

Vergleich AVMD DIRECTIVE 2010/13/EU – Proposal Commission – Amendments EP – General Approach Council¹

Version 30.05.17

References:

DIRECTIVE 2010/13/EU: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32010L0013&from=EN>

Proposal Commission: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52016PC0287&from=EN>

Amendments EP: Die Amendments wurden auf der Basis einer informellen Textfassung erstellt; der Text beruht insoweit ausdrücklich nicht auf einer offiziellen Veröffentlichung des EP; diese steht noch aus.

General Approach Council: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_9691_2017_INIT&from=EN

Synopse²

DIRECTIVE 2010/13/EU	Proposal Commission	Amendments EP	General Approach Council
CHAPTER I DEFINITIONS	CHAPTER I DEFINITIONS	CHAPTER I DEFINITIONS	CHAPTER I DEFINITIONS
<p>Article 1</p> <p>1. For the purposes of this Directive, the following definitions shall apply:</p> <p>(a) ‘audiovisual media service’ means:</p> <p>(i) a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union which is under the editorial responsibility of a media service provider and the principal purpose of which is the provision of programmes, in order to inform, entertain or educate, to the general public by electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC. Such an audiovisual media service is either a television broadcast as defined in point (e) of this paragraph or an on-demand audiovisual media service as defined in point (g) of this paragraph;</p>	<p>Article 1</p> <p>1. For the purposes of this Directive, the following definitions shall apply:</p> <p>(a) ‘audiovisual media service’ means:</p> <p>(i) a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service or a dissociable section thereof is devoted to providing programmes, under the editorial responsibility of a media service provider, in order to inform, entertain or educate, to the general public by electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC. Such an audiovisual media service is either a television broadcast as defined in point (e) of this paragraph or an on-demand audiovisual media service as defined in point (g) of this paragraph;</p>	<p>Article 1</p> <p>1. For the purposes of this Directive, the following definitions shall apply:</p> <p>(a) ‘audiovisual media service’ means:</p> <p>(i) a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service or a dissociable section of a wider service thereof is devoted to providing programmes, under the editorial responsibility of a media service provider, in order to inform, entertain or educate, to the general public by electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC. Such an audiovisual media service is either a television broadcast as defined in point (e) of this paragraph or an on-demand audiovisual media service as defined in point (g) of this paragraph;</p>	<p>Article 1</p> <p>1. For the purposes of this Directive, the following definitions shall apply:</p> <p>(a) ‘audiovisual media service’ means:</p> <p>(i) a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service or a dissociable section of a wider service thereof is devoted to providing programmes, under the editorial responsibility of a media service provider, in order to inform, entertain or educate, to the general public by electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC. Such an audiovisual media service is either a television broadcast as defined in point (e) of this paragraph or an on-demand audiovisual media service as defined in point (g) of this paragraph;</p>

¹ Auf die Wiedergabe der Erwägungsgründe wurde in dieser Synopse verzichtet.

² Die Änderungen gegenüber den vorangehenden Dokumenten sind farblich markiert.

<p>(ii) audiovisual commercial communication;</p>	<p>(ii) audiovisual commercial communication;</p> <p>(aa) 'video-sharing platform service' means a service, as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, which meets the following requirements:</p> <p>(i) the service consists of the storage of a large amount of programmes or user-generated videos, for which the video-sharing platform provider does not have editorial responsibility;</p> <p>(ii) the organisation of the stored content is determined by the provider of the service including by automatic means or algorithms, in particular by hosting, displaying, tagging and sequencing;</p> <p>(iii) the principal purpose of the service or a dissociable section thereof is devoted to providing programmes and user-generated videos to the general public, in order to inform, entertain or educate;</p> <p>(iv) the service is made available by electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC.</p>	<p>(ii) audiovisual commercial communication;</p> <p>(aa) 'video-sharing platform service' means a service, as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, which meets all the following requirements:</p> <p>(i) a main functionality of the service consists in making available of programmes or user-generated videos to the general public, for which the video-sharing platform provider does not have editorial responsibility;</p> <p>(ii) the organisation of the publicly made available content is determined by the provider of the service including by automatic means or algorithms, in particular by hosting, displaying, tagging and sequencing;</p> <p>(iii) the principal purpose of the service, or of a service which is a dissociable section of a wider service, is devoted to providing programmes and user-generated videos to the general public, in order to inform, entertain or educate, or that service plays a significant role in providing programmes and user-generated videos to the general public, in order to inform, entertain or educate; and</p> <p>(iv) the service is made available by electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC.;</p>	<p>(ii) audiovisual commercial communication;</p> <p>(aa) 'video-sharing platform service' means a service, as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, which meets all the following requirements:</p> <p>(i) the service consists of the storage of programmes or user-generated videos, for which the video-sharing platform provider does not have editorial responsibility;</p> <p>(ii) the organisation of the stored programmes or user-generated videos is determined by the video-sharing platform provider including by automatic means or algorithms, in particular by displaying, tagging and sequencing;</p> <p>(iii) the principal purpose of the service, a dissociable section of that service or an essential functionality of the service is devoted to providing programmes or user-generated videos to the general public, in order to inform, entertain or educate; and</p> <p>(iv) the service is made available by electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC;</p>
<p>(b) 'programme' means a set of moving images with or without sound constituting an individual item within a schedule or a catalogue established by a media service provider and the form and content of which are comparable to the form and content of television broadcasting. Examples of programmes include feature-length films, sports events, situation comedies, documentaries, children's programmes and original drama;</p>	<p>(b) 'programme' means a set of moving images with or without sound constituting an individual item within a schedule or a catalogue established by a media service provider, including feature-length films, videos of short duration, sports events, situation comedies, documentaries, children's programmes and original drama;</p>	<p>(b) 'programme' means a set of moving images with or without sound constituting an individual item within a schedule or a catalogue established by a media service provider, including feature-length films, videos of short duration, sports events, situation comedies, documentaries, children's programmes and original drama;</p>	<p>(b) 'programme' means a set of moving images with or without sound constituting an individual item, irrespective of its length, within a schedule or a catalogue established by a media service provider, including feature-length films, video clips, sports events, situation comedies, documentaries, children's programmes and original drama;</p>

	(ba) 'user-generated video' means a set of moving images with or without sound constituting an individual item that is created and/or uploaded to a video-sharing platform by one or more users;	(ba) 'user-generated video' means a set of moving images with or without sound constituting an individual item that is ... uploaded to a video-sharing platform ...;	(ba) 'user-generated video' means a set of moving images with or without sound constituting an individual item, irrespective of its length, that is created by a user and uploaded to a video-sharing platform by that user or any other user;
		(bb) 'editorial decision' means a decision taken on a day-to-day basis for the purpose of exercising editorial responsibility;	
		(bb) 'access service' means an add-on feature of the audiovisual media service that improves the accessibility of the programmes for people with functional limitations, including persons with disabilities.	
(c) 'editorial responsibility' means the exercise of effective control both over the selection of the programmes and over their organisation either in a chronological schedule, in the case of television broadcasts, or in a catalogue, in the case of on-demand audiovisual media services. Editorial responsibility does not necessarily imply any legal liability under national law for the content or the services provided;	(c) 'editorial responsibility' means the exercise of effective control both over the selection of the programmes and over their organisation either in a chronological schedule, in the case of television broadcasts, or in a catalogue, in the case of on-demand audiovisual media services. Editorial responsibility does not necessarily imply any legal liability under national law for the content or the services provided;	(c) 'editorial responsibility' means the exercise of effective control both over the selection of the programmes and over their organisation either in a chronological schedule, in the case of television broadcasts, or in a catalogue, in the case of on-demand audiovisual media services. Editorial responsibility does not necessarily imply any legal liability under national law for the content or the services provided;	(c) 'editorial responsibility' means the exercise of effective control both over the selection of the programmes and over their organisation either in a chronological schedule, in the case of television broadcasts, or in a catalogue, in the case of on-demand audiovisual media services. Editorial responsibility does not necessarily imply any legal liability under national law for the content or the services provided;
(d) 'media service provider' means the natural or legal person who has editorial responsibility for the choice of the audiovisual content of the audiovisual media service and determines the manner in which it is organised;	(d) 'media service provider' means the natural or legal person who has editorial responsibility for the choice of the audiovisual content of the audiovisual media service and determines the manner in which it is organised;	(d) 'media service provider' means the natural or legal person who has editorial responsibility for the choice of the audiovisual content of the audiovisual media service and determines the manner in which it is organised;	(d) 'media service provider' means the natural or legal person who has editorial responsibility for the choice of the audiovisual content of the audiovisual media service and determines the manner in which it is organised;
	(da) 'video-sharing platform provider' means the natural or legal person who provides a video-sharing platform service;	(da) 'video-sharing platform provider' means the natural or legal person who provides a video-sharing platform service;	(da) 'video-sharing platform provider' means the natural or legal person who provides a video-sharing platform service;
(e) 'television broadcasting' or 'television broadcast' (i.e. a linear audiovisual media service) means an audiovisual media service provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule;	(e) 'television broadcasting' or 'television broadcast' (i.e. a linear audiovisual media service) means an audiovisual media service provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule;	(e) 'television broadcasting' or 'television broadcast' (i.e. a linear audiovisual media service) means an audiovisual media service provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule;	(e) 'television broadcasting' or 'television broadcast' (i.e. a linear audiovisual media service) means an audiovisual media service provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule;
(f) 'broadcaster' means a media service provider of television broadcasts;	(f) 'broadcaster' means a media service provider of television broadcasts;	(f) 'broadcaster' means a media service provider of television broadcasts;	(f) 'broadcaster' means a media service provider of television broadcasts;
(g) 'on-demand audiovisual media service' (i.e. a non-	(g) 'on-demand audiovisual media service' (i.e. a non-	(g) 'on-demand audiovisual media service' (i.e. a non-	(g) 'on-demand audiovisual media service' (i.e. a non-

<p>linear audiovisual media service) means an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider;</p>	<p>linear audiovisual media service) means an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider;</p>	<p>linear audiovisual media service) means an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider;</p>	<p>linear audiovisual media service) means an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider;</p>
<p>(h) ‘audiovisual commercial communication’ means images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity. Such images accompany or are included in a programme in return for payment or for similar consideration or for self-promotional purposes. Forms of audiovisual commercial communication include, inter alia, television advertising, sponsorship, teleshopping and product placement;</p>	<p>(h) ‘audiovisual commercial communication’ means images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity. Such images accompany or are included in a programme in return for payment or for similar consideration or for self-promotional purposes. Forms of audiovisual commercial communication include, inter alia, television advertising, sponsorship, teleshopping and product placement;</p>	<p>(h) ‘audiovisual commercial communication’ means images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity. Such images accompany or are included in a programme in return for payment or for similar consideration or for self-promotional purposes. Forms of audiovisual commercial communication include, inter alia, television advertising, sponsorship, teleshopping and product placement;</p>	<p>(h) ‘audiovisual commercial communication’ means images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity. Such images accompany or are included in a programme in return for payment or for similar consideration or for self-promotional purposes. Forms of audiovisual commercial communication include, inter alia, television advertising, sponsorship, teleshopping and product placement;</p>
<p>(i) ‘television advertising’ means any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment;</p>	<p>(i) ‘television advertising’ means any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment;</p>	<p>(i) ‘television advertising’ means any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment;</p>	<p>(i) ‘television advertising’ means any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment;</p>
<p>(j) ‘surreptitious audiovisual commercial communication’ means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the media service provider to serve as advertising and might mislead the public as to its nature. Such representation shall, in particular, be considered as intentional if it is done in return for payment or for similar consideration;</p>	<p>(j) ‘surreptitious audiovisual commercial communication’ means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the media service provider to serve as advertising and might mislead the public as to its nature. Such representation shall, in particular, be considered as intentional if it is done in return for payment or for similar consideration;</p>	<p>(j) ‘surreptitious audiovisual commercial communication’ means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the media service provider to serve as advertising and might mislead the public as to its nature. Such representation shall, in particular, be considered as intentional if it is done in return for payment or for similar consideration;</p>	<p>(j) ‘surreptitious audiovisual commercial communication’ means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the media service provider to serve as advertising and might mislead the public as to its nature. Such representation shall, in particular, be considered as intentional if it is done in return for payment or for similar consideration;</p>
<p>(k) ‘sponsorship’ means any contribution made by public or private undertakings or natural persons not engaged in providing audiovisual media services or in the production of audiovisual works, to the financing of audiovisual media services or</p>	<p>(k) ‘sponsorship’ means any contribution made by public or private undertakings or natural persons not engaged in providing audiovisual media services or in the production of audiovisual works, to the financing of audiovisual media services or</p>	<p>(k) ‘sponsorship’ means any direct or indirect contribution made by public or private undertakings or natural persons not engaged in providing audiovisual media services or video-sharing platform services or user-generated</p>	<p>(k) ‘sponsorship’ means any ... contribution made by public or private undertakings or natural persons not engaged in providing audiovisual media services ... or in the production of audiovisual works, to the financing of ... audiovisual media</p>

programmes with a view to promoting their name, trade mark, image, activities or products;	programmes with a view to promoting their name, trade mark, image, activities or products;	videos or in the production of audiovisual works, to the financing of the audiovisual media services, or the video-sharing platform services or the user-generated videos or the programmes with a view to promoting their name, trade mark, image, activities or products;	services ... or the programmes with a view to promoting their name, trade mark, image, activities or products;
(l) ‘teleshopping’ means direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment;	(l) ‘teleshopping’ means direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment;	(l) ‘teleshopping’ means direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment;	(l) ‘teleshopping’ means direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment;
(m) ‘product placement’ means any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within a programme, in return for payment or for similar consideration;	(m) ‘product placement’ means any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within a programme, in return for payment or for similar consideration;	(m) ‘product placement’ means any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within a programme or user-generated video , in return for payment or for similar consideration;	(m) ‘product placement’ means any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within a programme ..., in return for payment or for similar consideration;
(n) ‘European works’ means the following:	(n) ‘European works’ means the following:	(n) ‘European works’ means the following:	(n) ‘European works’ means the following:
(i) works originating in Member States;	(i) works originating in Member States;	(i) works originating in Member States;	(i) works originating in Member States;
(ii) works originating in European third States party to the European Convention on Transfrontier Television of the Council of Europe and fulfilling the conditions of paragraph 3;	(ii) works originating in European third States party to the European Convention on Transfrontier Television of the Council of Europe and fulfilling the conditions of paragraph 3;	(ii) works originating in European third States party to the European Convention on Transfrontier Television of the Council of Europe and fulfilling the conditions of paragraph 3;	(ii) works originating in European third States party to the European Convention on Transfrontier Television of the Council of Europe and fulfilling the conditions of paragraph 3;
(iii) works co-produced within the framework of agreements related to the audiovisual sector concluded between the Union and third countries and fulfilling the conditions defined in each of those agreements.	(iii) works co-produced within the framework of agreements related to the audiovisual sector concluded between the Union and third countries and fulfilling the conditions defined in each of those agreements.	(iii) works co-produced within the framework of agreements related to the audiovisual sector concluded between the Union and third countries and fulfilling the conditions defined in each of those agreements.	(iii) works co-produced within the framework of agreements related to the audiovisual sector concluded between the Union and third countries and fulfilling the conditions defined in each of those agreements.
2. The application of the provisions of points (n)(ii) and (iii) of paragraph 1 shall be conditional on works originating in Member States not being the subject of discriminatory measures in the third country concerned.	2. The application of the provisions of points (n)(ii) and (iii) of paragraph 1 shall be conditional on works originating in Member States not being the subject of discriminatory measures in the third country concerned.	2. The application of the provisions of points (n)(ii) and (iii) of paragraph 1 shall be conditional on works originating in Member States not being the subject of discriminatory measures in the third country concerned.	2. The application of the provisions of points (n)(ii) and (iii) of paragraph 1 shall be conditional on works originating in Member States not being the subject of discriminatory measures in the third country concerned.
3. The works referred to in points (n)(i) and (ii) of paragraph 1 are works mainly made with authors and workers residing in one or more of the States referred to in those provisions provided that they comply with one of the following three conditions:	3. The works referred to in points (n)(i) and (ii) of paragraph 1 are works mainly made with authors and workers residing in one or more of the States referred to in those provisions provided that they comply with one of the following three conditions:	3. The works referred to in points (n)(i) and (ii) of paragraph 1 are works mainly made with authors and workers residing in one or more of the States referred to in those provisions provided that they comply with one of the following three conditions:	3. The works referred to in points (n)(i) and (ii) of paragraph 1 are works mainly made with authors and workers residing in one or more of the States referred to in those provisions provided that they comply with one of the following three conditions:

<p>(i) they are made by one or more producers established in one or more of those States;</p> <p>(ii) the production of the works is supervised and actually controlled by one or more producers established in one or more of those States;</p> <p>(iii) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States.</p> <p>4. Works that are not European works within the meaning of point (n) of paragraph 1 but that are produced within the framework of bilateral co-production agreements concluded between Member States and third countries shall be deemed to be European works provided that the co-producers from the Union supply a majority share of the total cost of production and that the production is not controlled by one or more producers established outside the territory of the Member States.</p> <p style="text-align: center;">CHAPTER II GENERAL PROVISIONS</p> <p>Article 2</p> <p>1. Each Member State shall ensure that all audiovisual media services transmitted by media service providers under its jurisdiction comply with the rules of the system of law applicable to audiovisual media services intended for the public in that Member State.</p> <p>2. For the purposes of this Directive, the media service providers under the jurisdiction of a Member State are any of the following:</p> <p>(a) those established in that Member State in accordance with paragraph 3;</p> <p>(b) those to whom paragraph 4 applies.</p> <p>3. For the purposes of this Directive, a media service provider shall be deemed to be established in a Member State in the following cases:</p>	<p>(i) they are made by one or more producers established in one or more of those States;</p> <p>(ii) the production of the works is supervised and actually controlled by one or more producers established in one or more of those States;</p> <p>(iii) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States.</p> <p>4. Works that are not European works within the meaning of point (n) of paragraph 1 but that are produced within the framework of bilateral co-production agreements concluded between Member States and third countries shall be deemed to be European works provided that the co-producers from the Union supply a majority share of the total cost of production and that the production is not controlled by one or more producers established outside the territory of the Member States.</p> <p style="text-align: center;">CHAPTER II GENERAL PROVISIONS FOR AUDIOVISUAL MEDIA SERVICES</p> <p>Article 2</p> <p>1. Each Member State shall ensure that all audiovisual media services transmitted by media service providers under its jurisdiction comply with the rules of the system of law applicable to audiovisual media services intended for the public in that Member State.</p> <p>2. For the purposes of this Directive, the media service providers under the jurisdiction of a Member State are any of the following:</p> <p>(a) those established in that Member State in accordance with paragraph 3;</p> <p>(b) those to whom paragraph 4 applies.</p> <p>3. For the purposes of this Directive, a media service provider shall be deemed to be established in a Member State in the following cases:</p>	<p>(i) they are made by one or more producers established in one or more of those States;</p> <p>(ii) the production of the works is supervised and actually controlled by one or more producers established in one or more of those States;</p> <p>(iii) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States.</p> <p>4. Works that are not European works within the meaning of point (n) of paragraph 1 but that are produced within the framework of bilateral co-production agreements concluded between Member States and third countries shall be deemed to be European works provided that the co-producers from the Union supply a majority share of the total cost of production and that the production is not controlled by one or more producers established outside the territory of the Member States.</p> <p style="text-align: center;">CHAPTER II GENERAL PROVISIONS FOR AUDIOVISUAL MEDIA SERVICES</p> <p>Article 2</p> <p>1. Each Member State shall ensure that all audiovisual media services transmitted by media service providers under its jurisdiction comply with the rules of the system of law applicable to audiovisual media services intended for the public in that Member State.</p> <p>2. For the purposes of this Directive, the media service providers under the jurisdiction of a Member State are any of the following:</p> <p>(a) those established in that Member State in accordance with paragraph 3;</p> <p>(b) those to whom paragraph 4 applies.</p> <p>3. For the purposes of this Directive, a media service provider shall be deemed to be established in a Member State in the following cases:</p>	<p>(i) they are made by one or more producers established in one or more of those States;</p> <p>(ii) the production of the works is supervised and actually controlled by one or more producers established in one or more of those States;</p> <p>(iii) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States.</p> <p>4. Works that are not European works within the meaning of point (n) of paragraph 1 but that are produced within the framework of bilateral co-production agreements concluded between Member States and third countries shall be deemed to be European works provided that the co-producers from the Union supply a majority share of the total cost of production and that the production is not controlled by one or more producers established outside the territory of the Member States.</p> <p style="text-align: center;">CHAPTER II GENERAL PROVISIONS FOR AUDIOVISUAL MEDIA SERVICES</p> <p>Article 2</p> <p>1. Each Member State shall ensure that all audiovisual media services transmitted by media service providers under its jurisdiction comply with the rules of the system of law applicable to audiovisual media services intended for the public in that Member State.</p> <p>2. For the purposes of this Directive, the media service providers under the jurisdiction of a Member State are any of the following:</p> <p>(a) those established in that Member State in accordance with paragraph 3;</p> <p>(b) those to whom paragraph 4 applies.</p> <p>3. For the purposes of this Directive, a media service provider shall be deemed to be established in a Member State in the following cases:</p>
--	---	---	---

