission, cooperate with competent Union bodies, offices, agencies and advisory bodies, competent authorities in third countries and international organisations. To that end, the Board may, subject to prior approval by the Commission, establish working arrangements.

Amendment 184

Proposal for a regulation

Article 13 — paragraph 1

Text proposed by the Commission	*Amendment*
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.	1. A national regulatory authority or body may request ('requesting authority') cooperation***, including the exchange of information and*** mutual assistance, at any time from one or more national regulatory authorities or bodies ('requested authorities') for the effective application of this Regulation or the national measures implementing Directive 2010/13/EU.

Amendment 185

Proposal for a regulation

Article 13 — paragraph 2

Text proposed by the Commission	*Amendment*
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 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.	2. Where a national regulatory authority or body considers that media ***content constitutes a public provocation to commit a terrorist offence as set out in Article 5 of Directive (EU) 2017/541 or presents*** a serious and grave risk of prejudice to public ***security and to the safeguarding of national*** 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.

Amendment 186

Proposal for a regulation

Article 13 — paragraph 3

Text proposed by the Commission	*Amendment*
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.	3. Requests for cooperation***, such as the exchange of information and*** mutual assistance, shall contain all the necessary information ***related to the request***, including the purpose of and reasons for it.

Amendment 187

Proposal for a regulation

Article 13 — paragraph 4 — subparagraph 1 — point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) the request was not duly justified.

Amendment 188

Proposal for a regulation

Article 13 — paragraph 4 — subparagraph 2

Text proposed by the Commission	*Amendment*
The requested authority shall provide reasons for any refusal to address a request.	The requested authority shall provide reasons for any refusal to address a request. ***Where the requested authority refuses to address a request under the first subparagraph, point (a), it shall, where possible, indicate the authority that is competent for the subject matter of the request or for the measures it was requested to take.***

Amendment 189

Proposal for a regulation

Article 13 — paragraph 5

Text proposed by the Commission	*Amendment*
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.	5. The requested authority shall inform the requesting authority ***without undue delay*** of the results achieved or of the progress of the measures taken in response to the request.

Amendment 190

Proposal for a regulation

Article 13 — paragraph 6

Text proposed by the Commission	*Amendment*
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.	6. The requested authority shall do its utmost to address and reply to the request without undue delay. ***Further details on the procedure of the structured cooperation, including the rights and obligations of the parties, the deadlines to be respected and*** intermediary results***, shall be set out in the Board's rules of procedure***. In case of requests for accelerated cooperation or mutual assistance, the requested authority shall address and reply to the request within 14 calendar days.

Amendment 191

Proposal for a regulation

Article 13 — paragraph 7

Text proposed by the Commission	*Amendment*
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, in ***agreement*** with the Commission, an opinion on the matter, including recommended actions. The requested authority shall do its outmost to take into account the opinion of the Board.	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. ***Following*** receipt of ***such a*** referral ***and within a time period to be specified in the Board's rules of procedure***, the Board shall issue, in ***consultation*** with the Commission ***where the Board deems it relevant***, an opinion on the matter, including recommended actions. The requested authority shall do its outmost to take into account the opinion of the Board.

Amendment 192

Proposal for a regulation

Article 14 — paragraph 2

Text proposed by the Commission	*Amendment*
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.	2. The requested national authority or body shall, without undue delay and within***, a maximum time period to be specified in the Board's rules of procedure***, inform the requesting national authority or body about the actions taken or planned pursuant to paragraph 1 ***or justify the reasons for which actions were not taken***.

Amendment 193

Proposal for a regulation

Article 14 — paragraph 3

Text proposed by the Commission	*Amendment*
3. In the event of a disagreement between the requesting national authority or body and the requested authority or body regarding actions taken pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.	3. In the event of a disagreement between the requesting national authority or body and the requested authority or body regarding actions taken ***or planned or a refusal to take actions*** pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.

Amendment 194

Proposal for a regulation

Article 14 — paragraph 4

Text proposed by the Commission	*Amendment*
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, in ***agreement*** with the Commission, without undue delay.	4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a request referred to in paragraph 1. If the Board considers that the requested authority ***or body*** has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its opinion, in ***consultation*** with the Commission ***where it deems it relevant***, without undue delay.

Amendment 195

Proposal for a regulation

Article 14 — paragraph 5

Text proposed by the Commission	*Amendment*
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.	5. ***Following receipt of the opinion referred to in paragraph 4,*** the requested national authority or body shall, without undue delay and within ***a maximum time period to be specified in the Board's rules of procedure***, inform the Board, the requesting authority or body ***and, where necessary, the Commission*** of the actions taken or planned in relation to the opinion.

Amendment 196

Proposal for a regulation

Article 15 — paragraph 1

Text proposed by the Commission	*Amendment*
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.	1. The Board shall foster the exchange of best practices among the national regulatory authorities or bodies, consulting stakeholders, where appropriate, and in 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.

Amendment 197

Proposal for a regulation

Article 15 — paragraph 2 — point b

Text proposed by the Commission	*Amendment*
(b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) 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***.

Amendment 198

Proposal for a regulation

Article 15 — paragraph 3

Text proposed by the Commission	*Amendment*
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.***	3. The Commission***, assisted by the Board,*** may issue an opinion on any matter related to the application of this Regulation and of the national rules implementing Directive 2010/13/EU.

