Implementation of the Audiovisual Media Services Directive

2022/2038(INI) - 09/05/2023 - Text adopted by Parliament, single reading

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 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.

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.