<p>(a) the media service provider has its head office in that Member State and the editorial decisions about the audiovisual media service are taken in that Member State;</p> <p>(b) if a media service provider has its head office in one Member State but editorial decisions on the audiovisual media service are taken in another Member State, it shall be deemed to be established in the Member State where a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates. If a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in each of those Member States, the media service provider shall be deemed to be established in the Member State where it has its head office. If a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in neither of those Member States, the media service provider shall be deemed to be established in the Member State where it first began its activity in accordance with the law of that Member State, provided that it maintains a stable and effective link with the economy of that Member State;</p> <p>(c) if a media service provider has its head office in a Member State but decisions on the audiovisual media service are taken in a third country, or vice versa, it shall be deemed to be established in the Member State concerned, provided that a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in that Member State.</p> <p>4. Media service providers to whom the provisions of paragraph 3 are not applicable shall be deemed to be under the jurisdiction of a Member State in the following cases:</p> <p>(a) they use a satellite up-link situated in that Member State;</p> <p>(b) although they do not use a satellite up-link situated</p>	<p>(a) the media service provider has its head office in that Member State and the editorial decisions about the audiovisual media service are taken in that Member State;</p> <p>(b) if a media service provider has its head office in one Member State but editorial decisions on the audiovisual media service are taken in another Member State, it shall be deemed to be established in the Member State where the majority of the workforce involved in the pursuit of the audiovisual media service activity operates;</p> <p>(c) if a media service provider has its head office in a Member State but decisions on the audiovisual media service are taken in a third country, or vice versa, it shall be deemed to be established in the Member State concerned, provided that a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in that Member State.</p> <p>4. Media service providers to whom the provisions of paragraph 3 are not applicable shall be deemed to be under the jurisdiction of a Member State in the following cases:</p> <p>(a) they use a satellite up-link situated in that Member State;</p> <p>(b) although they do not use a satellite up-link situated</p>	<p>(a) the media service provider has its head office in that Member State and the editorial decisions about the audiovisual media service are taken in that Member State;</p> <p>(b) if a media service provider has its head office in one Member State but editorial decisions on the audiovisual media service are taken in another Member State, it shall be deemed to be established in the Member State where a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates. If a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in each of those Member States, the media service provider shall be deemed to be established in the Member State where it has its head office. If a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in neither of those Member States, the media service provider shall be deemed to be established in the Member State where it first began its activity in accordance with the law of that Member State, provided that it maintains a stable and effective link with the economy of that Member State</p> <p>(c) if a media service provider has its head office in a Member State but decisions on the audiovisual media service are taken in a third country, or vice versa, it shall be deemed to be established in the Member State concerned, provided that a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in that Member State.</p> <p>4. Media service providers to whom the provisions of paragraph 3 are not applicable shall be deemed to be under the jurisdiction of a Member State in the following cases:</p> <p>(a) they use a satellite up-link situated in that Member State;</p> <p>(b) although they do not use a satellite up-link situated</p>	<p>(a) the media service provider has its head office in that Member State and the editorial decisions about the audiovisual media service are taken in that Member State;</p> <p>(b) if a media service provider has its head office in one Member State but editorial decisions on the audiovisual media service are taken on a regular basis in another Member State, it shall be deemed to be established in the Member State where a significant part of the workforce involved in the pursuit of the programme-related audiovisual media service activity operates. If a significant part of the workforce involved in the pursuit of the programme-related audiovisual media service activity operates in each of those Member States, the media service provider shall be deemed to be established in the Member State where it has its head office. If a significant part of the workforce involved in the pursuit of the programme-related audiovisual media service activity operates in neither of those Member States, the media service provider shall be deemed to be established in the Member State where it first began its activity in accordance with the law of that Member State, provided that it maintains a stable and effective link with the economy of that Member State</p> <p>(c) if a media service provider has its head office in a Member State but decisions on the audiovisual media service are taken in a third country, or vice versa, it shall be deemed to be established in the Member State concerned, provided that a significant part of the workforce involved in the pursuit of the audiovisual media service activity operates in that Member State.</p> <p>4. Media service providers to whom the provisions of paragraph 3 are not applicable shall be deemed to be under the jurisdiction of a Member State in the following cases:</p> <p>(a) they use a satellite up-link situated in that Member State;</p> <p>(b) although they do not use a satellite up-link situated</p>
--	---	---	--

<p>in that Member State, they use satellite capacity appertaining to that Member State.</p> <p>5. If the question as to which Member State has jurisdiction cannot be determined in accordance with paragraphs 3 and 4, the competent Member State shall be that in which the media service provider is established within the meaning of Articles 49 to 55 of the Treaty on the Functioning of the European Union.</p>	<p>in that Member State, they use satellite capacity appertaining to that Member State.</p> <p>5. If the question as to which Member State has jurisdiction cannot be determined in accordance with paragraphs 3 and 4, the competent Member State shall be that in which the media service provider is established within the meaning of Articles 49 to 55 of the Treaty on the Functioning of the European Union.</p> <p>5a. Member States shall communicate to the Commission a list of the audiovisual media service providers under their jurisdiction and the criteria set out in paragraphs 2 to 5 on which their jurisdiction is based. They shall subsequently inform the Commission without undue delay of any changes to that list. The Commission shall ensure that the competent independent regulatory authorities have access to this information.</p> <p>5b. Where, in applying Articles 3 and 4 of this Directive, the Member States concerned do not agree on which Member State has jurisdiction, they shall bring the matter to the Commission's attention without undue delay. The Commission may request the European Regulators Group for Audiovisual Media Services (ERGA) to provide an opinion on the matter within 15 working days from submission of the Commission's request. If the Commission requests an opinion from ERGA, the time-limits set out in Articles 3(5) and 4(5) shall be suspended until ERGA has adopted an opinion.</p>	<p>in that Member State, they use satellite capacity appertaining to that Member State.</p> <p>5. If the question as to which Member State has jurisdiction cannot be determined in accordance with paragraphs 3 and 4, the competent Member State shall be that in which the media service provider is established within the meaning of Articles 49 to 55 of the Treaty on the Functioning of the European Union.</p> <p>5a. Member States shall maintain a list of the audiovisual media service providers under their jurisdiction and the criteria set out in paragraphs 2 to 5 on which their jurisdiction is based. This list shall also include information on Member States , to which audiovisual media service is made available and language versions of the service. Member States shall ensure that regulatory authorities and / or bodies share such lists with the Commission and ERGA, in a central database and make it publicly available. These lists shall be updated, without undue delay, whenever changes occur.</p> <p>5b. Where, in applying Articles 3 and 4 of this Directive, the Member States concerned do not agree on which Member State has jurisdiction, they shall bring the matter to the Commission's attention without undue delay. The Commission may request that the European Regulators Group for Audiovisual Media Services (ERGA) provide an opinion on the matter within 15 working days from submission of the Commission's request. The opinion of ERGA shall also be sent to the contact committee. If the Commission requests an opinion from ERGA, the time-limits set out in Articles 3(5) and 4(5) shall be suspended until ERGA has adopted an opinion. The Commission shall decide on which Member State has jurisdiction following the request of the Member State concerned or (following) the opinion provided by ERGA.</p>	<p>in that Member State, they use satellite capacity appertaining to that Member State.</p> <p>5. If the question as to which Member State has jurisdiction cannot be determined in accordance with paragraphs 3 and 4, the competent Member State shall be that in which the media service provider is established within the meaning of Articles 49 to 55 of the Treaty on the Functioning of the European Union.</p> <p>5-a. Member States shall ensure that media service providers inform the competent national regulatory authorities about any changes that may affect the establishment of jurisdiction in accordance with paragraphs 2, 3 and 4.</p> <p>5a. Member States shall establish and maintain an up-to-date list of the audiovisual media service providers under their jurisdiction and indicate on which criteria set out in paragraphs 2 to 5 ... their jurisdiction is based. Member States shall communicate this list, including any updates, to the Commission. In case of inconsistencies between the lists, the Commission shall contact the Member States concerned in order to find a solution. The Commission shall ensure that the national regulatory authorities have access to this list. To the extent possible, the Commission shall make this information publicly available.</p> <p>5b. Where, in applying Articles 3 and 4 of this Directive, the Member States concerned do not agree on which Member State has jurisdiction, they shall bring the matter to the Commission's attention without undue delay. The Commission may request the European Regulators Group for Audiovisual Media Services (ERGA) to provide an opinion in accordance with Article 30a(3)(e) on the matter within 15 working days from submission of the Commission's request. The Commission shall keep the Contact Committee duly informed .</p>
---	---	--	---

<p>6. This Directive does not apply to audiovisual media services intended exclusively for reception in third countries and which are not received with standard consumer equipment directly or indirectly by the public in one or more Member States.</p> <p>Article 3</p> <p>1. Member States shall ensure freedom of reception and shall not restrict retransmissions on their territory of audiovisual media services from other Member States for reasons which fall within the fields coordinated by this Directive.</p> <p>2. In respect of television broadcasting, Member States may provisionally derogate from paragraph 1 if the following conditions are fulfilled:</p> <p>(a) a television broadcast coming from another Member State manifestly, seriously and gravely infringes Article 27(1) or (2) and/or Article 6;</p> <p>(b) during the previous 12 months, the broadcaster has infringed the provision(s) referred to in point (a) on at least two prior occasions;</p> <p>(c) the Member State concerned has notified the broadcaster and the Commission in writing of the alleged infringements and of the measures it intends to take should any such infringement occur again;</p>	<p>6. This Directive does not apply to audiovisual media services intended exclusively for reception in third countries and which are not received with standard consumer equipment directly or indirectly by the public in one or more Member States.</p> <p>Article 3</p> <p>1. Member States shall ensure freedom of reception and shall not restrict retransmissions on their territory of audiovisual media services from other Member States for reasons which fall within the fields coordinated by this Directive.</p> <p>2. Member States may provisionally derogate from paragraph 1 if an audiovisual media service provided by a media service provider under the jurisdiction of another Member State:</p> <p>(a) ... manifestly, seriously and gravely infringes Articles 6 or 12, or both;</p> <p>(b) prejudices or presents a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence; or</p> <p>(c) prejudices or presents a serious and grave risk of prejudice to public health.</p> <p>3. Member States may only apply paragraph 2 where the following conditions are met:</p> <p>(a) during the 12 months preceding the notification referred to in point (b) of this paragraph, the media service provider has, in the opinion of the Member State concerned, contravened point (a), (b) or (c) of paragraph 2 on at least two occasions;</p> <p>(b) the Member State concerned has notified the media service provider, the Member State which has jurisdiction over the provider and the Commission in writing of the alleged contraventions and of the measures it intends to take should any such alleged contraventions occur</p>	<p>6. This Directive does not apply to audiovisual media services intended exclusively for reception in third countries and which are not received with standard consumer equipment directly or indirectly by the public in one or more Member States.</p> <p>Article 3</p> <p>1. Member States shall ensure freedom of reception and shall not restrict retransmissions on their territory of audiovisual media services from other Member States for reasons which fall within the fields coordinated by this Directive.</p> <p>2. Member States may provisionally derogate from paragraph 1, without prejudice to freedoms of expression and information and media pluralism, if an audiovisual media service provided by a media service provider under the jurisdiction of another Member State:</p> <p>(a) manifestly, seriously and gravely infringes Articles 6 or 6a(1); or;</p> <p>(b) prejudices or presents a serious and grave risk of prejudice to public security or to public health, including the safeguarding of national security and defence.</p> <p>-----</p> <p>3. Member States may only apply paragraph 2 where the following conditions are met:</p> <p>(a) the media service provider has, in the opinion of the Member State concerned, contravened point (a) or (b) of paragraph 2</p> <p>(b) the Member State concerned has notified the media service provider, the Member State which has jurisdiction over the provider and the Commission in writing of the alleged contravention and of the measures it intends to take should any such alleged contravention occur again;</p>	<p>6. This Directive does not apply to audiovisual media services intended exclusively for reception in third countries and which are not received with standard consumer equipment directly or indirectly by the public in one or more Member States.</p> <p>Article 3</p> <p>1. Member States shall ensure freedom of reception and shall not restrict retransmissions on their territory of audiovisual media services from other Member States for reasons which fall within the fields coordinated by this Directive.</p> <p>2. Member States may provisionally derogate from paragraph 1, ... if an audiovisual media service provided by a media service provider under the jurisdiction of another Member State:</p> <p>(a) manifestly, seriously and gravely infringes Articles 6 or 12 (1);</p> <p>(b) prejudices or presents a serious and grave risk of prejudice to public security ..., including the safeguarding of national security and defence; or</p> <p>(c) prejudices or presents a serious and grave risk of prejudice to public health.</p> <p>3. Member States may only apply paragraph 2 where the following conditions are met:</p> <p>(a) during the 12 months preceding the notification referred to in point (b) of this paragraph, the broadcaster has, in the opinion of the Member State concerned, infringed point (a), (b) or (c) of paragraph 2 on at least two occasions;</p> <p>(b) the Member State concerned has notified the media service provider, the Member State which has jurisdiction over that provider and the Commission in writing of the alleged infringements and of the measures it intends to take should any such alleged infringements occur again;</p>
---	---	--	--

<p>(d) consultations with the transmitting Member State and the Commission have not produced an amicable settlement within 15 days of the notification provided for in point (c), and the alleged infringement persists.</p> <p>The Commission shall, within 2 months following notification of the measures taken by the Member State, take a decision on whether the measures are compatible with Union law. If it decides that they are not, the Member State will be required to put an end to the measures in question as a matter of urgency.</p>	<p>again;</p> <p>(c) consultations with the Member State which has jurisdiction over the provider and the Commission have not produced an amicable settlement within one month of the notification provided for in point (b);</p> <p>(d) the media services provider has contravened point (a), (b) or (c) of paragraph 2 at least once after the notification provided for in point (b) of this paragraph;</p> <p>(e) the notifying Member State has respected the rights of defence of the media services provider concerned and, in particular, has given the media services provider the opportunity to express its views on the alleged contraventions and the measures that that Member State intends to take. It shall duly take into account those views as well as the views of the Member State of jurisdiction.</p> <p>Points (a) and (d) of paragraph 3 shall apply only in respect of linear services.</p> <p>4. The Commission shall, within three months following the notification of the measures taken by the Member State in application of paragraphs 2 and 3 and after having consulted ERGA, take a decision on whether those measures are compatible with Union law. That period shall begin on the day following the receipt of a complete notification.</p> <p>The notification shall be considered as complete if, within three months from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information. Where the Commission considers the notification as incomplete, it shall request all necessary additional</p>	<p>(c) consultations with the Member State which has jurisdiction over the provider and the Commission have not produced an amicable settlement within one month of the notification provided for in point (b);</p> <p>(d) the media services provider has contravened point (b) or (c) of paragraph 2 at least once after the notification provided for in point (b) of this paragraph</p> <p>(e) the notifying Member State has respected the rights of defence of the media services provider concerned and, in particular, has given the media services provider the opportunity to express its views on the alleged contravention and the measures that that Member State intends to take. It shall duly take into account those views as well as the views of the Member State of jurisdiction.</p> <p>-----</p> <p>4. The Commission shall, within three months following the notification of the measures taken by the Member State in application of paragraphs 2 and 3 and after having consulted ERGA take a decision on whether those measures are compatible with Union law. That period shall begin on the day following the receipt of a complete notification.</p> <p>The notification shall be considered as complete if, within one month from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information. Where the Commission considers the notification as incomplete, it shall request all necessary additional</p>	<p>(c) consultations with the Member State which has jurisdiction over the provider and the Commission have not produced an amicable settlement within one month of the notification provided for in point (b);</p> <p>(d) the media services provider has contravened point (a), (b) or (c) of paragraph 2 at least once after the notification provided for in point (b) of this paragraph;</p> <p>(e) the notifying Member State has respected the rights of defence of the media services provider concerned and, in particular, has given the media services provider the opportunity to express its views on the alleged infringements within a period set out in national law and the measures that the notifying Member State intends to take. It shall duly consider those views as well as the views of the Member State of jurisdiction.</p> <p>Points (a) and (d) of paragraph 3 shall apply only in respect of linear services.</p> <p>3a. Where a Member State which has jurisdiction over a media service provider has received a request for consultation under paragraph 3(c), it shall give due consideration to that request and cooperate sincerely and swiftly with the Member State concerned with a view to reaching an amicable settlement.</p> <p>4. The Commission shall, within three months following the complete notification of the measures taken by the Member State in application of paragraphs 2 and 3 ... take a decision on whether those measures are compatible with Union law. The Commission may request ERGA to provide an opinion in accordance with Article 30a(3)(e). The Commission shall keep the Contact Committee duly informed.</p> <p>The notification shall be considered as complete if it contains all information necessary to assess the criteria in paragraph 2 and the conditions in paragraph 3 and if, within one month from its receipt ..., the Commission does not request any further information strictly necessary to reach a decision. ...</p>
---	---	--	--

<p>3. Paragraph 2 shall be without prejudice to the application of any procedure, remedy or sanction to the infringements in question in the Member State which has jurisdiction over the broadcaster concerned.</p> <p>4. In respect of on-demand audiovisual media services, Member States may take measures to derogate from paragraph 1 in respect of a given service if the following conditions are fulfilled:</p> <p>(a) the measures are:</p> <p>(i) necessary for one of the following reasons:</p> <p>public policy, in particular the prevention, investigation, detection and prosecution of criminal offences, including the protection of minors and the fight against any incitement to hatred on grounds of race, sex, religion or nationality, and violations of human dignity concerning individual persons,</p> <p>the protection of public health,</p> <p>public security, including the safeguarding of</p>	<p>information. The Commission shall inform the Member State of the receipt of the response to that request. Where the Member State concerned does not provide the information requested within the period fixed by the Commission or where it provides incomplete information, the Commission shall take a decision that the measures taken by the Member State in accordance with paragraph 2 are incompatible with Union law. If the Commission decides that the measures are incompatible with Union law, the Member State shall put an end to the measures in question as a matter of urgency.</p> <p>5. Paragraphs 3 and 4 shall be without prejudice to the application of any procedure, remedy or sanction to the contraventions in question in the Member State which has jurisdiction over the media service provider concerned.</p>	<p>information. The Commission shall inform the Member State of the receipt of the response to that request. Where the Member State concerned does not provide the information requested within the period fixed by the Commission or where it provides incomplete information, the Commission shall take a decision that the measures taken by the Member State in accordance with paragraph 2 are incompatible with Union law. If the Commission decides that the measures are incompatible with Union law, the Member State shall put an end to the measures in question as a matter of urgency within two weeks.</p> <p>5. Paragraphs 3 and 4 shall be without prejudice to the application of any procedure, remedy or sanction to the contravention in question in the Member State which has jurisdiction over the media service provider concerned.</p>	<p>Where the Member State concerned does not provide this information within the period set out by the Commission, the Commission shall reject the notification on the grounds of incomplete notification. As a result, the Member State shall put an end to the measures in question as a matter of urgency, without prejudice to the possibility of that Member State submitting a new notification.</p> <p>4a. The Commission shall examine the compatibility of the notified measures with Union law. Where it comes to the conclusion that these measures are incompatible with Union law, the Commission shall require the Member State concerned to refrain from taking any intended measures or to urgently put an end to those measures.</p> <p>5. Paragraphs 3 and 4 shall be without prejudice to the application of any procedure, remedy or sanction to the infringements in question in the Member State which has jurisdiction over the media service provider concerned.</p>
--	---	---	---

