

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU (Text with EEA relevance)**

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2022/0277 (COD)	2022/0277 (COD)	2022/0277 (COD)	2022/0277 (COD) <small>Text Origin: Commission Proposal</small>
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU (Text with EEA relevance)
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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	Citation 1			
6	4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,
	Citation 2			
6	5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,
	Citation 3			
6	6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,
	Citation 4			
6	7	Having regard to the opinion of the European Economic and Social Committee,	Having regard to the opinion of the European Economic and Social Committee,	Having regard to the opinion of the European Economic and Social Committee,
	Citation 5			
6	8	Having regard to the opinion of the Committee of the Regions,	Having regard to the opinion of the Committee of the Regions,	Having regard to the opinion of the Committee of the Regions,
	Citation 6			

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9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,
Formula				
10	Whereas:	Whereas:	Whereas:	Whereas:
Recital 1				
11	(1) Independent media services play a unique role in the internal market. They represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, thereby fulfilling the general interest function of ‘public watchdog’. Media services are increasingly available online and across borders while they are not subject to the same rules and the same level of protection in different Member States.	(1) Independent media services play a unique role <del>##for democracy.</del> <u>for ensuring the rule of law and for the functioning of</u> the internal market. They <u>are an indispensable factor in the public opinion-forming process,</u> represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, thereby fulfilling the general interest function of ‘public watchdog’. Media services are increasingly available online and across borders while they are not subject to the same rules and the same level of protection in different Member States.	(1) Independent media services play a unique role in the internal market. They represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, thereby fulfilling the general interest function of ‘public watchdog’. Media services are increasingly available online and across borders while they are not subject to the same rules and the same level of protection in different Member States. <b>While some matters related to the audiovisual media sector have been harmonised at the Union level through Directive 2010/13/EU of the European Parliament and of the Council<sup>1</sup>, the scope and matters covered by that Directive are limited. Moreover, the radio or press sectors are not covered</b>	(1) Independent media services play a unique role in the internal market. They represent a fast-changing and economically important sector and at the same time provide access to a plurality of views and reliable sources of information to citizens and businesses alike, thereby fulfilling the general interest function of ‘public watchdog’ <u>and constituting an indispensable factor in the process of the formation of public opinion.</u> Media services are increasingly available online and across borders while they are not subject to the same rules and the same level of protection in different Member States. <u>While some matters related to the audiovisual media sector have been harmonised at the Union level through Directive 2010/13/EU of the European Parliament and of the Council<sup>1</sup>,</u> the scope and matters covered by that

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			<p>by that Directive, despite their increasing cross-border relevance in the internal market.</p> <p>1. 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) (OJ L 95, 15.4.2010, p. 1).</p>	<p>Directive are limited. Moreover, the radio or press sectors are not covered by that Directive, despite their increasing cross-border relevance in the internal market.</p> <p><a href="#"><u>1. 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) (OJ L 95, 15.4.2010, p. 1).</u></a></p>
Recital 1a				
11a		<p><a href="#"><u>(1a) At the same time, media services are always either carriers of cultural forms of expression or directly represent a cultural form of expression themselves. This dual character must be respected throughout. Article 167(4) of the Treaty on the Functioning of the European Union (TFEU) requires the Union to take cultural aspects into account in its action under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures.</u></a></p>		<p>[Comment: 1a - Row 11a covered - by Recital 6]</p>
Recital 2				
12				

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	<p>(2) Given their unique role, the protection of media freedom and pluralism is an essential feature of a well-functioning internal market for media services (or ‘internal media market’). This market has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should help the media sector seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.</p>	<p>(2) Given their unique role, <del>the protection of media freedom and pluralism is an essential feature of a well-functioning internal market for</del> <u>and the fact that they are one of the main pillars of democracy, special attention should be paid to the protection of media freedom and</u> media <del>services for ‘pluralism in the</del> internal <del>market for</del> media <del>market’)</del> <u>services</u>. This market has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should <del>help</del> <u>support</u> the media sector <u>so that it can</u> seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.</p>	<p>(2) Given their unique role, the protection of media freedom and pluralism is an essential feature of a well-functioning internal market for media services (or ‘internal media market’). This market, <b>including audiovisual media services as well as radio and press</b>, has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should help the media sector seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.</p>	<p>(2) Given their unique role, the protection of media freedom and pluralism <del>is</del> <u>as main pillars of democracy and rule of law constitute</u> an essential feature of a well-functioning internal market for media services (or ‘internal media market’). This market, <u>including audiovisual media services as well as radio and press</u>, has substantially changed since the beginning of the new century, becoming increasingly digital and international. It offers many economic opportunities but also faces a number of challenges. The Union should help the media sector <u>so that it can</u> seize those opportunities within the internal market, while at the same time protecting the values, such as the protection of the fundamental rights, that are common to the Union and to its Member States.</p>
Recital 3				
13	<p>(3) In the digital media space, citizens and businesses access and consume media content, immediately available on their personal devices, increasingly in a cross-border setting. Global online platforms act as gateways to media content, with business models that</p>	<p>(3) In the digital media space, citizens and businesses access and consume media content <u>and services</u>, immediately available on their personal devices, increasingly in a cross-border setting. Global online platforms <u>and search engines</u>, act as gateways to media</p>	<p>(3) In the digital media space, citizens and businesses access and consume media content, immediately available on their personal devices, increasingly in a cross-border setting. <del>Global online platforms act as gateways to</del> <b>This is the case both for audiovisual</b></p>	<p>(3) In the digital media space, citizens and businesses access and consume media content <u>and services</u>, immediately available on their personal devices, increasingly in a cross-border setting. <del>Global online platforms act as gateways to</del> <u>This is the case both for</u></p>

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	<p>tend to disintermediate access to media services and amplify polarising content and disinformation. These platforms are also essential providers of online advertising, which has diverted financial resources from the media sector, affecting its financial sustainability, and consequently the diversity of content on offer. As media services are knowledge- and capital-intensive, they require scale to remain competitive and to thrive in the internal market. To that effect, the possibility to offer services across borders and obtain investment including from or in other Member States is particularly important.</p>	<p>content, with business models that <u>too often</u> tend to disintermediate access to media services and amplify polarising content and disinformation. These platforms <u>and search engines</u> are also essential providers <u>or facilitators</u> of online advertising, which <del>has</del> <u>diverted/divert</u> financial resources from the media sector, affecting its financial sustainability <u>and journalistic work</u>, and consequently the diversity of content on offer. <u>Therefore, online platforms and search engines should be included in the scope of this Regulation in order to ensure the independence and diversity of the media.</u> As media services are knowledge- and capital-intensive, <del>they require</del> <u>scale their ability to reach their audiences needs</u> to remain competitive and to thrive in the internal market. To that effect, the possibility to offer services across borders and obtain investment including from or in other Member States is particularly important.</p>	<p>media content, with business models that tend to disintermediate access to media services and amplify polarising content and disinformation. These platforms are also essential providers of online advertising, which has diverted financial resources from the <del>as well as for the press and radio</del> which are easily accessible (for example via online news portals or podcasts) through the Internet. The availability of content in a number of languages and the easy access through smart devices, such as smartphones or tablets increases the cross-border relevance of media sector, affecting its financial sustainability, and consequently the diversity of content on offer. As media services are knowledge- and capital-intensive, they require scale to remain competitive and to thrive <del>in</del> <u>services, already established in a judgment of the Court of Justice.</u><sup>2</sup> This relevance is underpinned by the growing use and acceptance of automatic translation or subtitling tools which reduces the linguistic barriers within the internal market. <del>To that effect,</del> <b>and the convergence of the different types of media, combining audiovisual and non-audiovisual content in the same offer</b> the possibility to offer services across borders and obtain</p>	<p><u>audiovisual</u> media <del>content, with business models that tend to disintermediate access to media services and amplify polarising content and disinformation. These platforms are also essential providers of online advertising, which has diverted financial resources from the</del> <u>as well as for the press and radio</u> which are easily accessible (for example via <u>online news portals or podcasts</u>) through the Internet. The <u>availability of content in a number of languages and the easy access through smart devices, such as smartphones or tablets increases the cross-border relevance of</u> media <del>sector, affecting its financial sustainability, and consequently the diversity of content on offer. As media services are knowledge- and capital-intensive, they require scale to remain competitive and to thrive</del> <u>in</u> <u>services, already established in a judgment of the Court of Justice.</u><sup>2</sup> This relevance is underpinned by the growing use and acceptance of automatic translation or subtitling tools which reduces the linguistic barriers within the internal market. <del>To that effect, the possibility to offer services across borders and obtain investment including from or in other Member States is particularly important,</del> <u>and the convergence of the different types of media,</u></p>

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			<p>investment including from or in other Member States is particularly important.</p> <p>2. Judgment of the Court of Justice of 12 December 2006, Germany v Parliament and Council, C-380/03, ECLI:EU:C:2006:772, paragraphs 53 and 54.</p>	<p><a href="#"><u>combining audiovisual and non-audiovisual content in the same offer.</u></a></p> <p>2. <a href="#"><u>Judgment of the Court of Justice of 12 December 2006, Germany v Parliament and Council, C-380/03, ECLI:EU:C:2006:772, paragraphs 53 and 54.</u></a></p>
Recital 4				
14	<p>(4) However, the internal market for media services is insufficiently integrated. A number of national restrictions hamper free movement within the internal market. In particular, different national rules and approaches related to media pluralism and editorial independence, insufficient cooperation between national regulatory authorities or bodies as well as opaque and unfair allocation of public and private economic resources make it difficult for media market players to operate and expand across borders and lead to an uneven level playing field across the Union. The integrity of the internal market for media services may also be challenged by providers that systematically engage in disinformation, including information manipulation and interference, and abuse the internal market freedoms, including by</p>	<p>(4) However, the internal market for media services is insufficiently integrated. <del>A number of national restrictions hamper free movement within the internal market.</del> In particular, different national rules and approaches related to media pluralism and editorial independence, insufficient cooperation between national regulatory authorities or bodies as well as opaque and unfair allocation of public and private economic resources make it difficult for media market players to operate and expand across borders and lead to an uneven level playing field across the Union. The integrity of the internal market for media services may also be challenged by providers that systematically engage in disinformation, including information manipulation and interference, and abuse the internal market freedoms, including by</p>	<p>(4) However, the internal market for media services is insufficiently integrated, <b>and suffers from a number of market failures that are increased by the digitalisation. First, global online platforms act as gateways to media content, with business models that tend to disintermediate access to media services and amplify polarising content and disinformation. These platforms are also essential providers of online advertising, which has diverted financial resources from the media sector, affecting its financial sustainability, and consequently the diversity of content on offer. As media services are knowledge- and capital-intensive, they require scale to remain competitive and to thrive in the internal market. To that effect, the possibility to offer services across borders and obtain investment including from</b></p>	<p>(4) However, the internal market for media services is insufficiently integrated, <u>and suffers from a number of market failures that are increased by the digitalisation. First, global online platforms act as gateways to media content, with business models that tend to disintermediate access to media services and amplify polarising content and disinformation. These platforms are also essential providers of online advertising, which has diverted financial resources from the media sector, affecting its financial sustainability, and consequently the diversity of content on offer. As media services are knowledge- and capital-intensive, they require scale to remain competitive, to meet their audiences' needs and to thrive in the internal market. To that effect, the possibility to offer services across borders and obtain</u></p>

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	state-controlled media service providers financed by certain third countries.	state-controlled media service providers financed by certain third countries. <u>Furthermore, common minimum standards for national rules and approaches related to media pluralism and editorial independence should be established, while respecting the competence of the Member States. The establishment of such standards is a pre-condition to the functioning of the internal market.</u>	<b>or in other Member States is particularly important. Second,</b> - a number of national restrictions hamper <b>the</b> free movement within the internal market. In particular, different national rules and approaches related to media pluralism and editorial independence, insufficient cooperation between national regulatory authorities or bodies as well as opaque and unfair allocation of public and private economic resources make it difficult for media market players to operate and expand across borders and lead to an uneven level playing field across the Union. <b>Third, the good functioning</b> <del>The integrity</del> of the internal market for media services <del>may also be challenged by providers</del> <b>is challenged by providers (including those controlled by certain third countries)</b> that systematically engage in disinformation, including information manipulation and interference, and <del>abuse</del> <b>use</b> the internal market freedoms, <del>including by state-controlled media service providers financed by certain third countries</del> <b>for abusive purposes, thus thwarting the proper functioning of market dynamics.</b>	<u>investment including from or in other Member States is particularly important. Second,</u> - a number of national restrictions hamper <u>the</u> free movement within the internal market. In particular, different national rules and approaches related to media pluralism and editorial independence, insufficient cooperation between national regulatory authorities or bodies as well as opaque and unfair allocation of public and private economic resources make it difficult for media market players to operate and expand across borders and lead to an uneven level playing field across the Union. <u>Third, the good functioning</u> <del>The integrity</del> of the internal market for media services <del>may also be</del> <u>is</u> challenged by providers <u>(including those controlled by certain third countries)</u> that systematically engage in disinformation, including information manipulation and interference, and <del>abuse</del> <u>use</u> the internal market freedoms, <del>including by state-controlled media service providers financed by certain third countries</del> <u>for abusive purposes, thus thwarting the proper functioning of market dynamics.</u>
Recital 4a				



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14a			<p>(4a) The fragmentation of rules and approaches which characterizes the media market in the Union negatively affects to varying degrees the conditions for the exercise of economic activities in the internal market by media service providers in different sub-sectors, including the audiovisual, radio, and press sub-sectors, and undermines their capability to efficiently operate cross-border or establish operations in other Member States. National measures and procedures could be conducive to media pluralism in a Member State, but the divergence and lack of coordination between Member States' national measures and procedures may lead to legal uncertainty and additional costs for media companies willing to enter new markets, and prevent them from benefiting from the scale of the internal market for media services. Moreover, discriminatory or protectionist national measures affecting the operation of media companies disincentivise cross-border investment in the media sector and in some cases may force media companies that are already operating in a given market to exit it. These obstacles affect</p>	<p><u>(4a) The fragmentation of rules and approaches which characterises the media market in the Union negatively affects to varying degrees the conditions for the exercise of economic activities in the internal market by media service providers in different sub-sectors, including the audiovisual, radio, and press sub-sectors, and undermines their capability to efficiently operate cross-border or establish operations in other Member States. National measures and procedures could be conducive to media pluralism in a Member State, but the divergence and lack of coordination between Member States' national measures and procedures may lead to legal uncertainty and additional costs for media companies willing to enter new markets, and prevent them from benefiting from the scale of the internal market for media services. Moreover, discriminatory or protectionist national measures affecting the operation of media companies disincentivise cross-border investment in the media sector and in some cases may force media companies that are already operating in a given market to exit it. These obstacles affect companies active both in the</u></p>

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			<p>companies active both in the broadcasting (including audiovisual and radio) and press sub-sectors. Although the fragmentation of editorial independence safeguards concerns all media sub-sectors, it affects the press sector especially as national regulatory or self-regulatory approaches differ more in relation to the press. The internal market for media services may also be affected by insufficient tools for regulatory cooperation between national regulatory authorities, which is key for ensuring that media market players (often active in different media subsectors) systematically engaging in disinformation, including information manipulation and interference, do not benefit from the scale of the internal market for media services. Furthermore, while biased allocation of economic resources, in particular in the form of state advertising, is used to covertly subsidise media outlets in all the media sub-sectors, it tends to have a particularly negative impact on the press, which has been weakened by decreasing levels of advertising revenues. Finally, the challenges stemming from the digital transformation reduce the</p>	<p><u><i>broadcasting (including audiovisual and radio) and press sub-sectors. Although the fragmentation of editorial independence safeguards concerns all media sub-sectors, it affects the press sector especially as national regulatory or self-regulatory approaches differ more in relation to the press. The internal market for media services may also be affected by insufficient tools for regulatory cooperation between national regulatory authorities, which is key for ensuring that media market players (often active in different media subsectors) systematically engaging in disinformation, including foreign information manipulation and interference, do not benefit from the scale of the internal market for media services. Furthermore, while biased allocation of economic resources, in particular in the form of state advertising, is used to covertly subsidise media outlets in all the media sub-sectors, it tends to have a particularly negative impact on the press, which has been weakened by decreasing levels of advertising revenues. Finally, the challenges stemming from the digital transformation reduce the ability of companies in all media sub-sectors, and in particular the smaller ones in the</i></u></p>

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			ability of companies in all media sub-sectors, and in particular the smaller ones in the radio and press sector, to compete on a level playing field with online platforms, which play a key role in online distribution of content.	<u>radio and press sector, to compete on a level playing field with online platforms, which play a key role in online distribution of content.</u>
Recital 5				
15	(5) Moreover, in response to challenges to media pluralism and media freedom online, some Member States have taken regulatory measures and other Member States are likely to do so, with a risk of furthering the divergence in national approaches and restrictions to free movement in the internal market.	(5) Moreover, in response to challenges to media pluralism and media freedom online, some Member States have taken regulatory measures and other Member States are likely to <u>continue to</u> do so, with a risk of furthering the divergence in national approaches and restrictions to free movement in the internal market.	(5) Moreover, in response to challenges to media pluralism and media freedom online, some Member States have taken regulatory measures and other Member States are likely to do so, with a risk of furthering the divergence in national approaches and restrictions to free movement in the internal market.	(5) Moreover, in response to challenges to media pluralism and media freedom online, some Member States have taken regulatory measures and other Member States are likely to do so, with a risk of furthering the divergence in national approaches and restrictions to free movement in the internal market. <u>Therefore, it is necessary to harmonise certain aspects of national rules related to media pluralism or editorial independence, thereby guaranteeing high standards in this area.</u>
Recital 5a				
15a		<u>(5a) A free and well-functioning internal market for media services is an essential pillar of a functioning democracy because it provides recipients with access to a plurality of views and trustworthy</u>		[Comment: No change, covered by Recital 6]

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		<p><u>sources of information. The increased role of the online environment and its new functionalities have had a disruptive effect on the market for media services, rendering it increasingly cross-border and fostering a truly European market for media services. In such an environment, media services are not only available but also easily accessible to Union consumers, irrespective of their Member State of origin. Media services created for recipients in one Member State are able to reach far further than initially intended. Divergent approaches at national level can hamper the ability of media service providers to operate on a fair level-playing field in order to make media services, including news and current affairs information available. Such approaches have created market fragmentation, legal uncertainty and increasing compliance costs for media service providers and media professionals. Therefore, it is necessary to have a single legal framework that ensures a harmonised application of rules for media service providers throughout the Union, ensuring that Union recipients have access to a broad range of reliable sources of information and to quality journalism as public goods in order</u></p>		

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		<i>to make informed choices, including about the state of their democracies.</i>		
Recital 5b				
15b		<i>(5b) The right to freedom of expression and information, enshrined in Article 11 of the Charter of Fundamental Rights of the European Union (the 'Charter') and in Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, encompasses the right to receive and impart information and media freedom and media pluralism without interference by public authority and regardless of frontiers. They also require that diversity is established in European communication spaces and require Member States to safeguard and foster media pluralism. Accordingly, this Regulation draws upon the case law of the European Court of Human Rights and builds upon the standards developed by the Council of Europe in that regard.</i>		[Comment: No change, covered Recitals 6 and 18]
Recital 6				
16	(6) Recipients of media services in the Union (natural persons who are	(6) Recipients of media services in the Union (natural persons who <del>are</del>	(6) <del>Recipients of media services in the Union</del> (Natural persons who are	(6) Recipients of media services in the Union (natural persons who are

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	<p>nationals of Member States or benefit from rights conferred upon them by Union law and legal persons established in the Union) should be able to effectively enjoy the freedom to receive free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards<sup>1</sup>.</p> <p>1. Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).</p>	<p><del>nationals of Member States or</del> benefit from rights conferred upon them by Union law and legal persons established in the Union) should be able to effectively enjoy the freedom to <del>receive</del><u>have access to independent</u>, free and pluralistic media services in the internal market. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right <del>to receive and impart information</del>, pursuant to Article 11 of the Charter. <u>In accordance with Article 22 of Fundamental Rights of the European Charter, the Union (the Charter) is to respect cultural, religious and linguistic diversity.</u> It is thus necessary to harmonise certain aspects of national rules related to media services. In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards<sup>1</sup>.</p> <p>1. Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).</p>	<p>nationals of Member States or benefit from rights conferred upon them by Union law and legal persons established in the Union) should be able to effectively enjoy the freedom to receive <b>services, including</b> free and pluralistic media services <del>in the internal market</del>. In fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with the right to receive and impart information <b>of news and current affairs content produced in accordance with editorial freedom in the internal market, to the benefit of cultural and linguistic diversity. This reflects the right to receive and impart information and the requirement to respect media freedom and media pluralism</b> pursuant to Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter'). <del>It is thus necessary to harmonise certain aspects of national rules related to,</del> <b>in conjunction with Article 22 of the Charter which requires the Union to respect cultural, religious and linguistic diversity. Furthermore, in fostering the cross-border flow of media services, a minimum level of protection of service recipients</b></p>	<p>nationals of Member States or benefit from rights conferred upon them by Union law and legal persons established in the Union) should be able to <del>effectively</del> enjoy <del>the freedom to receive free and pluralistic media services</del><u>pluralistic media content produced in accordance with editorial freedom</u> in the internal market. <del>It is thus necessary to harmonise certain aspects of national rules related to,</del> <u>This is key for fostering the cross-border flow of media services public discourse and civic participation, as a broad range of reliable sources of information and quality journalism empowers citizens to make informed choices, including about the state of their democracies. It is also essential for cultural and linguistic diversity</u> <del>a minimum level of protection of service recipients should be ensured in the internal market. That would be in compliance with</del><u>Union given the role of media services as carriers of cultural expression. Member States should respect the right to a plurality of media content and contribute to an enabling media environment by making sure that relevant framework conditions are in place. Such approach reflects</u> the right to receive and impart information <u>and the requirement to respect media freedom and media pluralism</u> pursuant to Article 11 of the Charter of Fundamental Rights</p>