Amendment 199

Proposal for a regulation

Article 15 — paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board shall foster cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to ***facilitate*** the development of ***technical*** standards related to digital signals or design of devices or user interfaces ***controlling or managing access to and use of audiovisual media services***.	4. The Board shall foster cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to ***promote*** the development of ***harmonised European*** standards related to digital signals or design of devices***, including their remote controls*** or user interfaces.

Amendment 200

Proposal for a regulation

Article 16 — title

Text proposed by the Commission	*Amendment*
Coordination of measures concerning media ***service providers established*** outside the Union	Coordination of measures concerning media ***services which come from*** outside the Union

Amendment 201

Proposal for a regulation

Article 16 — paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall coordinate measures by national regulatory authorities or bodies related to the dissemination of or access to media services provided by media service providers established outside the Union that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services ***prejudice or present a serious and grave risk of prejudice to public security and defence.***	1. The Board shall coordinate measures by national regulatory authorities or bodies related to the dissemination of or access to media services provided by media service providers established outside the Union that***, irrespective of their means of distribution or the means by which they can be accessed,*** 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:

Amendment 202

Proposal for a regulation

Article 16 — paragraph 1 — point a (new)

Text proposed by the Commission	*Amendment*
	(a) contain a public provocation to commit a terrorist offence as set out in Article 5 of Directive (EU) 2017/541;

Amendment 203

Proposal for a regulation

Article 16 — paragraph 1 — point b (new)

Text proposed by the Commission	*Amendment*
	(b) manifestly, seriously and gravely prejudice, or present a serious and grave risk of prejudice to, public security, including the safeguarding of national security and defence.

Amendment 204

Proposal for a regulation

Article 16 — paragraph 2

Text proposed by the Commission	*Amendment*
2. The Board***, in agreement with the Commission,*** may issue opinions on appropriate national measures under paragraph 1. All competent national authorities, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board.	2. The Board may issue opinions on appropriate national measures under paragraph 1 ***in accordance with its rules of procedure.*** All competent national authorities, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board. ***Such authorities and bodies shall provide reasons for a refusal to take into account the opinions of the Board.***

Amendment 205

Proposal for a regulation

Article 16 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Member States shall ensure that, where relevant, national regulatory authorities or bodies which decide to take action against a media service provider established outside the Union, have a legal basis to take into account at least one of the following:
	(a) a decision taken against that provider by a national regulatory authority or body from another Member State;
	(b) an opinion of the Board relating to that provider and taken on the grounds set out in this Article;
	(c) any assessment of how the media service from that provider is received on the territory of the Union.

Amendment 206

Proposal for a regulation

Article 16 — paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2b. The Board shall develop a set of guidelines concerning media service providers established outside the Union. Where the competent authorities or bodies of a Member State take action against such a provider, they shall do their utmost to take into account the guidelines developed by the Board.

Amendment 207

Proposal for a regulation

Article 16 — paragraph 2 c (new)

Text proposed by the Commission	*Amendment*
	2c. Where a media service provider established outside the Union falls under the territorial jurisdiction of a Member State pursuant to Article 2(4) of Directive 2010/13/EU, in addition to any opinions of the Board issued under paragraph 2 of this Article, a regulatory authority or body of another Member State may request the competent authorities or bodies of the Member State under whose territorial jurisdiction the media service provider falls to take appropriate action against that provider where it assesses that the provider has manifestly, seriously and gravely infringed Article 6(1), point (b), of Directive 2010/13/EU or has prejudiced or presented a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence.

Amendment 208

Proposal for a regulation

Article 17 — paragraph 1 — introductory part

Text proposed by the Commission	*Amendment*
1. Providers of very large online platforms shall provide a functionality allowing recipients of their services to declare ***that***:	1. Providers of very large online platforms ***shall ensure that decisions concerning content moderation and any other actions they undertake do not negatively impact media freedom and pluralism. They shall ensure that their content moderation and monitoring processes have adequate human resources to cover all languages and geographical regions of the Union. They*** shall provide a functionality allowing recipients of their services to declare:

Amendment 209

Proposal for a regulation

Article 17 — paragraph 1 — point a

Text proposed by the Commission	*Amendment*
(a) ***it is a*** media service ***provider*** within the meaning of Article 2(2);	(a) ***that they are*** media service ***providers*** within the meaning of Article 2(2) ***and fulfil the duty set out in Article 6(1)***;

Amendment 210

Proposal for a regulation

Article 17 — paragraph 1 — point b

Text proposed by the Commission	*Amendment*
(b) ***it is*** editorially independent from Member States and third countries; and	(b) ***that they are*** editorially independent from ***any Union institution, body, office or agency and from*** Member States***, political parties*** and third countries and ***that they are functionally independent from private entities whose corporate purpose is not related to the creation or dissemination of media services;***

Amendment 211

Proposal for a regulation

Article 17 — paragraph 1 — point c

Text proposed by the Commission	*Amendment*
(c) ***it is*** subject to regulatory requirements for the exercise of editorial responsibility in one or more Member States***, or adheres to*** a co-regulatory or self-regulatory mechanism governing editorial standards***, widely*** recognised and accepted in the relevant media sector in one or more Member States.	(c) ***that they are*** subject to regulatory requirements for the exercise of editorial responsibility ***and oversight by a competent national regulatory authority or body*** in one or more Member States ***or that they comply with*** a co-regulatory or self-regulatory mechanism governing editorial standards ***that is transparent, legally*** recognised and ***widely*** accepted in the relevant media sector in one or more Member States;

Amendment 212

Proposal for a regulation

Article 17 — paragraph 1 — point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) that they do not provide content generated by an artificial intelligence system without subjecting such content to human oversight and editorial control;

Amendment 213

Proposal for a regulation

Article 17 — paragraph 1 — point c b (new)

Text proposed by the Commission	*Amendment*
	(cb) their name and the name of their managing director, their professional contact details, including an email address and telephone number, and their place of establishment;

Amendment 214

Proposal for a regulation

Article 17 — paragraph 1 — point c c (new)

Text proposed by the Commission	*Amendment*
	(cc) information about the competent national regulatory authority or body or the representative of the co-regulatory or self-regulatory mechanism to which they are subject.