<p>national security and defence,</p> <p>the protection of consumers, including investors;</p> <p>(ii) taken against an on-demand audiovisual media service which prejudices the objectives referred to in point (i) or which presents a serious and grave risk of prejudice to those objectives;</p> <p>(iii) proportionate to those objectives;</p> <p>(b) before taking the measures in question and without prejudice to court proceedings, including preliminary proceedings and acts carried out in the framework of a criminal investigation, the Member State has:</p> <p>(i) asked the Member State under whose jurisdiction the media service provider falls to take measures and the latter did not take such measures, or they were inadequate;</p> <p>(ii) notified the Commission and the Member State under whose jurisdiction the media service provider falls of its intention to take such measures.</p> <p>5. Member States may, in urgent cases, derogate from the conditions laid down in point (b) of paragraph 4. Where this is the case, the measures shall be notified in the shortest possible time to the Commission and to the Member State under whose jurisdiction the media service provider falls, indicating the reasons for which the Member State considers that there is urgency.</p>	<p>6. Member States may, in urgent cases, derogate from the conditions laid down in points (b) and (c) of paragraph 3. Where this is the case, the measures shall be notified in the shortest possible time to the Commission and to the Member State which has jurisdiction over the media service provider, setting out the reasons for which the Member State considers that there is such urgency that derogating from those conditions is necessary.</p>	<p>6. Member States may, in urgent cases, derogate from the conditions laid down in points (b) and (c) of paragraph 3. Where this is the case, the measures shall be notified in the shortest possible time to the Commission and to the Member State which has jurisdiction over the media service provider, setting out the reasons for which the Member State considers that there is such urgency that derogating from those conditions is necessary.</p>	<p>6. Without prejudice to point (e) of paragraph 3, Member States may, in urgent cases, derogate from the conditions laid down in points (b) to (d) of paragraph 3. In urgent cases that constitute a clear and present risk to public security and without prejudice to point (e) of paragraph 3, Member States may additionally derogate from the conditions laid out in point (a) of paragraph 3 if the Member State concerned considers that the broadcaster has infringed point (b) of paragraph 2 on at least one occasion and that Member State provisionally derogates from paragraph 1 within one month following such alleged infringement. Where a Member State applies this paragraph, the measures shall be notified in the shortest possible time to the media service provider, the Commission and to the Member State which has jurisdiction over the media service provider, setting out the reasons for which the Member State considers that there is such urgency that</p>
---	---	---	---

<p>6. Without prejudice to the Member State's possibility of proceeding with the measures referred to in paragraphs 4 and 5, the Commission shall examine the compatibility of the notified measures with Union law in the shortest possible time. Where it comes to the conclusion that the measures are incompatible with Union law, the Commission shall ask the Member State in question to refrain from taking any proposed measures or urgently to put an end to the measures in question.</p> <p>Article 4 1. Member States shall remain free to require media service providers under their jurisdiction to comply with more detailed or stricter rules in the fields coordinated by this Directive provided that such rules are in compliance with Union law.</p> <p>2. In cases where a Member State:</p> <p>(a) has exercised its freedom under paragraph 1 to adopt more detailed or stricter rules of general public interest; and</p> <p>(b) assesses that a broadcaster under the jurisdiction of another Member State provides a television broadcast which is wholly or mostly directed towards its territory;</p> <p>it may contact the Member State having jurisdiction</p>	<p>7. Without prejudice to the Member State's possibility of proceeding with the measures referred to in paragraph 6, the Commission shall examine the compatibility of the notified measures with Union law in the shortest possible time. Where it comes to the conclusion that the measures are incompatible with Union law, the Commission shall require the Member State concerned to refrain from taking any intended measures or urgently to put an end to those measures.</p> <p>8. Member States and the Commission shall regularly exchange experiences and best practices regarding the procedure set out in paragraphs 2 to 7 in the framework of the contact committee established pursuant to Article 29 and ERGA.</p> <p>Article 4 1. Member States shall remain free to require media service providers under their jurisdiction to comply with more detailed or stricter rules with regard to Articles 5, 6, 6a, 9, 10, 11, 12, 13, 16, 17, 19 to 26, 30 and 30a provided that such rules are in compliance with Union law.</p> <p>2. In cases where a Member State:</p> <p>(a) has exercised its freedom under paragraph 1 to adopt more detailed or stricter rules of general public interest; and</p> <p>(b) assesses that a broadcaster under the jurisdiction of another Member State provides a television broadcast which is wholly or mostly directed towards its territory;</p> <p>it may contact the Member State having jurisdiction</p>	<p>7. Without prejudice to the Member State's possibility of proceeding with the measures referred to in paragraph 6, the Commission shall examine the compatibility of the notified measures with Union law in the shortest possible time. Where it comes to the conclusion that the measures are incompatible with Union law, the Commission shall require the Member State concerned to refrain from taking any intended measures or urgently to put an end to those measures within two weeks.</p> <p>8. Member States and the Commission shall regularly exchange experiences and best practices regarding the procedure set out in paragraphs 2 to 7 in the framework of the contact committee ----- and ERGA.</p> <p>Article 4 1. Member States shall remain free to require media service providers under their jurisdiction to comply with more detailed or stricter rules with regard to Articles 5, 6, 6a, 7, 9, 10, 11, 13, 16, 17, 19 to 26, 30 and 30a, provided that such rules are in compliance with Union law, respect freedoms of expression, information and media pluralism and do not contain discriminatory provisions relating to the nationality or place of residence of the service provider. Member States shall inform the European Commission, ERGA and the contact committee about any more detailed or stricter measures and publicly disclose them.</p> <p>2. In cases where a Member State:</p> <p>(a) has exercised its freedom under paragraph 1 to adopt more detailed or stricter rules of general public interest; and</p> <p>(b) assesses that a media service provider under the jurisdiction of another Member State provides an audiovisual media service which is wholly or mostly directed towards its territory;</p> <p>it may contact the Member State having jurisdiction</p>	<p>derogating from those conditions referred to in this paragraph is necessary.</p> <p>7. ... The Commission shall examine the compatibility of the notified measures with Union law in the shortest possible time. Where it comes to the conclusion that the measures are incompatible with Union law, the Commission shall require the Member State concerned to ... urgently to put an end to those measures ...</p> <p>8. Member States and the Commission shall regularly exchange experiences and best practices regarding the procedure set out in paragraphs 2 to 7 in the framework of the contact committee established pursuant to Article 29 and ERGA.</p> <p>Article 4 1. Member States shall remain free to require media service providers under their jurisdiction to comply with more detailed or stricter rules in the fields coordinated by this Directive provided that such rules are in compliance with Union law.</p> <p>2. In cases where a Member State:</p> <p>(a) has exercised its freedom under paragraph 1 to adopt more detailed or stricter rules of general public interest; and</p> <p>(b) assesses that a media service provider under the jurisdiction of another Member State provides an audiovisual media service which is wholly or mostly directed towards its territory;</p> <p>it may request the Member State having jurisdiction to</p>
---	---	--	--

<p>with a view to achieving a mutually satisfactory solution to any problems posed. On receipt of a substantiated request by the first Member State, the Member State having jurisdiction shall request the broadcaster to comply with the rules of general public interest in question. The Member State having jurisdiction shall inform the first Member State of the results obtained following this request within 2 months. Either Member State may invite the contact committee established pursuant to Article 29 to examine the case.</p>	<p>with a view to achieving a mutually satisfactory solution to any problems posed. On receipt of a substantiated request by the first Member State, the Member State having jurisdiction shall request the broadcaster to comply with the rules of general public interest in question. The Member State having jurisdiction shall inform the first Member State of the results obtained following this request within 2 months. Either Member State may invite the contact committee established pursuant to Article 29 to examine the case.</p>	<p>with a view to achieving a mutually satisfactory solution to any problems posed. On receipt of a substantiated request by the first Member State, the Member State having jurisdiction shall request the media service provider to comply with the rules of general public interest in question. The Member State having jurisdiction shall inform the first Member State of the results obtained following this request within 2 months. Either Member State may invite the contact committee ----- to examine the case.</p>	<p>address any identified problems under this paragraph. Where a Member State which has jurisdiction over a media service provider has received such a request, it shall cooperate sincerely and swiftly with the Member State concerned with a view to assessing the identified problems and finding a mutually satisfactory solution. On receipt of a substantiated request by the Member State concerned, the Member State having jurisdiction shall request the media service provider to comply with the rules of general public interest in question. When requesting the media service provider to comply with the rules of general public interest in question, the Member State having jurisdiction shall fully inform the Member State concerned of its contacts with the media service provider concerned. Either Member State may invite the Contact Committee established pursuant to Article 29 to examine the case.</p> <p>The Member State having jurisdiction shall inform the Member State concerned and the Commission of the results obtained following the request addressed to the media service provider concerned within 2 months. The Member State having jurisdiction over that media service provider shall explain the reasons where a solution could not be found.</p>
<p>3. The first Member State may adopt appropriate measures against the broadcaster concerned where it assesses that:</p> <p>(a) the results achieved through the application of paragraph 2 are not satisfactory; and</p> <p>(b) the broadcaster in question has established itself in the Member State having jurisdiction in order to circumvent the stricter rules, in the fields coordinated by this Directive, which would be applicable to it if it were established in the first Member State.</p>	<p>3. The first Member State may adopt appropriate measures against the broadcaster concerned where it assesses that:</p> <p>(a) the results achieved through the application of paragraph 2 are not satisfactory; and</p> <p>(b) the broadcaster in question has established itself in the Member State having jurisdiction in order to circumvent the stricter rules, in the fields coordinated by this Directive, which would be applicable to it if it were established in the first Member State.</p> <p>The Member State which took steps in accordance with points (a) and (b) of paragraph 2 should substantiate the grounds on which it bases its assessment of the alleged circumvention.</p>	<p>3. The first Member State may adopt appropriate measures against the media service provider concerned where it assesses that:</p> <p>(a) the results achieved through the application of paragraph 2 are not satisfactory; and</p> <p>(b) the media service provider in question has established itself in the Member State having jurisdiction in order to circumvent the stricter rules, in the fields coordinated by this Directive, which would be applicable to it if it were established in the first Member State.</p> <p>The Member State which took steps in accordance with points (a) and (b) of paragraph 2 should substantiate the grounds on which it bases its assessment of the alleged circumvention.</p>	<p>3. The first Member State may adopt appropriate and effective measures against the media service provider concerned where:</p> <p>(a) it assesses that the results achieved through the application of paragraph 2 are not satisfactory; and</p> <p>(b) it has adduced credible and duly substantiated evidence showing that the media service provider in question has established itself in the Member State having jurisdiction in order to circumvent the stricter rules, in the fields coordinated by this Directive, which would be applicable to it if it were established in the first Member State. Such evidence does not have to establish a media service provider's intention to circumvent those stricter rules. However, the Member State concerned shall detail a set of corroborating facts allowing for such circumvention to be reasonably established.</p>

<p>Such measures shall be objectively necessary, applied in a non-discriminatory manner and proportionate to the objectives which they pursue.</p> <p>4. A Member State may take measures pursuant to paragraph 3 only if the following conditions are met:</p> <p>(a) it has notified the Commission and the Member State in which the broadcaster is established of its intention to take such measures while substantiating the grounds on which it bases its assessment; and</p> <p>(b) the Commission has decided that the measures are compatible with Union law, and in particular that assessments made by the Member State taking those measures under paragraphs 2 and 3 are correctly founded.</p> <p>5. The Commission shall decide within 3 months following the notification provided for in point (a) of paragraph 4. If the Commission decides that the measures are incompatible with Union law, the Member State in question shall refrain from taking the proposed measures.</p>	<p>Such measures shall be objectively necessary, applied in a non-discriminatory manner and proportionate to the objectives which they pursue.</p> <p>4. A Member State may take measures pursuant to paragraph 3 only where the following conditions are met:</p> <p>(a) it has notified the Commission and the Member State in which the broadcaster is established of its intention to take such measures while substantiating the grounds on which it bases its assessment;</p> <p>(b) it has respected the rights of defence of the broadcaster concerned and, in particular, has given the broadcaster the opportunity to express its views on the alleged circumvention and the measures the notifying Member States intends to take;</p> <p>(c) the Commission has decided, after having consulted ERGA, that the measures are compatible with Union law, in particular that assessments made by the Member State taking those measures under paragraphs 2 and 3 are correctly founded.</p> <p>5. The Commission shall decide within 3 months following the notification provided for in point (a) of paragraph 4. That period shall begin on the day following the receipt of a complete notification. The notification shall be considered as complete if, within 3 months from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information. Where the Commission considers the notification as incomplete, it shall request all necessary additional information. The Commission shall inform the Member State of the receipt of the response to that request. Where the Member State concerned does not provide the information requested within the period fixed by the Commission or provides incomplete information, the Commission shall take a decision that the measures taken by the Member State in accordance with</p>	<p>Such measures shall be objectively necessary, applied in a non-discriminatory manner and proportionate to the objectives which they pursue.</p> <p>4. A Member State may take measures pursuant to paragraph 3 only where the following conditions are met:</p> <p>(a) it has notified the Commission and the Member State in which the media service provider is established of its intention to take such measures while substantiating the grounds on which it bases its assessment;</p> <p>((b) it has respected the rights of defence of the media service provider concerned and, in particular, has given the media service provider the opportunity to express its views on the alleged circumvention and the measures the notifying Member States intends to take;</p> <p>(c) the Commission has decided, after having consulted the contact committee and ERGA, that the measures are compatible with Union law, in particular that assessments made by the Member State taking those measures under paragraphs 2 and 3 are correctly founded.</p> <p>5. The Commission shall decide within three months following the notification provided for in point (a) of paragraph 4. That period shall begin on the day following the receipt of a complete notification. The notification shall be considered as complete if, within one month from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information. Where the Commission considers the notification as incomplete, it shall request all necessary additional information. The Commission shall inform the Member State of the receipt of the response to that request. Where the Member State concerned does not provide the information requested within the period fixed by the Commission or provides incomplete information, the Commission shall take a decision that the measures taken by the Member State in accordance with</p>	<p>Such measures shall be objectively necessary, applied in a non-discriminatory manner and proportionate to the objectives which they pursue.</p> <p>4. A Member State may take measures pursuant to paragraph 3 only where the following conditions are met:</p> <p>(a) it has notified the Commission and the Member State in which the media service provider is established of its intention to take such measures while substantiating the grounds on which it bases its assessment;</p> <p>(b) it has respected the rights of defence of the media service provider concerned and, in particular, has given the media service provider the opportunity to express its views on the alleged circumvention and the measures the notifying Member States intends to take;</p> <p>(c) the Commission has decided ... that the measures are compatible with Union law, in particular that assessments made by the Member State taking those measures under paragraphs 2 and 3 are correctly founded. The Commission may request ERGA to provide an opinion in accordance with Article 30a(3)(e). The Commission shall keep the Contact Committee duly informed.</p> <p>5. The Commission shall decide within 3 months following the complete notification provided for in point (a) of paragraph 4. ... The notification shall be considered as complete if, within one month from its receipt, ... the Commission does not request any further information strictly necessary to reach a decision..</p> <p>Where the Member State concerned does not provide the information requested within the period set out by the Commission, the Commission shall reject the notification on the grounds of incomplete notification. As a result, the Member State ... shall refrain from</p>
---	---	--	--

<p>6. Member States shall, by appropriate means, ensure, within the framework of their legislation, that media service providers under their jurisdiction effectively comply with the provisions of this Directive.</p> <p>7. Member States shall encourage co-regulation and/or self-regulatory regimes at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. These regimes shall be such that they are broadly accepted by the main stakeholders in the Member States concerned and provide for effective enforcement.</p>	<p>paragraph 3 are incompatible with Union law. If the Commission decides that the measures are incompatible with Union law, the Member State in question shall refrain from taking the intended measures.</p> <p>6. Member States shall, by appropriate means, ensure, within the framework of their legislation, that media service providers under their jurisdiction effectively comply with the provisions of this Directive.</p> <p>7. Member States shall encourage co-regulation and self-regulation through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those codes shall be such that they are broadly accepted by the main stakeholders in the Member States concerned. The codes of conduct shall clearly and unambiguously set out their objectives. They shall provide for regular, transparent and independent monitoring and evaluation of the achievement of the objectives aimed at. They shall provide for effective enforcement, including when appropriate effective and proportionate sanctions.</p> <p>Draft Union codes of conduct referred to in Articles 6a (3), 9(2) and 9(4) and amendments or extensions to existing Union codes of conduct shall be submitted to the Commission by the signatories of these codes. The Commission may ask ERGA to give an opinion on the drafts, amendments or extensions of those codes. The Commission may publish those codes as appropriate.</p>	<p>paragraph 3 are incompatible with Union law. If the Commission decides that the measures are incompatible with Union law, the Member State in question shall refrain from taking the intended measures.</p> <p>6. Member States shall, by appropriate means, ensure, within the framework of their legislation, that media service providers under their jurisdiction effectively comply with the provisions of this Directive.</p> <p>7. The European Commission and the Member States shall encourage and facilitate self- and co-regulation through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those codes shall be broadly accepted by stakeholders acting under the jurisdiction of the Member States concerned. The codes of conduct shall clearly and unambiguously set out their objectives. Regulatory authorities and /or bodies shall provide for regular, transparent and independent monitoring and evaluation of the achievement of the objectives aimed at in these codes. The codes shall provide for effective and transparent enforcement by the regulatory authorities and /or bodies, including ----- effective and proportionate sanctions. The ERGA shall encourage media service providers to exchange best practises on co-regulatory systems across the Union.</p> <p>In co-operation with the Member States, the Commission shall facilitate the development of Union codes of conduct where appropriate in accordance with the principles of subsidiarity and proportionality and in consultation with the contact committee, the ERGA and media service providers taking identified best practices into account. Draft Union codes of conduct and amendments or extensions to existing Union codes of conduct ----- shall be submitted to the Commission by the signatories of these codes. The Commission shall give appropriate publicity to those codes in order to promote the exchange of best practice.</p> <p>The ERGA shall provide the Commission and the contact committee with a regular, transparent and independent monitoring and evaluation of the</p>	<p>taking the intended measures.</p> <p>6. Member States shall, by appropriate means, ensure, within the framework of their legislation, that media service providers under their jurisdiction effectively comply with the provisions of this Directive.</p> <p>...³</p>
--	---	--	---

³

Vgl. Art. 4a

<p>8. Directive 2000/31/EC shall apply unless otherwise provided for in this Directive. In the event of a conflict between a provision of Directive 2000/31/EC and a provision of this Directive, the provisions of this Directive shall prevail, unless otherwise provided for in this Directive.</p>	<p>8. Directive 2000/31/EC shall apply unless otherwise provided for in this Directive. In the event of a conflict between a provision of Directive 2000/31/EC and a provision of this Directive, the provisions of this Directive shall prevail, unless otherwise provided for in this Directive.</p>	<p>achievement of the objectives aimed at in these Union codes of conduct.</p> <p>7a. If a national independent regulatory body and / or authority concludes that any code of conduct or parts of it have proven to be not effective enough the Member State of this regulatory body and / or authority remains free to require media service providers under their jurisdiction to comply with more detailed or stricter rules in compliance with this directive, Union law and in respect of freedom of expression, information, and media pluralism. Such legislation has to be reported to the Commission without undue delay.</p> <p>8. Directive 2000/31/EC shall apply unless otherwise provided for in this Directive. In the event of a conflict between a provision of Directive 2000/31/EC and a provision of this Directive, the provisions of this Directive shall prevail, unless otherwise provided for in this Directive.</p>	<p>8. Directive 2000/31/EC shall apply unless otherwise provided for in this Directive. In the event of a conflict between a provision of Directive 2000/31/EC and a provision of this Directive, the provisions of this Directive shall prevail, unless otherwise provided for in this Directive.</p> <p>Article 4a</p> <p>1. Member States are encouraged to use co-regulation and to foster self-regulation through codes of conduct adopted at national level in the fields coordinated by this Directive to the extent permitted by their legal systems. Those codes shall:</p> <ul style="list-style-type: none"> a) be broadly accepted by the main stakeholders in the Member States concerned, b) clearly and unambiguously set out their objectives, c) provide for regular, transparent and independent monitoring and evaluation of the achievement of the objectives aimed at, and d) provide for effective enforcement. <p>2. Member States and the Commission may foster self-regulation through Union codes of conduct drawn up by media service providers, video-sharing platform service providers or organisations representing them, in cooperation, as necessary, with other sectors such as</p>
--	--	---	---

