Implementation of the Audiovisual Media Services Directive

2022/2038(INI) - 12/04/2023 - Committee report tabled for plenary, single reading

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 Commission's 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.