

Procedure file

Basic information		
INI - Own-initiative procedure	2022/2038(INI)	Procedure completed
Implementation of the Audiovisual Media Services Directive		
Subject		
3.30.01 Audiovisual industry and services		
3.30.02 Television, cable, digital, mobile		
3.30.04 Radiocommunications, broadcasting		
8.50.01 Implementation of EU law		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Culture and Education	 KAMMEREVERT Petra	04/05/2022
		Shadow rapporteur	
		 MELBÄRDE Dace	
		 VERHEYEN Sabine	
		 FARRENG Laurence	
		 RIBA I GINER Diana	
		 ANDERSON Christine	
		 SLABAKOV Andrey	
		 MICHELIS Martina	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Internal Market and Consumer Protection	 ANGEL Marc	07/06/2022
European Commission	Commission DG	Commissioner	
	Communications Networks, Content and Technology	BRETON Thierry	

Key events			
05/05/2022	Committee referral announced in		

	Parliament		
28/03/2023	Vote in committee		
12/04/2023	Committee report tabled for plenary	A9-0139/2023	Summary
08/05/2023	Debate in Parliament		
09/05/2023	Results of vote in Parliament		
09/05/2023	Decision by Parliament	T9-0134/2023	Summary

Technical information

Procedure reference	2022/2038(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Implementation
Legal basis	Rules of Procedure EP 54
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	CULT/9/08913

Documentation gateway

Committee draft report		PE738.565	17/11/2022	EP	
Amendments tabled in committee		PE740.672	13/01/2023	EP	
Committee opinion	IMCO	PE734.307	02/03/2023	EP	
Committee report tabled for plenary, single reading		A9-0139/2023	12/04/2023	EP	Summary
Text adopted by Parliament, single reading		T9-0134/2023	09/05/2023	EP	Summary
Commission response to text adopted in plenary		SP(2023)377	20/09/2023	EC	

Implementation of the Audiovisual Media Services Directive

The Committee on Culture and Education adopted the own-initiative report by Petra KAMMEREVERT (S&D, DE) on the implementation of the revised Audiovisual Media Services Directive.

The latest revision of the Audiovisual Media Services Directive (AVMSD), adopted on 28 November 2018, provided a framework for strengthening the country of origin principle and improving consumer protection, in particular for minors and persons with disabilities, in the online world. Its role is to support and benefit European cultural creation and cultural diversity in a changing audiovisual sector in line with other rules, such as the copyright provision of Directive (EU) 2019/7906, which asks for fair remuneration for right holders. However, the report noted that the Member States significantly delayed transposition of the AVMSD undermines its effectiveness.

Insufficient transposition

Members are critical both of the insufficient will on the part of some Member States to transpose the AVMSD in a timely manner and of the Commissions overall reluctance to initiate infringement procedures and its late publication of guidelines. Member States are encouraged to implement the AVMSD without further delay. A full-scale evaluation is not entirely possible at present, because of the transposition delay.

The Commission should ensure a consistent and comprehensive implementation of the AVMSD and its objectives in the Member States and should act swiftly if there are indications that any national regulatory authority or body may exercise its powers in a manner incompatible with the objectives and values of the EU, particularly in the case of suspected violations of the rights and freedoms enshrined in the Charter of Fundamental Rights of the EU.

More precise definitions

Recognising the definition of European works as an open and broad understanding of the concept of European audiovisual works, Members recalled that the definition of European works in the AVMSD is without prejudice to the possibility of Member States laying down a more

detailed definition as regards media service providers under their jurisdiction.

Members affirmed that the definition of European works should, among other things, serve the promotion of works produced in the EU to the benefit of the European creative ecosystem. The Commission is asked to evaluate the definition of European works exclusively on the basis of scientific findings obtained in cooperation with ERGA and the European Audiovisual Observatory and taking the European media outlook data directly related to the current application of the term European works duly into account.

Expanded scope and accessibility

The report stressed that the scope of the AVMSD has been expanded to impose certain obligations on video-sharing platform providers, such as the requirement to take appropriate measures to protect minors from harmful content and all users from content containing an incitement to violence or hatred. Cross-border cooperation measures, in particular for the protection of minors, need to be strengthened by enhancing the capacity of national media regulatory authorities and other competent authorities to deal effectively with identified infringements, thus ensuring rapid and effective action, while also encouraging coordination between public and private stakeholders on preventive actions.