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			<p><b>should be ensured in the internal market.</b> In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards<sup>43</sup>. <b>It is thus necessary to harmonise certain aspects of national rules related to media services, taking also in consideration Article 167 of the TFEU, which reaffirms the importance of respecting the national and regional diversity of the Member States. However, Member States should have the possibility to adopt more detailed or stricter rules in specific fields, provided that those rules comply with Union law and that Member States do not restrict the free movement of media services from other Member States which comply with the rules laid down in these fields. Member States should also retain the possibility to maintain or adopt measures to preserve media pluralism or editorial independence at national level regarding aspects not covered by this Regulation insofar as such measures comply with Union law, including Regulation 2022/2065 of the European</b></p>	<p>of the European Union (“the Charter”). <del>It is thus necessary to harmonise certain aspects of national rules related to, in conjunction with Article 22 of the Charter which requires the Union to respect cultural, religious and linguistic diversity. Furthermore, in fostering the cross-border flow of media services, a minimum level of protection of service recipients should be ensured in the internal market.</del> In the final report of the Conference on the Future of Europe, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation addressing threats to media independence through EU-wide minimum standards<sup>43</sup>. <u>It is thus necessary to harmonise certain aspects of national rules related to media services, taking also in consideration Article 167 of the TFEU, which reaffirms the importance of respecting the national and regional diversity of the Member States. However, Member States should have the possibility to adopt more detailed or stricter rules in specific fields, provided that those rules, ensure a higher level of protection of media pluralism or editorial independence, in line with this Regulation and comply with Union</u></p>

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><b>Parliament and of the Council</b><sup>4</sup>. It is also appropriate to recall that Article 4(2) of the TEU reaffirms that national security remains the sole responsibility of Member States. This Regulation is without prejudice to the Member States' responsibility for safeguarding national security and their power to safeguard other essential state functions, including ensuring the territorial integrity of the state and maintaining law and order.</p> <hr/> <p>1. Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).  3. Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).  4. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).</p>	<p><u><i>law and that Member States do not restrict the free movement of media services from other Member States which comply with the rules laid down in these fields. Member States should also retain the possibility to maintain or adopt measures to preserve media pluralism or editorial independence at national level regarding aspects not covered by this Regulation insofar as such measures comply with Union law, including Regulation 2022/2065 of the European Parliament and of the Council</i></u><sup>4</sup>. [It is also appropriate to recall that Article 4(2) of the TEU reaffirms that national security remains the sole responsibility of Member States. This Regulation is without prejudice to the Member States' responsibility for safeguarding national security and their power to safeguard other essential state functions, including ensuring the territorial integrity of the state and maintaining law and order.]</p> <p><i>To be inserted in Recital 6:</i>  <u><i>It is also appropriate to recall that this Regulation respects the Member States' responsibilities as referred to in Article 4(2) TEU.</i></u></p> <hr/>



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				<p><i>1. -Conference on the Future of Europe— Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).</i></p> <p><u>3. Conference on the Future of Europe – Report on the Final Outcome, May 2022, in particular proposal 27 (1) and 37 (4).</u></p> <p><u>4. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).</u></p> <p>[Comment: the last sentence to be aligned and potentially be moved to the relevant recitals corresponding to Article 4]</p>
Recital 7				
17	<p>(7) For the purposes of this Regulation, the definition of a media service should be limited to services as defined by the Treaty and therefore should cover any form of economic activity. This definition should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal</p>	<p>(7) For the purposes of this Regulation, the definition of a media service should be limited to services as defined by the Treaty and therefore should cover any form of economic activity, <u>for which normally remuneration is provided including non-standard forms of employment, such as free-lancing or independent journalism.</u> This definition should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as</p>	<p>(7) For the purposes of this Regulation, the definition of a media service should be limited to services as defined by the Treaty and therefore should cover any form of economic activity. This definition should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration (be it of financial or of other nature). It should also exclude purely private correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal</p>	<p>(7) For the purposes of this Regulation, the definition of a media service should be limited to services as defined by the Treaty and therefore should cover any form of economic activity. <u>The definition of a media service should cover in particular television or radio broadcasts, on-demand audiovisual media services, audio podcasts or press publications.</u> This definition should exclude user-generated content uploaded to an online platform unless it constitutes a professional activity normally provided for consideration (be it of financial or of other nature). It should also exclude purely private</p>

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	<p>purpose, meaning where the content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. The definition of a media service should cover in particular television or radio broadcasts, on-demand audiovisual media services, audio podcasts or press publications. Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.</p>	<p>well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal purpose, meaning where the content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. <del>The definition of a media service should cover in particular television or radio broadcasts, on-demand audiovisual media services, audio podcasts or press publications.</del> Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.</p>	<p>purpose, meaning where the content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. The definition of a media service should cover in particular television or radio broadcasts, on-demand audiovisual media services, audio podcasts or press publications. Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from the scope of this definition.</p>	<p>correspondence, such as e-mails, as well as all services that do not have the provision of audiovisual or audio programmes or press publications as their principal purpose, meaning where the content is merely incidental to the service and not its principal purpose, such as advertisements or information related to a product or a service provided by websites that do not offer media services. <del>The definition of a media service</del> <u>Corporate communication and distribution of informational or promotional materials for public or private entities</u> should <del>cover in particular television or radio broadcasts</del> <u>be excluded from the scope of this definition. Furthermore, since the operation of</u> <del>on-demand audiovisual media services, audio podcasts or press publications. Corporate communication and distribution of informational or promotional materials for public or private entities should be excluded from</del> <u>service providers in the internal market may take different forms, the definition of media service provider should cover a wide spectrum of professional media actors falling within</u> the scope of this definition, <u>including freelancers.</u></p>

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				[Comment: Recital 7 intends to cover parts of the EP suggestions in Recital 7a]
Recital 7a				
17a		<u><i>(7a) The media environment is undergoing major and rapid changes. While the role of the media in a democratic society has not changed, media have additional tools to facilitate interaction and engagement. It is important that media-related policy take those and future developments into account. Therefore, the notion of media used in this Regulation should be interpreted broadly to encompass all actors who are involved in the production and dissemination, to potentially large numbers of people, of content, who have editorial responsibility or who oversee content.</i></u>		[Comment: No change]
Recital 7b				
17b			<b>(7a) Public service media providers should be understood as those concurrently entrusted with a public service remit and receiving public funding for the fulfilment thereof. This should not cover private media undertakings that have agreed to carry out</b>	<u><i>(7a) Public service media providers should be understood as those concurrently entrusted with a public service remit and receiving public funding for the fulfilment thereof. This should not cover private media undertakings that have agreed to carry out certain</i></u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			certain specific tasks of general interest in return for payment, as a limited part of their activities.	<u>specific tasks of general interest in return for payment, as a limited part of their activities.</u> Text Origin: Council Mandate
Recital 8				
18	(8) In the digitalised media market, providers of video-sharing platforms or very large online platforms may fall under the definition of media service provider. In general, such providers play a key role in the content organisation, including by automated means or algorithms, but do not exercise editorial responsibility over the content to which they provide access. However, in the increasingly convergent media environment, some providers of video-sharing platforms or very large online platforms have started to exercise editorial control over a section or sections of their services. Therefore, such an entity could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.	(8) In the digitalised media market, providers of video-sharing platforms or very large online platforms may fall under the definition of media service provider. In general, such providers play a key role in the content organisation, including by automated means or algorithms, but do not exercise editorial responsibility over the content to which they provide access. However, in the increasingly convergent media environment, some providers of video-sharing platforms or very large online platforms have started to exercise editorial control over a section or sections of their services. Therefore, <u>when such entities exercise editorial control over a section or sections of their services, they</u> <del>such</del> <u>an entity</u> could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.	(8) In the digitalised media market, providers of video-sharing platforms or very large online platforms may fall under the definition of media service provider. In general, such providers play a key role in the content organisation, including by automated means or algorithms, but do not exercise editorial responsibility over the content to which they provide access. However, in the increasingly convergent media environment, some providers of video-sharing platforms or very large online platforms have started to exercise editorial control over a section or sections of their services. Therefore, such an entity could be qualified both as a video-sharing platform provider or a very large online platform provider and as a media service provider.	
Recital 8a				

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18a		<p><u><i>(8a) The capacity of online platforms to provide access to media services without exercising editorial responsibility over it and to market the ability to target users with advertising allows them to act as direct competitors to media service providers whose media services they intermediate and distribute. Given the transfer of economic value in favour of online platforms, the definition of ‘audience measurement’ set out in this Regulation should be understood as including data on the media services consumed by recipients of media services and of online platforms. That will ensure that all intermediaries involved in content distribution are transparent about their audience measurement methodologies so as to enable advertisers to make informed choices, which should drive competition.</i></u></p>		[Comment: Covered by Recital 9]
Recital 9				
19	(9) The definition of audience measurement should cover measurement systems developed as agreed by industry standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed	(9) The definition of audience measurement should cover measurement systems developed as agreed by industry standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed	(9) The definition of audience measurement should cover measurement systems developed as agreed by industry standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed	(9) The definition of audience measurement should cover measurement systems developed as agreed by industry standards within self-regulatory organisations, like the Joint Industry Committees, and measurement systems developed

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	<p>outside such self-regulatory approaches. The latter tend to be deployed by certain online players who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation.</p>	<p>outside such self-regulatory approaches. The latter tend to be deployed by certain online players, <u>including online platforms</u>, who self-measure or provide their proprietary audience measurement systems to the market, which do not necessarily abide by the commonly agreed industry standards. Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation. <u>Media service providers which abide by commonly agreed industry standards should not be considered providers of proprietary audience measurement systems.</u></p>	<p>outside such self-regulatory approaches. The latter tend to be deployed by certain online players, <b>including online platforms</b>, who self-measure or <b>develop and provide their proprietary own</b> audience measurement systems to the market, <del>which do not necessarily abide</del><b>without abiding</b> by the commonly agreed industry standards <b>or best practices. Such systems enable to collect or otherwise process information about the use of media content and content created by users on online platforms that are primarily used to access such content.</b> Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation.</p>	<p>outside such self-regulatory approaches. The latter tend to be deployed by certain online players, <u>including online platforms</u>, who self-measure or provide their proprietary audience measurement systems to the market, <del>which do not necessarily abide</del><u>without abiding</u> by the commonly agreed industry standards <u>or best practices</u>. Given the significant impact that such audience measurement systems have on the advertising and media markets, they should be covered by this Regulation. <u>In particular, the capacity to provide access to media content and the ability to target their users with advertising allow online platforms to compete with the media service providers whose content they distribute. Thus, the definition of ‘audience measurement’ set out in this Regulation should be understood as also including measurement systems enabling to collect, interpret, or otherwise process information about the use of media content and content created by users on online platforms that are primarily used to access such content. This would ensure that also providers of audience measurement that are intermediaries involved in content distribution are transparent about their audience measurement</u></p>

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Recital 10				<u>activities, fostering the ability of media service providers and advertisers to make informed choices.</u>
20	<p>(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national or regional level, or local governments of territorial entities of more than 1 million inhabitants. However, the definition of state advertising should not include emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other sudden incidents that can cause harm to individuals.</p>	<p>(10) State advertising should be understood broadly as covering promotional or self-promotional activities, <u>which include advertising and purchases</u> undertaken by, for or on behalf of a wide range of public authorities or entities, including <u>Union institutions, bodies, offices or agencies</u>, governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities in different sectors, at national <del>or</del> regional <del>level</del>, or local <del>governments of territorial entities of more than 1 million inhabitants. However, the definition</del> <u>level. For the purposes of allocation</u> of state advertising <del>should not include emergency messages by public authorities which are necessary, for example, and purchases including</del> in cases of natural or sanitary disasters, accidents or other <del>sudden</del> <u>unforeseen, major</u> incidents that can cause harm to <del>individuals</del> <u>significant portions of the population criteria should be</u></p>	<p>(10) State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including <b>national and subnational</b> governments <b>or administrations</b>, regulatory authorities or bodies as well as <del>state-owned</del> enterprises or <del>other state-controlled entities</del> <b>entities which are controlled by national or subnational governments</b> in different sectors. <b>Such control can result from rights, contracts or any other means which confer the possibility of exercising decisive influence on an enterprise or entity. In particular, ownership of capital or the right to use all or part of the assets or rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an enterprise or entity are relevant factors, as laid down in Article 3(2) of Council Regulation (EC) No 139/2004<sup>5</sup>, at national <del>or</del></b></p>	<p>[Comment: Recital [...] However, the definition of state advertising should not include announcements that are justified by an overriding reason of public interest, such as emergency messages by public authorities which are necessary, in cases of natural or sanitary disasters, accidents or sudden incidents that can cause harm to individuals. Where the emergency situation has ended, announcements pertaining to that emergency [and placed, published or disseminated in return for payment or for any other consideration] should be considered state advertising for the purposes of this Regulation.]</p> <p>[Comment: 12/12/23 - to be checked after]</p>

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		<p><u><i>laid down in advance by national law. Emergency messages by public authorities should be understood broadly as different from state advertising.</i></u></p>	<p>regional level, or local governments of territorial entities of more than 1 million inhabitants. However, the definition of state advertising should not include <b>official announcements that are justified by an overriding reason of public interest, such as</b> emergency messages by public authorities which are necessary, for example, in cases of natural or sanitary disasters, accidents or other sudden incidents that can cause harm to individuals.</p> <p>5. Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1-22).</p>	
Recital 11				
21	<p>(11) In order to ensure that society reaps the benefits of the internal media market, it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits. Such recipients should have access to quality media services, which have been produced by journalists and editors in an independent manner and in line with journalistic</p>	<p>(11) In order to ensure that society reaps the benefits of the internal media market, it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which the recipients of media services need for the enjoyment of the corresponding benefits. <del>Such recipients</del> <u>Recipients of media services</u> should have access to quality media services, which have been produced by journalists, <u>editors, editors-in-chief and media</u></p>	<p>(11) In order to ensure that society reaps the benefits of the internal media market, it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which <b>is needed for the enjoyment of benefits of an integrated and developed market. The general public should be able to</b> the recipients of media services need for the enjoyment of the corresponding benefits. Such recipients should have access to quality media</p>	<p>(11) In order to ensure that society reaps the benefits of the internal media market, it is essential not only to guarantee the fundamental freedoms under the Treaty, but also the legal certainty which <u>is needed for the enjoyment of benefits of an integrated and developed market.</u> <del>Recipients of media services</del> <u>the recipients of media services need for the enjoyment of the corresponding benefits. Such recipients should</u> <u>have access to be able to access</u> quality media</p>



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	<p>standards and hence provide trustworthy information, including news and current affairs content. Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law. Such quality media services are also an antidote against disinformation, including foreign information manipulation and interference.</p>	<p><del>workers and editors</del> in an independent manner and in line with <u>ethical and professional</u> journalistic standards and <del>hence which, therefore,</del> provide trustworthy information, <del>including news and current affairs content. Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law</del> <u>of political or societal interest at local, national or international level without any interference by public authority or without being influenced by economic interests.</u> Such quality media services are also an <u>essential</u> antidote against disinformation, including foreign information manipulation and interference.</p>	<p>services <b>in a well-functioning internal market</b>, which have been produced by journalists and editors in an independent manner and in line with journalistic standards and hence provide trustworthy information, including news and current affairs content <b>comprising a wide category of content of political, societal or cultural interest at local, national or international level.</b> While news and current affairs content may reach the general public in diverse formats, from documentaries or magazines to content uploaded on online platforms, news and current affairs play a major role in shaping public opinion, having a direct impact on democratic participation and societal well-being. <del>Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law.</del> Such Quality media services are also an antidote against disinformation, including foreign information manipulation and interference. <b>Access to such services should also be ensured by preventing attempts to silence journalists, ranging from threats and harassments to censorship and cancelling of dissenting opinions, which may limit the free</b></p>	<p>services <u>in a well-functioning internal market</u>, which have been produced by journalists <del>and editors</del> in an independent manner and in line with <u>ethical and</u> journalistic standards and hence provide trustworthy information <u>This is particularly relevant for news and current affairs content, which comprises a wide category of content of political, societal or cultural interest, (at local, national or international level).</u> <del>including</del> News and current affairs content <u>has the potential to play a major role in shaping public opinion and has a direct impact on democratic participation and societal well-being. In this context, news and current affairs content should be understood as covering any type of news and current affairs content, regardless of the form it takes. News and current affairs content can reach audiences in diverse formats, such as documentaries, magazines or talk-shows, and can be disseminated in diverse ways, including by means of uploading it on online platforms.</u> <del>Such right does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law.</del> Such Quality media services are also an antidote against disinformation, including foreign</p>

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			<p><b>flow of information into the public sphere by reducing the quality and plurality of information. The right to a plurality of news and current affairs content does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law.</b></p>	<p>information manipulation and interference. <u>Access to such services should also be ensured by preventing attempts to silence journalists, ranging from threats and harassments to censorship and cancelling of dissenting opinions, which may limit the free flow of information into the public sphere by reducing the quality and plurality of information. The right to a plurality of content does not entail any correspondent obligation on any given media service provider to adhere to standards not set out explicitly by law.</u></p>
Recital 12				
22	<p>(12) This Regulation does not affect the freedom of expression guaranteed to individuals under the Charter. The European Court of Human Rights has observed that in such a sensitive sector as audiovisual media, in addition to its negative duty of non-interference, the public powers have a positive obligation to put in place an appropriate legislative and administrative framework to guarantee effective pluralism<sup>1</sup>.</p> <p>1. Centro Europa 7 S.R.L. and Di Stefano v. Italy [GC], no 38433/09, § 134, ECHR 2012.</p>	<p>(12) This Regulation does not affect the freedom of expression guaranteed to individuals under the Charter. The European Court of Human Rights has observed that in such a sensitive sector as audiovisual media, in addition to its negative duty of non-interference, the public powers have a positive obligation to put in place an appropriate legislative and administrative framework to guarantee effective pluralism<sup>1</sup>.</p> <p>1. Centro Europa 7 S.R.L. and Di Stefano v. Italy [GC], no 38433/09, § 134, ECHR 2012.</p>	<p>(12) This Regulation does not affect the freedom of expression <b>and information</b> guaranteed to individuals under the Charter. The European Court of Human Rights has observed that in such a sensitive sector as audiovisual media, in addition to its negative duty of <del>non-interference</del> <b>non-interference</b>, the public powers have a positive obligation to put in place an appropriate legislative and administrative framework to guarantee effective pluralism<sup>16</sup>.</p>	<p>(12) This Regulation does not affect the freedom of expression <u>and information</u> guaranteed to individuals under the Charter. The European Court of Human Rights has observed that in such a sensitive sector as audiovisual media, in addition to its negative duty of <del>non-interference</del> <u>non-interference</u>, the public powers have a positive obligation to put in place an appropriate legislative and administrative framework to guarantee effective pluralism<sup>16</sup>.</p>

