

Basic information	
<b>2022/2038(INI)</b> INI - Own-initiative procedure	Procedure completed
Implementation of the Audiovisual Media Services Directive  <b>Subject</b>  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	<b>Committee responsible</b>		<b>Rapporteur</b>
	<div>CULT</div> Culture and Education		KAMMEREVERT Petra (S&D)
			Shadow rapporteur MELBÄRDE Dace (EPP) VERHEYEN Sabine (EPP) FARRENG Laurence (Renew) RIBA I GINER Diana (Greens /EFA) SLABAKOV Andrey (ECR) ANDERSON Christine (ID) MICHELS Martina (The Left)
	<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>
	<div>IMCO</div> Internal Market and Consumer Protection		ANGEL Marc (S&D)
European Commission	<b>Commission DG</b>		<b>Commissioner</b>
	Communications Networks, Content and Technology		BRETON Thierry

Key events			
Date	Event	Reference	Summary
05/05/2022	Committee referral announced in Parliament		

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

Technical information	
Procedure reference	2022/2038(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Implementation
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CULT/9/08913

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE738.565</a>	17/11/2022	
Amendments tabled in committee		<a href="#">PE740.672</a>	13/01/2023	
Committee opinion	<div>IMCO</div>	<a href="#">PE734.307</a>	02/03/2023	
Committee report tabled for plenary, single reading		<a href="#">A9-0139/2023</a>	12/04/2023	<a href="#">Summary</a>
Text adopted by Parliament, single reading		<a href="#">T9-0134/2023</a>	09/05/2023	<a href="#">Summary</a>
<b>European Commission</b>				
Document type	Reference		Date	Summary
Commission response to text adopted in plenary	<a href="#">SP(2023)377</a>		20/09/2023	

## Meetings with interest representatives published in line with the Rules of Procedure

### Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency				
Name	Role	Committee	Date	Interest representatives
<a href="#">KAMMEREVERT Petra</a>	Rapporteur	<div>CULT</div>	25/01/2023	ZDF Europabüro Brüssel

VERHEYEN Sabine	Shadow rapporteur	CULT	18/01/2023	EUROKINEMA, Association de producteurs de cinéma et de télévision
GEORGOULIS Alexis	Shadow rapporteur	CULT	11/01/2023	SAA – Society of Audiovisual Authors
MICHELS Martina	Shadow rapporteur	CULT	11/01/2023	Cécile Despringre Executive Director Society of Audiovisual Authors - SAA
KAMMEREVERT Petra	Rapporteur	CULT	06/12/2022	Meta Platforms Ireland Limited and its various subsidiaries
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 Petra	Rapporteur	CULT	25/11/2022	Warner Bros. Discovery
RIBA I GINER Diana	Shadow rapporteur	CULT	18/11/2022	Catalan Audiovisual Council (Consell de l'Audiovisual de Catalunya)
RIBA I GINER Diana	Shadow rapporteur	CULT	18/11/2022	FILMIN
RIBA I GINER Diana	Shadow rapporteur	CULT	18/11/2022	Corporació Catalana de Mitjans Audiovisuals
ANGEL Marc	Rapporteur	IMCO	08/11/2022	European Advertising Standards Alliance
ANGEL Marc	Rapporteur	IMCO	08/11/2022	GESAC (European Grouping of Societies of Authors and Composers)
ANGEL Marc	Rapporteur	IMCO	24/10/2022	European Film Agency Directors
FARRENG Laurence	Shadow rapporteur	CULT	24/10/2022	European Film Agency Directors
KAMMEREVERT Petra	Rapporteur	CULT	12/10/2022	Association of Commercial Television and Video on Demand Services in Europe Bureau Européen des Unions de Consommateurs DIGITALEUROPE EBU-UER (European Broadcasting Union) European Advertising Standards Alliance European Audiovisual Production Association European Disability Forum GIGAEurope aisbl International Federation of Film Distributors' and Publishers' Associations Society of Audiovisual Authors The European Video on Demand Coalition association of television and radio sales houses European Regulators Group for Audiovisual Media Services Union Network International Europe International Union of Cinemas
MICHELS Martina	Shadow rapporteur	CULT	07/10/2022	SPIO Spitzenorganisation der Filmwirtschaft
ANGEL Marc	Rapporteur	IMCO	29/09/2022	Society of Audiovisual Authors
ANGEL Marc	Rapporteur	IMCO	28/09/2022	Netflix International B.V.
KAMMEREVERT Petra	Rapporteur	CULT	28/09/2022	Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte
ANGEL Marc	Rapporteur	IMCO	27/09/2022	Federation of European Screen Directors - Fédération Européenne des Réalisateur de l'Audiovisuel

FARRENG Laurence	Shadow rapporteur	CULT	14/09/2022	EUROKINEMA, Association de producteurs de cinéma et de télévision
ANGEL Marc	Rapporteur	IMCO	13/09/2022	EBU-UER (European Broadcasting Union)
ANGEL Marc	Rapporteur	IMCO	13/09/2022	EUROKINEMA, Association de producteurs de cinéma et de télévision
KAMMERREVERT Petra	Rapporteur	CULT	15/08/2022	Landesanstalt für Medien NRW
VERHEYEN Sabine	Shadow rapporteur	CULT	11/07/2022	VAUNET - Verband Privater Medien e. V.
RIBA I GINER Diana	Shadow rapporteur	CULT	06/07/2022	VIVENDI
ANGEL Marc	Rapporteur	IMCO	06/07/2022	Association of Commercial Television and Video on Demand Services in Europe
ANGEL Marc	Rapporteur	IMCO	05/07/2022	Motion Picture Association EMEA
MELBÄRDE Dace	Shadow rapporteur	CULT	01/06/2022	ERGA
GEORGOULIS Alexis	Shadow rapporteur	CULT	17/05/2022	• Panhellenic Federation of Audience Performance (POTHA) • Association of Greek Actors (SEI) • Association of Greek Theatrical Producers • GRAMMO (the Collecting and Adminstrating Society of the producers of music and videoclips) • ERATO (ERATO - Society for the Collective Management of Singers and Performers) and • APOLLON (the Greek Musicians' Royalties Collection Society for the Neighbouring Rights) • Art Athina - International Contemporary Art Fair of Athens • Hellenic Art Galleries Association
GEORGOULIS Alexis	Shadow rapporteur	CULT	17/05/2022	•EES - Greek Directors Guild •ERMIAS – the Organization for the Collective Management and Rights' Protection of Motion Pictures Producers •Hellenic Film Academy •Greek Federation of Cinema Clubs •Greek Documentary Association (Hellas Doc)

## Other Members

Transparency		
Name	Date	Interest representatives
ALBUQUERQUE João	06/03/2023	European Film Agency Directors
GUILLAUME Sylvie	01/03/2023	930578548716-51 99336382936-11 29280842236-21 29364773893-19 59052572261-62 43245696854-79
WALSH Maria	14/02/2023	EBU-UER (European Broadcasting Union)
WALSH Maria	27/01/2023	UK Mission to the EU
WALSH Maria	02/12/2022	Ofcom
GARCÍA DEL BLANCO Ibán	03/09/2022	NBCUniversal International
GARCÍA DEL BLANCO Ibán	04/07/2022	EUROKINEMA, Association de producteurs de cinéma et de télévision
GARCÍA DEL BLANCO Ibán	15/06/2022	Médiamétrie

# 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 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.

## **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 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.