Common qualitative and quantitative targets should be adopted to promote the further development of accessible services for persons with disabilities with Members stressing the importance of facilitating accessibility (dubbing, subtitles, audio descriptions or others) in all languages of the territory where the audiovisual media service is provided.

Quotas

The report noted that, while the calculation of quotas for television broadcasters in the AVMSD excludes news, sports events, games, advertising, teletext services and tele-shopping, an exclusion does not exist for audiovisual on-demand services. Therefore, the Commission is called on to assess the types of programmes offered by audiovisual on-demand services that are comptabilised in the share of European works present in catalogues.

European Regulators Group for Audiovisual Media Services (ERGA)

Members stressed the importance of providing ERGA with effective means and tools to monitor compliance with the obligations laid down in the AVMSD, as well as sanctions in the event of non-compliance. It requested that ERGA be given more independence by, among other things, setting up a secretariat for it independent from the Commission.

Furthermore, Members suggested that ERGA should help to develop guidelines for a harmonised European approach, based on an analysis of best practices.

Literary skills

The Commission is urged to issue in good time the guidelines on the scope of the Member States reports on the implementation of measures for the development of media literacy skills, so that the timely submission of these reports is not further delayed. Recipients of media services within the EU have a right to receive and impart information. However, this right and the ability to access free and pluralistic media services in the EU cannot be enjoyed by all unless they are accompanied by sufficient media literacy education. Media literacy should aim to equip people with the critical thinking skills required to exercise judgement, analyse complex realities and recognise the difference between opinion and fact.

Implementation of the Audiovisual Media Services Directive

The European Parliament adopted by 543 votes to 40, with 40 abstentions, a resolution on the implementation of the revised Audiovisual Media Services Directive.

The Audiovisual Media Services Directive (AVMSD) should play a key role in structuring the European audiovisual ecosystem. The latest revision of the AVMSD, adopted on 28 November 2018, provided a framework for strengthening the country of origin principle and improving consumer protection, in particular for minors and persons with disabilities, in the online world. Its role is to support and benefit European cultural creation and cultural diversity in a changing audiovisual sector.

Insufficient transposition

Parliament is critical both of the insufficient will on the part of some Member States to transpose the AVMSD in a timely manner and of the Commissions overall reluctance to initiate infringement procedures and its late publication of guidelines. Member States are encouraged to implement the AVMSD without further delay. A full-scale evaluation is not entirely possible at present, because of the transposition delay.

The Commission should ensure a consistent and comprehensive implementation of the AVMSD and its objectives in the Member States and should act swiftly if there are indications that any national regulatory authority or body may exercise its powers in a manner incompatible with the objectives and values of the EU, particularly in the case of suspected violations of the rights and freedoms enshrined in the Charter of Fundamental Rights of the EU.

Definition of European works

Recognising the definition of European works as an open and broad understanding of the concept of European audiovisual works, Members recalled that the definition of European works in the AVMSD is without prejudice to the possibility of Member States laying down a more detailed definition as regards media service providers under their jurisdiction. Members affirmed that the definition of European works should, among other things, serve the promotion of works produced in the EU to the benefit of the European creative ecosystem.

The Commission is asked to evaluate the definition of European works exclusively on the basis of scientific findings obtained in cooperation with ERGA and the European Audiovisual Observatory and taking the European media outlook data directly related to the current application of the term European works duly into account.

Members believe that any derogation related to the country of origin principle and the introduction of any new barriers and restrictions to the freedom to provide services need to be assessed against proportionality, flexibility, predictability and non-discrimination safeguards.

Protection of minors and accessibility

Members believe that cross-border cooperation measures, in particular for the protection of minors, should be strengthened by improving the

capacity of national media regulatory authorities and other competent authorities to deal effectively with identified infringements. Member States should ensure, in transposing the AVMSD, that it is clear and easy to understand, in particular for end users, whether the protection of minors from harmful content, the protection of the general public against certain illegal content and the content-related advertising restrictions of the AVMSD apply in the medium currently being used, especially online.

Common qualitative and quantitative targets should be adopted to promote the further development of accessible services for persons with disabilities with Members stressing the importance of facilitating accessibility (dubbing, subtitles, audio descriptions or others) in all languages of the territory where the audiovisual media service is provided. Greater efforts to disseminate European works representing the full range of European linguistic diversity, taking into account both official languages and regional and minority languages.