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			<p>†. <i>Centro Europa 7 S.R.L. and Di Stefano v. Italy</i> [GC], no 38433/09, § 134, ECHR 2012.</p> <p>6. <i>Centro Europa 7 S.R.L. and Di Stefano v. Italy</i> [GC], no 38433/09, § 134, ECHR 2012.</p>	<p><del>†. <i>Centro Europa 7 S.R.L. and Di Stefano v. Italy</i> [GC], no 38433/09, § 134, ECHR 2012.</del></p> <p><u>6. <i>Centro Europa 7 S.R.L. and Di Stefano v. Italy</i> [GC], no 38433/09, § 134, ECHR 2012.</u></p> <p>Text Origin: Council Mandate</p>
Recital 13				
23	<p>(13) The free flow of trustworthy information is essential in a well-functioning internal market for media services. Therefore, the provision of media services should not be subject to any restrictions contrary to this Regulation or other rules of Union law, such as Directive 2010/13/EU of the European Parliament and of the Council<sup>1</sup> providing for measures necessary to protect users from illegal and harmful content. Restrictions could also derive from measures applied by national public authorities in compliance with Union law.</p> <p>1. 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) (OJ L 95, 15.4.2010, p. 1-24).</p>	<p>(13) The free flow of trustworthy information is essential in a well-functioning internal market for media services. Therefore, the provision of media services should not be subject to any restrictions contrary to this Regulation or other rules of Union law, such as Directive 2010/13/EU of the European Parliament and of the Council<sup>1</sup> providing for measures necessary to protect users from illegal and harmful content. Restrictions could also derive from measures applied by national public authorities in compliance with Union law.</p> <p>1. 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) (OJ L 95, 15.4.2010, p. 1-24).</p>	<p>(13) The free flow of trustworthy information is essential in a well-functioning internal market for media services. Therefore, the provision of media services should not be subject to any restrictions contrary to this Regulation or other rules of Union law, such as Directive 2010/13/EU of the European Parliament and of the Council<sup>†</sup> providing for measures necessary to protect users from illegal and harmful content. Restrictions could also derive from measures applied by national public authorities in compliance with Union law.</p> <p>†. 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) (OJ L 95, 15.4.2010, p. 1-24).</p>	<p>(13) The free flow of trustworthy information is essential in a well-functioning internal market for media services. Therefore, the provision of media services should not be subject to any restrictions contrary to this Regulation or other rules of Union law, such as Directive 2010/13/EU <del>of the European Parliament and of the Council<sup>†</sup></del> providing for measures necessary to protect users from illegal and harmful content. Restrictions could also derive from measures applied by national public authorities in compliance with Union law.</p> <p><del>†. 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) (OJ L 95, 15.4.2010, p. 1-24).</del></p> <p>Text Origin: Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 14				
24	<p>(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. Editorial independence is especially important for media service providers providing news and current affairs content given its societal role as a public good. Media service providers should be able to exercise their economic activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.</p>	<p>(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. <del>Editorial independence is especially important for media service providers providing news and current affairs content</del> given its societal role as a public good. Media service providers should be able to exercise their economic activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders. <u>Furthermore, in order to guarantee independent and pluralistic media, it is of key importance that the necessary measures be put in place to create a safe environment that allows journalists, editors, editors-in-chief and media workers to exercise their activities. To that end, in addition to safeguarding the freedom of the media, it is necessary to protect freedom within the media.</u></p>	<p>(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity. Editorial independence is especially important for media service providers providing news and current affairs content given its societal role as a public good. Media service providers should be able to exercise their economic activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.</p>	<p>(14) The protection of editorial independence is a precondition for exercising the activity of media service providers and their professional integrity <u>in a safe media environment</u>. Editorial independence is especially important for media service providers providing news and current affairs content given its societal role as a public good. Media service providers should be able to exercise their economic activities freely in the internal market and compete on equal footing in an increasingly online environment where information flows across borders.</p>
Recital 15				
25				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>(15) Member States have taken different approaches to the protection of editorial independence, which is increasingly challenged across the Union. In particular, there is growing interference with editorial decisions of media service providers in several Member States. Such interference can be direct or indirect, from the State or other actors, including public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage. Moreover, recent trends in media distribution and consumption, including in particular in the online environment, have prompted Member States to consider laws aimed at regulating the provision of media content. Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of</p>	<p>(15) Member States have taken different approaches to the protection of editorial independence, which is increasingly challenged across the Union. <del>In particular, there is</del> <u>Because of</u> growing interference with editorial decisions of media service providers in several Member States, <u>legislative action is necessary</u>. Such interference can <u>represent a breach of principle of the rule of law, which can</u> be direct or indirect, from the State or other actors, including public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage <u>This seems to be particularly the case where economic power generates a power to shape opinions that may interfere with the public opinion forming process</u>. Moreover, recent trends in media distribution and consumption, including in particular in the online environment, have prompted Member States to</p>	<p>(15) Member States have taken different approaches to the protection of editorial independence, which is increasingly challenged across the Union. In particular, there is growing interference with editorial decisions of media service providers in several Member States. Such interference can be direct or indirect, from the State or other actors, including public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage. Moreover, recent trends in media distribution and consumption, including in particular in the online environment, have prompted Member States to consider laws aimed at regulating the provision of media content. Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of</p>	<p>(15) Member States have taken different approaches to the protection of editorial <u>freedom and</u> independence, which is increasingly challenged across the Union. In particular, there is growing interference with editorial decisions of media service providers in several Member States. Such interference can be direct or indirect, from the State or other actors, including public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake in media service providers may act in ways which go beyond the necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of economic or other advantage. <u>Given the societal role of the media, such undue interference may negatively affect the public opinion forming process</u>. Moreover, recent trends in media distribution and consumption, including in particular in the online environment, have prompted Member States to consider laws aimed at regulating the provision of media content. Approaches taken by media service</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their content across borders and service recipients can receive such content.	consider laws aimed at regulating the provision of media content. Approaches taken by media service providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their <del>content</del> <u>media services</u> across borders and service recipients can receive such <del>content</del> <u>media services</u> .	regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their content across borders and service recipients can receive such content.	providers to guarantee editorial independence also vary. As a result of such interference and fragmentation of regulation and approaches, the conditions for the exercise of economic activities by media service providers and, ultimately, the quality of media services received by citizens and businesses are negatively affected in the internal market. It is thus necessary to put in place effective safeguards enabling the exercise of editorial freedom across the Union so that media service providers can independently produce and distribute their content across borders and service recipients can receive such content.
Recital 16				
26	(16) Journalists and editors are the main actors in the production and provision of trustworthy media content, in particular by reporting on news or current affairs. It is essential therefore to protect journalists' capability to collect, fact-check and analyse information, including information imparted confidentially. In particular, media	(16) Journalists, <u>editors, editors-in-chief and media workers</u> <del>and editors</del> are the main actors in the production and provision of trustworthy media <del>content, in particular by reporting on news or current affairs</del> <u>services</u> . It is essential therefore to protect journalists' capability to collect, fact-check and analyse information,	(16) Journalists and editors are the main actors in the production and provision of trustworthy media content, in particular by reporting on news or current affairs. <b>Sources are tantamount to “raw material” for journalists: they are the basis for the production of the news and current affairs content.</b> It is essential therefore <del>therefore</del> <b>crucial</b>	[Comment: Recitals 16, 16 a, 16b and 17, 17a (EP and Council) related to Article 4(2) - to be checked after]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>service providers and journalists (including those operating in non-standard forms of employment, such as freelancers) should be able to rely on a robust protection of journalistic sources and communications, including against deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists' freedom to exercise their economic activity and fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources contributes to the protection of the fundamental right enshrined in Article 11 of the Charter.</p>	<p>including information imparted confidentially <u><i>both in the offline and online world</i></u>. In particular, media service providers, <u><i>media workers</i></u> and journalists (including those operating in non-standard forms of employment, such as freelancers <u><i>and bloggers</i></u>) should be able to rely on <del>at</del> <u><i>the most</i></u> robust protection of journalistic sources and communications, including against <u><i>arbitrary interferences and</i></u> deployment of surveillance technologies, since without such protection sources may be deterred from assisting the media in informing the public on matters of public interest. As a result, journalists' <u><i>and media workers</i></u>' freedom <u><i>of expression and capacity</i></u> to exercise their economic activity and fulfil their vital 'public watchdog' role may be undermined, thus affecting negatively access to quality media services. The protection of journalistic sources <del>contributes to</del> <u><i>is a precondition for</i></u> the protection of the fundamental right enshrined in Article 11 of the Charter <u><i>and crucial for safeguarding the 'watchdog' role of investigative journalism in democratic societies</i></u>.</p>	<p>to protect journalists' capability to collect, fact-check and analyse information, <del>including</del> <b>in particular</b> information imparted confidentially. <del>In particular,</del> Media service providers and <b>their editorial staff, in particular</b> journalists (including those operating in non-standard forms of employment, such as freelancers) should be able to rely on a robust protection of journalistic sources and communications, including against deployment of surveillance technologies, <del>since</del>. Without such protection, <b>the free flow of sources to the media service providers</b> may be deterred <del>from assisting the</del> <b>and thus the free exercise of the economic activity by media in informing service providers may be hindered, also to the detriment of information to the public, including</b> on matters of public interest. As a result, journalists' freedom to exercise their economic activity and fulfil their vital 'public watchdog' role may be undermined <b>by such obstacles</b>, thus affecting negatively access to quality media services. <b>In order to avoid circumvention of the protection of journalistic sources and guarantee adequate respect for private and family life, home and communication in accordance with the Charter, safeguards should also apply to</b></p>	

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			<p>persons who because of their regular private or professional relationship with media service providers or members of their editorial staff may have information that could identify journalistic sources. This should include persons living in a close relationship in a joint household and on a stable and continuous basis, who are only targeted due to their close links with media service providers, journalists or other members of the editorial staff. The protection of journalistic sources should also benefit employees of media service providers, such as the technical staff including cybersecurity experts, who could be targeted given their important support role to journalists in their daily work which requires solutions to ensure the confidentiality of journalists' work and the resulting likelihood that they have access to information concerning journalistic sources. The protection of journalistic sources is consistent with and contributes to the protection of the fundamental right enshrined in Article 11 of the Charter. In light thereof, and in order to also strengthen the right to an effective judicial protection, it is important that media service</p>	



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			<p>providers, journalists as well as persons in a close professional or personal relationship to them, are able to rely on an adequate assistance in the exercise of this right, which may be of legal, financial or other nature such as providing information on available judicial remedies. Such assistance could be effectively provided, for example, by national regulatory authorities or bodies, relevant self-regulatory bodies or other national competent authorities.</p>	
Recital 16a				
26a		<p><u><i>(16a) Upholding the rule of law in the Union is essential for the functioning of democracies in the Member States. Union instruments for that purpose have expanded to include, in addition to procedure set out in Article 7 TEU, new frameworks such as the Commission’s annual rule of law report and Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council<sup>1a</sup>. The functionality of rule of law systems is directly interlinked with free and pluralistic media. Media freedom and media pluralism represent a central pillar of the Union framework for</i></u></p>		<p>[Comment: Recitals 16, 16 a, 16b and 17, 17a (EP and Council) related to Article 4(2) - to be checked after]</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>upholding the rule of law and the state of media freedom and media pluralism is examined annually through the Commission’s annual rule of law report. The protection of journalistic sources, guarantees for editorial independence and a robust protection system against the abusive use of certain measures and technologies are essential for upholding the Union’s rule of law framework. Actions that put the freedom and pluralism of the media at risk, such as the detention, sanctioning, search, seizure or inspection of media service providers, severely damage the rule of law and therefore should be considered breaches of the principle of the rule of law, thus triggering sanctioning mechanisms provided for by Article 7 TEU and Regulation (EU, Euratom) 2020/2092.</i></u></p> <p><u><i>1<sup>a</sup> Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget (OJ L 433I , 22.12.2020, p. 1).</i></u></p>		
Recital 16b				
26b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>(16b) Surveillance methods deployed against journalists and media workers are varied and include the interception of electronic communications and metadata, device or software hacking, including denial of service attacks, wiretapping, bugging, videotaping, geolocation tracking via radio-frequency identification, the global positioning system or cell-site data, data mining and social media monitoring. Such methods could gravely impact journalists' and media workers' rights to privacy, to the protection of their data and to the freedom of expression. The protections afforded by this Regulation, therefore, encompass both current forms of digital surveillance and future technologies that might appear as a result of technological innovation. Those protections are without prejudice to the application of existing and future Union law that restricts or prohibits the development and use of, and trade in, specific surveillance technologies deemed too invasive. Spyware that grants full unlimited access to personal data, including sensitive data, on a device could affect the very essence of the right to privacy and should, therefore, under no circumstance be</u></p>		<p>[Comment: Recitals 16, 16 a, 16b and 17, 17a (EP and Council) related to Article 4(2) - to be checked after]</p> <p>To be inserted in Recital 16:  <u><b>It should also be recalled that, in line with the established case-law of the European Court of Human Rights, a right to an effective remedy presupposes, in principle, being informed in due time of the surveillance measures taken without the knowledge of the person concerned in order to effectively exercise this right</b></u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>considered necessary and proportionate under Union law.</u></i>		
Recital 17				
27	<p>(17) The protection of journalistic sources is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. This leads to fragmentation in the internal media market. As a result, journalists, which work increasingly on cross-border projects and provide their services to cross-border audiences, and by extension providers of media services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources and communications needs harmonisation and further strengthening at Union level.</p>	<p>(17) The protection of journalistic sources <u>and communications</u> is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. <u>In spite of existing standards codified by the Council of Europe and of established case law by the European Court of Human Rights, practical examples from several Member States have revealed that there are very different approaches to the matter and that journalistic sources are not protected in some situations.</u> This leads to fragmentation in the internal media market. As a result, journalists, which work increasingly on cross-border projects and provide their services to cross-border audiences, and by extension providers of media</p>	<p>(17) The protection of journalistic sources is currently regulated heterogeneously in the Member States. Some Member States provide an absolute protection against coercing journalists to disclose information that identify their source in criminal and administrative proceedings. Other Member States provide a qualified protection confined to judicial proceedings based on certain criminal charges, while others provide protection in the form of a general principle. This leads to fragmentation in the internal media market. <del>As a result,</del> <b>Moreover, media professionals, in particular journalists, which and other media professionals involved in editorial activities,</b> work increasingly on cross-border projects and provide their services to cross-border audiences, and by extension providers of media services. <b>As a result, media service providers ;</b> are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources <del>and communications</del> needs</p>	<p>[Comment: Recitals 16, 16 a, 16b and 17, 17a (EP and Council) related to Article 4(2) - to be checked after]</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>services, are likely to face barriers, legal uncertainty and uneven conditions of competition. Therefore, the protection of journalistic sources and communications needs <del>harmonisation and further strengthening</del> <u>to be strengthened as comprehensively and as extensively as possible. To that end, this Regulation harmonises the standard of protection provided to journalistic sources and communications by introducing minimum rules at Union level. An interference with journalistic sources always needs to be balanced against the harm to the freedom of expression and information. Any measures which interfere with journalistic sources should be subject to appeal to a court. Journalists working on cross-border projects should benefit from the highest standards of protection of the Member States involved.</u> At Union level, <u>the protection of journalistic sources and communications should correspond, as minimum, to the protection provided in accordance with international and European standards and should be in accordance with the case law of the Court of Justice of the European Union and the European Court of Human Rights.</u></p>	<p>harmonisation and further strengthening at Union level. <b>This should be without prejudice to further or absolute protection at national level.</b></p>	

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Recital 17a				
27a		<p><u>(17a) Digital safety and the confidentiality of electronic communications have become a major concern for journalists and media workers. In light of that fact, the promotion and protection of anonymisation tools and end-to-end encrypted services used by media service providers and their employees needs to be encouraged at Union level in order to ensure an equal level of access to such equipment across all Member States. Those tools have become vital for them to freely exercise their work and their rights to privacy, to data protection and to the freedom of expression, including by securing their communications and protecting the confidentiality of their sources.</u></p>		<p>[Comment: Recitals 16, 16 a, 16b and 17, 17a (EP and Council) related to Article 4(2) - to be checked after]</p>
Recital 17b				
27b			<p><b>(17a) Intrusive surveillance software, commonly referred to as ‘spyware’, represents a particularly invasive form of surveillance over media professionals and their sources. It can be deployed to secretly record calls or otherwise use the</b></p>	<p>[Comment: Recitals 16, 16 a, 16b and 17, 17a (EP and Council) related to Article 4(2) - to be checked after]</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>microphone of an end-user device, film or photograph natural persons, machines or their surroundings, copy messages, track browsing activity, track geolocation or collect other sensor data or track activities across multiple end-user devices, without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent in that regard. It has dissuasive effects on the free exercise of the economic activities in the media sector. It jeopardises, in particular, the trusted relationship of journalists with their sources, which is the core of the journalistic profession. Given the digital and intrusive nature of spyware and the use of devices across borders, it has a particularly detrimental impact on the exercise of the economic activities of media service providers in the internal market. It is therefore necessary to ensure that media service providers, including journalists, operating in the internal media market rely on a robust harmonised protection in relation to the deployment of spyware in the Union. In particular, the deployment of spyware should only take place if it is justified by an overriding</p>	

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			<p>requirement in the public interest and provided for in national law and is in compliance with Article 52(1) of the Charter as interpreted by the Court of Justice and other Union law and occurs in investigations of offences referred to in Article 2(2) of the Council Framework Decision 2002/584/JHA<sup>7</sup>, and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years or other specific offences punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least five years, as determined by the law of that Member State.</p> <p><sup>7</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).</p>	
Recital 18				
28	(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to quality information and impartial media coverage, as part of their	(18) Public service media established by the Member States play a particular role in the internal media market <u>and in safeguarding media pluralism</u> , by ensuring that citizens and businesses have access to <u>a diverse content offer</u> .	(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to quality information and impartial <b>and balanced</b> media coverage, as	(18) Public service media established by the Member States play a particular role in the internal media market, by ensuring that citizens and businesses have access to <u>a diverse content offer</u> , <u>including</u> quality information and



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>mission. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their mission that enables predictability in their planning. Preferably, such funding should be decided and appropriated on a multi-year basis, in line with the public service mission of public service media providers, to avoid potential for undue influence from yearly budget negotiations. The requirements laid down in this</p>	<p><u>including</u> quality information and impartial media coverage, as part of their <del>mission</del><u>remits</u>. <u>They provide a forum for public discussion and a means of promoting the broader democratic participation of individuals. That is why media pluralism can only be guaranteed by a proper diversity reflected in the content offer of public service media. Independence of public service media is particularly important during electoral periods to ensure citizens have access to impartial and quality information.</u> However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive, <u>which might expose them to additional vulnerabilities compared to other players in the internal media market to the extent that they threaten their existence.</u> This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. This <del>situation</del><u>risk can also result in politically appointed senior management exerting pressure on the editorial independence of journalists and editors-in-chief for political or economic interests. Those situations</u> may lead to biased or</p>	<p>part of their <del>mission</del><u>remits as defined at national level in line with Protocol No 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU).</u> They play an important role in upholding the fundamental right to freedom of expression and information, enabling people to seek and receive diverse information, and promoting the values of democracy, cultural diversity and social cohesion. However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by <u>balanced governance of public service media across the Union. This situation may lead to biased or partial media coverage, distort competition in the internal</u> <b>Both the communication from the Commission of 13 July 2022, entitled “2022 Rule of Law Report”, and the 2022 Media market and negatively affect access to independent and impartial</b> <b>Pluralism Monitor by the</b></p>	<p>impartial <u>and balanced</u> media coverage, as part of their <del>mission</del><u>remits as defined at national level in line with Protocol No 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU).</u> They play an important role in upholding the fundamental right to freedom of expression and information, enabling people to seek and receive diverse information, and promoting the values of democracy, cultural diversity and social cohesion. <u>They provide a forum for public discussion and a means of promoting the broader democratic participation of citizens. Independence of public service media is key during electoral periods to ensure citizens have access to impartial and quality information.</u> However, public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk <del>may</del><u>be</u> exacerbated by uneven safeguards related to <del>independent governance and balanced coverage</del><u> by balanced coverage by and independent governance of public service media across</u> the Union.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.</p>	<p>partial media coverage, distort competition in the internal media market and negatively affect access to independent and impartial media services. It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. <u>The management of public service media providers should be independent, impartial and free from political or economic interests. There should be clear rules for any conflicts of interest on the part of the management of public media service providers. The persons or bodies constituting the highest decision-making authority within public service media providers should be appointed, and, if necessary, dismissed in accordance with predictable, transparent, non-discriminatory, gender-balanced and objective criteria, ensuring the qualification of persons filling those positions.</u> It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their <u>mission remit</u> that enables predictability in their planning. <u>Preferably, allows them</u></p>	<p><b>Centre for Media Pluralism and Media services.</b> It is thus necessary, building on the international standards developed <b>Freedom, confirm the fragmentation of such safeguards and point to risks stemming from inadequate funding.</b> As shown by the Council of Europe in this regard, to put in place legal safeguards <b>European Audiovisual Observatory in their 2022 report 'Governance and independence of public service media' (the 'EAO report'), guarantees</b> for the independent functioning of public service media vary across the Union. It is also necessary to guarantee that, without prejudice to the application of, <b>with differences in their scope and the level of detail in national approaches.</b> In particular, legal frameworks to ensure balanced coverage by public service media vary across the Union. Moreover, rules vary across the Union's State aid rules, as regards the appointment and dismissal of the management of public service media. For instance, most national legal orders set out several grounds for dismissal while others do not provide for any specific rules. Where rules exist, in some cases they are insufficient or are not effective in practice. There are also cases of</p>	<p><del>This situation may lead to biased or partial media coverage, distort competition in the internal</del> <u>Both the communication from the Commission of 13 July 2022, entitled "2022 Rule of Law Report", and the 2022 Media market and negatively affect access to independent and impartial</u> <u>Pluralism Monitor by the Centre for Media Pluralism and Media services.</u> <del>It is thus necessary, building on the international standards developed</del> <u>Freedom, confirm the fragmentation of such safeguards and point to risks stemming from inadequate funding.</u> <del>As shown</del> <u>by the Council of Europe in this regard, to put in place legal safeguards</u> <u>European Audiovisual Observatory in their 2022 report 'Governance and independence of public service media' (the 'EAO report'), guarantees</u> for the independent functioning of public service media <u>vary</u> across the Union, <u>with differences in their scope and the level of detail in national approaches.</u> <u>In particular, legal frameworks to ensure balanced coverage by public service media vary across the Union. Moreover, rules vary across the Union as regards the appointment and dismissal of the management of.</u> <del>It is also necessary to guarantee that,</del></p>