Amendment 215

Proposal for a regulation

Article 17 — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Providers of very large online platforms shall ensure that the functionality referred to in paragraph 1 allows for information declared thereunder, with the exception of the information set out in paragraph 1, point (cb), to be publicly and easily accessible.

Amendment 216

Proposal for a regulation

Article 17 — paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. Providers of very large online platforms shall acknowledge receipt of declarations submitted under paragraph 1. They shall state in the acknowledgement whether or not they accept the declaration. They shall immediately communicate the acknowledgement of receipt to the media service provider concerned, the competent national regulatory authority or body concerned or the representative of the co-regulatory or self-regulatory mechanism concerned. In the acknowledgement of receipt, providers of very large online platforms shall indicate a competent contact person or body through which the media service provider can communicate directly and quickly with the provider of the very large online platform. Where a provider of a very large online platform accepts a declaration submitted by a media service provider under paragraph 1, that media service provider shall be deemed to be a recognised media service provider.

Amendment 217

Proposal for a regulation

Article 17 — paragraph 1 c (new)

Text proposed by the Commission	*Amendment*
	1c. On a request from a provider of a very large online platform which has not accepted a declaration submitted under paragraph 1, point (c), due to having a reasonable doubt as to the nature of that declaration, the relevant national regulatory authority or body or the representative of the relevant co-regulatory or self-regulatory mechanism shall confirm the nature of or invalidate that declaration. Where the relevant national regulatory authority or body or the representative of the relevant co-regulatory or self-regulatory mechanism confirms the nature of that declaration, the media service provider shall be deemed to be a recognised media service provider.

Amendment 218

Proposal for a regulation

Article 17 — paragraph 1 d (new)

Text proposed by the Commission	*Amendment*
	1d. On a request from a media service provider that considers that the provider of a very large online platform has unjustly invalidated its declaration submitted under paragraph 1, the relevant national authority or body or the representative of the relevant co-regulatory or self-regulatory mechanism concerned shall clarify the matter. Where the provider of a very large online platform decides not to accept the clarification provided by the relevant national authority or body or the representative of the relevant co-regulatory or self-regulatory mechanism, the media service provider may appeal against that decision to the competent national regulatory authority or body. The competent national regulatory authority or body shall rule on the matter without delay. The Board shall issue a recommendation. Where the competent national regulatory authority or body confirms the declaration, the media service provider shall be deemed to be a recognised media service provider.

Amendment 219

Proposal for a regulation

Article 17 — paragraph 1 e (new)

Text proposed by the Commission	*Amendment*
	1e. Where a provider of a very large online platform has frequently suspended or restricted, pursuant to paragraph 2, the provision of its online intermediation services in relation to a media service provided by a media service provider on the basis of a breach of its terms and conditions, that provider of the very large online platform may invalidate the declaration submitted by the media service provider under paragraph 1. The provider of the very large online platform shall inform the supervising or regulatory entity and the Board that it has invalidated the declaration.

Amendment 220

Proposal for a regulation

Article 17 — paragraph 2

Text proposed by the Commission	*Amendment*
2. Where a provider of very large online platform decides to suspend the provision of its online intermediation services in relation to ***content*** provided by a media service provider ***that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content*** is incompatible with its terms and conditions, without ***that content contributing*** to a systemic risk referred to in Article ***26 of the*** Regulation (EU) ***2022/XXX [Digital Services Act]***, ***it shall take all possible measures, to the extent consistent with their obligations under Union law, including Regulation (EU) 2022/XXX [Digital Services Act], to*** communicate to ***the*** media service provider ***concerned the statement of*** reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150, prior to the suspension taking effect.	2. Where a provider of ***a*** very large online platform decides to suspend ***or restrict*** the provision of its online intermediation services in relation to ***a media service*** provided by a ***recognised*** media service provider ***because that media service*** is incompatible with its terms and conditions, ***it shall,*** without ***prejudice to the mitigating measures in relation*** to a systemic risk referred to in Article ***34 of*** Regulation (EU) ***2022/2065***, communicate to ***that recognised*** media service provider ***the*** reasons accompanying that decision***, specifying the specific clause in the terms and conditions with which the media service was incompatible***, as required by Article 4(1) of Regulation (EU) 2019/1150 ***and Article 17(3) of Regulation (EU) 2022/2065.***
	The provider of the very large online platform shall give the recognised media service provider the opportunity to respond to the reasons accompanying its decision within 24 hours prior to the suspension ***or restriction*** taking effect.

Amendment 221

Proposal for a regulation

Article 17 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Where, following the 24-hour period referred to in paragraph 2, the second subparagraph, and after due consideration of the response of the recognised media service provider, the provider of the very large online platform considers the media service concerned to be incompatible with its terms and conditions, it may refer the case to the relevant competent national regulatory authority or body or the body of the relevant self-regulatory or co-regulatory mechanism. The relevant competent national regulatory authority or body or the representative of the relevant self-regulatory or co-regulatory mechanism shall decide, without delay, whether the intended suspension or restriction is justified in view of the specific clause in the terms and conditions of the provider of the very large online platform, taking into account fundamental freedoms.