Quotas

The resolution stressed that the introduction of EU quota requirements was intended to promote Europe's creative ecosystem by increasing the exposure of EU audiences to European works and providing more opportunities for European creations to reach audiences throughout the EU. Members believe that regular monitoring of the implementation of the EU quota requirements is necessary.

Parliament noted that, while the calculation of quotas for television broadcasters under the AVMSD excludes news, sports events, games, advertising, teletext services and tele-shopping, an exclusion does not exist for audiovisual on-demand services. Therefore, the Commission is called on to assess the types of programmes offered by audiovisual on-demand services that are comptabilised in the share of European works present in catalogues.

The Commission is invited to monitor closely the implementation of the rules in order to ensure that events of major importance remain accessible to as many people as possible as possible in free-to-air TV broadcasts. The Commission should also further investigate the fast-growing options for audiovisual media services produced by online influencers, with a focus on youth and consumer protection, and to fully enforce the clear and recognisable separation between advertising and own content.

European Regulators Group for Audiovisual Media Services (ERGA)

Parliament urged the Member States to fulfil their obligation under the AVMSD regarding the financial and human resources of national regulatory authorities or bodies in the light of their increasingly complex tasks.

Members stressed the importance of providing ERGA with effective means and tools to monitor compliance with the obligations laid down in the AVMSD, as well as sanctions in the event of non-compliance. It requested that ERGA be given more independence by, among other things, setting up a secretariat for it independent from the Commission.

The Commission should act swiftly if there are indications that any national regulatory authority or body may exercise its powers in a manner incompatible with the objectives and values of the EU.

Literary skills

The Commission is urged to issue in good time the guidelines on the scope of the Member States reports on the implementation of measures for the development of media literacy skills, so that the timely submission of these reports is not further delayed. Recipients of media services within the EU have a right to receive and impart information. However, this right and the ability to access free and pluralistic media services in the EU cannot be enjoyed by all unless they are accompanied by sufficient media literacy education. Media literacy should aim to equip people with the critical thinking skills required to exercise judgement, analyse complex realities and recognise the difference between opinion and fact.

Transparency				
KAMMEREVERT Petra	Rapporteur	CULT	25/01/2023	ZDF Europabüro Brüssel
VERHEYEN Sabine	Shadow rapporteur	CULT	18/01/2023	EUROKINEMA, Association de producteurs de cinéma et de télévision
MICHELS Martina	Shadow rapporteur	CULT	11/01/2023	Cécile Despringre Executive Director Society of Audiovisual Authors - SAA
GEORGOULIS Alexis	Shadow rapporteur	CULT	11/01/2023	SAA ? Society of Audiovisual Authors
KAMMEREVERT Petra	Rapporteur	CULT	06/12/2022	Meta Platforms Ireland Limited and its various subsidiaries (f/k/a Facebook Ireland Limited)
VERHEYEN Sabine	Shadow rapporteur	CULT	06/12/2022	Bitkom e.V.
RIBA I GINER Diana	Shadow rapporteur	CULT	05/12/2022	PROA
RIBA I GINER Diana	Shadow rapporteur	CULT	05/12/2022	Mediapro
KAMMEREVERT	Rapporteur	CULT	25/11/2022	Warner Bros. Discovery

Petra				
RIBA I GINER Diana	Shadow rapporteur	CULT	18/11/2022	Corporació Catalana de Mitjans Audiovisuals
ALBUQUERQUE João	Member	06/03/2023	European Film Agency Directors	
GUILLAUME Sylvie	Member	01/03/2023	930578548716-51 99336382936-11 29280842236-21 29364773893-19 59052572261-62 43245696854-79	
WALSH Maria	Member	14/02/2023	EBU-UER (European Broadcasting Union)	
WALSH Maria	Member	27/01/2023	UK Mission to the EU	
WALSH Maria	Member	02/12/2022	Ofcom	
GARCÍA DEL BLANCO Ibán	Member	03/09/2022	NBCUniversal International	
GARCÍA DEL BLANCO Ibán	Member	04/07/2022	EUROKINEMA, Association de producteurs de cinéma et de télévision	
GARCÍA DEL BLANCO Ibán	Member	15/06/2022	Médiamétrie	