<p style="text-align: center;">CHAPTER III PROVISIONS APPLICABLE TO ALL AUDIOVISUAL MEDIA SERVICES</p> <p>Article 5 Member States shall ensure that audiovisual media service providers under their jurisdiction shall make easily, directly and permanently accessible to the recipients of a service at least the following information:</p> <ul style="list-style-type: none"> (a) the name of the media service provider; (b) the geographical address at which the media service provider is established; (c) the details of the media service provider, including its electronic mail address or website, which allow it to be contacted rapidly in a direct and effective manner; (d) where applicable, the competent regulatory or supervisory bodies. 	<p style="text-align: center;">CHAPTER III PROVISIONS APPLICABLE TO AUDIOVISUAL MEDIA SERVICES</p> <p>Article 5 Member States shall ensure that audiovisual media service providers under their jurisdiction shall make easily, directly and permanently accessible to the recipients of a service at least the following information:</p> <ul style="list-style-type: none"> (a) the name of the media service provider; (b) the geographical address at which the media service provider is established; (c) the details of the media service provider, including its electronic mail address or website, which allow it to be contacted rapidly in a direct and effective manner; (d) the Member State having jurisdiction over the media service providers and the competent regulatory authorities or supervisory bodies. 	<p style="text-align: center;">CHAPTER III PROVISIONS APPLICABLE TO AUDIOVISUAL MEDIA SERVICES</p> <p>Article 5 Member States shall ensure that a media service provider under their jurisdiction shall make easily, directly and permanently accessible to the recipients of a service at least the following information:</p> <ul style="list-style-type: none"> (a) the name of the media service provider; (b) the geographical address at which the media service provider is established; (c) the details of the media service provider, including its electronic mail address or website, which allow it to be contacted rapidly in a direct and effective manner; (d) the Member State having jurisdiction over the media service provider and the competent regulatory bodies and / or authorities or supervisory bodies. 	<p>industry, trade, professional and consumer associations or organisations. These codes shall be broadly accepted by the main stakeholders at Union level and shall comply with points (b) to (d) of paragraph 1. The Union codes of conduct shall be without prejudice to the national codes of conduct. The Commission shall make these codes publicly available and may give them appropriate publicity. The draft Union codes of conduct and amendments thereof shall be submitted to the Commission by the signatories of these codes. The Commission shall consult the Contact Committee on those draft codes or amendments thereof.</p> <p style="text-align: center;">CHAPTER III PROVISIONS APPLICABLE TO AUDIOVISUAL MEDIA SERVICES</p> <p>Article 5 1a. Member States shall ensure that media service providers under their jurisdiction shall make easily, directly and permanently accessible to the recipients of a service at least the following information:</p> <ul style="list-style-type: none"> (a) the name of the media service provider; (b) the geographical address at which the media service provider is established; (c) the details of the media service provider, including its electronic mail address or website, which allow it to be contacted rapidly in a direct and effective manner; (d) the Member State having jurisdiction over the media service providers and the competent regulatory ... authorities or supervisory bodies. <p>1b. Member States may adopt legislative measures providing that, in addition to the information listed in paragraph 1, audiovisual media service providers under their jurisdiction make accessible information concerning their ownership structure, including the beneficial owners, as well as information related to politically exposed persons who own media service</p>
---	--	--	---

<p>Article 6 Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to hatred based on race, sex, religion or nationality.</p>	<p>Article 6 Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.</p> <p>Article 6a</p> <p>1. Member States shall ensure that audiovisual media</p>	<p>Article 6 Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any</p> <p>a) incitement undermining human dignity;</p> <p>aa) incitement to violence or hatred directed against a person or a group of persons defined by reference to nationality, sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health;</p> <p>ab) incitement to terrorism.</p> <p>Article 6a 1. Member States shall take appropriate, proportionate and efficient measures to ensure that audiovisual media services provided by media service providers under their jurisdiction, which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme and shall not lead to any additional processing of personal data and be without prejudice to Article 8 of Regulation (EU) 2016/679. The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures.</p> <p>2. Member States shall ensure that media service</p>	<p>providers, provided that such measures respect the essence of the fundamental rights and freedoms concerned and are necessary and proportionate in a democratic society to safeguard an objective of general interest.</p> <p>Article 6 Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any</p> <p>...</p> <p>aa) incitement to violence or hatred directed against ... a group of persons or a member of such a group defined by reference to sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;</p> <p>ab) public provocation to commit a terrorist offence as set out in Article 5 of Directive (EU) 2017/541 on combating terrorism.</p> <p>...⁴</p>
---	---	--	---

⁴ Vgl. Art. 12 (1a)

<p>Article 7 Member States shall encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability.</p>	<p>service providers provide sufficient information to viewers about content which may impair the physical, mental or moral development of minors. For this purpose, Member States may use a system of descriptors indicating the nature of the content of an audiovisual media service.</p> <p>2. For the implementation of this Article, Member States shall encourage co-regulation.</p> <p>3. The Commission and ERGA shall encourage media service providers to exchange best practices on co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.</p> <p>(deleted)</p>	<p>providers provide sufficient information to viewers about content which may impair the physical or mental development of minors. For this purpose, Member States may use a system of descriptors indicating the nature of the content of an audiovisual media service.</p> <p>3. Member States shall ensure that the measures taken to protect minors from audiovisual media services provided by media services providers under their jurisdiction, which may impair their physical or mental development, are necessary and proportionate and fully respect the obligations set out in the Charter, in particular those set out in Title III and Article 52 thereof.</p> <p>4. For the implementation of this Article, Member States shall encourage self- and co-regulation.</p> <p>5. The Commission and ERGA shall encourage media service providers to exchange best practices on self- and co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.</p> <p>Article 7 1. Member States shall, without undue delay, develop measures to ensure that services provided by media service providers under their jurisdiction are made continuously and progressively more accessible to people with disabilities. These measures shall be developed in consultation with relevant stakeholders, including media service providers and organisations of persons with disabilities.</p> <p>2. The measures referred to in paragraph 1 shall include a requirement that media service providers report on an annual basis to Member States about the steps taken and progress made in respect of progressively making their services more accessible to persons with disabilities. Member States shall report to the Commission on the steps taken by media service providers under their jurisdiction.</p> <p>3. The measures referred to in paragraph 1 shall encourage media service providers to develop, in cooperation with the representatives of groups of persons with disabilities and regulatory bodies,</p>	<p>Article 7 1. Member States shall ensure that media service providers under their jurisdiction develop appropriate and proportionate measures to enable their services to be made progressively accessible to people with a visual or hearing disability.</p> <p>2. Member States shall ensure that media service providers report, on a regular basis, to the national regulatory authorities or bodies on the implementation of the measures referred to in paragraph 1.</p>
---	--	--	---

		<p>accessibility action plans in respect of progressively making their services more accessible to persons with disabilities. Such action plans shall be developed without undue delay and communicated to national regulatory bodies.</p> <p>4. Measures adopted on the basis of paragraphs 1 to 3 shall be notified to the European Commission, the contact committee and ERGA without undue delay. The Commission and the ERGA shall facilitate the exchange of best practices between media service providers.</p> <p>5. Member States shall ensure that emergency information, including public communications and announcements in natural disaster situations, which is being made available to the public through audiovisual media services, is provided in a manner which is accessible to persons with disabilities, including subtitles for the deaf and hard of hearing, audio messages and audio descriptions for any visual information and, where practicable, with sign language interpretation.</p> <p>6. Member States shall ensure that media service providers aim, through their content acquisition, programming and editorial policies, to deliver access services as part of content producers packages.</p> <p>7. Member States shall encourage media service providers to enable consumers to find and watch accessible content, and to make their websites, media-players, online applications and mobile-based services, including mobile apps, used for the provision of the service, more accessible in a consistent and adequate way for users' perception, operation and understanding, and in a robust way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level.</p> <p>Article 7a Member States remain free to impose obligations to ensure the appropriate prominence of audiovisual media services of general interest. Such measures shall be proportionate and meet objectives of general interest, such as media pluralism,</p>	<p>3. Member States shall ensure that emergency information, including public communications and announcements in natural disaster situations, which is made public through audiovisual media services, is provided in a manner which is accessible to people with a visual or hearing disability.</p>
--	--	---	--

<p>Article 8 Member States shall ensure that media service providers under their jurisdiction do not transmit cinematographic works outside periods agreed with the rights holders.</p> <p>Article 9 1. Member States shall ensure that audiovisual commercial communications provided by media service providers under their jurisdiction comply with the following requirements:</p> <p>(a) audiovisual commercial communications shall be readily recognisable as such. Surreptitious audiovisual commercial communication shall be prohibited;</p> <p>(b) audiovisual commercial communications shall not use subliminal techniques;</p> <p>(c) audiovisual commercial communications shall not:</p> <p>(i) prejudice respect for human dignity;</p> <p>(ii) include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;</p> <p>(iii) encourage behaviour prejudicial to health or safety;</p> <p>(iv) encourage behaviour grossly prejudicial to the protection of the environment;</p> <p>(d) all forms of audiovisual commercial</p>	<p>Article 8 Member States shall ensure that media service providers under their jurisdiction do not transmit cinematographic works outside periods agreed with the rights holders.</p> <p>Article 9 1. Member States shall ensure that audiovisual commercial communications provided by media service providers under their jurisdiction comply with the following requirements:</p> <p>(a) audiovisual commercial communications shall be readily recognisable as such. Surreptitious audiovisual commercial communication shall be prohibited;</p> <p>(b) audiovisual commercial communications shall not use subliminal techniques;</p> <p>(c) audiovisual commercial communications shall not:</p> <p>(i) prejudice respect for human dignity;</p> <p>(ii) include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;</p> <p>(iii) encourage behaviour prejudicial to health or safety;</p> <p>(iv) encourage behaviour grossly prejudicial to the protection of the environment;</p> <p>(d) all forms of audiovisual commercial</p>	<p>freedom of speech, cultural diversity and gender equality, which shall be clearly defined by Member States in accordance with Union law.'</p> <p>Article 7b Member States shall ensure that the programmes and services of media service providers are not modified or overlaid without their explicit consent except for services initiated by the recipient of a service for private use.'</p> <p>Article 8 Member States shall ensure that media service providers under their jurisdiction do not transmit cinematographic works outside periods agreed with the rights holders.</p> <p>Article 9 1. Member States shall ensure that audiovisual commercial communications provided by media service providers under their jurisdiction comply with the following requirements:</p> <p>(a) audiovisual commercial communications shall be readily recognisable as such and distinguishable from editorial content. Surreptitious audiovisual commercial communication shall be prohibited;</p> <p>(b) audiovisual commercial communications shall not use subliminal techniques;</p> <p>(c) audiovisual commercial communications shall not:</p> <p>(i) prejudice respect for human dignity;</p> <p>(ii) include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;</p> <p>(iii) encourage behaviour prejudicial to health or safety;</p> <p>(iv) encourage behaviour grossly prejudicial to the protection of the environment;</p> <p>(d) all forms of audiovisual commercial</p>	<p>Article 8 Member States shall ensure that media service providers under their jurisdiction do not transmit cinematographic works outside periods agreed with the rights holders.</p> <p>Article 9 1. Member States shall ensure that audiovisual commercial communications provided by media service providers under their jurisdiction comply with the following requirements:</p> <p>(a) audiovisual commercial communications shall be readily recognisable as such <u> </u> Surreptitious audiovisual commercial communication shall be prohibited;</p> <p>(b) audiovisual commercial communications shall not use subliminal techniques;</p> <p>(c) audiovisual commercial communications shall not:</p> <p>(i) prejudice respect for human dignity;</p> <p>(ii) include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;</p> <p>(iii) encourage behaviour prejudicial to health or safety;</p> <p>(iv) encourage behaviour grossly prejudicial to the protection of the environment;</p> <p>(d) all forms of audiovisual commercial</p>
--	--	---	---

<p>communications for cigarettes and other tobacco products shall be prohibited;</p> <p>(e) audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages;</p> <p>(f) audiovisual commercial communication for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the media service provider falls shall be prohibited;</p> <p>(g) audiovisual commercial communications shall not cause physical or moral detriment to minors. Therefore they shall not directly exhort minors to buy or hire a product or service by exploiting their inexperience or credulity, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, or unreasonably show minors in dangerous situations.</p> <p>2. Member States and the Commission shall encourage media service providers to develop codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in children's programmes, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt/sodium and sugars, excessive intakes of which in the overall diet are not recommended.</p>	<p>communications for cigarettes and other tobacco products shall be prohibited;</p> <p>(e) audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages;</p> <p>(f) audiovisual commercial communication for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the media service provider falls shall be prohibited;</p> <p>(g) audiovisual commercial communications shall not cause physical or moral detriment to minors. Therefore they shall not directly exhort minors to buy or hire a product or service by exploiting their inexperience or credulity, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, or unreasonably show minors in dangerous situations.</p> <p>2. Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in programmes with a significant children's audience, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars. Those codes should be used to effectively reduce the exposure of minors to audiovisual commercial communications of foods and beverages that are high in salt, sugars or fat or that otherwise do not fit national or international nutritional guidelines. Those codes should provide that the audiovisual commercial communications are not to emphasise the positive quality of the nutritional aspects of such foods and beverages. The Commission and ERGA shall encourage the</p>	<p>communications for cigarettes, electronic cigarettes and other tobacco products shall be prohibited;</p> <p>(e) audiovisual commercial communications for alcoholic beverages shall not be aimed ___ at minors and shall not encourage immoderate consumption of such beverages;</p> <p>(f) audiovisual commercial communication for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the media service provider falls shall be prohibited;</p> <p>(g) audiovisual commercial communications shall not cause physical ___ detriment to minors. Therefore they shall not directly exhort minors to buy or hire a product or service by exploiting their inexperience or credulity, ___ or unreasonably show minors in dangerous situations.</p> <p>3. Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications, accompanying or included in children's programmes, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, excessive intakes of which in the overall diet are not recommended, in particular fat, trans-fatty acids, salt or sodium and sugars. Those codes shall aim to effectively reduce the exposure of children to audiovisual commercial communications of such foods and beverages They shall aim to provide that the audiovisual commercial communications do not to emphasise the positive quality of the nutritional aspects of such foods and beverages.</p>	<p>communications for cigarettes and other tobacco products, as well as for electronic cigarettes and refill containers covered by Article 20 of the Directive 2014/40/EU shall be prohibited;</p> <p>(e) audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages;</p> <p>(f) audiovisual commercial communication for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the media service provider falls shall be prohibited;</p> <p>(g) audiovisual commercial communications shall not cause physical or moral detriment to minors. Therefore they shall not directly exhort minors to buy or hire a product or service by exploiting their inexperience or credulity, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, or unreasonably show minors in dangerous situations.</p> <p>2. Member States are encouraged to use co-regulation and to foster self-regulation through codes of conduct as provided for in Article 4a(1) regarding inappropriate audiovisual commercial communications, accompanying or included in children's programmes, of foods and beverages containing nutrients, and substances with a nutritional or physiological effect, ___ in particular fat, saturated fats, trans-fatty acids, salt or sodium and sugars, of which excessive intakes in the overall diet are not recommended. Those codes shall aim to effectively limit the exposure of minors to audiovisual commercial communications of ___ foods and beverages that are high in salt, sugars or fat or that otherwise do not fit national or international nutritional guidelines. Those codes shall also ensure that audiovisual commercial communications do not emphasise the positive quality of the nutritional aspects of such foods and beverages.</p>
---	--	--	---

	<p>exchange of best practices on self- and co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.</p> <p>3. Member States and the Commission shall encourage the development of self- and co-regulatory codes of conduct regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes should be used to effectively limit the exposure of minors to audiovisual commercial communications for alcoholic beverages.</p> <p>4. The Commission and ERGA shall encourage the exchange of best practices on self- and co-regulatory systems across the Union. If considered appropriate, the Commission shall facilitate the development of Union codes of conduct.</p>		
<p>Article 10</p> <p>1. Audiovisual media services or programmes that are sponsored shall meet the following requirements:</p> <p>(a) their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;</p> <p>(b) they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;</p> <p>(c) viewers shall be clearly informed of the existence of a sponsorship agreement. Sponsored programmes shall be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in an appropriate way for programmes at the beginning, during and/or at the</p>	<p>Article 10</p> <p>1. Audiovisual media services or programmes that are sponsored shall meet the following requirements:</p> <p>(a) their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;</p> <p>(b) they shall not directly encourage the purchase or rental of goods or services;</p> <p>(c) viewers shall be clearly informed of the existence of a sponsorship agreement. Sponsored programmes shall be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in an appropriate way for programmes at the beginning, during and/or at the</p>	<p>Article 10</p> <p>1. Audiovisual media services or programmes that are sponsored shall meet the following requirements:</p> <p>(a) their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;</p> <p>(b) they shall not directly encourage the purchase or rental of goods or services;</p> <p>(c) viewers shall be clearly informed of the existence of a sponsorship agreement. Sponsored programmes shall be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in an appropriate way for programmes at the beginning, during and/or at the</p>	<p>3. Member States are encouraged to use co-regulation and to foster self-regulation through codes of conduct as provided for in Article 4a(1) regarding inappropriate audiovisual commercial communications for alcoholic beverages. Those codes shall aim to effectively limit the exposure of minors to ___ audiovisual commercial communications for alcoholic beverages.</p> <p>4. The Commission shall encourage the exchange of best practices on self- and co-regulatory codes of conduct referred to in paragraphs 2 and 3.</p> <p>4a. Member States and the Commission may foster self-regulation through Union codes of conduct referred to in Article 4a(2).</p> <p>Article 10</p> <p>1. Audiovisual media services or programmes that are sponsored shall meet the following requirements:</p> <p>(a) their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;</p> <p>(b) they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;</p> <p>(c) viewers shall be clearly informed of the existence of a sponsorship agreement. Sponsored programmes shall be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in an appropriate way for programmes at the beginning, during and/or at the</p>