Amendment 222

Proposal for a regulation

Article 17 — paragraph 3

Text proposed by the Commission	*Amendment*
3. Providers of very large online platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 ***by*** media service providers ***that submitted a declaration pursuant to paragraph 1 of this Article*** are processed and decided upon with priority and ***without undue delay***.	3. Providers of very large online platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 ***or Article 20 of Regulation (EU) 2022/2065 by recognised*** media service providers are processed and decided upon with priority and***, in any event, no later than 24 hours after submission of the complaint***. ***The media service provider may be represented by a body in complaints procedures.***

Amendment 223

Proposal for a regulation

Article 17 — paragraph 4

Text proposed by the Commission	*Amendment*
4. Where a media service provider ***that submitted a declaration pursuant to paragraph 1*** considers that a provider of very large online platform frequently restricts or suspends the provision of its services in relation to content provided by the media service provider without sufficient grounds, the provider of very large online platform shall engage in a meaningful and effective ***dialogue*** with the media service provider***, upon its request***, in good faith with a view to finding an amicable solution ***for terminating*** unjustified restrictions or suspensions ***and avoiding them*** in the future. The media service provider may notify the outcome of such ***exchanges*** to the Board.	4. Where a ***recognised*** media service provider considers that a provider of very large online platform frequently restricts or suspends the provision of its services in relation to content ***or services*** provided by the media service provider without sufficient grounds ***and in a manner that undermines media freedom and media pluralism***, the provider of ***the*** very large online platform shall***, at the request of the media service provider,*** engage in a meaningful and effective ***consultation*** with the media service provider, in good faith with a view to finding an amicable solution ***within a reasonable timeframe that avoids*** unjustified restrictions or suspensions in the future. The media service provider may notify the outcome of such ***consultations*** to the Board ***and to the national digital services coordinator referred to in Regulation (EU) 2022/2065***. ***Where no amicable solution can be found, the media service provider may lodge a complaint before a certified out-of-court dispute settlement body in accordance with Article 21 of Regulation (EU) 2022/2065.***

Amendment 224

Proposal for a regulation

Article 17 — paragraph 5 — point a

Text proposed by the Commission	*Amendment*
(a) the number of instances ***where they imposed any restriction or suspension on the grounds that the content provided by a media*** service ***provider that submitted a declaration in accordance with*** paragraph ***1 of this Article is incompatible with their terms and conditions; and***	(a) the number of instances ***in which they initiated the process to suspend or restrict the provision of their online intermediation*** service ***pursuant to*** paragraph ***2;***

Amendment 225

Proposal for a regulation

Article 17 — paragraph 5 — point b

Text proposed by the Commission	*Amendment*
(b) the grounds for imposing such restrictions.	(b) the grounds for imposing such ***suspensions or*** restrictions***, including the specific clause in their terms and conditions with which the media service provider was incompatible;***

Amendment 226

Proposal for a regulation

Article 17 — paragraph 5 — point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) the number of instances in which they refused to accept declarations submitted by a media service provider under paragraph 1 and the grounds for refusing to accept them.

Amendment 227

Proposal for a regulation

Article 17 — paragraph 6

Text proposed by the Commission	*Amendment*
6. With a view to facilitating the consistent and effective implementation of this Article, the Commission ***may*** issue guidelines to establish the form and details of the declaration set out in paragraph 1.	6. With a view to facilitating the consistent and effective implementation of this Article, the Commission***, in consultation with the Board, shall*** issue guidelines to establish the form and details of the declaration set out in paragraph 1.

Amendment 228

Proposal for a regulation

Article 17 — paragraph 6 a (new)

Text proposed by the Commission	*Amendment*
	6a. This Article shall be without prejudice to the right of media service providers to effective judicial protection.

Amendment 229

Proposal for a regulation

Article 18 — paragraph 1

Text proposed by the Commission	*Amendment*
1. The Board shall regularly organise a structured dialogue between providers of very large online platforms, 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 to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference.***	1. The Board***, with the involvement of the Expert Group,*** shall regularly organise a structured dialogue between providers of very large online platforms***, providers of 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 ***in order to:***

Amendment 230

Proposal for a regulation

Article 18 — paragraph 1 — point a (new)

Text proposed by the Commission	*Amendment*
	(a) foster access to diverse offers of independent media on very large online platforms and very large online search engines;

Amendment 231

Proposal for a regulation

Article 18 — paragraph 1 — point b (new)

Text proposed by the Commission	*Amendment*
	(b) monitor compliance with self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference;

Amendment 232

Proposal for a regulation

Article 18 — paragraph 1 — point c (new)

Text proposed by the Commission	*Amendment*
	(c) examine the potential and actual impact of the design and functioning of very large online platforms or very large online search engines, of the design and functioning of their respective recommendation systems and content moderation processes and of decisions by providers of very large online platforms and providers of very large online search engines on media freedom and media pluralism.