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		<p><u>to develop offerings for new areas of interest to the public or new content and forms and evolve technologically in order to maintain a competitive position on the internal media market.</u> Such funding should be decided and appropriated on <u>the basis of predictable, transparent, independent, impartial and non-discriminatory procedures, on</u> a multi-year basis, in line with the public service <del>mission</del> remit of public service media providers, to avoid potential for undue influence from yearly budget negotiations. <u>The transparency.</u> <del>The</del> requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, <u>(the ‘Amsterdam Protocol’).</u></p>	<p>legislative reforms in Member States increasing the governmental control of <del>providers</del> benefit from sufficient and stable funding to fulfil their mission that enables predictability in their planning. Preferably, such funding should be decided and appropriated on a multi-year basis, in line with the public service mission of <del>media</del>, including as regards the appointment of the members of the board governing public service media. Approaches to ensuring funding adequacy and predictability for public service media also diverge across the Member States. Where safeguards do not exist or are insufficient, there are risks of political interference in the editorial line or governance of public service media. Non-existent or insufficient safeguards for independence may also lead to lack of stability in funding, thus exposing public service media to the risk of (further) political control. This may lead to cases of partial reporting or biased media coverage by <del>providers</del>, to avoid potential for undue influence from yearly budget negotiations. The requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public</p>	<p><del>without prejudice to the application of the Union’s State aid rules,</del> public service media. <u>For instance, most national legal orders set out several grounds for dismissal while others do not provide for any specific rules. Where rules exist, in some cases they are insufficient or are not effective in practice. There are also cases of legislative reforms in Member States increasing the governmental control of</u> <del>providers</del> benefit from sufficient and stable funding to fulfil their mission that enables predictability in their planning. <del>Preferably, such funding should be decided and appropriated on a multi-year basis, in line with the</del> public service <del>mission of</del> <u>media, including as regards the appointment of heads or members of the management board of</u> public service media. <u>Approaches to ensuring funding adequacy and predictability for public service media also diverge across the Member States. Where safeguards providers, to avoid potential for undue influence from yearly budget negotiations. The requirements laid down in this Regulation</u> do not affect the competence of Member States to provide for the <del>funding</del> <u>exist or are insufficient, there are risks of political interference in the editorial line or governance</u> of public service media.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>service media, instances of interference by the government in appointments or dismissal of their management, arbitrary adjustments of or unstable funding of such media. All this negatively affects the access to independent and impartial media services, thereby affecting the right to freedom of expression as enshrined in Article 11 of the Charter and may lead to distortion of competition in the internal market for media services, including those established in other Member States as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.</p>	<p><u>Non-existent or insufficient safeguards for independence may also lead to lack of stability in funding, thus exposing public service media to the risk of (further) political control. This may lead to cases of partial reporting or biased media coverage by <del>as enshrined in Protocol 29 on the system of public broadcasting in the Member States, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union</del> service media, instances of interference by the government in appointments or dismissal of their management, arbitrary adjustments of or unstable funding of such media. All this negatively affects the access to independent and impartial media services, thereby affecting the right to freedom of expression as enshrined in Article 11 of the Charter, and may lead to distortion of competition in the internal market for media services, including those established in other Member States.</u></p>
Recital 18a				
28a		<p><u>(18a) For the benefit of European audiences, public service media providers should promote media pluralism and contribute to making</u></p>		<p>[Comment: No change, covered]</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>media markets more robust. They should offer an extensive array of content catering to diverse interests, perspectives and demographics, encompassing all segments of society, including minorities.</u></p>		
Recital 18b				
28b			<p>(18a) Public service media promote media pluralism and foster competition in the media sector, by producing a wide range of content that caters to various interests, perspectives, and demographics, and offering alternative viewpoints and programming options, making available a rich and unique offer. Public service media providers compete with private media companies and online platforms, including those established in other Member States, for audiences and, where applicable, for advertising resources. This concerns commercial broadcasters, in both the audiovisual and radio sub-sectors, and publishers, and is particularly true in the current digital media environment, in which all media expand into the online sphere and increasingly provide their services across</p>	<p><u>(18b) In the national media environments characterised by a co-existence of public and private media service providers, public service media contribute to the promotion of media pluralism and foster competition in the media sector, by producing a wide range of content that caters to various interests, perspectives, and demographics, and offering alternative viewpoints and programming options, making available a rich and unique offer. Public service media providers compete with private media companies and online platforms, including those established in other Member States, for audiences and, where applicable, for advertising resources. This concerns commercial broadcasters, in both the audiovisual and radio sub-sectors, and publishers, and is particularly true in the current digital media environment, in</u></p>

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			<p>borders. Where this dual and competitive media market, which is distinctive for large parts of the Union, is functioning well, it ensures a diverse and qualitative supply of media services in all subsectors. However, where public funding does not serve to fulfil the remit benefiting all viewers but to serve partisan views, due to political interference in governance and the editorial line it may affect trading conditions and competition in the Union to an extent contrary to the common interest. The Court of First Instance has confirmed that “public service broadcasting can have its State funding declared to be compliant with the provisions of the Treaty on State aid only inasmuch as the qualitative requirements set out in the public service remit are complied with”<sup>8</sup>.</p> <p>8. Judgment of the Court of First Instance of 26 June 2008, SIC v. Commission, T-442/03, ECLI:EU:T:2008:228, paragraph 211.</p>	<p><u><i>which all media expand into the online sphere and increasingly provide their services across borders. Where this dual and competitive media market, which is distinctive for large parts of the Union, is functioning well, it ensures a diverse and qualitative supply of media services in all subsectors. However, where public funding does not serve to fulfil the remit benefiting all viewers but to serve partisan views, due to political interference in governance and the editorial line, it may affect trading conditions and competition in the Union to an extent contrary to the common interest. The Court of First Instance has confirmed that “public service broadcasting can have its State funding declared to be compliant with the provisions of the Treaty on State aid only inasmuch as the qualitative requirements set out in the public service remit are complied with”<sup>8</sup>.</i></u></p> <p><u><i>8. Judgment of the Court of First Instance of 26 June 2008, SIC v. Commission, T-442/03, ECLI:EU:T:2008:228, paragraph 211.</i></u></p>
Recital 18c				
28c				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>(18b) Article 5(2) should not apply to a media service provider that is part of a group of which the securities are admitted to trading on a regulated market of any Member State and of which the total revenues linked to the public service remit represent less than 10 % of the consolidated media related revenue of such group at the time at which this Regulation enters into force.</u></p>		<p>[Comment: 18b of the EP mandate to be checked afterwards as there could be some alignment needed with 7a of Council's version]</p>
Recital 18d				
28d			<p>(18b) While risks of what is commonly referred to as ‘media capture’ are relevant for the entire market for media services, public service media are particularly exposed to such risks, given their proximity to the state. Diverging or insufficient safeguards for the independent functioning of public service media providers may prevent or disincentivise media service providers from other Member States to operate in or enter a given media market. While independent media companies invest their resources in high-quality reporting complying with journalistic standards, certain “captured” public service media providers not adhering to such</p>	<p><u>(18d) While risks of what is commonly referred to as ‘media capture’ are relevant for the entire market for media services, public service media are particularly exposed to such risks, given their proximity to the state. Diverging or insufficient safeguards for the independent functioning of public service media providers may prevent or disincentivise media service providers from other Member States to operate in or enter a given media market. While independent media companies invest their resources in high-quality reporting complying with journalistic standards, certain “captured” public service media providers not adhering to such standards may provide imbalanced</u></p>

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			<p>standards may provide imbalanced reporting, while being subsidised by the State. The competitive advantage that independent media may obtain through independent reporting, could be lessened as such public service media retain their market position despite the lack of fulfilment of their public service remit. Politicised media markets can affect advertising markets as a whole, as businesses have to factor in politics in addition to devising effective advertising campaigns. If public service media, which tend to be considered as trusted sources of information, provide biased coverage on the political or economic situation or concerning specific economic actors, this may also reduce the ability of companies to inform themselves properly about the economic situation in a given market and thus taking informed business decisions, adversely impacting the functioning of the internal market as a whole. Finally, as a result of biased reporting by certain “captured” public service media in some Member States, citizens may turn to alternative sources of information, in particular those available on online platforms, which further distorts the level</p>	<p><u>reporting, while being subsidised by the State. The competitive advantage that independent media may obtain through independent reporting, could be lessened as captured public service media may unduly retain their market position . Politicised media markets can affect advertising markets as a whole, as businesses have to factor in politics in addition to devising effective advertising campaigns. If public service media, which are usually considered as trusted sources of information, provide biased coverage on the political or economic situation or concerning specific economic actors as a result of being captured, this may also reduce the ability of companies to inform themselves properly about the economic situation in a given market and thus taking informed business decisions. Such capture may therefore adversely impact the functioning of the internal market . Finally, as a result of biased reporting by certain “captured” public service media in some Member States, citizens may turn to alternative sources of information, in particular those available on online platforms, which may further weaken the level playing field in the internal market .</u></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>playing field between professional media and such global platforms.</p>	
Recital 18e				
28e			<p>(18c) It is thus necessary that Member States, building on the international standards developed by the Council of Europe in this regard, put in place legal safeguards for the independent functioning of public service media across the Union, without prejudice to national constitutional laws consistent with the Charter. This should include principles, such as those that exist in national administrative or corporate law frameworks, as applicable also to private listed companies, for the appointment and dismissal of the persons or bodies which have a role in determining editorial policies and constitute the highest decision-making authority in this respect within the public service media provider, which should be set out at national level. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from transparent and objective funding procedures, which seek to</p>	<p><i><u>(18e) It is thus necessary that Member States, building on the international standards developed by the Council of Europe in this regard, put in place effective legal safeguards for the independent functioning of public service media, across the Union, free from governmental, political, economic or private interests, without prejudice to national constitutional laws consistent with the Charter. This should include principles suited to Member States' organisation of their public service media, such as those that exist in national administrative or corporate law frameworks, as applicable also to private listed companies, for the appointment and dismissal of the persons or bodies which have a role in determining editorial policies or constitute the highest decision-making authority in this respect within the public service media provider, which should be set out at national level. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public</u></i></p>

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			<p>guarantee adequate and stable financial resources for the fulfilment of their public service remit and enable predictability in their planning. Preferably, such funding should be decided and appropriated on a multi-year basis, in line with the public service mission of public service media providers, to avoid potential for undue influence from yearly budget negotiations. The requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in the Protocol No 29.</p>	<p><u>service media providers benefit from transparent and objective funding procedures, which guarantee adequate and stable financial resources for the fulfilment of their public service remit, enable predictability in their planning and allow them to develop within their public service remit. Preferably, such funding should be decided and appropriated on a multi-year basis, in line with the public service remit of public service media providers, to avoid potential for undue influence from yearly budget negotiations. The requirements laid down in this Regulation do not affect the competence of Member States to provide for the funding of public service media as enshrined in the Protocol No 29.</u></p>
Recital 19				
29	<p>(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the news media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. Such transparency is also an effective tool to limit risks</p>	<p>(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the news media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. Such transparency is, <u>therefore,</u> <del>also</del> an effective tool to</p>	<p>(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the news-media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. Such transparency is also an effective tool to</p>	<p>(19) It is crucial for the recipients of media services to know with certainty who owns and is behind the news-media so that they can identify and understand potential conflicts of interest which is a prerequisite for forming well-informed opinions and consequently to actively participate in a democracy. Such transparency is also an effective tool to</p>

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	<p>of interference with editorial independence. It is thus necessary to introduce common information requirements for all relevant media service providers across the Union that should include proportionate requirements to disclose ownership information. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849<sup>1</sup> should not be affected. The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible.</p> <p>1. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).</p>	<p>limit risks of interference with editorial independence. It is thus necessary to introduce common information requirements for <del>all relevant</del> media service providers <u>exercising editorial responsibility</u> across the Union that should include proportionate requirements to disclose ownership information. In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849<sup>1</sup> should not be affected. The required information should be disclosed by the relevant providers on their websites or other medium that is easily and directly accessible <u>in a user-friendly format. It is therefore necessary that Member States entrust a relevant national regulatory authority or body with monitoring compliance with such information requirements and with developing and maintaining a media ownership database. That national regulatory authority or body should be able to request and receive additional information from media service providers relevant to its tasks. To further strengthen and guarantee the accessibility and uniformity of the information available to recipients of media services, the Board should establish and maintain a European database of media ownership.</u></p>	<p><b>disincentivise and thus to</b> limit risks of interference with editorial independence. <b>Furthermore, it contributes to an open and fair market environment and enhances media accountability vis-à-vis the general public, ultimately contributing to the quality of media services in the internal market.</b> It is thus necessary to introduce common information requirements for <del>all relevant</del> media service providers across the Union that should include proportionate requirements to disclose ownership information. <b>These requirements should be limited to disclosing the legal name of the media service provider, the details which allow the provider to be contacted rapidly in a direct and effective manner, such as the professional email address or website, as well as the names of direct, indirect and beneficial owners. Such information is necessary for the recipients of media services to understand and be able to enquire about potential conflicts of interest, as a pre-condition for their ability to assess the reliability of information they receive and their right to receive impartial media coverage. This can only be achieved if the recipients of media services have</b></p>	<p><u>disincentivise and thus to</u> limit risks of interference with editorial independence. <u>Furthermore, it contributes to an open and fair market environment and enhances media accountability vis-à-vis the recipients of media services , ultimately contributing to the quality of media services in the internal market.</u> It is thus necessary to introduce common information requirements for <del>all relevant</del> media service providers across the Union that should include proportionate <u>and targeted</u> requirements to disclose <u>relevant information, notably on their ownership . These targeted requirements should be limited to disclosing the legal name of the media service provider, the details which allow the provider to be contacted rapidly in a direct and effective manner, such as the professional email address or website, the names of direct or indirect owners, including direct or indirect ownership links with the state or a public authority or entity. Recipients of media services should also have clear information on who is the beneficial owner of a given media service provider. They should also be aware of the total annual amount of state advertising allocated to a given media service provider and the total annual amount of advertising revenues</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>1. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).</p>	<p><b>user friendly and up-to-date media ownership information at their disposal at the time they are viewing, listening or reading media content, so that they can put the content in the right context and form the right impression of it. Thus, the disclosure to the general public of limited media ownership information in the form of only the names of media service providers and their owners would produce benefits clearly outweighing any possible impact of the disclosure obligation on fundamental rights, including the right to private and family life and the right to protection of personal data.</b> In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849<sup>19</sup> should not be affected. The required information should be disclosed by the relevant providers <b>in an electronic format, for instance</b> on their websites, or other medium that is easily and directly accessible.</p> <p><del>1. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the</del></p>	<p><i><u>that it received from public authorities or entities of third countries.] Such information is necessary for the recipients of media services to understand and be able to enquire about potential conflicts of interest, as a pre-condition for their ability to assess the reliability of information they receive and their right to receive impartial media coverage. This can only be achieved if the recipients of media services have user friendly and up-to-date media ownership information at their disposal at the time they are viewing, listening or reading media content, so that they can put the content in the right context and form the right impression of it. Thus, the disclosure of targeted media ownership information would produce benefits clearly outweighing any possible impact of the disclosure obligation on fundamental rights, including the right to private and family life and the right to protection of personal data.</u></i> In this context, the measures taken by Member States under Article 30(9) of Directive (EU) 2015/849<sup>19</sup> should not be affected. The required information should be disclosed by the relevant providers <i><u>in an electronic format, for instance</u></i> on their websites, or other medium that is easily and directly</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).</p> <p><b>9. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).</b></p>	<p>accessible. <u>To further contribute to a high level of media ownership transparency, Member States should also entrust national regulatory authorities or bodies, or other competent authorities and bodies, with developing media ownership databases. Such databases should work as a one-stop-shop allowing recipients of media services to easily check the relevant information related to a given media service provider. In view of national administrative specificities as well as in view of reducing administrative burden, Member States should have flexibility in deciding which authority or body will be in charge of developing such media ownership databases. This could be, for instance, a national regulatory authority or body, or another administrative body, which could in turn rely on the assistance of another body with relevant expertise for the fulfilment of this task.</u></p> <p><i>1. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p><del>and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).</del></p> <p><u>2. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73-117).</u></p> <p>[Comment: Recital 19 to be checked afterwards]</p>
Recital 19a				
29a		<p><u>(19a) Public access to certain contact details, ownership information and information on state advertising and state financial support allocated to media service providers is essential so that the recipients of media services can understand and scrutinise potential conflicts of interest, contributing at the same time to preserving trust and facilitating the timely and efficient availability of information for national regulatory authorities or bodies or the Board. Nevertheless, in order to mitigate possible administrative burden, certain categories of data should be provided only in duly justified cases, in a proportionate and</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>balanced manner and to guarantee the rights to respect for private life and the protection of personal data.</i></u></p>		
Recital 20				
30	<p>(20) Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt proportionate measures to guarantee, once the overall editorial line has been agreed between their owners and editors, the freedom of the editors to take individual decisions in the course of their professional activity. The objective to shield editors from undue interference in their decisions taken on specific pieces of content as part of their everyday work contributes to ensuring a level playing field in the internal market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency of actual or potential</p>	<p>(20) Media integrity <del>also requires a proactive approach to promote editorial independence by news</del> <u>can be supported by promoting and ensuring journalistic standards across the Union and by promoting and ensuring the editorial independence of media companies service providers</u>, in particular through internal safeguards, <u>in order to guarantee that information is trustworthy and that any ideological orientation is limited by the absolute requirement to report the news and opinions truthfully and ethically.</u> Media service providers should adopt <del>proportionate</del> measures to guarantee, <del>once the overall editorial line has been agreed between their owners and editors, the freedom</del> <u>the freedom of editors and editors-in-chief to take editorial decisions, on the basis</u> of the <del>editors to take individual decisions</del> <u>established editorial line</u>, in the course of their professional activity. <u>Those measures should not only reinforce the safeguards for freedom of the</u></p>	<p>(20) Media integrity also requires a proactive approach to promote editorial independence by news media companies, in particular through internal safeguards. Media service providers should adopt proportionate measures to guarantee, once the overall editorial line has been agreed between their owners and editors, the freedom of the editors to take individual editorial decisions in the course of their professional activity <b>within the established editorial line of the media service provider.</b> The objective to shield editors from undue interference in their editorial decisions taken on specific pieces of content as part of their everyday work <b>from undue interference</b> contributes to ensuring a level playing field in the internal market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service</p>	<p>(20) Media integrity also requires a proactive approach to promote editorial independence by <u>media companies providing news and current affairs content</u> <del>news media companies</del>, in particular through internal safeguards. Media service providers should adopt proportionate measures to guarantee, <del>once the overall editorial line has been agreed between their owners and editors,</del> the freedom of the editors to take <del>individual editorial</del> <u>editorial</u> decisions <del>in the course of their professional activity</del> <u>within the established long-term editorial line of the media service provider</u>. The objective to shield <u>editorial decisions, notably those taken by editors-in-chief and editors,</u> <del>editors from undue interference in their decisions taken</del> on specific pieces of content <del>as part of their everyday work</del> <u>from undue interference</u> contributes to ensuring a level playing field in the internal market for media services and the quality of such services. <u>Those measures should aim to</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>conflicts of interest to their service recipients.</p>	<p><u>media but also freedom within the media.</u> The objective to shield editors <u>and editors-in-chief</u> from undue interference in their decisions taken on specific pieces of content as part of their everyday work contributes to ensuring a level playing field in the internal market for media services and the quality of such services. That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter <u>and with Resolution 1003 (1993) of the Council of Europe.</u> In view of these considerations, media service providers should also ensure transparency <del>of</del> <u>and disclose any</u> actual or potential conflicts of interest to their service recipients <u>and ensure that their owners, publishers and management follow the highest professional standards with respect to editorial integrity and independence.</u></p>	<p>providers should also ensure transparency of actual or potential conflicts of interest to their service recipients.</p>	<p><u>ensure the respect for the independence standards throughout the entire editorial process within the media, including in view of safeguarding the integrity of journalistic content.</u> That objective is also in conformity with the fundamental right to receive and impart information under Article 11 of the Charter. In view of these considerations, media service providers should also ensure transparency of actual or potential conflicts of interest <del>to</del> <u>vis-à-vis</u> their service recipients.</p>
Recital 21				
31	<p>(21) To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council<sup>1</sup> should be exempted from the requirements related to information and internal safeguards</p>	<p><del>(21) To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council<sup>1</sup> should be exempted from the requirements related to information and internal safeguards</del></p>	<p>(21) To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council<sup>1</sup> <b>media service providers</b> should be exempted from the requirements related to information</p>	<p>(21) <del>To mitigate regulatory burdens, micro enterprises within the meaning of Article 3 of Directive 2013/34/EU of the European Parliament and of the Council<sup>1</sup></del> <u>Media service providers</u> should <del>be exempted from the requirements related to information</del></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>with a view to guaranteeing the independence of individual editorial decisions. Moreover, media service providers should be free to tailor the internal safeguards to their needs, in particular if they are small and medium-sized enterprises within the meaning of that Article. The Recommendation that accompanies this Regulation<sup>2</sup> provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.</p> <p>1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76). 2. OJ C , , p. .</p>	<p><del>with a view to guaranteeing the independence of individual editorial decisions. Moreover, media service providers should adopt internal safeguards in line with their structures and needs. The Recommendation that accompanies this Regulation<sup>2</sup> provides a catalogue of voluntary internal safeguards that could be considered within media companies in this regard. This Regulation should not be construed to the effect of depriving the owners of private media service providers should be free to tailor the internal safeguards to of their prerogative to decide on the composition of their editorial teams or on their needs, in particular if they are small and medium sized enterprises within the meaning of that Article. The Recommendation that accompanies editorial line, to set strategic or general goals and to foster the growth and financial viability of their undertakings. However, this Regulation<sup>2</sup> provides a catalogue of voluntary internal safeguards that can be adopted within should also not be construed as meaning that the owner or corporate manager of a media companies in this regard. The present Regulation should not be construed to the effect of depriving the owners of private media service</del></p>	<p><del>and</del> free to tailor the internal safeguards with a view to guaranteeing the independence of individual editorial decisions. Moreover, media service providers should be free to tailor the internal safeguards to their needs, in particular if they are micro-, small and/or medium-sized enterprises undertakings within the meaning of that Article Article 3 of Directive 2013/34/EU of the European Parliament and of the Council<sup>10</sup>. The Recommendation that accompanies this Regulation<sup>211</sup> provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present This Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises should recognise that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners, such as the right to determine the editorial line of the media service provider and shape the composition of their editorial teams.</p>	<p><del>and</del> adopt internal safeguards with a view to guaranteeing the independence of individual editorial decisions. Moreover, media service providers should be free to tailor the internal safeguards to tailored in line with their needs, in particular if they are small and medium-sized enterprises within the meaning of that Article size, structure and needs. . The Recommendation that accompanies this Regulation<sup>211</sup> provides a catalogue of voluntary internal safeguards that can be adopted within media companies in this regard. The present This Regulation should not be construed to the effect of depriving the owners of private media service providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings. In this respect, this Regulation recognises should recognise that the goal of fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners, such as the right to determine the editorial line of the media service provider and shape the composition of their editorial teams.</p> <p>1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><i>providers of their prerogative to set strategic or general goals and to foster the growth and financial viability of their undertakings</i> <u>service provider can unduly interfere with the work of its editors and editors-in-chief operating in accordance with its established editorial line by, for example, compelling them to add or remove content before it is made available to the public.</u> In this respect, this Regulation recognises that the goal of <u>ensuring and</u> fostering editorial independence needs to be reconciled with the legitimate rights and interests of private media owners.</p> <p><i>1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).</i> 2. OJ C , , p. .</p>	<p>1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).</p> <p>10. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).</p> <p>2. OJ C , , p. .</p> <p>11. OJ C , , p. .</p>	<p><i>2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76).</i> 2. OJ C , , p. .</p>
Recital 22				
32	(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union, National regulatory authorities or	(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. National regulatory authorities or	(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. <b>While</b> national regulatory authorities or	(22) Independent national regulatory authorities or bodies are key for the proper application of media law across the Union. <u>While</u> national regulatory authorities or