<p>end of the programmes.</p> <p>2. Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.</p> <p>3. The sponsorship of audiovisual media services or programmes by undertakings whose activities include the manufacture or sale of medicinal products and medical treatment may promote the name or the image of the undertaking, but shall not promote specific medicinal products or medical treatments available only on prescription in the Member State within whose jurisdiction the media service provider falls.</p> <p>4. News and current affairs programmes shall not be sponsored. Member States may choose to prohibit the showing of a sponsorship logo during children's programmes, documentaries and religious programmes.</p> <p>Article 11 1. Paragraphs 2, 3 and 4 shall apply only to programmes produced after 19 December 2009.</p> <p>2. Product placement shall be prohibited.</p> <p>3. By way of derogation from paragraph 2, product placement shall be admissible in the following cases unless a Member State decides otherwise:</p> <p>(a) in cinematographic works, films and series made for audiovisual media services, sports programmes and light entertainment programmes;</p> <p>(b) where there is no payment but only the provision of certain goods or services free of charge, such as production props and prizes, with a view to their inclusion in a programme.</p> <p>The derogation provided for in point (a) shall not apply to children's programmes.</p> <p>Programmes that contain product placement shall meet</p>	<p>end of the programmes.</p> <p>2. Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.</p> <p>3. The sponsorship of audiovisual media services or programmes by undertakings whose activities include the manufacture or sale of medicinal products and medical treatment may promote the name or the image of the undertaking, but shall not promote specific medicinal products or medical treatments available only on prescription in the Member State within whose jurisdiction the media service provider falls.</p> <p>4. News and current affairs programmes shall not be sponsored. Member States may choose to prohibit the showing of a sponsorship logo during children's programmes, documentaries and religious programmes.</p> <p>Article 11 1. Paragraphs 2, 3 and 4 shall apply only to programmes produced after 19 December 2009.</p> <p>2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and programmes with a significant children's audience.</p> <p>3. Programmes that contain product placement shall</p>	<p>end of the programmes.</p> <p>2. Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes, electronic cigarettes and other tobacco products.</p> <p>3. The sponsorship of audiovisual media services or programmes by undertakings whose activities include the manufacture or sale of medicinal products and medical treatment may promote the name or the image of the undertaking, but shall not promote specific medicinal products or medical treatments available only on prescription in the Member State within whose jurisdiction the media service provider falls.</p> <p>4. News and current affairs programmes shall not be sponsored. Member States may prohibit the sponsorship of children's programmes or content aimed primarily at children.</p> <p>Article 11 1. This article shall apply only to programmes produced after 19 December 2009.</p> <p>2. Product placement shall be admissible in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and children's programmes or content aimed primarily at children.</p> <p>3. Programmes that contain product placement shall</p>	<p>end of the programmes.</p> <p>2. Audiovisual media services or programmes shall not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products, as well as electronic cigarettes and refill containers covered by Article 20 of the Directive 2014/40/EU.</p> <p>3. The sponsorship of audiovisual media services or programmes by undertakings whose activities include the manufacture or sale of medicinal products and medical treatment may promote the name or the image of the undertaking, but shall not promote specific medicinal products or medical treatments available only on prescription in the Member State within whose jurisdiction the media service provider falls.</p> <p>4. News and current affairs programmes shall not be sponsored. Member States may choose to prohibit the showing of a sponsorship logo during children's programmes, documentaries and religious programmes.</p> <p>Article 11 1. Paragraphs 2, 3 and 4 shall apply only to programmes produced after 19 December 2009.</p> <p>2. Product placement shall be allowed in all audiovisual media services, except in news and current affairs programmes, consumer affairs programmes, religious programmes and children's programmes ____.</p> <p>3. Programmes that contain product placement shall</p>
--	---	---	---

<p>at least all of the following requirements:</p> <p>(a) their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;</p> <p>(b) they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;</p> <p>(c) they shall not give undue prominence to the product in question;</p> <p>(d) viewers shall be clearly informed of the existence of product placement. Programmes containing product placement shall be appropriately identified at the start and the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer.</p> <p>By way of exception, Member States may choose to waive the requirements set out in point (d) provided that the programme in question has neither been produced nor commissioned by the media service provider itself or a company affiliated to the media service provider.</p> <p>4. In any event programmes shall not contain product placement of:</p> <p>(a) tobacco products or cigarettes or product placement from undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products;</p> <p>(b) specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls.</p>	<p>meet ____ the following requirements:</p> <p>(a) their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;</p> <p>(b) they shall not directly encourage the purchase or rental of goods or services ____;</p> <p>(c) viewers shall be clearly informed of the existence of product placement. Programmes containing product placement shall be appropriately identified at the start and the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer;</p> <p>By way of exception, Member States may choose to waive the requirements set out in point (c) provided that the programme concerned has neither been produced nor commissioned by the media service provider itself or a company affiliated to the media service provider.</p> <p>4. In any event programmes shall not contain product placement of:</p> <p>(a) tobacco products or cigarettes or product placement from undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products;</p> <p>(b) specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls.</p>	<p>meet the following requirements:</p> <p>(a) their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;</p> <p>(b) they shall not directly encourage the purchase or rental of goods or services;</p> <p>(ba) they shall not give undue prominence to the product in question;</p> <p>(c) viewers shall be clearly informed of the existence of product placement. Programmes containing product placement shall be appropriately identified at the start and the end of the programme; ____</p> <p>By way of exception, Member States may choose to waive the requirements set out in point (c) provided that the programme concerned has neither been produced nor commissioned by the media service provider itself or a company affiliated to the media service provider.</p> <p>4. In any event programmes shall not contain product placement of:</p> <p>(a) tobacco products or cigarettes or electronic cigarettes or product placement from undertakings whose principal activity is the manufacture or sale of cigarettes, electronic cigarettes or other tobacco products;</p> <p>(b) specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls.</p>	<p>meet the following requirements:</p> <p>(a) their content and organization in a schedule, in the case of television broadcasting, or in a catalogue in the case of on-demand audiovisual media service, shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;</p> <p>(b) they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;</p> <p>(ba) they shall not give undue prominence to the product in question;</p> <p>(c) viewers shall be clearly informed of the existence of product placement by an appropriate identification at the start and the end of the programme; and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer.</p> <p>____ Member States may ____ waive the requirements set out in point (c) except for programmes ____ produced or commissioned by the media service provider ____ or by a company affiliated to that media service provider.</p> <p>4. In any event programmes shall not contain product placement of:</p> <p>(a) cigarettes and other tobacco products, as well as electronic cigarettes and refill containers covered by Article 20 of the Directive 2014/40/EU or product placement from undertakings whose principal activity is the manufacture or sale of those products;</p> <p>(b) specific medicinal products or medical treatments available only on prescription in the Member State under whose jurisdiction the media service provider falls.</p>
--	--	--	---

<p style="text-align: center;">CHAPTER IV PROVISIONS APPLICABLE ONLY TO ON-DEMAND AUDIOVISUAL MEDIA SERVICES</p> <p>Article 12 Member States shall take appropriate measures to ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction which might seriously impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see such on-demand audiovisual media services.</p>	<p style="text-align: center;">-----</p> <p>Article 12 Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme. The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures.</p>	<p style="text-align: center;">-----</p> <p>Article 12 deleted</p>	<p>Article 12 1. Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme. The most harmful content, such as gratuitous violence and pornography, shall be subject to strict access control measures, such as encryption and effective parental controls, without prejudice to Member States adopting stricter measures. The Commission may encourage media service providers to exchange best practices on co-regulatory codes of conduct. Where appropriate, Member States and the Commission may foster self-regulation through Union codes of conduct referred to in Article 4a(2). 1a. Member States shall ensure that media service providers provide sufficient information to viewers about content which may impair the physical, mental or moral development of minors. For this purpose, media service providers shall use a system describing the potentially harmful nature of the content of an audiovisual media service. For the implementation of this paragraph, Member States are encouraged to use co- regulation as provided for in Article 4a(1). The Commission shall encourage media service providers to exchange best practices on co-regulatory codes of conduct. 1b. In addition to the measures referred to in paragraphs 1 and 1a, Member States shall encourage policies and schemes to develop media literacy skills. Member States and the Commission may foster self-regulation through Union codes of conduct referred to in Article 4a(2).</p>
--	--	--	--

	CHAPTER IV PROVISIONS APPLICABLE ONLY TO ON-DEMAND AUDIOVISUAL MEDIA SERVICES	CHAPTER IV PROVISIONS APPLICABLE ONLY TO ON-DEMAND AUDIOVISUAL MEDIA SERVICES	CHAPTER IV (deleted)
<p>Article 13</p> <p>1. Member States shall ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction promote, where practicable and by appropriate means, the production of and access to European works. Such promotion could relate, inter alia, to the financial contribution made by such services to the production and rights acquisition of European works or to the share and/or prominence of European works in the catalogue of programmes offered by the on-demand audiovisual media service.</p> <p>2. Member States shall report to the Commission no later than 19 December 2011 and every 4 years thereafter on the implementation of paragraph 1.</p> <p>3. The Commission shall, on the basis of the information provided by Member States and of an independent study, report to the European Parliament and to the Council on the application of paragraph 1, taking into account the market and technological developments and the objective of cultural diversity.</p>	<p>Article 13</p> <p>1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a 20% share of European works in their catalogue and ensure prominence of these works.</p> <p>2. Member States may require providers of on-demand audiovisual media services under their jurisdiction to contribute financially to the production of European works, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.</p> <p>3. Member States shall report to the Commission by [date – no later than three years after adoption] at the latest and every two years thereafter on the implementation of paragraphs 1 and 2.</p> <p>4. The Commission shall, on the basis of the information provided by Member States and of an independent study, report to the European Parliament and to the Council on the application of paragraphs 1 and 2, taking into account the market and technological developments and the objective of cultural diversity.</p>	<p>Article 13</p> <p>1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a 30% share of European works in their catalogue and ensure prominence of these works. That share shall include works in the official languages of the territory in which they are distributed.</p> <p>2. Member States may require providers of on-demand audiovisual media services established under their jurisdiction to contribute financially to the production of European works, taking into account the cultural and linguistic diversity of the territorial area in which they are located or are providing their service, including via direct investment in content and contributions to national funds. Member States may require providers of on-demand audiovisual media services, targeting audiences in their territories, but not established therein, to make such financial contributions. In this case, the financial contribution shall be based only on the on-demand revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.</p> <p>3. Member States shall report to the Commission by [date – no later than three years after adoption] at the latest and every two years thereafter on the implementation of paragraphs 1 and 2.</p> <p>4. The Commission shall, on the basis of the information provided by Member States and of an independent study, report to the European Parliament and to the Council on the application of paragraphs 1 and 2, taking into account the market and technological developments and the objective of cultural diversity.</p>	<p>Article 13</p> <p>1. Member States shall ensure that providers of on-demand audiovisual media services under their jurisdiction secure at least a 30% share of European works in their catalogue and ensure prominence of these works. ____</p> <p>2. Where Member States ____ require media service providers ____ under their jurisdiction to contribute financially to the production of European works, ____ including via direct investment in content and contributions to national funds, they may also require media service providers ____ providers targeting audiences in their territories, but established in other Member States to make such financial contributions. In this case, the financial contribution shall be based only on the ____ revenues earned in the targeted Member States. If the Member State where the provider is established imposes a financial contribution, it shall take into account any financial contributions imposed by targeted Member States. Any financial contribution shall comply with Union law, in particular with State aid rules.</p> <p>3. Member States shall report to the Commission by [date – no later than three years after adoption] at the latest and every two years thereafter on the implementation of paragraphs 1 and 2.</p> <p>4. The Commission shall, on the basis of the information provided by Member States and of an independent study, report to the European Parliament and to the Council on the application of paragraphs 1 and 2, taking into account the market and technological developments and the objective of cultural diversity.</p>

<p style="text-align: center;">CHAPTER V PROVISIONS CONCERNING EXCLUSIVE RIGHTS AND SHORT NEWS REPORTS IN TELEVISION BROADCASTING</p> <p>Article 14 1. Each Member State may take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.</p> <p>2. Member States shall immediately notify to the Commission any measures taken or to be taken pursuant to paragraph 1. Within a period of 3 months from the notification, the Commission shall verify that such measures are compatible with Union law and communicate them to the other Member States. It shall</p>	<p style="text-align: center;">CHAPTER V PROVISIONS CONCERNING EXCLUSIVE RIGHTS AND SHORT NEWS REPORTS IN TELEVISION BROADCASTING</p> <p>Article 14 1. Each Member State may take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.</p> <p>2. Member States shall immediately notify to the Commission any measures taken or to be taken pursuant to paragraph 1. Within a period of 3 months from the notification, the Commission shall verify that such measures are compatible with Union law and communicate them to the other Member States. It shall</p>	<p style="text-align: center;">CHAPTER V PROVISIONS CONCERNING EXCLUSIVE RIGHTS AND SHORT NEWS REPORTS IN TELEVISION BROADCASTING</p> <p>Article 14 1. Each Member State may take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.</p> <p>2. Member States shall immediately notify to the Commission any measures taken or to be taken pursuant to paragraph 1. Within a period of 3 months from the notification, the Commission shall verify that such measures are compatible with Union law and communicate them to the other Member States. It shall</p>	<p style="text-align: center;">CHAPTER V PROVISIONS CONCERNING EXCLUSIVE RIGHTS AND SHORT NEWS REPORTS IN TELEVISION BROADCASTING</p> <p>Article 14 1. Each Member State may take measures in accordance with Union law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events by live coverage or deferred coverage on free television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due time. In so doing the Member State concerned shall also determine whether these events should be available by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.</p> <p>2. Member States shall immediately notify to the Commission any measures taken or to be taken pursuant to paragraph 1. Within a period of 3 months from the notification, the Commission shall verify that such measures are compatible with Union law and communicate them to the other Member States. It shall</p> <p>5. The obligation imposed pursuant to paragraph 1 and the requirement on media service providers targeting audiences in other Member States set out in paragraph 2 shall not apply to media service providers with a low turnover or a low audience _____. Member States may also waive such obligations or requirements in cases where they would be impracticable or unjustified by reason of the nature or theme of the audiovisual media services.</p> <p>5a. The Commission shall issue guidelines regarding the calculation of the share of European works referred to in paragraph 1 and regarding the definition of low audience and low turnover referred to in paragraph 5 after consulting the Contact Committee.</p>
---	---	---	---

<p>seek the opinion of the contact committee established pursuant to Article 29. It shall forthwith publish the measures taken in the Official Journal of the European Union and at least once a year the consolidated list of the measures taken by Member States.</p> <p>3. Member States shall ensure, by appropriate means within the framework of their legislation, that broadcasters under their jurisdiction do not exercise the exclusive rights purchased by those broadcasters after 18 December 2007 in such a way that a substantial proportion of the public in another Member State is deprived of the possibility of following events which are designated by that other Member State in accordance with paragraphs 1 and 2 by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage on free television as determined by that other Member State in accordance with paragraph</p> <p>Article 15</p> <p>1. Member States shall ensure that for the purpose of short news reports, any broadcaster established in the Union has access on a fair, reasonable and non-discriminatory basis to events of high interest to the public which are transmitted on an exclusive basis by a broadcaster under their jurisdiction.</p> <p>2. If another broadcaster established in the same Member State as the broadcaster seeking access has acquired exclusive rights to the event of high interest to the public, access shall be sought from that broadcaster.</p> <p>3. Member States shall ensure that such access is guaranteed by allowing broadcasters to freely choose short extracts from the transmitting broadcaster's signal with, unless impossible for reasons of practicality, at least the identification of their source.</p> <p>4. As an alternative to paragraph 3, Member States may establish an equivalent system which achieves access on a fair, reasonable and non-discriminatory basis through other means.</p> <p>5. Short extracts shall be used solely for general news programmes and may be used in on-demand</p>	<p>seek the opinion of the contact committee established pursuant to Article 29. It shall forthwith publish the measures taken in the Official Journal of the European Union and at least once a year the consolidated list of the measures taken by Member States.</p> <p>3. Member States shall ensure, by appropriate means within the framework of their legislation, that broadcasters under their jurisdiction do not exercise the exclusive rights purchased by those broadcasters after 18 December 2007 in such a way that a substantial proportion of the public in another Member State is deprived of the possibility of following events which are designated by that other Member State in accordance with paragraphs 1 and 2 by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage on free television as determined by that other Member State in accordance with paragraph</p> <p>Article 15</p> <p>1. Member States shall ensure that for the purpose of short news reports, any broadcaster established in the Union has access on a fair, reasonable and non-discriminatory basis to events of high interest to the public which are transmitted on an exclusive basis by a broadcaster under their jurisdiction.</p> <p>2. If another broadcaster established in the same Member State as the broadcaster seeking access has acquired exclusive rights to the event of high interest to the public, access shall be sought from that broadcaster.</p> <p>3. Member States shall ensure that such access is guaranteed by allowing broadcasters to freely choose short extracts from the transmitting broadcaster's signal with, unless impossible for reasons of practicality, at least the identification of their source.</p> <p>4. As an alternative to paragraph 3, Member States may establish an equivalent system which achieves access on a fair, reasonable and non-discriminatory basis through other means.</p> <p>5. Short extracts shall be used solely for general news programmes and may be used in on-demand</p>	<p>seek the opinion of the contact committee established pursuant to Article 29. It shall forthwith publish the measures taken in the Official Journal of the European Union and at least once a year the consolidated list of the measures taken by Member States.</p> <p>3. Member States shall ensure, by appropriate means within the framework of their legislation, that broadcasters under their jurisdiction do not exercise the exclusive rights purchased by those broadcasters after 18 December 2007 in such a way that a substantial proportion of the public in another Member State is deprived of the possibility of following events which are designated by that other Member State in accordance with paragraphs 1 and 2 by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage on free television as determined by that other Member State in accordance with paragraph</p> <p>Article 15</p> <p>1. Member States shall ensure that for the purpose of short news reports, any broadcaster established in the Union has access on a fair, reasonable and non-discriminatory basis to events of high interest to the public which are transmitted on an exclusive basis by a broadcaster under their jurisdiction.</p> <p>2. If another broadcaster established in the same Member State as the broadcaster seeking access has acquired exclusive rights to the event of high interest to the public, access shall be sought from that broadcaster.</p> <p>3. Member States shall ensure that such access is guaranteed by allowing broadcasters to freely choose short extracts from the transmitting broadcaster's signal with, unless impossible for reasons of practicality, at least the identification of their source.</p> <p>4. As an alternative to paragraph 3, Member States may establish an equivalent system which achieves access on a fair, reasonable and non-discriminatory basis through other means.</p> <p>5. Short extracts shall be used solely for general news programmes and may be used in on-demand</p>	<p>seek the opinion of the contact committee established pursuant to Article 29. It shall forthwith publish the measures taken in the Official Journal of the European Union and at least once a year the consolidated list of the measures taken by Member States.</p> <p>3. Member States shall ensure, by appropriate means within the framework of their legislation, that broadcasters under their jurisdiction do not exercise the exclusive rights purchased by those broadcasters after 18 December 2007 in such a way that a substantial proportion of the public in another Member State is deprived of the possibility of following events which are designated by that other Member State in accordance with paragraphs 1 and 2 by whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage on free television as determined by that other Member State in accordance with paragraph</p> <p>Article 15</p> <p>1. Member States shall ensure that for the purpose of short news reports, any broadcaster established in the Union has access on a fair, reasonable and non-discriminatory basis to events of high interest to the public which are transmitted on an exclusive basis by a broadcaster under their jurisdiction.</p> <p>2. If another broadcaster established in the same Member State as the broadcaster seeking access has acquired exclusive rights to the event of high interest to the public, access shall be sought from that broadcaster.</p> <p>3. Member States shall ensure that such access is guaranteed by allowing broadcasters to freely choose short extracts from the transmitting broadcaster's signal with, unless impossible for reasons of practicality, at least the identification of their source.</p> <p>4. As an alternative to paragraph 3, Member States may establish an equivalent system which achieves access on a fair, reasonable and non-discriminatory basis through other means.</p> <p>5. Short extracts shall be used solely for general news programmes and may be used in on-demand</p>
--	--	--	--