Amendment 233

Proposal for a regulation

Article 18 — paragraph 2

Text proposed by the Commission	*Amendment*
2. The Board shall report on the results of the dialogue to the Commission.	2. The Board shall ***present the*** report on the results of the dialogue to the Commission***, to the European Parliament and to the Council. Such results shall be made publicly available.***

Amendment 234

Proposal for a regulation

Article 19 — title

Text proposed by the Commission	*Amendment*
Right of customisation of audiovisual media offer	Right of customisation of ***the audio and*** audiovisual media offer

Amendment 235

Proposal for a regulation

Article 19 — paragraph 1

Text proposed by the Commission	*Amendment*
1. Users shall have a right to easily change the ***default settings of any device or*** user interface controlling or managing access to and use of audiovisual media services in order to customise the audiovisual media offer according to their interests or preferences in compliance with the law. This provision shall not affect national measures implementing ***Article 7a*** of Directive 2010/13/EU.	1. Users shall have a right to easily change the ***configuration of audiovisual media services or of applications allowing users to access such services on a*** user interface ***or on devices, including remote controls,*** 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 ***Articles 7a and 7b*** of Directive 2010/13/EU.

Amendment 236

Proposal for a regulation

Article 19 — paragraph 2

Text proposed by the Commission	*Amendment*
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*** settings controlling or managing access to and use of the audiovisual media services offered.	2. ***Any person who places on the market*** devices***, including remote controls, or*** user interfaces referred to in paragraph 1, shall ensure that they include a functionality enabling users to freely and easily change***, at any time,*** the settings ***and default layout, including the configuration of audiovisual media services or of applications allowing users to access such services,*** controlling or managing access to and use of the audiovisual media services offered. ***The provisions of Article 25 of Regulation (EU) 2022/2065 shall apply accordingly.***

Amendment 237

Proposal for a regulation

Article 19 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Any person operating devices as referred to in paragraph 2 or user interfaces shall ensure that the identity of the media service provider who has editorial responsibility for a media service is consistently and clearly visible and identifiable, provided that this information has been provided by the relevant media service provider.

Amendment 238

Proposal for a regulation

Article 20 — paragraph 1

Text proposed by the Commission	*Amendment*
1. Any legislative, regulatory or administrative measure taken by a Member State that is liable to affect ***the 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.	1. Any legislative, regulatory or administrative measure taken by a Member State that is liable to affect ***media pluralism and the editorial independence*** of media service providers ***regarding either the provision or the operation of their media services*** in the internal market shall be duly justified and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory.

Amendment 239

Proposal for a regulation

Article 20 — paragraph 2

Text proposed by the Commission	*Amendment*
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.	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. ***Such timeframes shall be of sufficient length to ensure that such measures and their consequences can be properly considered and that media service providers directly affected can provide feedback on them.***

Amendment 240

Proposal for a regulation

Article 20 — paragraph 3

Text proposed by the Commission	*Amendment*
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. 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 to enable it to carry out its functions effectively.	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***. 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*** to enable it to carry out its functions effectively ***and to respond to any appeals timely. Such appellate bodies may take opinions issued by the Board on the matter into consideration.***

Amendment 241

Proposal for a regulation

Article 20 — paragraph 4

Text proposed by the Commission	*Amendment*
4. The Board, upon request of the Commission, 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. 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.	4. The Board, ***on its own initiative or*** upon request of the Commission ***or the European Parliament***, 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 ***or to impact media pluralism or editorial independence***. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission ***shall*** issue its own opinion on the matter. Opinions by the Board and, where applicable, by the Commission shall be made publicly available.

Amendment 242

Proposal for a regulation

Article 20 — paragraph 5

Text proposed by the Commission	*Amendment*
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.	5. Where a national authority or body adopts a measure that affects directly a media service provider and is likely to affect ***media pluralism and editorial independence or*** 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 ***or bodies*** concerned. ***On a request from a media service provider affected directly by a measure taken by a Member State, the Board shall issue an opinion on the measure concerned.***

Amendment 243

Proposal for a regulation

Article 21 — paragraph 1 — subparagraph 1 — introductory part

Text proposed by the Commission	*Amendment*
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:	Member States shall provide, in national ***law***, substantive and procedural rules which ensure an assessment of media market concentrations that could have ***an*** impact on media pluralism and editorial independence. These rules shall:

Amendment 244

Proposal for a regulation

Article 21 — paragraph 1 — subparagraph 1 — point b

Text proposed by the Commission	*Amendment*
(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;	(b) require the parties to a media market concentration that could have ***an*** impact on media pluralism and editorial independence to notify that concentration in advance to the relevant national authorities or bodies;

Amendment 245

Proposal for a regulation

Article 21 — paragraph 1 — subparagraph 1 — point c

Text proposed by the Commission	*Amendment*
(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;	(c) designate the national regulatory ***authorities or bodies*** as responsible for the assessment of the impact of a notifiable ***media market*** concentration on media pluralism and editorial independence or ensure ***their substantial*** involvement ***in such assessment or require them to consult other*** national regulatory ***authorities or bodies of the Member State that could contribute to the*** assessment ***of a media market concentration***;

Amendment 246

Proposal for a regulation

Article 21 — paragraph 1 — subparagraph 1 — point d

Text proposed by the Commission	*Amendment*
(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.	(d) set out in advance objective, non-discriminatory and proportionate criteria for notifying ***and*** assessing the impact of media market concentrations on media pluralism and editorial independence;

Amendment 247

Proposal for a regulation

Article 21 — paragraph 1 — subparagraph 1 — point d a (new)

Text proposed by the Commission	*Amendment*
	(da) specify in advance a reasonable period of time by which the national regulatory authority or body conducting the assessment is to complete the assessment, taking into account the period of time required for the involvement of the Board, the Commission, or both, in accordance with paragraphs 4 and 5;

Amendment 248

Proposal for a regulation

Article 21 — paragraph 1 — subparagraph 1 — point d b (new)

Text proposed by the Commission	*Amendment*
	(db) specify the consequences of not completing the assessment by the end of the period referred to in point (da).