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union.</p>	<p>bodies referred to in Article 30 of Directive 2010/13/EU are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. In order to ensure a consistent application of this Regulation and other Union media law, it is necessary <u>that national regulatory authorities or bodies hold consultations with representatives of media service providers, civil society organisations, media experts, representatives of academia, trade union associations and associations of journalists. In addition, it is necessary</u> to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and</p>	<p>bodies referred to in Article 30 of Directive 2010/13/EU <b>often do not have competences related to the press sector, they</b> are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services, envisaged in Chapter III of this Regulation. In order to ensure a consistent application of <b>in general, as envisaged in</b> this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such. <b>National regulatory</b> authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') <b>should have the resources necessary for the fulfilment of their tasks in terms of staffing, expertise, and financial means. They should be provided with technical resources, for instance relevant digital tools. They should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b also have appropriate powers,</b></p>	<p>bodies referred to in Article 30 of Directive 2010/13/EU <u>often do not have competences related to the press sector, they</u> are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services <u>in general, as</u> envisaged in <del>Chapter III</del> of this Regulation. <del>In order to ensure a consistent application of this Regulation and other Union media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by</del> <u>National regulatory authorities or bodies should have the resources necessary for the fulfilment of their tasks in terms of</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union. <u>National regulatory authorities or bodies should have adequate financial and human resources proportional to the additional tasks conferred to them under this Regulation to perform necessary tasks within Member States and enable the independent and effective functioning of the Board and the application of this Regulation. National regulatory authorities or bodies should enjoy full operational autonomy and be independent of any political and economic interference. The independence of national regulatory authorities or bodies participating in the activities of the Board is a necessary condition for the effective performance of the Board's tasks and the credibility of the Expert Group established by this Regulation.</u></p>	<p><b>in particular to request information from any natural or legal person to which this Regulation applies, or which, for purposes related to their trade, business or profession, may reasonably be in possession of the information needed, in respect of the rights and interest of such persons</b> establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union.</p>	<p><u>staffing, expertise, and financial means, including to enable their participation in the activities of the Board. They should be provided with technical resources, for instance relevant digital tools. Where appropriate, Member States should, to the necessary extent, increase the resources allocated to national regulatory authorities or bodies, taking into account the additional tasks conferred upon them under this Regulation. National regulatory authorities or bodies should also have appropriate powers, in particular to request information and data from any natural or legal person to which this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union applies, or which, for purposes related to their trade, business or profession, may reasonably be in possession of the information and data needed, in respect of the rights and interest of such persons.</u></p>
Recital 22a				
32a			<p><b>(22a) In order to ensure a consistent application of this Regulation and other Union</b></p>	<p><u>(22a) In order to ensure a consistent application of this Regulation and other Union media</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>media law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions. In the performance of its tasks and the exercise of its powers, this body should neither seek nor take instructions from any government, institution (either national, supranational, or international), and public or private person or body. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The European Board for Media Services ('the Board') should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States and is addressed to the institutions of the Union.</p>	<p><u>law, it is necessary to set up an independent advisory body at Union level gathering such authorities or bodies and coordinating their actions, the European Board for Media Services (hereinafter referred to as 'the Board'). In the performance of its tasks and the exercise of its powers, the Board should be fully independent, including from any political or economic influence, and neither seek nor take instructions from any government, institution (either national, supranational, or international), and public or private person or body. The European Regulators Group for Audiovisual Media Services (ERGA), established by Directive 2010/13/EU, has been essential in promoting the consistent implementation of that Directive. The Board should therefore build on ERGA and replace it. This requires a targeted amendment of Directive 2010/13/EU to delete its Article 30b, which establishes ERGA, and to replace references to ERGA and its tasks as a consequence. The amendment of Directive 2010/13/EU by this Regulation is justified in this case as it is limited to a provision which does not need to be transposed by Member States</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>and is addressed to the institutions of the Union.</u>
Recital 23				
33	<p>(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite to attend its meetings, in agreement with the Commission, experts and observers, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA</p>	<p>(23) The Board should bring together senior representatives of the national regulatory authorities or bodies <del>referred to</del><u>established in accordance with the requirements set out</u> in Article 30 of Directive 2010/13/EU, <del>appointed by such authorities or bodies</del>. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. This should not affect the possibility for the other national regulatory authorities or bodies <u>or, where applicable, a common representative of self-regulatory or co-regulatory mechanisms</u> to participate, as appropriate, in the meetings of the Board. The Board <u>and the Expert Group</u> should also have the possibility to invite to attend its meetings, <u>external experts on a case-by-case basis. The Board should also have the possibility</u>, in agreement with the Commission,</p>	<p>(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. <b>For the purposes of their activities within the Board, national regulatory authorities or bodies should be able to consult and coordinate with relevant competent authorities or bodies and, where relevant, with self-regulatory bodies in their Member States.</b> This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board. The <b>Commission does not have a member in the Board</b> <del>should</del> <b>also but designates a</b></p>	<p>(23) The Board should bring together senior representatives of the national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU, appointed by such authorities or bodies. In cases where Member States have several relevant regulatory authorities or bodies, including at regional level, a joint representative should be chosen through appropriate procedures and the voting right should remain limited to one representative per Member State. <u>For the purposes of their activities within the Board, national regulatory authorities or bodies should be able to consult and coordinate with relevant competent authorities or bodies and, where relevant, with self-regulatory bodies in their Member States.</u> This should not affect the possibility for the other national regulatory authorities or bodies to participate, as appropriate, in the meetings of the Board. The Board should also have the possibility to invite, <u>on a case-by-case basis, external experts</u> to attend its meetings. <u>It should also</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes.</p>	<p><del>experts and</del> <u>to designate permanent observers <i>to attend its meetings</i></u>, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of <u><i>of its members with voting rights. The Board's rules of procedure should specify the role and tasks of, and the procedures for the appointment and the term of office of the members of, the Steering Group. The Steering Group should consist of a chair, a vice-chair, the outgoing chair and two other members. The election of the chair and of the other members of the Steering Group should take into account the principle of geographical balance. Furthermore, in its rules of procedure, the Board should include mechanisms for the prevention and management of conflicts of interest, for assessing the independence of the national regulatory authorities or bodies and for temporarily suspending the voting rights of members whose</i></u></p>	<p><b>representative without voting rights. The Board should</b> have the possibility to invite, <b>on a case-by-case basis, external experts</b> to attend its meetings. <b>It should also have the possibility to invite</b>, in agreement with the Commission, <del>experts and</del> <b>permanent</b> observers, including in particular regulatory authorities or bodies from candidate countries, <del>or</del> potential candidate countries, EEA countries, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes.</p>	<p><u><i>have the possibility to designate</i></u>, in agreement with the Commission, <u><i>permanent observers to attend its meetings</i></u> <del>experts and observers</del>, including in particular regulatory authorities or bodies from candidate countries, potential candidate countries, <del>EEA countries</del>, or ad hoc delegates from other competent national authorities. Due to the sensitivity of the media sector and following the practice of ERGA decisions in accordance with its rules of procedure, the Board should adopt its decisions on the basis of a two-thirds majority of the votes. <u><i>The Board's rules of procedure should specify in particular the role, tasks and appointment procedures of the Chair and the Vice-Chair, and the prevention and management of conflict of interests of the Members of the Board. To support the Chair and the Vice-Chair, the Board should have the possibility to set up a Steering Group. The composition of the Steering Group should take into account the principle of geographical balance. The specific arrangements for the Steering Group should be specified by the Board in its rules of procedure. The ERGA Chair and Vice-Chair, advised by the members of the ERGA Board, should facilitate an orderly, transparent and effective</i></u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>independence has been challenged</u><del>the votes</del>.</p>		<p><u>transition from ERGA to the Board, until the Chair and Vice-Chair of the Board, as referred to in Article 10 of this Regulation, are elected</u></p>
Recital 23a				
33a		<p><u>(23a) The Board will need to address, in accordance with this Regulation, issues beyond the remit of the ERGA, in particular issues related to press publications, radio, online media. It is thus necessary to establish an Expert Group, consisting of experts, media representatives of self-regulatory or co-regulatory organisations such as journalistic associations, media or press councils, and representatives of civil society, to advise and consult the Board on the implementation of this Regulation. The composition of the Expert Group should be determined by the Board's rules of procedure and reflect the existing self-regulatory media frameworks from each Member State and different sectoral and geographic areas within the Member States. In addition to representatives from the Member States, the Expert Group should consist of widely recognised and established European</u></p>		



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>organisations representing diverse interests from the media sector. The Expert Group should be positioned within the structure of the Board. The Expert Group should advise the Board on the performance of its tasks. The Expert Group should have the necessary autonomy to act independently. The Expert Group should be able to invite, on its own initiative, experts and media representatives, whether in a structured dialogue or otherwise, to help it assess the application of this Regulation and to contribute to its work based on its needs. The Expert Group should be empowered to issue recommendations and draw the Board's attention to possible breaches of this Regulation on its own initiative or where requested by the Commission or by the European Parliament. The Expert Group should make its recommendations or reports on the results of consultations with relevant stakeholders publicly available. Such contributions of the Expert Group should provide the Board with adequate information to base its decisions upon them, while complementing and feeding into existing established mechanisms in the Union, such as the Commission's</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>annual rule of law reports or the Media Pluralism Monitor. Such contributions should also enable the Board to deal with outstanding issues. The Board should take into consideration such contributions when preparing its annual work programme. The Board should be able to seek advice from the Expert Group whenever it needs analysis and insight from a particular field of expertise. The Board should consult the Expert Group for any opinion or decision the Board takes which relates to issues beyond the audiovisual media sector.</u></p>		
Recital 24				
34	<p>(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, the Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the</p>	<p>(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. <del>In particular</del> <u>Nevertheless, the Board's work should be independent from the Commission and from any political or economic influence.</u> <u>The Board</u> should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in particular advise and assist the</p>	<p>(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board work and cooperate closely. In particular, <del>cooperate closely,</del> <b>enabling the Board to advise and support the Commission on matters related to media services within its competence.</b> The Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and <b>implementation</b> of the national rules implementing Directive 2010/13/EU. For that purpose, the Board should in</p>	<p>(24) Without prejudice to the powers granted to the Commission by the Treaties, it is essential that the Commission and the Board <del>work and cooperate closely.</del> <del>In particular,</del> <u>cooperate closely, enabling the Board to advise and support the Commission on matters related to media services within its competence.</u> The Board should actively support the Commission in its tasks of ensuring the consistent application of this Regulation and <del>of the national rules implementing</del> <u>implementation of</u> Directive 2010/13/EU. For that purpose, the Board should in</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>effective exchange of information, experience and best practices and draw up opinions in agreement with the Commission or upon its request in the cases envisaged by this Regulation. In order to effectively fulfil its tasks, the Board should be able to rely on the expertise and human resources of a secretariat provided by the Commission. The Commission secretariat should provide administrative and organisational support to the Board, and help the Board in carrying out its tasks.</p>	<p>Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices <del>and</del>, draw up opinions <del>in agreement with</del> <u>and carry out any other tasks on its own initiative or at the request of</u> the Commission or <del>upon its request</del> <u>the European Parliament</u> in the cases envisaged by this Regulation. In order to effectively <u>and independently</u> fulfil its tasks, the Board should be able to rely on the expertise and human resources of <del>a</del> <u>an independent</u> secretariat. <u>The secretariat should act only on the Board's instructions. The secretariat should be provided with sufficient budgetary and human resources. The</u> <del>provided by the Commission. The Commission</del> secretariat should provide <u>substantive</u>, administrative and organisational support to the Board, and help the Board in carrying out its tasks.</p>	<p>particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions in agreement with the Commission or upon its request <b>the cases envisaged by this Regulation, taking into account, where relevant, the situation regarding media freedom and pluralism in the cases envisaged by concerned media markets. Such opinions would not be legally binding but useful as guidance for the national regulatory authorities or bodies concerned and could be taken into account by the Commission in its tasks of ensuring the consistent application of this Regulation and implementation of Directive 2010/13/EU. By making best efforts to implement the opinion of the Board, or by properly explaining any deviation therefrom, national regulatory authorities or bodies should be considered to have done their utmost to take the opinion of the Board into account.</b> In order to effectively fulfil its tasks, the Board should be able to rely on the expertise and human resources of a secretariat provided by the</p>	<p>particular advise and assist the Commission on regulatory, technical or practical aspects pertinent to the application of Union law, promote cooperation and the effective exchange of information, experience and best practices and draw up opinions <u>in the cases envisaged by this Regulation, taking into account, where relevant, the situation regarding media freedom and pluralism in the concerned media markets. Such opinions would not be legally binding but useful as guidance for the national regulatory authorities or bodies concerned and could be taken into account by the Commission in its tasks of ensuring the consistent application of</u> <del>in agreement with the Commission or upon its request in the cases envisaged by</del> this Regulation <u>and implementation of Directive 2010/13/EU. By making best efforts to implement the opinion of the Board, or by properly explaining any deviation therefrom, national regulatory authorities or bodies should be considered to have done their utmost to take the opinion of the Board into account.</u> In order to effectively <u>and independently</u> fulfil its tasks, the Board should be <u>assisted by a secretariat provided by the Commission and devoted to</u></p>

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			<p>Commission and devoted to the activities of the Board. The secretariat should be able to rely on the expertise and resources of national regulatory authorities or bodies. This would be key to assist the Board when it is preparing its deliverables. Therefore, the Commission secretariat should include an appropriate number of staff seconded by those national regulatory authorities or bodies to benefit from their competences and experience. The secretariat should also provide administrative and organisational support to the Board, and help assist the Board when it is carrying out its tasks by conducting relevant research or information-gathering activities.</p>	<p><u>the activities of the Board. The secretariat should be adequately resourced for the performance of its tasks. Without prejudice to the Commission's institutional and budgetary autonomy, it is important that the Commission takes into account the needs communicated by the Board, in particular in relation to the qualifications, expertise and profile of the secretariat's staff for the effective performance of its tasks. The secretariat should also be able to rely on the expertise and human resources of national regulatory authorities or bodies. This would be key to assist the Board when it is preparing its deliverables. Therefore, the secretariat provided by the Commission. The Commission should include an appropriate number of staff seconded by those national regulatory authorities or bodies to benefit from their competences and experience. In its mission of contributing to the independent execution of the tasks of the Board, the secretariat should follow only the instructions of the Board when supporting the Board in the fulfilment of its tasks under this Regulation. The secretariat should provide substantive, administrative and organisational support to the Board, and help assist the Board in</u></p>

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				<u>when it is</u> carrying out its tasks, notably by conducting relevant research or information-gathering activities.
Recital 24a				
34a		<u>(24a) It is important that the Board issue, in cooperation with the national regulatory authorities or bodies and taking into account existing national law, guidelines on the definition of media services of general interest and on the criteria, assessment framework and process for determining their scope. It is important that those guidelines be consistent with Union values and established general interest objectives such as media pluralism, freedom of expression, access to reliable information, social cohesion and cultural diversity.</u>		
Recital 25				
35	(25) Regulatory cooperation between independent media regulatory authorities or bodies is essential to make the internal market for media services function properly. However, Directive 2010/13/EU does not provide for a	(25) Regulatory cooperation between independent media regulatory authorities or bodies is essential to make the internal market for media services function properly. However, Directive 2010/13/EU does not provide for a	(25) Regulatory cooperation between independent media regulatory authorities or bodies is essential to make the internal market for media services function properly. However, Directive 2010/13/EU does not provide for a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>structured cooperation framework for national regulatory authorities or bodies. Since the revision of the EU framework for audiovisual media services by Directive 2018/1808/EU of the European Parliament and of the Council<sup>1</sup>, which extended its scope to video-sharing platforms, there has been an ever-increasing need for close cooperation among national regulatory authorities or bodies, in particular to resolve cross-border cases. Such a need is also justified in view of the new challenges in the EU media environment that this Regulation seeks to address, including by entrusting national regulatory authorities or bodies with new tasks.</p> <p>1. Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 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 (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303, 28.11.2018, p. 69-92).</p>	<p>structured cooperation framework for national regulatory authorities or bodies. Since the revision of the EU framework for audiovisual media services by Directive 2018/1808/EU of the European Parliament and of the Council<sup>1</sup>, which extended its scope to video-sharing platforms, there has been an ever-increasing need for close cooperation among national regulatory authorities or bodies, in particular to resolve cross-border cases. Such a need is also justified in view of the new challenges in the EU media environment that this Regulation seeks to address, including by entrusting national regulatory authorities or bodies with new tasks.</p> <p><b><u>Therefore, the Board, in consultation with the Commission, should also be able to establish cooperation arrangements with competent Union bodies, offices, agencies and advisory groups, with competent authorities of third countries and with international organisations.</u></b></p> <p>1. Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 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 (Audiovisual Media Services</p>	<p>structured cooperation framework for national regulatory authorities or bodies. Since the revision of the EU framework for audiovisual media services by Directive 2018/1808/EU of the European Parliament and of the Council<sup>1</sup>, which extended its scope to video-sharing platforms, there has been an ever-increasing need for close cooperation among national regulatory authorities or bodies, in particular to resolve cross-border cases. Such a need is also justified in view of the new challenges in the EU media environment that this Regulation seeks to address, including by entrusting national regulatory authorities or bodies with new tasks.</p> <p>1. Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 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 (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303, 28.11.2018, p. 69-92).</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Directive) in view of changing market realities (OJ L 303, 28.11.2018, p. 69-92).		
Recital 26				
36	<p>(26) To ensure the effective enforcement of Union media law, to prevent the possible circumvention of the applicable media rules by rogue media service providers and to avoid the raising of additional barriers in the internal market for media services, it is essential to provide for a clear, legally binding framework for national regulatory authorities or bodies to cooperate effectively and efficiently.</p>	<p>(26) <u>In 2020, the ERGA adopted a Memorandum of Understanding consisting of a voluntary framework for cooperation to strengthen the cross-border enforcement of media rules on audiovisual media services and video-sharing platform services. Building on that voluntary framework and in order</u> to ensure the <u>comprehensive and effective</u> enforcement of Union <u>measures concerning</u> media law, to prevent <del>the</del> possible circumvention of the applicable <del>media</del> rules by rogue media service providers and to avoid <u>additional barriers to the provision of media services</u><del>the raising of additional barriers</del> in the internal market <del>for media services</del>, it is essential <del>to provide for a clear, legally binding framework for that</del> national regulatory authorities or bodies <del>to</del> cooperate effectively and efficiently <u>with one another within the established legal framework.</u></p>	<p>(26) <b>Aware of these challenges, and in order to respond to the need for closer cooperation in the field of audiovisual</b> <del>To ensure the effective enforcement of Union media law, to prevent the possible circumvention of the applicable media rules by rogue media service providers and</del> <b>services, ERGA members have agreed a Memorandum of Understanding, which sets out non-binding mechanisms for cross-border cooperation. However, to ensure the effective enforcement of Union media law, to avoid the raising of additional barriers in the internal market for media services and to prevent the possible circumvention of the applicable media rules by rogue media service providers, it is essential to provide for a clear, legally binding framework for national regulatory authorities or bodies to cooperate effectively and efficiently. Such a framework is crucial for upholding the country of origin principle, which is a cornerstone of Directive 2010/13/EU as well as for ensuring that regulatory</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>authorities or bodies are able to exercise oversight over relevant media service providers. The objective should be to ensure the consistent and effective application of this Regulation and the implementation of Directive 2010/13/EU, for instance by ensuring a smooth exchange of information between national regulatory authorities or bodies or allowing to quickly address queries related to jurisdiction issues. Where national regulatory authorities or bodies exchange information, all relevant Union and national law on exchange of information, including relevant data protection law, should be respected. Such cooperation, and in particular the accelerated cooperation, is of key relevance to support actions to protect the internal market from such rogue media service providers, while ensuring compliance with fundamental rights, in particular freedom of expression. In particular, such accelerated cooperation is needed to prevent that media services suspended in certain Member States under Articles 3(3) and 3(5) of Directive 2010/13/EU continue to be provided via satellite or other means in those Member States, and thus to contribute to the ‘effet</p>	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>utile’ of the relevant national measures, in compliance with Union law. The opinions of the Board will be important for the effective functioning of the cooperation mechanism.</p>	
Recital 27				
37	<p>(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect viewers of video-sharing platform services from certain illegal and harmful content, including commercial communications. In particular, a mechanism is needed to allow any relevant national regulatory authority or body to request its peers to take necessary and proportionate actions to ensure enforcement of obligations under this Article by video-sharing platform providers. In case the use of such mechanism does not lead to an amicable solution, the freedom to provide information society services from another Member State can only be restricted if the conditions set out in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council<sup>1</sup> are met and following the procedure set out therein.</p>	<p>(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect <del>viewers</del><u>users</u> of video-sharing platform services from certain <del>illegal and</del> harmful content, including commercial communications. In particular, <del>and</del> <u>without prejudice to the country-of-origin principle</u>, a mechanism is needed to allow any relevant national regulatory authority or body to request its peers to take necessary and proportionate actions to ensure enforcement of obligations under this Article by video-sharing platform providers. In case the use of such mechanism does not lead to an amicable solution, the freedom to provide information society services from another Member State can only be restricted if the conditions set out in Article 3 of Directive 2000/31/EC of the European Parliament and of</p>	<p>(27) Due to the pan-European nature of video-sharing platforms, national regulatory authorities or bodies need to have a dedicated tool to protect viewers of video-sharing platform services from certain illegal and harmful content, including commercial communications. In particular, a mechanism is needed to allow any relevant national regulatory authority or body to request its <del>peers</del><b>counterpart</b> to take necessary and proportionate actions to ensure enforcement of obligations <b>by video-sharing platform providers under Articles 28b(1) to 28b(3) of Directive 2010/13/EU. This is key for ensuring that audiences, and in particular minors, are effectively protected across the Union when accessing the content on video-sharing platforms and that they can rely on the appropriate level of transparency when it comes to commercial communications online.</b></p>	