<p>audiovisual media services only if the same programme is offered on a deferred basis by the same media service provider.</p> <p>6. Without prejudice to paragraphs 1 to 5, Member States shall ensure, in accordance with their legal systems and practices, that the modalities and conditions regarding the provision of such short extracts are defined, in particular, with respect to any compensation arrangements, the maximum length of short extracts and time limits regarding their transmission. Where compensation is provided for, it shall not exceed the additional costs directly incurred in providing access.</p> <p style="text-align: center;">CHAPTER VI PROMOTION OF DISTRIBUTION AND PRODUCTION OF TELEVISION PROGRAMMES</p> <p>Article 16 1. Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve for European works a majority proportion of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria.</p> <p>2. Where the proportion laid down in paragraph 1 cannot be attained, it must not be lower than the average for 1988 in the Member State concerned.</p> <p>However, in respect of Greece and Portugal, the year 1988 shall be replaced by the year 1990.</p> <p>3. Member States shall provide the Commission every 2 years, starting from 3 October 1991, with a report on the application of this Article and Article 17.</p> <p>That report shall in particular include a statistical statement on the achievement of the proportion referred to in this Article and Article 17 for each of the television programmes falling within the jurisdiction of</p>	<p>audiovisual media services only if the same programme is offered on a deferred basis by the same media service provider.</p> <p>6. Without prejudice to paragraphs 1 to 5, Member States shall ensure, in accordance with their legal systems and practices, that the modalities and conditions regarding the provision of such short extracts are defined, in particular, with respect to any compensation arrangements, the maximum length of short extracts and time limits regarding their transmission. Where compensation is provided for, it shall not exceed the additional costs directly incurred in providing access.</p> <p style="text-align: center;">CHAPTER VI PROMOTION OF DISTRIBUTION AND PRODUCTION OF TELEVISION PROGRAMMES</p> <p>Article 16 1. Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve for European works a majority proportion of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria.</p> <p>2. Where the proportion laid down in paragraph 1 cannot be attained, it must not be lower than the average for 1988 in the Member State concerned.</p> <p>However, in respect of Greece and Portugal, the year 1988 shall be replaced by the year 1990.</p> <p>3. Member States shall provide the Commission every 2 years, starting from 3 October 1991, with a report on the application of this Article and Article 17.</p> <p>That report shall in particular include a statistical statement on the achievement of the proportion referred to in this Article and Article 17 for each of the television programmes falling within the jurisdiction of</p>	<p>audiovisual media services only if the same programme is offered on a deferred basis by the same media service provider.</p> <p>6. Without prejudice to paragraphs 1 to 5, Member States shall ensure, in accordance with their legal systems and practices, that the modalities and conditions regarding the provision of such short extracts are defined, in particular, with respect to any compensation arrangements, the maximum length of short extracts and time limits regarding their transmission. Where compensation is provided for, it shall not exceed the additional costs directly incurred in providing access.</p> <p style="text-align: center;">CHAPTER VI PROMOTION OF DISTRIBUTION AND PRODUCTION OF TELEVISION PROGRAMMES</p> <p>Article 16 1. Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve for European works a majority proportion of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria.</p> <p>2. Where the proportion laid down in paragraph 1 cannot be attained, it must not be lower than the average for 1988 in the Member State concerned.</p> <p>However, in respect of Greece and Portugal, the year 1988 shall be replaced by the year 1990.</p> <p>3. Member States shall provide the Commission every 2 years, starting from 3 October 1991, with a report on the application of this Article and Article 17.</p> <p>That report shall in particular include a statistical statement on the achievement of the proportion referred to in this Article and Article 17 for each of the television programmes falling within the jurisdiction of</p>	<p>audiovisual media services only if the same programme is offered on a deferred basis by the same media service provider.</p> <p>6. Without prejudice to paragraphs 1 to 5, Member States shall ensure, in accordance with their legal systems and practices, that the modalities and conditions regarding the provision of such short extracts are defined, in particular, with respect to any compensation arrangements, the maximum length of short extracts and time limits regarding their transmission. Where compensation is provided for, it shall not exceed the additional costs directly incurred in providing access.</p> <p style="text-align: center;">CHAPTER VI PROMOTION OF DISTRIBUTION AND PRODUCTION OF TELEVISION PROGRAMMES</p> <p>Article 16 1. Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve for European works a majority proportion of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria.</p> <p>2. Where the proportion laid down in paragraph 1 cannot be attained, it must not be lower than the average for 1988 in the Member State concerned.</p> <p>However, in respect of Greece and Portugal, the year 1988 shall be replaced by the year 1990.</p> <p>3. Member States shall provide the Commission every 2 years, starting from 3 October 1991, with a report on the application of this Article and Article 17.</p> <p>That report shall in particular include a statistical statement on the achievement of the proportion referred to in this Article and Article 17 for each of the television programmes falling within the jurisdiction of</p>
--	--	--	--

<p>the Member State concerned, the reasons, in each case, for the failure to attain that proportion and the measures adopted or envisaged in order to achieve it.</p> <p>The Commission shall inform the other Member States and the European Parliament of the reports, which shall be accompanied, where appropriate, by an opinion. The Commission shall ensure the application of this Article and Article 17 in accordance with the provisions of the Treaty on the Functioning of the European Union. The Commission may take account in its opinion, in particular, of progress achieved in relation to previous years, the share of first broadcast works in the programming, the particular circumstances of new television broadcasters and the specific situation of countries with a low audiovisual production capacity or restricted language area.</p> <p>Article 17 Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10 % of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, at least 10 % of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within 5 years of their production.</p> <p>Article 18 This Chapter shall not apply to television broadcasts that are intended for local audiences and do not form part of a national network.</p> <p style="text-align: center;">CHAPTER VII TELEVISION ADVERTISING AND TEleshopping</p> <p>Article 19 1. Television advertising and teleshopping shall be readily recognisable and distinguishable from editorial</p>	<p>the Member State concerned, the reasons, in each case, for the failure to attain that proportion and the measures adopted or envisaged in order to achieve it.</p> <p>The Commission shall inform the other Member States and the European Parliament of the reports, which shall be accompanied, where appropriate, by an opinion. The Commission shall ensure the application of this Article and Article 17 in accordance with the provisions of the Treaty on the Functioning of the European Union. The Commission may take account in its opinion, in particular, of progress achieved in relation to previous years, the share of first broadcast works in the programming, the particular circumstances of new television broadcasters and the specific situation of countries with a low audiovisual production capacity or restricted language area.</p> <p>Article 17 Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10 % of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, at least 10 % of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within 5 years of their production.</p> <p>Article 18 This Chapter shall not apply to television broadcasts that are intended for local audiences and do not form part of a national network.</p> <p style="text-align: center;">CHAPTER VII TELEVISION ADVERTISING AND TEleshopping</p> <p>Article 19 1. Television advertising and teleshopping shall be readily recognisable and distinguishable from editorial</p>	<p>the Member State concerned, the reasons, in each case, for the failure to attain that proportion and the measures adopted or envisaged in order to achieve it.</p> <p>The Commission shall inform the other Member States and the European Parliament of the reports, which shall be accompanied, where appropriate, by an opinion. The Commission shall ensure the application of this Article and Article 17 in accordance with the provisions of the Treaty on the Functioning of the European Union. The Commission may take account in its opinion, in particular, of progress achieved in relation to previous years, the share of first broadcast works in the programming, the particular circumstances of new television broadcasters and the specific situation of countries with a low audiovisual production capacity or restricted language area.</p> <p>Article 17 Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10 % of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, at least 10 % of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within 5 years of their production.</p> <p>Article 18 This Chapter shall not apply to television broadcasts that are intended for local audiences and do not form part of a national network.</p> <p style="text-align: center;">CHAPTER VII TELEVISION ADVERTISING AND TEleshopping</p> <p>Article 19 1. Television advertising and teleshopping shall be readily recognisable and distinguishable from editorial</p>	<p>the Member State concerned, the reasons, in each case, for the failure to attain that proportion and the measures adopted or envisaged in order to achieve it.</p> <p>The Commission shall inform the other Member States and the European Parliament of the reports, which shall be accompanied, where appropriate, by an opinion. The Commission shall ensure the application of this Article and Article 17 in accordance with the provisions of the Treaty on the Functioning of the European Union. The Commission may take account in its opinion, in particular, of progress achieved in relation to previous years, the share of first broadcast works in the programming, the particular circumstances of new television broadcasters and the specific situation of countries with a low audiovisual production capacity or restricted language area.</p> <p>Article 17 Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10 % of their transmission time, excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping, or alternately, at the discretion of the Member State, at least 10 % of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria. It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within 5 years of their production.</p> <p>Article 18 This Chapter shall not apply to television broadcasts that are intended for local audiences and do not form part of a national network.</p> <p style="text-align: center;">CHAPTER VII TELEVISION ADVERTISING AND TEleshopping</p> <p>Article 19 1. Television advertising and teleshopping shall be readily recognisable and distinguishable from editorial</p>
--	--	--	--

<p>content. Without prejudice to the use of new advertising techniques, television advertising and teleshopping shall be kept quite distinct from other parts of the programme by optical and/or acoustic and/or spatial means.</p> <p>2. Isolated advertising and teleshopping spots, other than in transmissions of sports events, shall remain the exception.</p> <p>Article 20 1. Member States shall ensure, where television advertising or teleshopping is inserted during programmes, that the integrity of the programmes, taking into account natural breaks in and the duration and the nature of the programme concerned, and the rights of the right holders are not prejudiced.</p> <p>2. The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes. The transmission of children's programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes. No television advertising or teleshopping shall be inserted during religious services.</p> <p>Article 21 Teleshopping for medicinal products which are subject to a marketing authorisation within the meaning of Directive 2001/83/EC, as well as teleshopping for medical treatment, shall be prohibited.</p> <p>Article 22 Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:</p> <p>(a) it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages;</p>	<p>content. Without prejudice to the use of new advertising techniques, television advertising and teleshopping shall be kept quite distinct from other parts of the programme by optical and/or acoustic and/or spatial means.</p> <p>2. Isolated advertising and teleshopping spots, other than in transmissions of sports events, shall remain the exception.</p> <p>Article 20 1. Member States shall ensure, where television advertising or teleshopping is inserted during programmes, that the integrity of the programmes, taking into account natural breaks in and the duration and the nature of the programme concerned, and the rights of the right holders are not prejudiced.</p> <p>2. The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 20 minutes. The transmission of children's programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes. No television advertising or teleshopping shall be inserted during religious services.</p> <p>Article 21 Teleshopping for medicinal products which are subject to a marketing authorisation within the meaning of Directive 2001/83/EC, as well as teleshopping for medical treatment, shall be prohibited.</p> <p>Article 22 Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:</p> <p>(a) it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages;</p>	<p>content. Without prejudice to the use of new advertising techniques, television advertising and teleshopping shall be kept clearly distinct from other parts of the programme by optical and/or acoustic and/or spatial means.</p> <p>2. Isolated advertising and teleshopping spots, shall be admissible in sports events. Outside of sport events, isolated advertising and teleshopping spots shall be admissible subject to compliance with the provision of Article 20 (2).</p> <p>Article 20 1. Member States shall ensure, where television advertising or teleshopping is inserted during programmes, that the integrity of the programmes, taking into account natural breaks in and the duration and the nature of the programme concerned, and the rights of the right holders are not prejudiced.</p> <p>2. The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes. The transmission of children's programmes may be interrupted by television advertising once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes. The transmission of teleshopping shall be prohibited during children's programmes. No television advertising or teleshopping shall be inserted during religious services.</p> <p>Article 21 Teleshopping for medicinal products which are subject to a marketing authorisation within the meaning of Directive 2001/83/EC, as well as teleshopping for medical treatment, shall be prohibited.</p> <p>Article 22 Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:</p> <p>(a) it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages;</p>	<p>content. Without prejudice to the use of new advertising techniques, television advertising and teleshopping shall be kept quite distinct from other parts of the programme by optical and/or acoustic and/or spatial means.</p> <p>2. Isolated advertising and teleshopping spots, other than in transmissions of sports events, shall remain the exception.</p> <p>Article 20 1. Member States shall ensure, where television advertising or teleshopping is inserted during programmes, that the integrity of the programmes, taking into account natural breaks in and the duration and the nature of the programme concerned, and the rights of the right holders are not prejudiced.</p> <p>2. The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes. The transmission of children's programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes. No television advertising or teleshopping shall be inserted during religious services.</p> <p>Article 21 Teleshopping for medicinal products which are subject to a marketing authorisation within the meaning of Directive 2001/83/EC, as well as teleshopping for medical treatment, shall be prohibited.</p> <p>Article 22 1a. Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:</p> <p>(a) it shall not be aimed specifically at minors or, in particular, depict minors consuming these beverages;</p>
---	--	--	---

<p>(b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;</p> <p>(c) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;</p> <p>(d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;</p> <p>(e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;</p> <p>(f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.</p> <p>Article 23 1. The proportion of television advertising spots and teleshopping spots within a given clock hour shall not exceed 20 %.</p> <p>2. Paragraph 1 shall not apply to announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes, sponsorship announcements and product placements.</p>	<p>(b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;</p> <p>(c) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;</p> <p>(d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;</p> <p>(e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;</p> <p>(f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.</p> <p>Article 23 1. The daily proportion of television advertising spots and teleshopping spots within the period between 7:00 and 23:00 shall not exceed 20 %.</p> <p>2. Paragraph 1 shall not apply to: (a) announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes or with programmes from other entities belonging to the same media group;</p> <p>(b) sponsorship announcements;</p> <p>(c) product placements.</p>	<p>(b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;</p> <p>(c) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;</p> <p>(d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;</p> <p>(e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;</p> <p>(f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.</p> <p>Article 23 1. The daily proportion of television advertising spots and teleshopping spots ____ shall not exceed 20 %. Member States shall remain free to define a prime time window, the duration of which shall not exceed a period of four consecutive hours. Within such a window, the proportion of television advertising spots and teleshopping spots shall not exceed 20 %.</p> <p>2. Paragraph 1 shall not apply to: (a) self-promotional and cross-promotional announcements made by the broadcaster in connection with its own programmes and ancillary products and audiovisual media services directly derived from those programmes or with programmes, product and services from entities belonging to the same broadcasting group;</p> <p>(b) sponsorship announcements,</p> <p>(c) product placements;</p>	<p>(b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;</p> <p>(c) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;</p> <p>(d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;</p> <p>(e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;</p> <p>(f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.</p> <p>1b. Audiovisual commercial communications for alcoholic beverages in on-demand audiovisual media services, with the exception of sponsorship and product placement, shall comply with the criteria in paragraph 1a.</p> <p>Article 23 1. The ____ proportion of television advertising spots and teleshopping spots within the period between 6:00 and 18:00 shall not exceed 20 % of that period. The proportion of television advertising spots and teleshopping spots within the period between 18:00 and 00:00 shall not exceed 20 % of that period.</p> <p>2. Paragraph 1 shall not apply to: (a) ____ announcements made by the broadcaster in connection with its own programmes and ancillary products ____ directly derived from those programmes or with programmes ____ from other entities belonging to the same media group;</p> <p>(b) sponsorship announcements;</p> <p>(c) product placements;</p>
---	---	--	---

<p>Article 24 Teleshopping windows shall be clearly identified as such by optical and acoustic means and shall be of a minimum uninterrupted duration of 15 minutes.</p> <p>Article 25 This Directive shall apply mutatis mutandis to television channels exclusively devoted to advertising and teleshopping as well as to television channels exclusively devoted to self-promotion.</p> <p>However, Chapter VI as well as Articles 20 and 23 shall not apply to these channels.</p> <p>Article 26 Without prejudice to Article 4, Member States may, with due regard for Union law, lay down conditions other than those laid down in Article 20(2) and Article 23 in respect of television broadcasts intended solely for the national territory which cannot be received directly or indirectly by the public in one or more other Member States.</p> <p style="text-align: center;">CHAPTER VIII PROTECTION OF MINORS IN TELEVISION BROADCASTING</p> <p>Article 27 1. Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.</p> <p>2. The measures provided for in paragraph 1 shall also extend to other programmes which are likely to impair the physical, mental or moral development of minors,</p>	<p>Article 24 Teleshopping windows shall be clearly identified as such by optical and acoustic means and shall be of a minimum uninterrupted duration of 15 minutes.</p> <p>Article 25 This Directive shall apply mutatis mutandis to television channels exclusively devoted to advertising and teleshopping as well as to television channels exclusively devoted to self-promotion.</p> <p>However, Chapter VI as well as Articles 20 and 23 shall not apply to these channels.</p> <p>Article 26 Without prejudice to Article 4, Member States may, with due regard for Union law, lay down conditions other than those laid down in Article 20(2) and Article 23 in respect of television broadcasts intended solely for the national territory which cannot be received directly or indirectly by the public in one or more other Member States.</p> <p>deleted</p> <p>deleted</p>	<p>(ca) public services announcements and charity appeals;</p> <p>(cb) neutral frames used to distinguish between editorial content and commercial communications, and between commercial communications;</p> <p>Article 24 Teleshopping windows shall be clearly identified as such by optical and acoustic means and shall be of a minimum uninterrupted duration of 15 minutes.</p> <p>Article 25 This Directive shall apply mutatis mutandis to television channels exclusively devoted to advertising and teleshopping as well as to television channels exclusively devoted to self-promotion.</p> <p>However, Chapter VI as well as Articles 20 and 23 shall not apply to these channels.</p> <p>Article 26 Without prejudice to Article 4, Member States may, with due regard for Union law, lay down conditions other than those laid down in Article 20(2) and Article 23 in respect of television broadcasts intended solely for the national territory which cannot be received directly or indirectly by the public in one or more other Member States.</p>	<p>—</p> <p>(ca) neutral frames — between editorial content and television advertising or teleshopping spots, and between individual spots.</p> <p>Article 24 Teleshopping windows shall be clearly identified as such by optical and acoustic means and shall be of a minimum uninterrupted duration of 15 minutes.</p> <p>Article 25 This Directive shall apply mutatis mutandis to television channels exclusively devoted to advertising and teleshopping as well as to television channels exclusively devoted to self-promotion.</p> <p>However, Chapter VI as well as Articles 20 and 23 shall not apply to these channels.</p> <p>Article 26 Without prejudice to Article 4, Member States may, with due regard for Union law, lay down conditions other than those laid down in Article 20(2) and Article 23 in respect of television broadcasts intended solely for the national territory which cannot be received directly or indirectly by the public in one or more other Member States.</p>
---	---	---	---

<p>except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts.</p> <p>3. In addition, when such programmes are broadcast in unencoded form Member States shall ensure that they are preceded by an acoustic warning or are identified by the presence of a visual symbol throughout their duration.</p> <p style="text-align: center;">CHAPTER IX RIGHT OF REPLY IN TELEVISION BROADCASTING</p> <p>Article 28 1. Without prejudice to other provisions adopted by the Member States under civil, administrative or criminal law, any natural or legal person, regardless of nationality, whose legitimate interests, in particular reputation and good name, have been damaged by an assertion of incorrect facts in a television programme must have a right of reply or equivalent remedies. Member States shall ensure that the actual exercise of the right of reply or equivalent remedies is not hindered by the imposition of unreasonable terms or conditions. The reply shall be transmitted within a reasonable time subsequent to the request being substantiated and at a time and in a manner appropriate to the broadcast to which the request refers.</p> <p>2. A right of reply or equivalent remedies shall exist in relation to all broadcasters under the jurisdiction of a Member State.</p> <p>3. Member States shall adopt the measures needed to establish the right of reply or the equivalent remedies and shall determine the procedure to be followed for the exercise thereof. In particular, they shall ensure that a sufficient time span is allowed and that the procedures are such that the right or equivalent remedies can be exercised appropriately by natural or legal persons resident or established in other Member States.</p> <p>4. An application for exercise of the right of reply or the equivalent remedies may be rejected if such a reply</p>	<p style="text-align: center;">CHAPTER IX RIGHT OF REPLY IN TELEVISION BROADCASTING</p> <p>Article 28 1. Without prejudice to other provisions adopted by the Member States under civil, administrative or criminal law, any natural or legal person, regardless of nationality, whose legitimate interests, in particular reputation and good name, have been damaged by an assertion of incorrect facts in a television programme must have a right of reply or equivalent remedies. Member States shall ensure that the actual exercise of the right of reply or equivalent remedies is not hindered by the imposition of unreasonable terms or conditions. The reply shall be transmitted within a reasonable time subsequent to the request being substantiated and at a time and in a manner appropriate to the broadcast to which the request refers.</p> <p>2. A right of reply or equivalent remedies shall exist in relation to all broadcasters under the jurisdiction of a Member State.</p> <p>3. Member States shall adopt the measures needed to establish the right of reply or the equivalent remedies and shall determine the procedure to be followed for the exercise thereof. In particular, they shall ensure that a sufficient time span is allowed and that the procedures are such that the right or equivalent remedies can be exercised appropriately by natural or legal persons resident or established in other Member States.</p> <p>4. An application for exercise of the right of reply or the equivalent remedies may be rejected if such a reply</p>	<p style="text-align: center;">CHAPTER IX RIGHT OF REPLY IN TELEVISION BROADCASTING</p> <p>Article 28 1. Without prejudice to other provisions adopted by the Member States under civil, administrative or criminal law, any natural or legal person, regardless of nationality, whose legitimate interests, in particular reputation and good name, have been damaged by an assertion of incorrect facts in a television programme must have a right of reply or equivalent remedies. Member States shall ensure that the actual exercise of the right of reply or equivalent remedies is not hindered by the imposition of unreasonable terms or conditions. The reply shall be transmitted within a reasonable time subsequent to the request being substantiated and at a time and in a manner appropriate to the broadcast to which the request refers.</p> <p>2. A right of reply or equivalent remedies shall exist in relation to all broadcasters under the jurisdiction of a Member State.</p> <p>3. Member States shall adopt the measures needed to establish the right of reply or the equivalent remedies and shall determine the procedure to be followed for the exercise thereof. In particular, they shall ensure that a sufficient time span is allowed and that the procedures are such that the right or equivalent remedies can be exercised appropriately by natural or legal persons resident or established in other Member States.</p> <p>4. An application for exercise of the right of reply or the equivalent remedies may be rejected if such a reply</p>	<p style="text-align: center;">CHAPTER IX RIGHT OF REPLY IN TELEVISION BROADCASTING</p> <p>Article 28 1. Without prejudice to other provisions adopted by the Member States under civil, administrative or criminal law, any natural or legal person, regardless of nationality, whose legitimate interests, in particular reputation and good name, have been damaged by an assertion of incorrect facts in a television programme must have a right of reply or equivalent remedies. Member States shall ensure that the actual exercise of the right of reply or equivalent remedies is not hindered by the imposition of unreasonable terms or conditions. The reply shall be transmitted within a reasonable time subsequent to the request being substantiated and at a time and in a manner appropriate to the broadcast to which the request refers.</p> <p>2. A right of reply or equivalent remedies shall exist in relation to all broadcasters under the jurisdiction of a Member State.</p> <p>3. Member States shall adopt the measures needed to establish the right of reply or the equivalent remedies and shall determine the procedure to be followed for the exercise thereof. In particular, they shall ensure that a sufficient time span is allowed and that the procedures are such that the right or equivalent remedies can be exercised appropriately by natural or legal persons resident or established in other Member States.</p> <p>4. An application for exercise of the right of reply or the equivalent remedies may be rejected if such a reply</p>
---	--	--	--