Amendment 249

Proposal for a regulation

Article 21 — paragraph 2 — introductory part

Text proposed by the Commission	*Amendment*
2. In the assessment referred to in paragraph 1, the following elements shall be taken into account:	2. In the assessment referred to in paragraph 1, the following elements shall***, in particular,*** be taken into account:

Amendment 250

Proposal for a regulation

Article 21 — paragraph 2 — point a

Text proposed by the Commission	*Amendment*
(a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity of media players on the market, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;	(a) the impact of the concentration on media pluralism ***at Union, national and regional level***, including ***its geographical reach and*** its effects on the formation of public opinion and on the diversity of media players ***and content*** on the market, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;

Amendment 251

Proposal for a regulation

Article 21 — paragraph 2 — point b

Text proposed by the Commission	*Amendment*
(b) ***the*** safeguards for editorial independence, including the impact of the concentration on the functioning 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;	(b) safeguards for editorial independence, including the impact of the concentration on the functioning of the editorial teams and the existence of measures by media service providers taken with a view to guaranteeing ***ethical and professional standards and*** the independence of editorial decisions;

Amendment 252

Proposal for a regulation

Article 21 — paragraph 2 — point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) the results of the risk assessment carried out as part of the Commission's annual rule of law report and the Media Pluralism Monitor to identify, analyse and assess risks to media freedom and media pluralism in the Member States.

Amendment 253

Proposal for a regulation

Article 21 — paragraph 3

Text proposed by the Commission	*Amendment*
3. The Commission, ***assisted 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.***	3. The Commission, ***in consultation with*** the Board, ***shall*** issue guidelines to be taken into account ***by national regulatory authorities or bodies in*** assessing the impact of media market concentrations on media pluralism and editorial independence.

Amendment 254

Proposal for a regulation

Article 21 — paragraph 4

Text proposed by the Commission	*Amendment*
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.	4. The national regulatory authority or body shall ***inform the Board before conducting the assessment referred to in the first subparagraph of paragraph 1 and shall*** consult the Board ***before issuing*** any opinion or ***taking any*** decision it aims to adopt ***concerning*** the impact on media pluralism and editorial independence of a notifiable market concentration ***or*** where such concentrations may affect the functioning of the internal market.

Amendment 255

Proposal for a regulation

Article 21 — paragraph 5

Text proposed by the Commission	*Amendment*
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.	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 ***or body*** and the Commission.

Amendment 256

Proposal for a regulation

Article 21 — paragraph 6

Text proposed by the Commission	*Amendment*
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.	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. ***The competent national regulatory authority or body shall, within four weeks of receipt of such an opinion, provide the Commission with the reasons for which it did not fully or partially follow it.***

Amendment 257

Proposal for a regulation

Article 21 — paragraph 6 a (new)

Text proposed by the Commission	*Amendment*
	6a. National regulatory authorities or bodies may request entities involved in a media market concentration to make commitments regarding the safeguarding of media pluralism and editorial independence based on the elements set out in paragraph 2.

Amendment 258

Proposal for a regulation

Article 22 — paragraph 1

Text proposed by the Commission	*Amendment*
1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, 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 Commission.	1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, ***on 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***, according to its own preliminary assessment or the Commission's preliminary assessment, that*** 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 ***shall*** may bring ***such*** media market concentrations to the attention of the Commission.

Amendment 259

Proposal for a regulation

Article 22 — paragraph 2

Text proposed by the Commission	*Amendment*
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.	2. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission ***shall*** issue its own opinion on the matter. ***The competent national regulatory authority or body shall, within four weeks of receipt of such an opinion, provide the Commission with the reasons for which it did not fully or partially follow it.***

Amendment 260

Proposal for a regulation

Article 22 — paragraph 3

Text proposed by the Commission	*Amendment*
3. Opinions by the Board and***, where applicable,*** by the Commission shall be made publicly available.	3. Opinions by the Board and by the Commission shall be made publicly available.

Amendment 261

Proposal for a regulation

Article 22 a (new)

Text proposed by the Commission	*Amendment*
	Article 22a
	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 this Regulation 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 this Regulation 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.

Text proposed by the Commission	*Amendment*
	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 this Regulation 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.

Amendment 262

Proposal for a regulation

Article 23 — paragraph 1

Text proposed by the Commission	*Amendment*
1. Audience measurement systems and methodologies shall comply with principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability.	1. Audience measurement systems and methodologies shall comply with principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination***, comparability*** and verifiability. ***Audience measurement shall be conducted in accordance with self-regulatory mechanisms jointly agreed and widely accepted within the media industry.***

Amendment 263

Proposal for a regulation

Article 23 — paragraph 2

Text proposed by the Commission	*Amendment*
2. Without prejudice to the protection of undertakings' ***business*** secrets, 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.	2. Without prejudice to the protection of undertakings' ***trade*** secrets ***as defined in Article 2, point (1), of Directive (EU) 2016/943***, 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. ***Providers of proprietary audience measurement systems shall provide free of charge to each media service provider the audience measurements relating to its content and services. An independent body shall audit once a year the methodology used by proprietary audience measurement systems and the application of that methodology.*** This provision shall not affect the Union's data protection and privacy rules.

Amendment 264

Proposal for a regulation

Article 23 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Audience measurement data provided to media service providers shall be as granular as the information provided by industry self-regulatory mechanisms, including non-aggregated data.