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	<p>1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1-16).</p>	<p>the Council<sup>1</sup> are met and following the procedure set out therein.</p> <p>1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1-16).</p>	<p><b>Mediation and possible opinions by the Board will be conducive to ensure mutually acceptable and satisfactory results for the national regulatory authorities or bodies concerned</b> <del>this Article by video-sharing platform providers.</del> In case the use of such mechanism does not lead to an amicable solution, the freedom to provide information society services from another Member State can only be restricted if the conditions set out in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council<sup>1</sup> are met and following the procedure set out therein.</p> <p>1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce'), (OJ L 178, 17.7.2000, p. 1-16).</p>	
Recital 28				
38	<p>(28) Ensuring a consistent regulatory practice regarding this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission may issue guidelines on matters covered by</p>	<p>(28) Ensuring a consistent <del>regulatory practice regarding</del> <u>and effective implementation of</u> this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission <del>may</del> <u>should</u> issue</p>	<p>(28) Ensuring a consistent regulatory practice regarding this Regulation and Directive 2010/13/EU is essential. For this purpose, and to contribute to ensuring a convergent implementation of EU media law, the Commission may issue guidelines on <b>cross-border</b> matters</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help achieving a level playing field in the internal market and compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field. It would also be useful to provide guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media</p>	<p>guidelines on matters covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest. In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help achieving a level playing field in the internal market and compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field. <u><i>Such guidelines should be drafted with the support of the Board and should respect the Member States' competence in cultural matters with a view to promoting media pluralism, be principle-based and</i></u></p>	<p>covered by both this Regulation and Directive 2010/13/EU when needed. When deciding to issue guidelines, <b>and in light of the relevant discussions with the contact committee established by Directive 2010/13/EU</b>, the Commission should consider in particular regulatory issues affecting a significant number of Member States or those with a cross-border element. <del>This is the case in particular for national measures taken under Article 7a of Directive 2010/13/EU on the appropriate prominence of audiovisual media services of general interest.</del> In view of the abundance of information and the increasing use of digital means to access the media, it is important to ensure prominence for content of general interest, in order to help achieving a level playing field in the internal market and compliance with the fundamental right to receive information under Article 11 of the Charter of Fundamental Rights of the Union. Given the possible impact of the national measures taken under Article 7a <b>of Directive 2010/13/EU</b> on the functioning of the internal media market, guidelines by the Commission would be important to achieve legal certainty in this field. It would also be useful to provide guidance on national measures</p>	

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	<p>ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.</p>	<p><u>be without prejudice to existing national prominence measures</u>. It would also be useful to provide guidance on national measures taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.</p>	<p>taken under Article 5(2) of Directive 2010/13/EU with a view to ensuring the public availability of accessible, accurate and up-to-date information related to media ownership. In the process of preparing its guidelines, the Commission should be assisted by the Board. The Board should in particular share with the Commission its regulatory, technical and practical expertise regarding the areas and topics covered by the respective guidelines.</p>	
Recital 28a				
38a		<p><u>(28a) Minimum harmonisation of rules regarding restrictions on media ownership across the European Union is one of the fundamental ways of guaranteeing a fair plurality of views, of protecting fair competition among media services providers within the European media market and of upholding the right of consumers to receive a variety of diverse sources of information and diverse opinions in an impartial and pluralistic manner. For that</u></p>		

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		<p><u>reason, certain politically exposed persons, as defined in Article 3, point (9), of Directive (EU) 2015/849, such as heads of State, heads of government and ministers, should, after being appointed as such, terminate their business relationship with a media service provider.</u></p>		
Recital 29				
39	<p>(29) In order to ensure a level playing field in the provision of diverse audiovisual media services in the face of technological developments in the internal market, it is necessary to find common technical prescriptions for devices controlling or managing access to and use of audiovisual media services or carrying digital signals conveying the audiovisual content from source to destination. In this context, it is important to avoid diverging technical standards creating barriers and additional costs for the industry and consumers while encouraging solutions to implement existing obligations concerning audiovisual media services.</p>	<p>(29) In order to ensure a level playing field in the provision of diverse audiovisual media services in the face of technological developments in the internal market, it is necessary to find common <del>technical prescriptions</del> <u>harmonised European standards</u> for devices controlling or managing access to and use of audiovisual media services, <u>including remote controls, or devices</u> <del>or</del> carrying digital signals conveying the audiovisual content from source to destination. In this context, it is important to avoid diverging technical standards creating barriers and additional costs for the industry and consumers while encouraging solutions to implement existing obligations concerning audiovisual media services.</p>	<p><i>deleted</i></p>	<p><i>Council: moved to new recital 37a</i></p>
Recital 30				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
40	<p>(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media service providers established outside the Union that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to public security and defence. In this regard, the coordination between national regulatory authorities or bodies to face together possible public security and defence threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. In order to ensure that media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member</p>	<p>(30) Regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression <u>and safeguarding and promoting media pluralism</u>. This is key in particular when it comes to protecting the internal market from <del>activities of media service providers established</del> <u>services from</u> outside the Union, <u>irrespective of the means by which they are distributed or accessed</u>, that target <u>or reach</u> audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they <del>may prejudice or pose risks</del> <u>contain a public provocation to commit a terrorist offence as set out in Directive (EU) 2017/541 or constitute a serious and grave risk to the safeguarding of national security and</u> defence. <u>Media service providers established outside the Union and wishing to benefit from the free movement of media services for their media offerings, as one of the advantages of the internal market of the Union, should be subject to the same conditions and requirements as</u></p>	<p>(30) <b>National</b> regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression. This is key in particular when it comes to protecting the internal market from activities of media <del>service providers established</del> <b>services from</b> outside the Union that target <b>or reach</b> audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to public security and defence. <del>In this regard, the coordination between national regulatory authorities or bodies to face together possible public security and defence threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. In order to ensure that.</del> <b>Such risks could take, for instance, the form of systematic, international campaigns of media services suspended in certain Member States</b></p>	<p>(30) <u>National</u> regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU have specific practical expertise that allows them to effectively balance the interests of the providers and recipients of media services while ensuring the respect for the freedom of expression <u>and safeguarding and promoting media pluralism</u>. This is key in particular when it comes to protecting the internal market from activities of media <del>service providers established</del> <u>services from</u> outside the Union, <u>irrespective of the means by which they are distributed or accessed</u>, that target <u>or reach</u> audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, they may prejudice or pose risks of prejudice to public security <del>and defence. In this regard, the coordination between national regulatory authorities or bodies to face together possible.</del> <u>Risks of prejudice to public security and defence threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. In order to ensure that media services</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>States, a mechanism of accelerated mutual cooperation and assistance should also be available to guarantee the ‘effet utile’ of the relevant national measures, in compliance with Union law. Additionally, it is necessary to coordinate the national measures that may be adopted to counter public security and defence threats by media services established outside of the Union and targeting audiences in the Union, including the possibility for the Board, in agreement with the Commission, to issue opinions on such measures, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.</p>	<p><u><a href="#">media service providers established within the Union.</a></u> In this regard, the coordination between national regulatory authorities or bodies to face together possible public security and defence threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures adopted in line with Union media legislation. In order to ensure that <u><a href="#">the same</a></u> media services suspended in certain Member States under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance should also be available to guarantee the ‘effet utile’ of the relevant national measures, in compliance with Union law. Additionally, it is necessary to coordinate the national measures that may be adopted to counter public security and defence threats by media services <u><a href="#">established from outside of the Union and targeting audiences in the Union, including the possibility for the Board, in agreement with the Commission on its own initiative or at the request of the relevant national regulatory authority or body,</a></u> to issue opinions</p>	<p>under Article 3(3) and 3(5) of Directive 2010/13/EU do not continue to be provided via satellite or other means in those <b>manipulation and distortion of facts in view of destabilising the Union as a whole or particular Member States,</b> a mechanism of accelerated mutual cooperation and assistance should also be available to guarantee the ‘effet utile’ of the relevant. <b>In this regard, the coordination between national measures, in compliance with Union law. Additionally, it is necessary to coordinate the national measures that may be adopted to counter regulatory authorities or bodies to face together possible public security and defence threats by threats stemming from such media services established outside of the Union and targeting audiences in the Union, including the possibility for the Board, in agreement with the Commission, to issue opinions on such needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination of the national measures, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to</b></p>	<p><del>suspended in certain Member States under may relate to public provocations to commit a terrorist offence as set out in Article 3(3) and 3(5)5 of Directive 2010/13/EU do not continue to be provided via satellite or other means in those Member States, a mechanism of accelerated mutual cooperation and assistance should also be available to guarantee the ‘effet utile’ of the relevant national measures, in compliance with Union law. Additionally, it is necessary to coordinate the national measures that may be adopted to counter public security and defence threats by media services established outside of the Union and targeting audiences in the Union2017/541 and systematic, international campaigns of foreign information manipulation and interference with a view to destabilising the Union as a whole or particular Member States. In this regard, including the possibility for the Board, in agreement with the Commission, to issue opinions on such measures, as appropriate. In this regard, risks to the coordination between national regulatory authorities or bodies to face together possible public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is</del></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>on such measures, as appropriate. In this regard, risks to public security and defence need to be assessed with a view to all relevant factual and legal elements, at national and European level. This is without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.</p>	<p><del>the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union</del> <b>adopted in line with Union media legislation.</b></p>	<p><del>without prejudice to the competence of the Union under Article 215</del> <b><u>threats stemming from such media services needs to be strengthened and given a legal framework to ensure the effectiveness and possible coordination</u> of the <del>Treaty on the Functioning of the European Union</del> <u>national measures adopted in line with Union media legislation.</u></b></p>
Recital 30a				
40a			<p><b>(30a) It is necessary to coordinate the national measures that may be adopted to counter public security threats by media services originating or established outside of the Union and targeting audiences in the Union, including the possibility for the Board, in consultation with the Commission, to issue opinions on such measures, as appropriate, in particular where a situation affects several Member States. In this regard, risks to public security need to be assessed with a view to all relevant factual and legal elements, at national and European level. The objective should be to allow for a more coordinated approach for the concerned national regulatory</b></p>	<p><b><u>(30a) Council: split from recital 30</u></b></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><b>authorities or bodies in relation to restrictions on the distribution of such media services, without prejudice to the competences of Member States or their national regulatory authorities or bodies in line with Union law. This should be without prejudice to the competence of the Union under Article 215 of the Treaty on the Functioning of the European Union.</b></p>	
Recital 30b				
40b			<p><b>(30b) In order to further support national regulatory authorities or bodies in their role of protecting the internal media market from rogue media service providers, the Board should draw up a list of criteria concerning the media service providers established or originating from outside of the Union. Such a list would help national regulatory authorities or bodies in situations when a relevant media service provider seeks jurisdiction in a Member State, or when a media service provider already under the jurisdiction of a Member State, appears to pose serious and grave risks to public security. Elements to be covered in such a list could concern, inter alia, ownership,</b></p>	

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			<p><b>management, financing structures, editorial independence from third countries or adherence to a co-regulatory or self-regulatory mechanisms governing editorial standards in one or more Member States.</b></p>	
Recital 31				
41	<p>(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of</p>	<p>(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play <del>an important</del> <u>key</u> role in the distribution of <u>and access to</u> information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory <u>requirements and co-regulatory</u> or self-regulatory <del>requirements</del> <u>mechanisms</u> they are subject to in the Member States. <u>At the same time, providers of very large online platforms should also take due account of users' right to freedom of expression and information, media freedom and media pluralism. Providers of very large online platforms should</u></p>	<p>(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, <del>in line</del>. <b>The effective and independent exercise of editorial responsibility is also crucial to guarantee that the media content is compliant</b> with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service</p>	

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	<p>Regulation (EU) 2022/XXX [the Digital Services Act], they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act] and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council<sup>1</sup>. To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should endeavour to submit the statement of reasons prior to the restriction taking effect without prejudice to their obligations under Regulation (EU) 2022/XXX [the Digital Services Act]. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/XXX [the Digital Services Act].</p>	<p><u><i>contribute in an appropriate manner to the plurality of the media by respecting the freedom of media service providers to exercise their activities without restrictions.</i></u></p> <p>Therefore, also in view of users' freedom of information, where providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article <del>26</del><sup>34</sup> of Regulation (EU) <del>2022/XXX [the Digital Services Act]</del><sup>2022/2065</sup>, they should duly <del>consider</del><sup>respect</sup> <u><i>media</i></u> freedom and <del>pluralism of media, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act]</del><sup>media pluralism</sup>, and provide, as early as possible, the necessary explanations to media service providers as <del>their</del><sup>users</sup> <u><i>user</i></u>, in the statement of reasons <del>under</del><sup>referred to in</sup> Regulation (EU) 2019/1150 of the European Parliament and of the Council <sup>1</sup><del>and Regulation (EU) 2022/2065</del><sup>1</sup>. To minimise the impact of any <del>restriction to that content</del><sup>suspension or restriction</sup> on users' freedom of information, very large online platforms should <del>endeavour to submit the statement of reasons prior to the restriction taking effect without prejudice to</del></p>	<p>providers is incompatible with their terms and conditions, <del>while it is not contributing</del><sup>without prejudice to</sup> <b>the mitigating measures in relation</b> to a systemic risk referred to in Article <del>26</del><sup>34</sup> of Regulation (EU) <del>2022/XXX [the Digital Services Act]</del><sup>2022/2065</sup>, they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) <del>2022/XXX [the Digital Services Act]</del><sup>2022/2065</sup> and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council<sup>13</sup>. To minimise the impact of <del>any</del><sup>that any suspension or restriction to that of visibility of content</sup> <b>may have</b> on users' freedom of information, very large online platforms should endeavour to submit the <b>clear and detailed</b> statement of reasons prior to the <b>suspension or</b> restriction taking effect without prejudice to their obligations under Regulation (EU) <del>2022/XXX [the Digital Services Act]</del><sup>2022/2065</sup> and <b>give an opportunity to the concerned media service provider to respond to such a statement of reasons. The use of labelling or age-gating should not be understood as a restriction of visibility for the</b></p>	

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	<p>1. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57-79).</p>	<p><del>their obligations under Regulation (EU) 2022/XXX [the Digital Services Act]</del> <u>provide the media service provider with an opportunity to reply to the statement of reasons, within 24 hours, prior to the restriction or suspension taking effect.</u> In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/XXX [the Digital Services Act] 2022/2065. <u>Where a provider of a very large online platform still intends to apply the suspension or restriction, the competent regulatory authority or body or the body of the self-regulatory or co-regulatory mechanism should decide whether the intended suspension or restriction is justified in view of the specific clause in the terms and conditions and, in particular, taking into account fundamental freedoms.</u></p> <p>1. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and</p>	<p><b>purposes of this Regulation. Following the reply of the media service provider, or in the absence of such a reply within an appropriate period of time, the provider of a very large online platform should inform the media service provider concerned if it intends to proceed with such a restriction or suspension. The length of the period of time for the response by the media service provider should be determined in line with the principle of proportionality taking into account the time sensitivity and seriousness of the potential harm to users.</b> <del>In particular,</del> This Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/XXX [the Digital Services Act] 2022/2065. <b>Nothing in this Regulation should be construed as deviating from Regulation (EU) 2022/2065, and in particular from the obligations that apply to very large online platforms. Moreover, this Regulation should be without</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57-79).</p>	<p><b>prejudice to measures taken by video-sharing platforms under Article 28b of Directive 2010/13/EU, in particular those to protect minors.</b></p> <p>1. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57-79).</p> <p><b>13. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57-79).</b></p>	
Recital 32				
42	<p>(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that where media service providers adhere to certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms are treated with priority and without undue delay.</p>	<p>(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that where media service providers <del>adhere to</del><u>comply with</u> certain regulatory or self-regulatory standards, their complaints <u>and, where applicable, complaints filed by their representative bodies in accordance with Regulation (EU) 2022/2065</u> against decisions of providers of very large online platforms are treated with priority and, <u>in any event, no later than 24 hours after their submission without undue delay.</u></p>	<p>(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that where media service providers adhere to certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms are treated with priority and without undue delay.</p>	