<p>is not justified according to the conditions laid down in paragraph 1, would involve a punishable act, would render the broadcaster liable to civil-law proceedings or would transgress standards of public decency.</p> <p>5. Provision shall be made for procedures whereby disputes as to the exercise of the right of reply or the equivalent remedies can be subject to judicial review.</p>	<p>is not justified according to the conditions laid down in paragraph 1, would involve a punishable act, would render the broadcaster liable to civil-law proceedings or would transgress standards of public decency.</p> <p>5. Provision shall be made for procedures whereby disputes as to the exercise of the right of reply or the equivalent remedies can be subject to judicial review.</p> <p style="text-align: center;">CHAPTER IXa PROVISION APPLICABLE TO VIDEO-SHARING PLATFORM SERVICES</p> <p>Article 28a 1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers take appropriate measures to:</p> <p>(a) protect minors from content which may impair their physical, mental or moral development;</p> <p>(b) protect all citizens from content containing incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex, race, colour, religion, descent or national or ethnic origin.</p>	<p>is not justified according to the conditions laid down in paragraph 1, would involve a punishable act, would render the broadcaster liable to civil-law proceedings or would transgress standards of public decency.</p> <p>5. Provision shall be made for procedures whereby disputes as to the exercise of the right of reply or the equivalent remedies can be subject to judicial review.</p> <p style="text-align: center;">CHAPTER IXa PROVISION APPLICABLE TO VIDEO-SHARING PLATFORM SERVICES</p> <p>Article 28a 1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers take appropriate, proportionate and efficient measures to:</p> <p>(b) protect minors from content which may impair their physical or mental ____ development;</p> <p>(a) protect all citizens from content containing incitement undermining human dignity, or content containing incitement to violence or hatred directed against a person or a group of persons defined by reference to nationality, sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health.</p>	<p>is not justified according to the conditions laid down in paragraph 1, would involve a punishable act, would render the broadcaster liable to civil-law proceedings or would transgress standards of public decency.</p> <p>5. Provision shall be made for procedures whereby disputes as to the exercise of the right of reply or the equivalent remedies can be subject to judicial review.</p> <p style="text-align: center;">CHAPTER IXa PROVISION APPLICABLE TO VIDEO-SHARING PLATFORM SERVICES</p> <p>Article 28a 1. Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall ensure that video-sharing platform providers take appropriate ____ measures to:</p> <p>(a) protect minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development;</p> <p>(b) protect the general public from programmes, user-generated videos and audiovisual commercial communications containing incitement to violence or hatred directed against ____ a group of persons or a member of such a group defined by reference to sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation.;</p> <p>(ba) protect the general public from programmes, user-generated videos and audiovisual commercial communications containing the public provocation to commit a terrorist offence as set out in Article 5 of Directive (EU) 2017/541 on combating terrorism;</p> <p>1a. Member States shall ensure that video-sharing platform providers comply with the requirements set out in Article 9(1) with respect to audiovisual commercial communications that are marketed, sold and arranged by those video-sharing platform providers. Taking into account the limited control exercised by video sharing platforms over audiovisual commercial communication that are not marketed, sold</p>
--	---	---	--

	<p>2. What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest. Those measures shall consist of, as appropriate:</p> <p>(a) defining and applying in the terms and conditions of the video-sharing platform providers the concepts of incitement to violence or hatred as referred to in point (b) of paragraph 1 and of content which may impair the physical, mental or moral development of minors, in accordance with Articles 6 and 12 respectively;</p> <p>(b) establishing and operating mechanisms for users of video-sharing platforms to report or flag to the video-sharing platform provider concerned the content referred to in paragraph 1 stored on its platform;</p>	<p>2. ____ Those measures shall consist of, as appropriate:</p> <p>(a) defining and applying in the terms and conditions of the video-sharing platform providers the concepts of incitement to violence or hatred as referred to in point (a) of paragraph 1 and of content which may impair the physical or mental ____ development of minors, in accordance with Article 6 (a) and (aa) and Article 6a respectively. For the purposes of paragraph 1, Member States shall ensure that such measures based on terms and conditions are only permitted if national procedural rules provide a possibility for users to assert their rights before a court after learning of such measures;</p> <p>(b) establishing and operating transparent and user-friendly mechanisms for users of video-sharing platforms to report or flag to the video-sharing platform provider concerned the content referred to in paragraph 1 hosted on its platform;</p> <p>ba) establishing and operating systems through which providers of video-sharing platforms explain to users of video-sharing platforms what effect has been given to the reporting and flagging referred to in point (b);</p>	<p>and arranged by those video sharing platform providers, Member States shall ensure that the video sharing platform providers take appropriate measures to comply with the requirements set out in Article 9(1).</p> <p>2. For the purposes of paragraphs 1 and 1a, the appropriate measures shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created and/or uploaded the content as well as the public interest. The measures shall be practicable and proportionate, taking into account the size of the video-sharing platform service and the nature of the service that is provided. Such measures shall include, as appropriate:</p> <p>(a) including and applying, in the terms and conditions of the video-sharing platform services, the requirements not to incite to violence or hatred as referred to in point (b) of paragraph 1 and not to publicly provoke the commitment of terrorist offences as referred to in point (ba) of paragraph 1, in accordance with Article 6, as well as the concept of content which may impair the physical, mental or moral development of minors, in accordance with Article 12(1);</p> <p>(aa) including and applying, in the terms and conditions of the video-sharing platform services, the requirements set out in Article 9(1) for audiovisual commercial communications that are not marketed, sold or arranged by the video-sharing platform providers;</p> <p>(b) establishing and operating ____ mechanisms for users of video-sharing platforms to report or flag to the video-sharing platform provider concerned the content referred to in paragraph 1 stored on its platform;</p> <p>_____</p>
--	--	--	---

	<p>(c) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors;</p> <p>(d) establishing and operating systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1;</p> <p>(e) providing for parental control systems with respect to content which may impair the physical, mental or moral development of minors;</p> <p>(f) establishing and operating systems through which providers of video-sharing platforms explain to users of video-sharing platforms what effect has been given to the reporting and flagging referred to in point (b).</p>	<p>(c) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical or mental ___ development of minors; such systems shall not lead to any additional processing of personal data and be without prejudice to Article 8 of Regulation (EU)2016/679;</p> <p>(d) establishing and operating easy to use systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1;</p> <p>(e) providing for parental control systems that are under the control of the end-user and in proportionality of the measures referred to in paragraphs 2 and 3 with respect to content which may impair the physical or mental ___ development of minors. The regulatory authorities and / or bodies shall provide the necessary guidelines to ensure that the measures taken, respect freedom of expression and include a requirement to inform users;</p> <p>(f) establishing and operating transparent, easy to use and effective procedures for the handling and resolution of disputes between the video-sharing platform platform provider and its users in relation to the implementation of the measures referred to in points (b) to (f).</p> <p>2a. What constitutes an appropriate measure for the purposes of paragraph 1 shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having uploaded the content as well as the public interest. Appropriate measures shall respect freedom of expression and information, and media pluralism . The most harmful content shall be subject to the strictest measures. Such measures shall not lead to any ex-ante control measures or upload-filtering of content.</p>	<p>(c) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors; ___</p> <p>(d) establishing and operating ___ systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1;</p> <p>(e) providing for parental control systems ___ with respect to content which may impair the physical, mental or moral development of minors; ___</p> <p>(f) establishing and operating systems through which providers of video-sharing platforms explain to users of video-sharing platforms what effect has been given to the reporting and flagging referred to in point (b);</p> <p>(fa) providing for effective media literacy measures and tools and raising users' awareness of these measures and tools.</p> <p>___</p>
--	---	--	--

	<p>3. For the purposes of the implementation of the measures referred to in paragraphs 1 and 2, Member States shall encourage co-regulation as provided for in Article 4(7).</p> <p>4. Member States shall establish the necessary mechanisms to assess the appropriateness of the measures referred to in paragraphs 2 and 3 taken by video-sharing platform providers. Member States shall entrust this task to the authorities designated in accordance with Article 30.</p> <p>5. Member States shall not impose on video-sharing platform providers measures that are stricter than the measures referred to in paragraph 1 and 2. Member States shall not be precluded from imposing stricter measures with respect to illegal content. When adopting such measures, they shall respect the conditions set by applicable Union law, such as, where appropriate, those set in Articles 14 and 15 of Directive 2000/31/EC or Article 25 of Directive 2011/93/EU.</p>	<p>3. For the purposes of the implementation of the measures referred to in paragraphs 1 and 2, Member States and the Commission shall encourage and facilitate self- and co- regulation as provided for in Article 4(7) and Article 4 (7(a)) ensuring that codes of conduct are compliant with the provisions of this Directive and fully respect the obligations set out in the Charter of Fundamental Rights, in particular Article 52 thereof. Member States shall ensure that video-sharing platform providers conduct and publish regular audits of their performance in accordance with the measures referred to in paragraph 1.</p> <p>4. Member States shall establish the necessary mechanisms to assess and report on the delivery and effectiveness of the measures taken, taking into account their legality, transparency, necessity, effectiveness and proportionality. Member States shall entrust this task to the authorities designated in accordance with Article 30. The regulatory authorities and/or bodies shall provide the necessary guidelines to ensure that the measures taken, respect freedom of expression, and include a requirement to inform users.</p> <p>5. Article 8 shall apply to video-sharing platform providers.</p> <p>5a. Member States shall provide that commercial communications or sponsoring that are marketed, sold, or arranged by video-sharing platform providers comply with the requirements of Articles 9 and 10.</p>	<p>3. For the purposes of the implementation of the measures referred to in paragraph 2, Member States are encouraged to use co-regulation as provided for in Article 4a(1). _____</p> <p>3a. For the purposes of ensuring effective and consistent implementation of this Article, where necessary, the Commission shall, after consulting the Contact Committee, issue guidelines regarding the practical application of point (iii) of Article 1(aa).</p> <p>4. Member States shall establish the necessary mechanisms to assess the appropriateness of the measures, referred to in paragraph 2 taken by video-sharing platform providers. Member States shall entrust the assessment of those measures to the national regulatory authorities. _____</p> <p>5. Member States may impose on video-sharing platform providers measures that are more detailed or stricter than the measures referred to in paragraph 2. When adopting such measures, Member States shall comply with the requirements set out by applicable Union law, such as those set in Articles 14 and 15 of Directive 2000/31/EC or Article 25 of Directive 2011/93/EU.</p>
--	--	---	---

	<p>6. Member States shall ensure that complaint and redress mechanisms are available for the settlement of disputes between users and video-sharing platform providers relating to the application of the appropriate measures referred to in paragraphs 1 and 2.</p> <p>7. The Commission and ERGA shall encourage video-sharing platform providers to exchange best practices on co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.</p> <p>8. Video-sharing platform providers or, where applicable, the organisations representing those providers in this respect shall submit to the Commission draft Union codes of conduct and amendments to existing Union codes of conduct. The Commission may request ERGA to give an opinion on the drafts, amendments or extensions of those codes of conduct. The Commission may give appropriate publicity to those codes of conduct.</p> <p>Article 28b</p> <p>1. Member States shall ensure that video-sharing platform providers which are not established on their territory, but which have either a parent company or a</p>	<p>Without prejudice to Articles 14 and 15 of Directive 2000/31/EC, Member States shall provide that video-sharing platforms require users who upload content, to declare whether such content contains advertisements, sponsored content or product placement. Member States shall require platforms to provide that service recipients be clearly informed of declared or known content including advertisements, sponsored content or product placement.</p> <p>deleted-----</p> <p>7. The Commission and the ERGA shall encourage video-sharing platform providers to exchange best practices on self- and co-regulatory systems across the Union. Where appropriate, the Commission shall facilitate the development of Union codes of conduct.</p> <p>8. Video-sharing platform providers or, where applicable, the organisations representing those providers in this respect shall submit to the Commission draft Union codes of conduct and amendments to existing Union codes of conduct. The Commission may request the ERGA to give an opinion on the drafts, amendments or extensions of those codes of conduct. The Commission shall publish those codes in order to promote the exchange of best practice.</p> <p>Article 28b</p> <p>1. Member States shall ensure that video-sharing platform providers which are not established on their territory, but which have either a parent company or a</p>	<p>6. Member States shall ensure that complaint and redress mechanisms are available for the settlement of disputes between users and video-sharing platform providers relating to the application of paragraphs 1 and 2.</p> <p>6a. In addition to the measures referred to in paragraph 2, Member States shall encourage policies and schemes to develop media literacy skills.</p> <p>7. The Commission ____ shall encourage video-sharing platform providers to exchange best practices on ____ co-regulatory codes of conduct referred to in paragraph 3. ____</p> <p>8. Member States and the Commission may foster self-regulation through Union codes of conduct referred to in Article 4a(2).</p> <p>Article 28b</p> <p>-1. For the purposes of this Directive, a video-sharing platform provider established on the territory of a Member State within the meaning of Article 3(1) of Directive 2000/31/EC shall be under the jurisdiction of that Member State.</p> <p>1. ____ A video-sharing platform provider which is not established on the territory of a Member State pursuant to paragraph -1 shall be deemed to be</p>
--	---	--	---

	<p>subsidiary that is established on their territory or which are part of a group and another entity of that group is established on their territory, are deemed to have been established on their territory for the purposes of Article 3(1) of Directive 2000/31/EEC.</p> <p>For the purposes of applying the first subparagraph, where the parent company, the subsidiary or the other entity of the group are each established in different Member States, the provider shall be deemed to have been established in the Member State where its parent company is established or, in the absence of such an establishment in a Member State, where its subsidiary is established or, in the absence of such an establishment in a Member State, where the other entity of the group is established.</p> <p>For the purposes of applying the second subparagraph, where there are several subsidiaries each of which are established in different Member States, or where there are several other entities of the group each of which are established in different Member States, the Member States concerned shall ensure that the provider designates in which of these Member States it shall be deemed to have been established.</p>	<p>subsidiary that is established on their territory or which are part of a group and another entity of that group is established on their territory, are deemed to have been established on their territory for the purposes of Article 3(1) of Directive 2000/31/EEC.</p> <p>For the purposes of applying the first subparagraph, where the parent company, the subsidiary or the other entity of the group are each established in different Member States, the provider shall be deemed to have been established in the Member State where its parent company is established or, in the absence of such an establishment in a Member State, where its subsidiary is established or, in the absence of such an establishment in a Member State, where the other entity of the group is established.</p> <p>For the purposes of applying the second subparagraph, where there are several subsidiaries each of which are established in different Member States, or where there are several other entities of the group each of which are established in different Member States, the Member States concerned shall ensure that the provider designates in which of these Member States it shall be deemed to have been established.</p>	<p>established on the territory of a Member State for the purposes of this Directive if that video-sharing platform provider:</p> <ul style="list-style-type: none"> a) has a parent undertaking or a subsidiary undertaking that is established on the territory of that Member State; or b) is part of a group and another undertaking of that group is established on the territory of that Member State. <p>For the purposes of this Article:</p> <ul style="list-style-type: none"> a) "parent undertaking" means parent undertaking as defined in point 9 of Article 2 of Directive 2013/34/EU; b) "subsidiary undertaking" means subsidiary undertaking as defined in point 10 of Article 2 of Directive 2013/34/EU; c) "group" means a parent undertaking, all its subsidiary undertakings and all other undertakings which are part of the group. <p>1a. For the purposes of applying paragraph 1, where the parent undertaking, the subsidiary undertaking or the other undertakings of the group are each established in different Member States, the video-sharing platform provider shall be deemed to be established in the Member State where its parent undertaking is established or, in the absence of such an establishment, in the Member State where its subsidiary undertaking is established or, in the absence of such an establishment, in the Member State where the other undertaking of the group is established.</p> <p>1b. For the purposes of applying paragraph 1a, where there are several subsidiary undertakings and each of them is established in a different Member State, the video-sharing platform provider shall be deemed to be established in the Member State where one of the subsidiary undertakings first began its activity, provided that it maintains a stable and effective link with the economy of that Member State. Where there are several other undertakings which are part of the group</p>
--	--	--	---

	<p>2. Member States shall communicate to the Commission a list of the video-sharing platform providers established on their territory and the criteria, set out in Article 3(1) of Directive 2000/31/EC and in paragraph 1, on which their jurisdiction is based. They shall update the list regularly. The Commission shall ensure that the competent independent regulatory authorities have access to this information.</p>	<p>2. Member States shall communicate to the Commission a list of the video-sharing platform providers established on their territory and the criteria, set out in Article 3(1) of Directive 2000/31/EC and in paragraph 1, on which their jurisdiction is based. They shall update the list regularly. The Commission shall ensure that the competent independent regulatory authorities have access to this information.</p> <p>Article 28c Member States shall ensure that a video-sharing platform provider under their jurisdiction shall make easily, directly and permanently accessible to the user at least the following information:</p> <p>(a) the name of the video-sharing platform provider;</p> <p>(b) the geographical address at which the video-sharing platform provider is established;</p> <p>(c) the details of the video-sharing platform provider, including its electronic mail address or website, which allow it to be contacted rapidly in a direct and effective manner;</p> <p>(d) the Member State having jurisdiction over the video-sharing platform provider and the competent regulatory authorities and / or bodies or supervisory bodies.</p>	<p>and each of them is established in a different Member State, the video-sharing platform provider shall be deemed to be established in the Member State where one of these undertakings first began its activity, provided that it maintains a stable and effective link with the economy of that Member State.</p> <p>1c. For the purposes of this Directive, Articles 3, 14 and 15 of Directive 2000/31/EC shall apply to video-sharing platform providers deemed to be established in a Member State in accordance with paragraph 1.</p> <p>2. Member States shall establish and maintain an up-to-date list of the video-sharing platform providers established or deemed to be established on their territory and indicate on which criteria, set out in paragraph -1 and 1, their jurisdiction is based. Member States shall communicate this list, including any updates, to the Commission. In case of inconsistencies between the lists, the Commission shall contact the Member States concerned in order to find a solution. The Commission shall ensure that the national regulatory authorities have access to this list. To the extent possible, the Commission shall make this information publicly available.</p>
--	--	--	---

