

**OPINION**  
**on the proposal for a Directive amending**  
**Directive 2010/13/EU on the coordination of certain provisions**  
**laid down by law, regulation or administrative action in Member States**  
**concerning the provision of audiovisual media services**  
**in view of changing market realities**  
**(COM(2016) 287 final)**

1. Having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive);
2. Having regard to the proposal for a Directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities (COM(2016) 287 final);
3. Having regard to the draft report of 15 September 2016 from the European Parliament's Culture and Education Committee;
4. The Committee on European Affairs:
5. is pleased with the Commission's initiative to adapt EU law to the new technologies that are revolutionising this sector and to the resulting changes in consumption practices;
6. supports the general approach in the proposal, which aims to establish fair competition between all audiovisual operators while safeguarding

consumer protection, to create a legal framework for the activity of video-sharing platforms, and to safeguard the independence of audiovisual regulators;

7. reiterates that the Audiovisual Media Services Directive is a minimum harmonisation directive and that it must remain so in all respects, while allowing the Member States the possibility to go further if desired;

**8. Concerning the extension of the material scope of the Directive:**

9. is pleased to see video-sharing platforms, user-generated videos and short videos incorporated into the scope of the Audiovisual Media Services Directive;

10. considers nonetheless that the definition of a video-sharing platform service must cover platforms that make available user-generated videos as well as platforms that store them;

**11. Concerning a set of common rules for audiovisual media services:**

12. is pleased to see the obligation to promote European works and to protect minors extended to on-demand audiovisual media services;

13. regrets, however, that those services are not subject to more extensive legal provisions;

14. welcomes the European Parliament rapporteurs' proposal to establish a set of common rules applying to audiovisual media services, video-sharing platforms and user-generated videos;

15. considers that these common rules must take account of the specificity of each type of media;

16. considers that the common rules must focus on combating incitement to violence or hatred, combating discrimination, protecting minors from harmful content, commercial communications, product placement and sponsorship, the protection of cinematographic works and the preservation of sequential media release, information rights for service recipients, co-regulation, self-regulation and codes of conduct;

17. following the deadly attacks that have taken place in Europe, and particularly in Paris, Nice and Saint-Étienne-du-Rouvray, asks that the proposal expressly address the need to protect European citizens from content that promotes terrorism;

**18. Concerning the promotion of European works in the catalogues of on-demand audiovisual media services:**

19. reiterates the importance of promoting cultural diversity in Europe and of supporting the production, distribution and broadcasting of European audiovisual works;

20. supports the Commission's approach of imposing quotas on providers of on-demand audiovisual media services for European works in their catalogues and ensuring the prominence of such works;
21. points out, however, that the 20 % level proposed is much lower than that laid down for broadcasters and will therefore not permit fair competition between linear and non-linear services, and that this level of ambition should be raised to 40 %;
- 22. Concerning the application of the country of origin rule and the competence of the Member States:**
23. supports the introduction of a derogation from the country of origin principle in order to promote financial contributions to the production of European works by on-demand audiovisual media services not present on the territory of a Member State but directed towards that State;
24. underlines the necessity of adopting a mechanism to avoid double taxation of operators;
25. points out that this derogation alone will not be sufficient to re-establish fair competition on the market of each Member State or to ensure effective consumer protection;
26. consequently asks that the planned derogation be applied both to the promotion of European works as provided for in Article 13 of the Audiovisual Media Services Directive and to the protection of minors provided for in its Article 12;
27. moreover, wishes to see Member States that are the target market for a video-sharing platform not present on their territory provided with the opportunity to be involved in its regulation in the Member State in which it is established;
28. notes, however, that the relevant competent Member State to control non-European providers of audiovisual media services that are broadcast by satellite into the European Union is currently determined by means of a primary technical criterion – the satellite uplink – which prevents effective action in the event of failures;
29. considers that a second criterion regarding the satellite capacity of a Member State would make it possible to determine the competent Member State more quickly and thus for the national regulatory authorities to carry out more effective control.
30. consequently asks that satellite capacity become the primary criterion;

**31. Concerning the rules on commercial communications:**

32. notes that, at present, broadcasters are seeing falling advertising revenue and that it is appropriate to give them more flexibility in order to increase this revenue;
33. reiterates that it is necessary to ensure fair competition conditions between all operators in the audiovisual sector, without eroding consumer protection;
34. in this sense, supports the proposal to replace the quantitative limit of 20 % on advertising in favour of a daily limit of 20 % between 7:00 and 23:00;
35. nevertheless considers that this rule should not apply between 7:00 and 10:00 in order to ensure better protection for children;
36. consequently asks that a quantitative limit of 20 % is maintained between 7:00 and 10:00;
37. opposes, on the other hand, a reduction in the duration of scheduled periods of television without advertising, as provided for in Article 20(2);
38. rejects the authorisation of product placement in all audiovisual media services as proposed by the Commission and asks that the current rules be maintained;

**39. Concerning accessibility of audiovisual media services for people with disabilities**

40. considers it vital that the rules on accessibility of audiovisual media services for people with a visual or hearing disability be retained in the Audiovisual Media Services Directive and opposes the deletion of Article 7 of the Directive;
41. nevertheless notes that the obligations regarding on-demand audiovisual media services must go hand in hand with technological developments in order to ensure flawless service quality and avoid excessively high costs for providers of on-demand video;

**42. Concerning the independence of national audiovisual media services regulators:**

43. underlines the importance of each Member State having regulatory authorities for audiovisual media services, the independence of which is guaranteed, and reiterates that these authorities must ensure in particular that information is balanced;
44. considers it essential that the criteria listed in the Directive leave sufficient discretion to the Member States;

**45. Concerning the establishment of a European Regulators Group for Audiovisual Media Services:**

46. welcomes the establishment of a European Regulators Group for Audiovisual Media Services in the proposed Directive;
47. reiterates that, like the system that applies to national regulatory authorities, the independence of this group must also be guaranteed and, consequently, it must adopt its own rules of procedure independently;
48. underlines that the establishment of the European Regulators Group for Audiovisual Media Services has an impact on the division of responsibilities between the Group and the contact committee provided for in Article 29 of the Directive, and consequently asks that the role of each be clarified.