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Recital 33				
43	<p>(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility not to accept such self-declaration where they consider that these conditions are not met. Providers of very large online platforms may rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative or other relevant codes of conduct. Guidelines by the Commission may be useful to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.</p>	<p>(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility <del>not to accept such self-declaration</del> <u>for such self-declaration to be confirmed, for example by the national regulatory authorities or bodies or the body of the self- or co-regulatory mechanism</u>, where they consider that these conditions are not met. <u>If confirmed in that manner, media service providers should be deemed to be recognised media service providers. It should also be possible to refer the matter to the Board, which should be able to issue a recommendation on such matters.</u> Providers of very large online platforms may rely on information regarding <del>adherence to compliance with</del> these requirements, such as the machine-readable standard of the Journalism Trust Initiative, <u>developed under the aegis of the European Committee for Standardisation</u>, or other relevant codes of conduct. <u>That mechanism should not deter</u></p>	<p>(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility not to accept such self-declaration where they consider that these conditions are not met. <b>When a media service provider declares itself subject to regulatory requirements or adhering to co- or self-regulatory mechanisms, it should be able to provide contact details of the relevant national regulatory authority or body or of the representatives of the co- or self-regulatory mechanism, including those provided by widely-recognised professional associations representing a given sub-sector and operating at national or European level. In case of reasonable doubts, this would enable the very large online platform to confirm with these authorities or bodies that the media service provider is subject to such requirements or mechanisms. Where relevant, providers of very large online platforms may should</b> rely on</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>very large online platforms from signing up to voluntary commitment No 22 of the EU Code of Practice on Disinformation or from taking measures to foster the visibility, discoverability and prominence of media services in their recommendation systems provided by media service providers that demonstrably comply with professional and ethical standards for journalism. Certification to ISO standards for professional and ethical journalism, such as the Journalism Trust Initiative could serve as a benchmark in that regard.</u></p> <p>Guidelines <u>issued</u> by the Commission, <u>in consultation with the Board</u>, may be useful to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.</p>	<p>information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative or other relevant codes of conduct. <b>Civil society organisations, fact-checking organisations and other relevant professional organisations recognising the integrity of media sources on the basis of standards agreed with the media industry should also have the possibility to flag to the very large online platforms any potential lack of compliance by media service providers with the relevant requirements for the self-declaration.</b> Guidelines by the Commission <del>may be useful</del> <b>would be key</b> to facilitate an effective implementation of such functionality, <del>including on modalities of</del> <b>in particular by contributing to the wide</b> involvement of relevant civil society organisations in the review of the declarations, <del>on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse</del> <b>ensuring consultations with the national regulatory authorities or bodies or co- or self-regulatory bodies. The guidelines should also contribute to minimising risks of potential abuse of the functionality, in</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><b>particular by providers engaging systematically in disinformation, information manipulation and interference, including those controlled by certain third countries, taking account of the functionality criteria to be developed by the Board in accordance with article 16(3) and the role of relevant civil society organisations in detecting such potential abuses.</b></p>	
Recital 34				
44	<p>(34) This Regulation recognises the importance of self-regulatory mechanisms in the context of the provision of media services on very large online platforms. They represent a type of voluntary initiatives, for instance in a form of codes of conduct, which enable media service providers or their representatives to adopt common guidelines, including on ethical standards, correction of errors or complaint handling, amongst themselves and for themselves. Robust, inclusive and widely-recognised media self-regulation represents an effective guarantee of quality and professionalism of media services and is key for safeguarding editorial integrity.</p>	<p>(34) This Regulation recognises the importance of <u>co-regulatory and self-regulatory mechanisms that are legally recognised in the relevant media sector in one or more Member States</u> in the context of the provision of media services on very large online platforms. They represent a type of voluntary initiatives, for instance in a form of codes of conduct, which enable media service providers or their representatives to adopt common guidelines, including on ethical standards, correction of errors or complaint handling, amongst themselves and for themselves. Robust, inclusive and <del>widely-recognised</del> <u>widely-accepted</u> media <u>co-regulation and</u> self-regulation represents an effective guarantee of</p>	<p>(34) This Regulation recognises the importance of self-regulatory mechanisms in the context of the provision of media services on very large online platforms. They represent a type of voluntary initiatives, for instance in a form of codes of conduct, which enable media service providers or their representatives to adopt common guidelines, including on ethical standards, correction of errors or complaint handling, amongst themselves and for themselves. Robust, inclusive and <del>widely-recognised</del> <b>widely recognised</b> media self-regulation represents an effective guarantee of quality and professionalism of media services and is key for safeguarding editorial integrity.</p>	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		quality and professionalism of media services and is key for safeguarding editorial integrity.		
Recital 35				
45	<p>(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that restrictions on their content are frequently imposed by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future.</p> <p>Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.</p>	<p>(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that restrictions on their content are frequently imposed by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future.</p> <p>Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information. <u>Where the provider of a very large online platform and a media service provider fail to find an amicable solution, the media service provider should be able to lodge a complaint before a certified out-of-court dispute settlement body in accordance with Regulation (EU) 2022/2065.</u></p>	<p>(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that restrictions <b>or suspensions</b> on their content are <del>frequently</del><b>repeatedly</b> imposed by providers of very large online platforms without sufficient grounds <b>within a limited period of time</b>, in order to find an amicable solution for terminating any unjustified restrictions <b>or suspensions</b> and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.</p>	
Recital 35a				
45a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><i><u>(35a) Within the meaning of this regulation, obligations for restrictions of content should not prevent very large online platforms from fighting disinformation or protecting minors. In this context, obligations should not apply in instances of down-ranking, labelling of content or diluting its visibility (such as blurring of images) when they are in line with the code of practice on disinformation and other relevant Union law. At the same time, it should be recognised that services acting in a not-for-profit purpose capacity, such as online encyclopaedias as well as educational and scientific repositories, should not be considered very large online platforms for the purpose of Article 17.</u></i></p>		
Recital 36				
46	<p>(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of</p>	<p>(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board, <i><u>with the involvement of the Expert Group</u></i>, should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms, <i><u>providers of very large</u></i></p>	<p>(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>civil society to foster access to diverse offers of independent media on very large online platforms, discuss experience and best practices related to the application of the relevant provisions of this Regulation and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) 2022/XXX [Digital Services Act] and may ask the Board to support it to this effect.</p>	<p><u>search engines</u>, representatives of media service providers and representatives of civil society, <u>including from fact-checking organisations</u>, to foster access to diverse offers of independent media on very large online platforms <u>and very large search engines, to</u> discuss experience and best practices related to the application of the relevant provisions of this Regulation <del>and</del>, to monitor <del>adherence to</del> <u>compliance with</u> self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation, <u>and to assess the possible negative effects that such initiatives or content moderation policies might have on media freedom and media pluralism</u>. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) <del>2022/XXX [Digital Services Act]</del> <u>2022/2065</u> and may ask the Board <u>and the Expert Group</u> to support it to this effect.</p>	<p>civil society to foster access to diverse offers of independent media on very large online platforms, discuss experience and best practices related to the application of the relevant provisions of this Regulation and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation. The <del>Commission</del> <b>may, where relevant, examine the reports on the results of such structured dialogues</b> <b>reports on the results of such structured dialogues may contribute to the effective enforcement of Regulation (EU) 2022/2065. The Commission should, where relevant, take into consideration such reports [...]</b> when assessing systemic and emerging issues across the Union under Regulation (EU) <del>2022/XXX [Digital Services Act]</del> <b>2022/2065</b> and may ask the Board to support it to this effect.</p>	
Recital 37				
47	(37) Recipients of audiovisual media services should be able to	(37) <del>Recipients of</del> <u>Users of audio and</u> audiovisual media services	(37) Recipients of <b>media services providing programmes</b>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>effectively choose the audiovisual content they want to watch according to their preferences. Their freedom in this area may however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between manufacturers of devices or providers of user interfaces controlling or managing access to and use of audiovisual media services, such as connected televisions, and media service providers. Prioritisation can be implemented, for example, on the home screen of a device, through hardware or software shortcuts, applications and search areas, which have implications on the recipients' viewing behaviour, who may be unduly incentivised to choose certain audiovisual media offers over others. Service recipients should have the possibility to change, in a simple and user-friendly manner, the default settings of a device or user interface controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest implementing Article 7a of Directive 2010/13/EC, taken in the</p>	<p>should be able to effectively choose the <u>audio and</u> audiovisual content they want to <u>listen to or</u> watch according to their preferences. Their freedom in this area may however be constrained by commercial practices in the media sector, namely agreements for content prioritisation between manufacturers of devices or providers of user interfaces controlling or managing access to and use of <u>audio and</u> audiovisual media services, such as connected televisions <u>or car audio systems</u>, and media service providers. Prioritisation can be implemented, for example, on the home screen of a device, through hardware, <u>including remote controls</u>, or software shortcuts, applications and search areas, which have implications on the <u>recipients' viewing users'</u> behaviour, who may be unduly incentivised to choose certain <u>audio or</u> audiovisual media offers over others. <u>Service recipients</u> <u>Users of audio or audiovisual media services</u> should have the possibility to change, in a simple and user-friendly manner, the <u>settings and</u> default <u>settings of a device or layout, including the configuration of audiovisual media services or of applications allowing users to access such services, on a user interface or on devices</u></p>	<p>(audiovisual <b>and audio</b> media services) should be able to effectively choose the audiovisual content they want to watch <b>or listen to</b> according to their preferences. Their freedom in this area may however be constrained by commercial practices in the media sector, <del>namely</del> <b>such as</b> agreements for content prioritisation between <b>media service providers and</b> manufacturers of devices or providers of user interfaces controlling or managing access to and use of audiovisual <b>and audio</b> media services, such as connected televisions, <del>and media service providers</del> <b>or car audio systems</b>. Prioritisation can be implemented, for example, on the home screen of a device, through hardware or software shortcuts, applications and search areas, which have implications on the recipients' <del>viewing</del> behaviour, who may be unduly incentivised to choose certain audiovisual-media offers over others. <b>User choice may also be limited by closed circuits of pre-installed applications.</b> Service recipients should have the possibility to change, in a simple, <b>easily accessible</b> and user-friendly manner, the default settings of a device or user interface controlling and managing access to, and use of, audiovisual-media services. <b>This</b></p>	

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	pursuit of legitimate public policy considerations.	controlling and managing access to, and use of, audiovisual media services, without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest, <u>in particular measures</u> implementing Article 7a <u>and 7 b</u> of Directive <del>2010/13/EC</del> <u>2010/13/EU</u> , taken in the pursuit of legitimate public policy considerations.	<p><b>right should not extend to individual items, such as programmes, within an on-demand service catalogue and is</b> without prejudice to measures to ensure the appropriate prominence of audiovisual media services of general interest implementing Article 7a of Directive <del>2010/13/EC</del><u>2010/13/EU</u>, taken in the pursuit of legitimate public policy considerations.</p> <p><b>Manufacturers and developers should be able to demonstrate the effective user-friendliness of the functionality required when placing their relevant products on the market. Member States should ensure, through appropriate measures, that devices and interfaces placed on their market, by relevant market players, comply with the relevant requirements set out in this Regulation. This could be achieved through monitoring of the application and the effectiveness of the actions taken by such market players.</b></p>	
Recital 37a				
47a		<u>(37a) Users of media services increasingly face difficulties in identifying who bears the editorial responsibility for the media</u>		

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		<p><u>services they use, in particular when they access them through connected devices, user interfaces or online platforms. Failure to clearly indicate editorial responsibility for media content or services, for example by incorrectly attributing or removing logos, trademarks or other characteristic traits, deprives users of media services of the ability to understand and assess the information they receive. Users of media services should therefore be able to easily identify the media service provider bearing the editorial responsibility for any given media service on all devices and user interfaces controlling or managing access to and use of media services.</u></p>		
Recital 37a				
47b			<p><b>(37a) In order to ensure a level playing field in the provision of diverse audiovisual and audio media services in the face of technological developments in the internal market, it is necessary to find common technical prescriptions for devices and user interfaces controlling or managing access to and use of audiovisual and audio media services or carrying digital signals conveying the content from</b></p>	<p><u>(37a) Council: former Recital 29</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>source to destination. In this context, it is important to avoid diverging technical standards creating barriers and additional costs for the industry and consumers while encouraging solutions to implement existing obligations concerning media services.</p>	
Recital 37b				
47c		<p><u>(37b) Audiovisual media services are subject to various obligations to meet public policy goals such as supporting cultural diversity and a pluralistic media environment. It is therefore essential that devices be designed in such a way that ensures fair access to audiovisual media services in all their diversity, from the perspective of both viewers and media service providers. In that regard, particular attention should be paid to the impact of device manufacturers' choices with respect to the design of remote controls. Numeric keypads should therefore be standard on television remote controls to avoid users becoming unjustifiably dependent on user interfaces designed by equipment manufacturers.</u></p>		
Recital 38				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
48	<p>(38) Different legislative, regulatory or administrative measures can negatively affect the operation of media service providers in the internal market. They include, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors; they also include decisions related to licensing, authorisation or prior notification for media service providers. In order to mitigate their potential negative impact on the functioning of the internal market for media services and enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and proportionality.</p>	<p>(38) Different legislative, regulatory or administrative measures can negatively affect <u>media pluralism and the editorial independence</u> <del>the operation</del> of media service providers <u>regarding either the provision or the operation of their media services</u> in the internal market. <del>They include</del> <u>Such measures can take various forms</u>, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors; <del>They also include decisions related to licensing, such as revoking, or preventing the renewal of, media service providers' licences or in any way unjustifiably blocking or limiting their ability to broadcast, print or otherwise disseminate content, and decisions related to</del> authorisation or prior notification for media service providers. In order to mitigate their potential negative impact on <u>media pluralism and editorial independence and on</u> the functioning of the internal market for media services and enhance legal certainty, it is important that such measures <u>minimise disruptions to the activities of media service providers</u> and comply with the principles of objective justification, transparency,</p>	<p>(38) Different legislative, regulatory or administrative measures, <b>including those taken by national regulatory authorities or bodies, could be justified and conducive to media pluralism.</b> However, some measures may hinder or render less attractive the exercise of the freedom of establishment and the freedom to provide services in the media sector, to the detriment of media pluralism or editorial independence <del>can negatively affect the operation of media service providers in the internal market. They include</del> <b>This could be the case</b>, for example, <b>with</b> rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors; they also include decisions related to licensing, authorisation or prior notification for media service providers. In order to mitigate their potential negative impact on <del>the functioning of</del> <b>media pluralism or editorial independence and enhance legal certainty</b> in the internal market for media services and enhance legal certainty, it is important that such measures comply with the principles of objective justification, transparency, non-discrimination and</p>	<p>(38) Different legislative, regulatory or administrative measures <del>can negatively affect the operation</del> <u>could be justified and conducive to media pluralism.</u> <u>However, some measures may hinder or render less attractive the exercise of the freedom of establishment and the freedom to provide services in the media sector, to the detriment of media pluralism or editorial independence</u> of media service providers in the internal market. <del>They include</del> <u>Such measures can take various forms including</u>, for example, rules to limit the ownership of media companies by other companies active in the media sector or non-media related sectors; <del>They also include decisions related to licensing, such as revoking, or making more difficult the renewal of media service providers' licences, as well as decisions related to</del> authorisation or prior notification for media service providers. In order to mitigate their potential negative impact on <del>the functioning of</del> <u>media pluralism or editorial independence and enhance legal certainty</u> in the internal market for media services and enhance legal certainty, it is important that such measures comply with the principles of</p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>non-discrimination and proportionality. <u>Any measures that negatively affect media pluralism, editorial independence or the operations of media service providers, including where they are related to the implementation of Union legal acts such as Directive 2010/13/EU, should be communicated to media service providers well in advance of their adoption in order to prevent possible disruptions and allow media service providers enough time to assess the impact of such measures on media pluralism and editorial freedom. The requirement to communicate such measures does not aim to affect national measures implementing Directive 2010/13/EU, in so far as they do not affect media pluralism and editorial independence, national measures taken pursuant to Article 167 TFEU, national measures taken for the purpose of promoting European works or national measures which are otherwise governed by State aid rules.</u></p>	<p>proportionality. <b>Administrative measures that are liable to affect media pluralism or editorial independence should be adopted within predictable timeframes.</b></p>	<p>objective justification, transparency, non-discrimination and proportionality. <u>Administrative measures that are liable to affect media pluralism or editorial independence should be adopted within predictable timeframes. Such timeframes should have a sufficient length to ensure an adequate assessment by media service providers of the measures and their foreseeable consequences. Moreover, media service providers which are individually and directly concerned by regulatory or administrative measures should have the right to appeal against such measures before an independent appellate body. If the appellate body is not a court, it should have the adequate resources necessary to its effective functioning.</u></p>
Recital 39				
49	<p>(39) It is also key that the Board is empowered to issue an opinion, on the Commission's request, where national measures are likely to</p>	<p>(39) It is also key that the Board is empowered to issue an opinion, on <u>its own initiative or at the request of the Commission's request or the</u></p>	<p>(39) <b>Without prejudice to the application of the Union's competition and State aid rules as well as national measures taken in</b></p>	

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	<p>affect the functioning of the internal market for media services. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, or when the concerned media service provider has a significant influence on the formation of public opinion in that Member State.</p>	<p><u>European Parliament</u>, where national measures are likely to affect the functioning of the internal market for media services <u>or to impact media pluralism and editorial independence</u>. This is, for example, the case when a national administrative measure is addressed to a media service provider providing its services towards more than one Member State, or when the concerned media service provider has a significant influence on the formation of public opinion in that Member State. <u>A media service provider individually and directly affected by such a measure should be able to request that the Board draw up an opinion on that measure.</u></p>	<p><b>compliance with such rules</b>, it is also key that the Board is empowered to issue an opinion, <del>on the Commission's request</del>, where national measures are likely to <b>significantly and adversely</b> affect the <del>functioning of</del> <b>operation of media service providers in the internal market. Such opinions should focus on national measures that have the potential to disrupt the activities of media service providers across borders, for instance by preventing or obstructing their operation in such a way that the provision of their</b> <del>for media services. This is, for example,</del> <b>in a given market is seriously undermined. This could be the case when a national administrative measure is addressed specifically to a media service provider providing its services towards more than one Member State, or when the concern</b> <b>concerns a media service provider that, because of, inter alia, its market shares, audience reach or level of circulation, has a significant influence on the formation of public opinion in that Member State, and it prevents such media service providers from effectively operating in a given market or entering a new one.</b></p>	

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Recital 39a				
49a			<p><b>(39a) Media market concentrations are assessed differently across the Union from the media pluralism standpoint. The rules and procedures vary across the Union. Some Member States rely on competition assessments only, whereas others have dedicated frameworks for specific media pluralism assessment of concentrations. In the latter case, there are considerable differences. In some cases, all media transactions are scrutinised, irrespective of whether they reach certain thresholds, while in other cases an assessment is conducted only when specific thresholds are exceeded or certain qualitative criteria are met. For instance, for the purposes of such assessment some Member States apply revenue multipliers in order to ensure that competitive threats do not pass undetected and are brought under scrutiny even when the outlets involved have low revenues. Where they exist, there are also differences in the procedures applicable to the scrutiny of market transactions for media pluralism purposes. This scrutiny is often carried out independently by the media</b></p>	

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			<p>regulator (through a self-standing assessment) or with the involvement of the media regulator by the competent authority (through an opinion, that could be a stand-alone contribution or written views or comments in the context of an ongoing assessment). Certain national rules enable Ministries or governmental bodies to intervene in the media market scrutiny on non-economic grounds, ranging from protection of media pluralism to the safeguarding of public security or other general interests. The divergence and lack of coordination between Member States' rules and procedures applicable to media market concentrations can result in legal uncertainty as well as regulatory, administrative or economic burdens for media companies willing to operate across borders, thus distorting competition in the internal market for media services. In some cases, national measures in this area can effectively prevent a media company established in the Union from entering another national market, without being genuinely aimed at promoting media pluralism.<sup>14</sup> Ultimately, instead of achieving greater media plurality,</p>	

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			<p><b>this may reinforce the oligopolistic dynamics in the media market. In order to lower obstacles hindering the media service providers' ability to operate in the internal market, it is important that this Regulation sets out a common framework for assessing media market concentrations across the Union.</b></p> <p>14. Case C-719/18, Vivendi SA v Autorità per le Garanzie nelle Comunicazioni.</p>	
Recital 40				
50	<p>(40) Media play a decisive role in shaping public opinion and helping citizens participate in democratic processes. This is why Member States should provide for rules and procedures in their legal systems to ensure assessment of media market concentrations that could have a significant impact on media pluralism or editorial independence. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single</p>	<p>(40) Media play a decisive role in shaping public opinion and <del>helping</del><b>enabling</b> citizens <del>participate</del><b>to access relevant information for participation</b> in democratic processes. This is why Member States should provide for rules and procedures in <del>their legal systems to ensure</del><b>national law to enable a quality</b> assessment of media market concentrations that could have <del>a significant</del><b>an</b> impact on media pluralism <del>or</del><b>and</b> editorial independence. Such rules and procedures can have an impact on the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media</p>	<p>(40) Media play a decisive role in shaping public opinion and <del>helping</del><b>promoting</b> citizens' <del>participation</del><b>participation</b> in democratic processes. This is why Member States, <b>independently from competition law assessments</b>, should provide for rules and procedures in <del>their legal systems</del><b>national law</b> to ensure assessment of media market concentrations that could have a significant impact on media pluralism or editorial independence. <del>Such</del><b>In this context, media pluralism should be understood as the possibility to have access to a variety of media services and media content. National</b> rules and procedures can have an impact on</p>	

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	<p>entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration.</p>	<p>market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services which have substantial influence on the formation of public opinion, <u>including very large online platforms carrying content provided by media service providers which control access to and the visibility of the content of media service providers</u> in a given media market, within a media sub-sector or across different media sectors in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration. <u>Moreover, local and regional media market players play a key role in shaping public opinion. It is, therefore, necessary to take into account the sustainability of a strong, pluralistic and well-funded local and regional media ecosystem, especially when assessing media market concentrations. Therefore, it is essential to provide for such rules and procedures in order to avoid conflicts of interest between media ownership concentrations and political power, which are detrimental to free competition, a</u></p>	<p>the freedom to provide media services in the internal market and need to be properly framed and be transparent, objective, proportionate and non-discriminatory. Media market concentrations subject to such rules should be understood as covering those which could result in a single entity controlling or having significant interests in media services, <b>also taking into consideration access to or distribution of such services, in particular via online platforms, and, thus, which have</b> substantial influence on the formation of public opinion <del>in a given media market, within a media sub-sector or across different media sectors</del> <b>at national level in a given market</b> in one or more Member States. An important criterion to be taken into account is the reduction of competing views within that market as a result of the concentration.</p>	