CHAPTER X CONTACT COMMITTEE	CHAPTER X CONTACT COMMITTEE	CHAPTER X CONTACT COMMITTEE	CHAPTER X CONTACT COMMITTEE
<p>Article 29</p> <p>1. A contact committee is established under the aegis of the Commission. It shall be composed of representatives of the competent authorities of the Member States. It shall be chaired by a representative of the Commission and meet either on his initiative or at the request of the delegation of a Member State.</p> <p>2. The tasks of the contact committee shall be:</p> <p>(a) to facilitate effective implementation of this Directive through regular consultation on any practical problems arising from its application, and particularly from the application of Article 2, as well as on any other matters on which exchanges of views are deemed useful;</p> <p>(b) to deliver own-initiative opinions or opinions requested by the Commission on the application by the Member States of this Directive;</p> <p>(c) to be the forum for an exchange of views on what matters should be dealt with in the reports which Member States must submit pursuant to Article 16(3) and on their methodology;</p> <p>(d) to discuss the outcome of regular consultations which the Commission holds with representatives of broadcasting organisations, producers, consumers, manufacturers, service providers and trade unions and the creative community;</p> <p>(e) to facilitate the exchange of information between the Member States and the Commission on the situation and the development of regulatory activities regarding audiovisual media services, taking account of the Union's audiovisual policy, as well as relevant developments in the technical field;</p>	<p>Article 29</p> <p>1. A contact committee is established under the aegis of the Commission. It shall be composed of representatives of the competent authorities of the Member States. It shall be chaired by a representative of the Commission and meet either on his initiative or at the request of the delegation of a Member State.</p> <p>2. The tasks of the contact committee shall be:</p> <p>(a) to facilitate effective implementation of this Directive through regular consultation on any practical problems arising from its application, and particularly from the application of Article 2, as well as on any other matters on which exchanges of views are deemed useful;</p> <p>(b) to deliver own-initiative opinions or opinions requested by the Commission on the application by the Member States of this Directive;</p> <p>(c) to be the forum for an exchange of views on what matters should be dealt with in the reports which Member States must submit pursuant to Article 16(3) and on their methodology;</p> <p>(d) to discuss the outcome of regular consultations which the Commission holds with representatives of broadcasting organisations, producers, consumers, manufacturers, service providers and trade unions and the creative community;</p> <p>(e) to facilitate the exchange of information between the Member States and the Commission on the situation and the development of regulatory activities regarding audiovisual media services, taking account of the Union's audiovisual policy, as well as relevant developments in the technical field;</p>	<p>Article 29</p> <p>1. A contact committee is established under the aegis of the Commission. It shall be composed of representatives of the competent bodies or authorities of the Member States and, four Members of the European Parliament as observers nominated every three years. It shall be chaired by a representative of the Commission and meet either on his initiative or at the request of the delegation of a Member State. Gender parity shall be encouraged in the composition of the contact committee.</p> <p>2. The tasks of the contact committee shall be:</p> <p>(a) to facilitate effective implementation of this Directive through regular consultation on any practical problems arising from its application, and particularly from the application of Article 2, as well as on any other matters on which exchanges of views are deemed useful;</p> <p>(b) to deliver own-initiative opinions or opinions requested by the Commission on the application by the Member States of this Directive;</p> <p>(c) to be the forum for an exchange of views on what matters should be dealt with in the reports which Member States must submit pursuant to Article 16(3) and on their methodology;</p> <p>(d) to discuss the outcome of regular consultations which the Commission holds with representatives of broadcasting organisations, producers, consumers, manufacturers, service providers and trade unions and the creative community;</p> <p>(e) to facilitate the exchange of information between the Member States and the Commission on the situation and the development of regulatory activities regarding audiovisual media services, taking account of the Union's audiovisual policy, as well as relevant developments in the technical field;</p>	<p>Article 29</p> <p>1. A contact committee is established under the aegis of the Commission. It shall be composed of representatives of the competent ___ authorities of the Member States ___. It shall be chaired by a representative of the Commission and meet either on his initiative or at the request of the delegation of a Member State. ___</p> <p>2. The tasks of the contact committee shall be:</p> <p>(a) to facilitate effective implementation of this Directive through regular consultation on any practical problems arising from its application, and particularly from the application of Article 2, as well as on any other matters on which exchanges of views are deemed useful;</p> <p>(b) to deliver own-initiative opinions or opinions requested by the Commission on the application by the Member States of this Directive;</p> <p>(c) to be the forum for an exchange of views on what matters should be dealt with in the reports which Member States must submit pursuant to Article 16(3) and on their methodology;</p> <p>(d) to discuss the outcome of regular consultations which the Commission holds with representatives of broadcasting organisations, producers, consumers, manufacturers, service providers and trade unions and the creative community;</p> <p>(e) to facilitate the exchange of information between the Member States and the Commission on the situation and the development of regulatory activities regarding audiovisual media services, taking account of the Union's audiovisual policy, as well as relevant developments in the technical field;</p>

<p>(f) to examine any development arising in the sector on which an exchange of views appears useful.</p> <p>CHAPTER XI COOPERATION BETWEEN REGULATORY BODIES OF THE MEMBER STATES</p> <p>Article 30 Member States shall take appropriate measures to provide each other and the Commission with the information necessary for the application of this Directive, in particular Articles 2, 3 and 4, in particular through their competent independent regulatory bodies.</p>	<p>(f) to examine any development arising in the sector on which an exchange of views appears useful.</p> <p>CHAPTER XI REGULATORY AUTHORITIES OF THE MEMBER STATES</p> <p>Article 30 1. Each Member State shall designate one or more independent national regulatory authorities. Member States shall ensure that they are legally distinct and functionally independent of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.</p> <p>2. Member States shall ensure that national regulatory authorities exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural diversity, consumer protection, internal market and the promotion of fair competition.</p> <p>National regulatory authorities shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with national constitutional law.</p> <p>3. The competences and powers of the independent regulatory authorities, as well as the ways of making them accountable shall be clearly defined in law.</p> <p>4. Member States shall ensure that national regulatory authorities have adequate enforcement powers to carry</p>	<p>(f) to examine and give opinions to the Commission on any development arising in the sector on which an exchange of views appears useful.</p> <p>CHAPTER XI REGULATORY AUTHORITIES AND/OR BODIES OF THE MEMBER STATES</p> <p>Article 30 1. Each Member State shall designate one or more independent national regulatory authorities and/or bodies. Member States shall ensure that they are functionally and effectively independent of their respective governments and of any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.</p> <p>2. Member States shall ensure that national regulatory authorities and/or bodies exercise their powers impartially and transparently and in accordance with the objectives of this Directive, in particular media pluralism, cultural and linguistic diversity, consumer protection, accessibility, non-discrimination, internal market and the promotion of fair competition. Member States shall ensure that national regulatory authorities and/or bodies exercise no ex ante influence over editorial decisions, editorial choices or layouts. Their duties shall be limited to monitoring the implementation of the provisions of this Directive, the application of national law and the fulfilment of statutory obligations.</p> <p>National regulatory authorities shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with national constitutional law.</p> <p>3. The competences and powers of the independent regulatory authorities, as well as the ways of making them accountable shall be clearly defined in law.</p> <p>4. Member States shall ensure that national regulatory authorities have adequate enforcement powers to carry</p>	<p>(f) to examine ____ any development arising in the sector on which an exchange of views appears useful.</p> <p>CHAPTER XI REGULATORY AUTHORITIES OR BODIES OF THE MEMBER STATES</p> <p>Article 30 1. Each Member State shall designate one or more ____ national regulatory authorities or bodies. Member States shall ensure that they are legally distinct from the government and functionally ____ independent of ____ any other public or private body. This shall be without prejudice to the possibility for Member States to set up regulators having oversight over different sectors.</p> <p>2. Member States shall ensure that national regulatory authorities or bodies exercise their powers impartially and transparently and in accordance with the objectives of this Directive ____.</p> <p>National regulatory authorities shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with national constitutional law.</p> <p>3. The competences and powers of the ____ regulatory authorities or bodies, as well as the ways of making them accountable shall be clearly defined in law.</p> <p>4. Member States shall ensure that national regulatory authorities or bodies have adequate financial and</p>
--	--	---	---

	<p>out their functions effectively.</p> <p>5. The Head of a national regulatory authority or the members of the collegiate body fulfilling that function within a national regulatory authority, may be dismissed only if they no longer fulfil the conditions required for the performance of their duties which are laid down in advance in national law. A dismissal decision shall be made public and a statement of reasons shall be made available.</p> <p>6. Member States shall ensure that independent national regulatory authorities have separate annual budgets. The budgets shall be made public. Member States shall also ensure that national regulatory authorities have adequate financial and human resources to enable them to carry out the task assigned to them and to actively participate in and contribute to ERGA.</p> <p>7. Member States shall ensure that effective mechanisms exist at national level under which any user or media services provider or video-sharing platform provider who is affected by a decision of a national regulatory authority has the right of appeal against the decision to an appeal body. The appeal body shall be independent of the parties involved in the appeal.</p> <p>That appeal body, which should be a court, shall have the appropriate expertise to enable it to carry out its functions effectively. Member States shall ensure that the merits of the case are duly taken into account and that there is an effective appeal mechanism.</p> <p>Pending the outcome of the appeal, the decision of the</p>	<p>out their functions effectively.</p> <p>4a. Member States shall ensure that national regulatory authorities and/or bodies designate a single and publicly available point of contact for information and complaints about the accessibility issues referred to in Article 7.</p> <p>5. Member States shall lay down in national law the conditions and the procedures for the appointment and dismissal of the head of a national regulatory authority or the members of the collegiate body fulfilling that function, including the duration of the mandate. Alterations before the termination of the mandate must be duly justified, subject to prior notification and made available to the public. The procedures must be transparent, non-discriminatory and guarantee the requisite degree of independence.</p> <p>6. Member States shall ensure that ____ regulatory authorities and/or bodies have separate annual budget allocations to enable them to carry out the tasks assigned to them and to actively participate in and contribute to the ERGA. The budgets shall be made public. ____</p> <p>7. Member States shall ensure that effective mechanisms exist at national level under which any recipient of a service whose rights are directly affected by the audiovisual media content or audiovisual media services provider or video-sharing platform provider who is affected by a decision of a national regulatory authority has the right of appeal against the decision to an appeal body. The appeal body shall be independent of the parties involved in the appeal.</p> <p>That appeal body, which should be a court, shall have the appropriate expertise to enable it to carry out its functions effectively. Member States shall ensure that the merits of the case are duly taken into account and that there is an effective appeal mechanism.</p> <p>Pending the outcome of the appeal, the decision of the</p>	<p>human ressources and enforcement powers to carry out their functions effectively. Member States shall ensure that independent national regulatory authorities or bodies have separate annual budgets which shall be made public.</p> <p>5. The Head of a national regulatory authority or body or the members of the collegiate body fulfilling that function within a national regulatory authority or body may be dismissed only if they no longer fulfil the conditions required for the performance of their duties which are laid down in advance in national law. A dismissal decision shall be made public.</p> <p>6. deleted</p> <p>7. Member States shall ensure that effective appeal mechanisms exist at national level _____. The appeal body, which may be a court, shall be independent of the parties involved in the appeal. ____</p> <p>Pending the outcome of the appeal, the decision of the</p>
--	--	--	---

	<p>national regulatory authority shall stand, unless interim measures are granted in accordance with national law.</p>	<p>national regulatory authority shall stand, unless interim measures are granted in accordance with national law.</p>	<p>national regulatory authority or body shall stand, unless interim measures are granted in accordance with national law.</p> <p>Article 30-a</p> <p>1. Member States shall ensure that their national regulatory authorities or bodies take appropriate measures to provide each other and the Commission with the information necessary for the application of this Directive, in particular Articles 2, 3 and 4.</p> <p>2. Member States shall ensure that, when their national regulatory authorities or bodies receive information from a media service provider under their jurisdiction that it wishes to provide a service wholly or mostly directed at the audience of another Member State, the national regulatory authority or body in the Member State having jurisdiction shall inform the national regulatory authority or body of the receiving Member State.</p> <p>3. If the regulatory authority or body of a receiving Member State sends a request concerning the activities of a media service provider to the regulatory authority or body of the Member State having jurisdiction over that provider, the latter regulatory authority or body shall do its utmost to address the request within two months, without prejudice to stricter time limits applicable pursuant to this Directive. When requested, the regulatory authority or body of the receiving Member State shall provide any information to the regulatory authority or body of the Member State having jurisdiction that may assist it in addressing the request.</p>
	<p>Article 30a</p> <p>1. The European Regulators Group for Audiovisual Media Services (ERGA) is hereby established.</p> <p>2. It shall be composed of national independent regulatory authorities in the field of audiovisual media services. They shall be represented by the heads or by nominated high level representatives of the national regulatory authority with primary responsibility for overseeing audiovisual media services, or in cases where there is no national regulatory authority, by other representatives as chosen through their</p>	<p>Article 30a</p> <p>1. The European Regulators Group for Audiovisual Media Services (ERGA) is hereby established.</p> <p>2. It shall be composed of national ____ regulatory authorities and/or bodies, which may include those regional independent regulatory authorities and bodies with full competencies in the field of audiovisual media services. They shall be represented by the heads or by nominated high level representatives of the national regulatory authority with primary responsibility for overseeing audiovisual</p>	<p>Article 30a</p> <p>1. The European Regulators Group for Audiovisual Media Services (ERGA) is hereby established.</p> <p>2. It shall be composed of representatives of national regulatory authorities or bodies ____ in the field of audiovisual media services. ____ A Commission representative shall participate in ERGA meetings.</p>

	<p>procedures. A Commission representative shall participate in the group meetings.</p> <p>3. ERGA's shall have the following tasks:</p> <p>(a) to advise and assist the Commission in its work to ensure a consistent implementation in all Member States of the regulatory framework for audiovisual media services;</p> <p>(b) to advise and assist the Commission as to any matter related to audiovisual media services within the Commission's competence. If justified in order to advise the Commission on certain issues, the group may consult market participants, consumers and end-users in order to collect the necessary information;</p> <p>(c) to provide for an exchange of experience and good practice as to the application of the regulatory framework for audiovisual media services;</p> <p>(d) to cooperate and provide its members with the information necessary for the application of this Directive, in particular as regards Articles 3 and 4 thereof;</p> <p>(e) to give opinions, when requested by the Commission, on the issues envisaged in Articles 2(5b), 6a(3), 9(2), 9(4) and on any matter relating to audiovisual media services, in particular on the protection of minors and incitement to hatred.";</p> <p>4. The Commission shall be empowered to adopt, by means of an implementing act, the rules of procedure for ERGA.</p>	<p>media services, or in cases where there is no national regulatory authority and/or body, by other representatives as chosen through their procedures. A Commission representative shall participate in the group meetings.</p> <p>3. The ERGA shall have the following tasks:</p> <p>(a) to advise and assist the Commission at its request in its task to ensure a consistent implementation of the provisions of this Directive in all Member States;</p> <p>(b) to advise and assist the Commission at its request, on matters related to audiovisual media services within its competence ____;</p> <p>(c) to provide for an exchange of experience and good practice as to the application of the regulatory framework for audiovisual media services;</p> <p>(d) to cooperate and provide its members and the contact committee with the information necessary for the application of this Directive, in particular as regards Articles 3, 4 and 7 thereof;</p> <p>(e) to give opinions, when requested by the Commission, on the issues envisaged in Articles 2(5b), 6a(3), 9(2), 9(4) and on any matter relating to audiovisual media services, in particular on the protection of minors and incitement to hatred.</p> <p>4. The Commission shall be empowered to adopt, by means of an implementing act, the rules of procedure for ERGA.</p> <p>4a. The ERGA shall have adequate financial and human resources to carry out its tasks. Regulatory authorities and / or bodies shall actively participate in and contribute to the ERGA.</p>	<p>3. ERGA shall have the following tasks:</p> <p>(a) to provide technical expertise to the Commission ____ to ensure a consistent implementation of the regulatory framework for audiovisual media services ;</p> <p>(b) (deleted)</p> <p>(c) to exchange ____ experience and best practices on the application of the regulatory framework for audiovisual media services;</p> <p>(d) to cooperate and provide its members ____ with the information necessary for the application of this Directive, in particular as regards Articles 3 and 4 thereof;</p> <p>(e) to give opinions, when requested by the Commission, on the technical and factual aspects of the issues pursuant to Articles 2(5b), 3(4) and 4(4)(c) ____.</p> <p>4. ERGA shall adopt its rules of procedure.</p> <p>_____</p>
--	---	---	--

CHAPTER XII FINAL PROVISIONS	CHAPTER XII FINAL PROVISIONS	CHAPTER XII FINAL PROVISIONS	CHAPTER XII FINAL PROVISIONS
<p>Article 31 In fields which this Directive does not coordinate, it shall not affect the rights and obligations of Member States resulting from existing conventions dealing with telecommunications or broadcasting.</p> <p>Article 32 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</p> <p>Article 33 Not later than 19 December 2011, and every 3 years thereafter, the Commission shall submit to the European Parliament, to the Council and to the European Economic and Social Committee a report on the application of this Directive and, if necessary, make further proposals to adapt it to developments in the field of audiovisual media services, in particular in the light of recent technological developments, the competitiveness of the sector and levels of media literacy in all Member States.</p> <p>That report shall also assess the issue of television advertising accompanying or included in children's programmes, and in particular whether the quantitative and qualitative rules contained in this Directive have afforded the level of protection required.</p> <p>Article 34 Directive 89/552/EEC, as amended by the Directives listed in Annex I, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex I, Part B.</p> <p>References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex II.</p>	<p>Article 31 In fields which this Directive does not coordinate, it shall not affect the rights and obligations of Member States resulting from existing conventions dealing with telecommunications or broadcasting.</p> <p>Article 32 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</p> <p>Article 33 The Commission shall monitor Member States' application of the Directive, including its application of co-regulation and self-regulation through codes adopted at national level. By [date – no later than four years after adoption] at the latest, and every three years thereafter, the Commission shall submit to the European Parliament, to the Council and to the European Economic and Social Committee a report on the application of this Directive. By [date - no later than 10 years after adoption] at the latest, the Commission shall submit to the European Parliament and the Council an ex post evaluation, accompanied where appropriate by proposals for its review, in order to measure the impact of the Directive and its added value.</p> <p>Article 34 Directive 89/552/EEC, as amended by the Directives listed in Annex I, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex I, Part B.</p> <p>References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex II.</p>	<p>Article 31 In fields which this Directive does not coordinate, it shall not affect the rights and obligations of Member States resulting from existing conventions dealing with telecommunications or broadcasting.</p> <p>Article 32 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</p> <p>Article 33 The Commission shall monitor Member States' application of the Directive, including its application of co-regulation and self-regulation through codes adopted at national level. By [date – no later than four years after adoption] at the latest, and every three years thereafter, the Commission shall submit to the European Parliament, to the Council and to the European Economic and Social Committee a report on the application of this Directive. By [date - no later than 10 years after adoption] at the latest, the Commission shall submit to the European Parliament and the Council an ex post evaluation, accompanied where appropriate by proposals for its review, in order to measure the impact of the Directive and its added value.</p> <p>Article 34 Directive 89/552/EEC, as amended by the Directives listed in Annex I, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex I, Part B.</p> <p>References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex II.</p>	<p>Article 31 In fields which this Directive does not coordinate, it shall not affect the rights and obligations of Member States resulting from existing conventions dealing with telecommunications or broadcasting.</p> <p>Article 32 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</p> <p>Article 33 The Commission shall monitor Member States' application of this Directive ____.</p> <p>By [date – no later than four years after adoption] at the latest, and every three years thereafter, the Commission shall submit to the European Parliament, to the Council and to the European Economic and Social Committee a report on the application of this Directive. By [date - no later than eight years after adoption] at the latest, the Commission shall submit to the European Parliament and the Council an ex post evaluation, accompanied where appropriate by proposals for its review, in order to measure the impact of the Directive and its added value.</p> <p>_____</p>

<p>Article 35 This Directive shall enter into force on the 20th day following its publication in the Official Journal of the European Union.</p>	<p>Article 35 This Directive shall enter into force on the 20th day following its publication in the Official Journal of the European Union.</p>	<p>Article 35 This Directive shall enter into force on the 20th day following its publication in the Official Journal of the European Union.</p>	<p>Article 35 This Directive shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union.</p>
<p>Article 36 This Directive is addressed to the Member States.</p>	<p>Article 36 This Directive is addressed to the Member States.</p>	<p>Article 36 This Directive is addressed to the Member States.</p>	<p>Article 36 This Directive is addressed to the Member States.</p>

Kontakt:



Institut für Europäisches Medienrecht e.V. (EMR)
Institute of European Media Law (EMR)
Institut du Droit Européen des Médias (EMR)

Franz-Mai-Straße 6
D-66121 Saarbrücken
Deutschland/Germany/Allemagne

Tel. +49 681 99275 11
Fax +49 681 99275 12

E-Mail: emr@emr-sb.de
Web: <http://www.emr-sb.de>