Amendment 265

Proposal for a regulation

Article 23 — paragraph 3

Text proposed by the Commission	*Amendment*
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 and any other interested parties, that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits.	3. Providers of audience measurement systems, together with media service providers, their representative organisations***, online platforms*** 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. ***Such codes of conduct shall provide for the regular, transparent and independent monitoring and evaluation of the achievement of compliance with the principles referred to in paragraph 1. When drawing up codes of conduct, special consideration shall be given to small media in order to ensure that their audiences are properly measured.***

Amendment 266

Proposal for a regulation

Article 23 — paragraph 4

Text proposed by the Commission	*Amendment*
4. The Commission, assisted by the Board, ***may*** issue guidelines on the practical application of paragraphs 1, 2 and 3 ***of this Article***.	4. The Commission, assisted by the Board, ***shall*** issue guidelines on the practical application of paragraphs 1, 2 and 3***, taking into account codes of conduct as referred to in paragraph 3***.

Amendment 267

Proposal for a regulation

Article 23 — paragraph 5

Text proposed by the Commission	*Amendment*
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 and other interested parties.	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*** and other interested parties.

Amendment 268

Proposal for a regulation

Article 23 — paragraph 5 a (new)

Text proposed by the Commission	*Amendment*
	5a. The obligations set out in this Article are without prejudice to the right of audiences to the protection of personal data concerning them as provided for in Article 8 of the Charter of Fundamental Rights of the European Union and Regulation (EU) 2016/679.

Amendment 269

Proposal for a regulation

Article 24 — title

Text proposed by the Commission	*Amendment*
Allocation of state advertising	Allocation of ***public funds for*** state advertising ***and purchases***

Amendment 270

Proposal for a regulation

Article 24 — paragraph 1

Text proposed by the Commission	*Amendment*
1. Public funds or any other consideration or advantage ***granted*** by public authorities to media service 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. This Article shall not affect public procurement rules.	1. Public funds or any other consideration or advantage ***allocated*** by public authorities to media service providers***, providers of online platforms and providers of online search engines*** for the purposes of advertising ***and purchases*** shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. ***Such public funding allocated for the purposes of advertising to a singular media service provider, including to an online platform provider or to an online search engine provider, shall not exceed 15 % of the total budget allocated by the public authority to the totality of media service providers operating at national level.*** This Article shall not affect public procurement rules ***or the application of State aid rules***.

Amendment 271

Proposal for a regulation

Article 24 — paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Public authorities shall ensure that the criteria and procedures used to determine the allocation of public funds for the purposes of State advertising and purchases to media service providers, online platforms and online search engines in accordance with paragraph 1 are made available to the public in advance by electronic and user-friendly means. The national regulatory authorities or bodies shall consult the Board and national media stakeholders on the development of the methodology for such criteria and procedures.

Amendment 272

Proposal for a regulation

Article 24 — paragraph 2 — introductory part

Text proposed by the Commission	*Amendment*
2. Public authorities, including national, federal ***or*** regional ***governments***, regulatory authorities or bodies, as well as state-owned enterprises or other state-controlled entities at the national ***or*** regional ***level***, or local ***governments of territorial entities of more than 1 million inhabitants***, shall make publicly available accurate, comprehensive, intelligible, detailed and yearly information about their advertising ***expenditure*** allocated to media service providers, which shall include at least the following details:	2. Public authorities, including ***at Union,*** national, federal, regional***, or local level***, ***national*** regulatory authorities or bodies, as well as state-owned enterprises or other state-controlled entities at the ***Union*** national, regional, or local ***level***, shall make publicly available ***by electronic and user-friendly means*** accurate, comprehensive, intelligible, detailed and yearly information about their advertising ***and purchase expenditures*** allocated to media service providers***, providers of online platforms and providers of online search engines***, which shall include at least the following details:

Amendment 273

Proposal for a regulation

Article 24 — paragraph 2 — point a

Text proposed by the Commission	*Amendment*
(a) the legal names of media service providers from which advertising services ***were purchased***;	(a) the legal names of media service providers***, providers of online platforms or providers of online search engines*** from which advertising services ***and purchases were obtained***;

Amendment 274

Proposal for a regulation

Article 24 — paragraph 2 — point a a (new)

Text proposed by the Commission	*Amendment*
	(aa) a short reasoning of the criteria and procedures applied for the allocation of public funds for the purposes of State advertising and purchases to media service providers, providers of online platforms or providers of online search engines;

Amendment 275

Proposal for a regulation

Article 24 — paragraph 2 — point b

Text proposed by the Commission	*Amendment*
(b) the total annual amount spent as well as the amounts spent per media service provider.	(b) the total annual amount spent as well as the amounts spent per media service provider***, provider of online platform or provider of online search engine;***

Amendment 276

Proposal for a regulation

Article 24 — paragraph 2 — point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) state advertising and state financial support allocated to media service providers, providers of online platforms or providers of online search engines;

Amendment 277

Proposal for a regulation

Article 24 — paragraph 2 — point b b (new)

Text proposed by the Commission	*Amendment*
	(bb) details of revenue from contracts with State bodies received by companies that belong to the same business grouping as the media service provider.

Amendment 278

Proposal for a regulation

Article 24 — paragraph 3

Text proposed by the Commission	*Amendment*
3. National regulatory authorities or bodies shall monitor the allocation of state ***advertising*** in media markets. In order to assess the accuracy of the information on state ***advertising*** 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.	3. National regulatory authorities or bodies shall monitor the allocation of state ***funding*** in media markets ***and to providers of online platforms and providers of online search engines***. In order to assess the accuracy of the information on state ***expenditures*** made available pursuant to paragraph 2, national regulatory authorities or bodies may request from the entities referred to in paragraph 2 further information, including ***more detailed*** information on the application of ***the*** criteria ***and procedures*** referred to in paragraph 1.

Amendment 279

Proposal for a regulation

Article 24 — paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. National regulatory authorities or bodies monitoring the allocation of State expenditure shall report annually in a detailed and intelligible manner on the allocation of State expenditure to media service providers, providers of online platforms and providers of online search engine from the details set out to paragraph 2. Annual reports shall be made publicly available in an easily accessible manner.

Amendment 280

Proposal for a regulation

Article 24 — paragraph 3 b (new)

Text proposed by the Commission	*Amendment*
	3b. The allocation of State expenditure to media service providers, providers of online platforms and providers of online search engines for the purposes of emergency messages by public authorities shall become subject to the requirements set out in paragraphs 2 and 3 once the emergency situation has ended. Such allocations shall be subject to the requirements set out in paragraph 1.

Amendment 281

Proposal for a regulation

Article 25 — paragraph 1

Text proposed by the Commission	*Amendment*
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***.	1. The Commission***, in consultation with the Board,*** shall ensure an independent ***and continuous*** monitoring of the internal market for media services, ***concerning*** its functioning and resilience***, risks to it and its progress in the area of media freedom and media pluralism. The Commission may involve European bodies with relevant expertise in media freedom and media pluralism in that*** monitoring exercise.

Amendment 282

Proposal for a regulation

Article 25 — paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. In the monitoring exercise referred to in paragraph 1, the Commission shall take into account the Board's reports, assessments and recommendations, input from civil society, the results from the Media Pluralism Monitor and the findings of its annual rule of law reports.

Amendment 283

Proposal for a regulation

Article 25 — paragraph 3 — introductory part

Text proposed by the Commission	*Amendment*
3. The monitoring exercise shall ***include***:	3. The monitoring exercise shall***, in particular***:

Amendment 284

Proposal for a regulation

Article 25 — paragraph 3 — point a

Text proposed by the Commission	*Amendment*
(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;	(a) ***take into account*** a detailed analysis of the resilience of media markets of all Member States, including ***an overview of*** the level of media concentration and risks ***to media pluralism and the editorial independence of media service providers, including*** information manipulation and interference;

Amendment 285

Proposal for a regulation

Article 25 — paragraph 3 — point b

Text proposed by the Commission	*Amendment*
(b) an overview and forward-looking assessment of the resilience of the internal market for media services as a whole;	(b) ***include*** an overview and forward-looking assessment of the resilience of the internal market for media services as a whole***, including as regards the degree of concentration of the market***;

Amendment 286

Proposal for a regulation

Article 25 — paragraph 3 — point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) include a continuous and detailed assessment of the implementation of Articles 3, 4 and 7;

Amendment 287

Proposal for a regulation

Article 25 — paragraph 3 — point c

Text proposed by the Commission	*Amendment*
(c) an overview of measures taken by media service providers with a view to guaranteeing the independence of ***individual*** editorial decisions.	(c) ***include*** an overview of measures taken by media service providers with a view to guaranteeing the independence of editorial decisions;

Amendment 288

Proposal for a regulation

Article 25 — paragraph 3 — point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) include a detailed assessment of the allocation of public funds for State advertising and purchases;

Amendment 289

Proposal for a regulation

Article 25 — paragraph 3 — point c b (new)

Text proposed by the Commission	*Amendment*
	(cb) include an overview of national measures affecting media pluralism and the editorial independence of media service providers, taking into account their political independence and accessibility;

Amendment 290

Proposal for a regulation

Article 25 — paragraph 3 — point c c (new)

Text proposed by the Commission	*Amendment*
	(cc) include an overview of the implementation and impact of the functionality of very large online platforms for recognised media service providers as referred to in Article 17;

Amendment 291

Proposal for a regulation

Article 25 — paragraph 3 — point c d (new)

Text proposed by the Commission	*Amendment*
	(cd) assess the independence of the national regulatory authorities or bodies.

Amendment 292

Proposal for a regulation

Article 25 — paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. The Commission shall establish an easy-to-use and publicly available alert mechanism to detect risks concerning the application of this Regulation.

Amendment 293

Proposal for a regulation

Article 25 — paragraph 4

Text proposed by the Commission	*Amendment*
4. The monitoring shall be carried out annually***, and its*** results shall be made publicly available.	4. The monitoring shall be carried out annually***. The*** results ***of the monitoring shall be presented annually to the European Parliament and*** shall be made publicly available.

Amendment 294

Proposal for a regulation

Article 26 — paragraph 1

Text proposed by the Commission	*Amendment*
1. By [***four*** years after the entry into force of this Regulation] ***at the latest,*** and every ***four*** years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.	1. By [***two*** years after the entry into force of this Regulation] 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***, including on the findings and follow-up measures to be taken***.

Amendment 295

Proposal for a regulation

Article 28 — paragraph 2 — subparagraph 2

Text proposed by the Commission	*Amendment*
However, Articles 7 to 12 and 27 shall apply from [3 months after the entry into force] and Article ***19(2)*** shall apply from [***48*** months after the entry into force].	However, Articles 7 to 12 and 27 shall apply from [3 months after the entry into force] and Article ***19*** shall apply from [***24*** months after the entry into force].