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		<u><i>level playing field and media pluralism.</i></u>		
Recital 41				
51	(41) National regulatory authorities or bodies, who have specific expertise in the area of media pluralism, should be involved in the assessment of the impact of media market concentrations on media pluralism and editorial independence where they are not the designated authorities or bodies themselves. In order to foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence, it is essential that objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism and editorial independence are set out in advance.	(41) National regulatory authorities or bodies, <u><i>or when appropriate self-regulatory bodies,</i></u> who have specific expertise in the area of media pluralism, should be <u><i>significantly</i></u> involved in the assessment of the impact of media market concentrations on media pluralism and editorial independence where they are not the designated authorities or bodies themselves. In order to foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence, it is essential that <u><i>appropriate deadlines and</i></u> objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism and editorial independence <del><i>are</i></del> <u><i>be</i></u> set out in advance.	(41) National regulatory authorities or bodies, who have specific expertise in the area of media pluralism, should be involved in the assessment of the impact of media market concentrations on media pluralism and editorial independence where they are not the designated authorities or bodies themselves, <b>for example by taking into account the views of media regulators in the competition assessment.</b> In order to foster legal certainty and ensure that the rules and procedures are genuinely geared at protecting media pluralism and editorial independence, it is essential that objective, non-discriminatory and proportionate criteria for notifying and assessing the impact of media market concentrations on media pluralism and editorial independence are set out in advance.	
Recital 42				
52	(42) When a media market concentration constitutes a	(42) When a media market concentration constitutes a	(42) When a media market concentration constitutes a	

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	<p>concentration falling within the scope of Council Regulation (EC) No 139/2004<sup>1</sup>, the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their assessment of the impact of media market concentrations on media pluralism and editorial independence should therefore be aimed at protecting legitimate interests within the meaning of Article 21(4), third subparagraph, of Regulation (EC) No 139/2004, and should be in line with the general principles and other provisions of Union law.</p> <p><sup>1</sup> Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1-22).</p>	<p>concentration falling within the scope of Council Regulation (EC) No 139/2004<sup>1</sup>, the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their assessment of <del>the impact of media market concentrations</del> <u>media market concentrations that could have an impact</u> on media pluralism and editorial independence should therefore be aimed at protecting legitimate interests within the meaning of Article 21(4), third subparagraph, of Regulation (EC) No 139/2004, and should be in line with the general principles and other provisions of Union law.</p> <p><sup>1</sup> Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1-22).</p>	<p>concentration falling within the scope of Council Regulation (EC) No 139/2004<sup>1</sup>, the application of this Regulation or of any rules and procedures adopted by Member States on the basis of this Regulation should not affect <b>and should be distinct from</b> the application of Article 21(4) of Regulation (EC) No 139/2004. Any measures taken by the designated or involved national regulatory authorities or bodies based on their assessment of the impact of media market concentrations on media pluralism and editorial independence should therefore be aimed at protecting legitimate interests within the meaning of Article 21(4), third subparagraph, of Regulation (EC) No 139/2004, and should be in line with the general principles and other provisions of Union law. <b>This Regulation should be without prejudice to more detailed national rules applicable to media market concentrations taking place, in particular, at regional or local level.</b></p> <p><sup>1</sup> Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1-22).</p>	
Recital 43				



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
53	<p>(43) The Board should be empowered to provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, where the notifiable concentrations may affect the functioning of the internal media market. This would be the case, for example, where such concentrations involve at least one undertaking established in another Member State or operating in more than one Member State or result in media service providers having a significant influence on formation of public opinion in a given media market. Moreover, where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, upon request of the Commission. In any event, the Commission retains the possibility to issue its own opinions following the opinions drawn up by the Board.</p>	<p>(43) The Board should be empowered to provide opinions on draft decisions or opinions by the designated or involved national regulatory authorities or bodies, where the notifiable concentrations may affect the functioning of the internal media market. This would be the case, for example, where such concentrations involve at least one undertaking established in another Member State or operating in more than one Member State or result in media service providers having a significant influence on formation of public opinion in a given media market. Moreover, where the concentration has not been assessed for its impact on media pluralism and editorial independence by the relevant national authorities or bodies, or where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, <u>on its own initiative or</u> upon request of the Commission. In any event, the Commission retains the possibility to issue its own</p>	<p>(43) The Board should be empowered to provide opinions on draft <del>decisions or opinions</del> <b>assessments</b> by the designated or <b>draft opinions by the</b> involved national regulatory authorities or bodies, where the <del>notifiable</del> <b>media market</b> concentrations <del>may</del> <b>are likely to</b> affect the functioning of the internal media market. This would be the case, for example, where such concentrations involve <del>at least one</del> <b>acquisitions by or of an</b> undertaking established in another Member State or operating <del>in more than one Member State</del> <b>across borders</b>, or result in media service providers having a significant influence on formation of public opinion in a given media market <b>with potential cross-border effects on audiences of such providers</b>. Moreover, where the <b>media market</b> concentration has not been <b>or could not be</b> assessed for its impact on media pluralism and editorial independence by the relevant <del>national</del> <b>authorities or bodies at the national level</b>, or where the national regulatory authorities or bodies have not consulted the Board regarding a given media market concentration, but that media market concentration is considered <b>to fulfil the elements mentioned</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>opinions following the opinions drawn up by the Board.</p>	<p><b>above and is therefore</b> likely to affect the functioning of the internal market for media services, the Board should be able to provide an opinion, upon request of the Commission. <del>In any event</del> <b>Where such concentrations are likely to affect the functioning of the internal market for media services</b>, the Commission <del>retains</del> <b>should also retain</b> the possibility to issue its own opinions following the opinions drawn up by the Board.</p>	
Recital 44				
54	<p>(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the</p>	<p>(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account of the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential risks of undue interference by the</p>	<p>(44) With a view to ensuring pluralistic media markets, the national authorities or bodies and the Board should take account of a set of criteria. In particular, <b>the expected</b> impact on media pluralism should be considered, including notably the effect on the formation of public opinion, taking into account <del>of</del> the online environment. Concurrently, it should be considered whether other media outlets, providing different and alternative content, would still coexist in the given market(s) after the media market concentration in question. Assessment of safeguards for editorial independence should include the examination of potential</p>	

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	<p>prospective owner, management or governance structure in the individual editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the individual editorial decisions within the media undertakings involved should also be taken into account. In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.</p>	<p>prospective owner, management or governance structure in the <del>individual</del> editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the <del>individual</del> editorial decisions within the media undertakings involved should also be taken into account.  <u>Furthermore, the results of the Commission’s annual rule of law reports presented in the chapters on press freedom and the risk assessment carried out annually by media monitoring exercises should be considered in determining the overall climate for media and the concentration in question over media pluralism and editorial independence.</u> In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.</p>	<p>risks of undue interference by the prospective owner, management or governance structure in the <del>individual</del> editorial decisions of the acquired or merged entity. The existing or envisaged internal safeguards aimed at preserving independence of the <del>individual</del> editorial decisions within the media undertakings involved should also be taken into account. In assessing the potential impacts, the effects of the concentration in question on the economic sustainability of the entity or entities subject to the concentration should also be considered and whether, in the absence of the concentration, they would be economically sustainable, in the sense that they would be able in the medium term to continue to provide and further develop financially viable, adequately resourced and technologically adapted quality media services in the market.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 45				
55	<p>(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future production of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience measurement solutions. However, certain new players that have emerged in the media ecosystem provide their own measurement services without making available information on their methodologies. This could result in information asymmetries among media market players and in potential market distortions, to the detriment of equality of opportunities for media service providers in the market.</p>	<p>(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future production of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective <u>and comparable</u> audience data stemming from transparent, unbiased and verifiable audience measurement solutions. <u>Such solutions should comply with Union data protection and privacy rules.</u> However, certain new players that have emerged in the media ecosystem, <u>such as very large online platforms, provide proprietary</u> <del>provide their own</del> measurement services without making available information on their methodologies. This could result in <u>audience data that is not comparable</u>, information asymmetries among media market players and <del>in</del> potential market distortions, to the detriment of</p>	<p>(45) Audience measurement has a direct impact on the allocation and the prices of advertising, which represents a key revenue source for the media sector. It is a crucial tool to evaluate the performance of media content and understand the preferences of audiences in order to plan the future production of content. Accordingly, media market players, in particular media service providers and advertisers, should be able to rely on objective audience data stemming from transparent, unbiased and verifiable audience measurement solutions. However, certain new players that have emerged in the media ecosystem, <b>such as online platforms, do not abide by the industry standards or best practices agreed within the relevant self-regulatory bodies and</b> provide their own measurement services without making available information on their methodologies. This could result in <b>non-comparable measurement systems</b>, information asymmetries among media market players and in potential market distortions, to the detriment of equality of opportunities for media service providers in the market. <b>Therefore,</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		equality of opportunities for media service providers in the market.	in order to help achieving a level playing field and fostering the clarity and contestability of the relevant information that is provided to the market, it is key that the audience measurement results are made available. To this end, it is important that audience measurement systems and methodology ensure an appropriate level of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability.	
Recital 46				
56	(46) In order to enhance the verifiability and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under these obligations, such actors, when requested and to the extent possible, should provide advertisers and media service providers or parties acting on their behalf, with information describing the methodologies employed for the measurement of the audience. Such information could consist in	(46) In order to enhance the verifiability, <u>comparability</u> and reliability of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not abide by the industry benchmarks agreed within the relevant self-regulatory bodies. <u>In principle, audience measurement should be carried out in accordance with widely-accepted industry self-regulatory mechanisms.</u> Under these obligations, such actors, when requested and to the extent possible, should provide advertisers and media service providers or parties acting on their behalf, with	(46) <b>Relevant market players have traditionally agreed upon a set of measurement methodologies in order to carry out audience measurement in a transparent and reliable manner and develop impartial and trusted benchmarks to be used when assessing the performance of media and advertising content. These measurement methodologies are either reflected in relevant industry standards and best practices or are organised and consolidated by self-regulatory bodies, such as the Joint Industry Committees, which are established in several Member States and bring together all the</b>	

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	<p>providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error as well as the measurement period. The obligations imposed under this Regulation are without prejudice to any obligations that apply to providers of audience measurement services under Regulation 2019/1150 or Regulation (EU) 2022/XX [Digital Markets Act], including those concerning ranking or self-preferencing.</p>	<p>information describing the methodologies employed for the measurement of the audience. Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error, <u>the measurement period and the coverage of measurement. Furthermore, providers of proprietary audience measurement systems should provide media service providers with anonymised data, including non-aggregated data, in an industry-standard and comparable form. Such data should be at least as granular as data from the industry's recognised self-regulatory mechanisms as well as the measurement period.</u> The obligations imposed under this Regulation are without prejudice to <u>the right of audiences to the protection of personal data concerning them as provided for by Article 8 of the Charter and Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>1</sup></u> and to any obligations that apply to providers of audience measurement services under <del>Regulation 2019/1150 or</del> Regulation (EU) <del>2022/XX [Digital Markets Act]</del> <u>2019/1150 or (EU)</u></p>	<p><b>key stakeholders operating in the media and advertising industry.</b> In order to enhance the verifiability and reliability <b>and thus comparability</b> of audience measurement methodologies, in particular online, transparency obligations should be laid down for providers of audience measurement systems that do not <b>follow the relevant industry standards and best practices or do not</b> abide by the industry benchmarks agreed within the relevant self-regulatory bodies. Under these obligations, such actors, when requested and to the extent possible, should provide advertisers and media service providers or parties acting on their behalf, with information describing the methodologies employed for the measurement of the audience. Such information could consist in providing elements, such as the size of the sample measured, the definition of the indicators that are measured, the metrics, the measurement methods and the margin of error as well as the measurement period. The <b>enhanced methodological transparency resulting from these obligations should enable media service providers and advertisers to better assess the performance of their content, as they would be able to compare more easily the</b></p>	

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		<p><a href="#">2022/1925</a>, including those concerning ranking or self-preferencing <a href="#">or to the protection of undertakings' trade secrets as defined in Article 2 of Directive (EU) 2016/943</a>.</p> <p><a href="#">I. Ia Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1)</a>.</p>	<p><b>results of the different audience measurement systems available on the market. However, the need to increase the transparency and contestability of audience measurement systems should be reconciled with the freedom of providers of audience measurement systems to develop their own measurement systems, as part of their freedom to conduct business. For this reason, the transparency obligations by which the providers of audience measurement systems should abide pursuant to this Regulation should not entail the disclosure of information which is the result of research and development investments, such as data science technologies protected by intellectual property rights. The obligations imposed under this Regulation should also be without prejudice to any obligations that apply to providers of audience measurement services under Regulation 2019/1150 Regulation (EU) 2019/1150 or Regulation (EU) 2022/XX [Digital Markets Act] 2022/1925 of the European Parliament and of the Council<sup>15</sup>, including those concerning ranking, self-preferencing, or providing access to performance measuring tools and the relevant data or self-preferencing.</b></p>	

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			<p>15. Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (OJ L 265, 12.10.2022, p. 1-66).</p>	
Recital 47				
57	<p>(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, can contribute to the effective application of this Regulation and should, therefore, be encouraged. Self-regulation has already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers, account could be</p>	<p>(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, <u>together with media service providers, their representative organisations, online platforms and other relevant stakeholders</u>, can contribute to the effective application of this Regulation and should, therefore, be encouraged. <del>Self-regulation</del> <u>Self-regulatory mechanisms widely recognised in the media industry have</u> already been used to foster high quality standards in the area of audience measurement. <del>Its</del> <u>Moreover, such self-regulatory mechanisms, known as joint industry committees, are able to ensure that audience measurement is impartial and audience measurement data are comparable. An inconsistent take-up of such mechanisms among the Member</u></p>	<p>(47) Codes of conduct, drawn up either by the providers of audience measurement systems or by organisations or associations representing them, <del>can</del> <b>could</b> contribute to the effective application of this Regulation and should, therefore, be encouraged. Self-regulation, <b>including relevant existing codes of conduct, have</b> <del>has</del> already been used to foster high quality standards in the area of audience measurement. Its further development could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability. When drawing up such codes of conduct, in consultation with all relevant</p>	<p>Recital 47 (last sentence 13/10/23): [...] In addition, such codes of conduct should also foster the development of solutions ensuring the proper measurement of audiences of small media service providers.</p>



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	<p>taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.</p>	<p><u><i>States could negatively impact advertising. The adoption of such mechanisms should therefore be promoted at national level. The further development of self-regulatory mechanisms, including with the assistance of national regulatory authorities or bodies,</i></u> could be seen as an effective tool for the industry to agree on the practical solutions needed for ensuring compliance of audience measurement systems and their methodologies with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination, <u><i>comparability</i></u> and verifiability. When drawing up such codes of conduct, in consultation with all relevant stakeholders and notably media service providers, account could be taken in particular of the increasing digitalisation of the media sector and the objective of achieving a level playing field among media market players.</p>	<p>stakeholders and notably media service providers <b>and providers of online platforms</b>, account could be taken in particular of the increasing digitalisation of the media sector and the objective of <b>need to make increasingly comparable the different audience measurement systems and methodologies available on the market. In fact, comparability of audience measurement results is key for achieving a level playing field among media market players as it enables media service providers and advertisers to better gauge the success of their offer, which users increasingly consume across different devices and platforms. For this reason, the relevant industry players should be encouraged to make use of codes of conduct and other self-regulatory mechanisms to foster the development of audience measurement solutions which are comparable across different media and platforms.</b></p>	
Recital 48				
58	<p>(48) State advertising is an important source of revenue for many media service providers, contributing to their economic sustainability. Access to it must be</p>	<p>(48) <u><i>Public funds for the purposes of state advertising is and purchases are</i></u> an important source of revenue for many media service providers, <u><i>providers of online platforms and</i></u></p>	<p>(48) State advertising is an important source of revenue for many media service providers, contributing to their economic sustainability. Access to it must be</p>	

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	<p>granted in a non-discriminatory way to any media service provider from any Member State which can adequately reach some or all of the relevant members of the public, in order to ensure equal opportunities in the internal market. Moreover, State advertising may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of state advertising is therefore a powerful tool to exert influence or ‘capture’ media service providers. The distribution and transparency of state advertising are in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which, however, may not cover all state advertising expenditure nor offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council<sup>1</sup> does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on state advertising, where they exist,</p>	<p><u>providers of online search engines</u>, contributing to their economic sustainability. Access to <del>such</del> <u>funds</u> must be granted in a non-discriminatory way to any media service provider, <u>provider of online platforms and provider of online search engines</u> from any Member State which can adequately reach some or all of the relevant members of the public, in order to ensure equal opportunities in the internal market. Moreover, <u>public funds for the purposes of state advertising and purchases from State-affiliated entities such as State-owned companies, particularly in the form of funding or purchasing goods or services</u>, may make media service providers vulnerable to undue state influence <u>or partial interests</u> to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of <u>public funds for the purposes of state advertising and purchases</u> is therefore a powerful tool to exert influence <del>or</del> <u>on the editorial freedom of media service providers</u>, ‘capture’ media service providers <u>or covertly subsidise or finance politically captured media service providers to gain unfair political or commercial advantage or favourable coverage. That is why, in order to address such situations, public funds allocated for the</u></p>	<p>granted in a non-discriminatory way to any media service provider from any Member State which can adequately reach some or all of the relevant members of the public, in order to ensure equal opportunities in the internal market. Moreover, state advertising may make media service providers vulnerable to undue state influence to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of state advertising is therefore a powerful tool to exert influence or ‘capture’ media service providers. The distribution and transparency of state advertising are in some regards regulated through a fragmented framework of media-specific measures and <del>general</del> <b>Union public procurement laws</b> <b>rules concerning the award of public contracts and concession contracts</b>, which, however, may not cover all state advertising expenditure nor offer sufficient protection against preferential or biased distribution. In particular, Directive 2014/24/EU of the European Parliament and of the Council<sup>16</sup> does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules</p>	

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	<p>diverge significantly from one Member State to another.</p> <p>1. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).</p>	<p><u><i>purposes of state advertising directed by a public authority or a State-controlled or State-owned enterprise to a single media service provider, a single provider of an online platform or a single provider of an online search engine should not exceed 15 % of the total amount allocated to state advertising by that public authority or State-controlled or State-owned enterprise to the totality of media service providers operating at national level.</i></u> The distribution and transparency of <u><i>public funds for the purposes of</i></u> state advertising <del><i>are</i></del> <u><i>and purchases is</i></u> in some regards regulated through a fragmented framework of media-specific measures and general public procurement laws, which <u><i>do not offer sufficient protection against preferential or biased distribution. That can create information asymmetry, increase risks for media market players and have a negative impact on cross-border economic activity. For example, channeling public funds to pro-government media outlets or to receive favorable media coverage through public, however, may not cover all state advertising expenditure nor offer sufficient protection against preferential or biased distribution distorts competition and discourages</i></u></p>	<p>on state advertising, where they exist, diverge significantly from one Member State to another.</p> <p>1. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).</p> <p>16. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>investments in the internal market and is detrimental to fair competition within the media market ecosystem</u>. In particular, Directive 2014/24/EU of the European Parliament and of the Council<sup>1</sup> does not apply to public service contracts for the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services. Media-specific rules on <u>public funds for the purposes of</u> state advertising <u>and purchases</u>, where they exist, diverge significantly from one Member State to another.</p> <p>1. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65-242).</p>		
Recital 49				
59	(49) In order to ensure undistorted competition between media service providers and to avoid the risk of covert subsidies and of undue political influence on the media, it is necessary to establish common requirements of transparency, objectivity, proportionality and non-discrimination in the allocation of state advertising and of state resources to media service providers	(49) In order to ensure undistorted competition between media service providers and to avoid the risk of covert subsidies and of undue political influence on the media, it is necessary to establish common requirements of transparency, objectivity, proportionality and non-discrimination in the allocation of <del>state advertising and</del> <u>public funds for the purposes</u> of state	(49) In order to ensure undistorted competition between media service providers and to avoid the risk of covert subsidies and of undue political influence on the media, it is necessary to establish common requirements of transparency, objectivity, proportionality and non-discrimination in the allocation of <del>state advertising and of</del> <b>public funds or other</b> state resources, to media	(49) In order to ensure undistorted competition between media service providers and <u>online platforms and</u> to avoid the risk of covert subsidies and of undue political influence on the media, it is necessary to establish common requirements of transparency, objectivity, proportionality and non-discrimination in the allocation of <u>public funds or other</u> <del>state</del>

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	<p>for the purpose of purchasing goods or services from them other than state advertising, including the requirement to publish information on the beneficiaries of state advertising expenditure and the amounts spent. It is important that Member States make the necessary information related to state advertising publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.</p>	<p><del>resources</del><u>advertising and purchases</u> to media service providers, <u>to providers of online platforms or to providers of online search engines in accordance with Regulation (EU) 2022/2065</u> <del>for the purpose of purchasing goods or services from them other than state advertising</del>, including the requirement to publish information on the beneficiaries <u>of public funds for the purposes</u> of state advertising <del>expenditure</del><u>and purchases</u> and the amounts spent. It is <u>thus necessary for national regulatory authorities or bodies to monitor and report on the allocation of public funds for the purposes of state advertising and purchases to media service providers, to providers of online platforms and to providers of online search engines. Where requested by national regulatory authorities or bodies, public authorities and state-affiliated entities should provide them with additional information necessary to assess the accuracy of information published and the application of criteria and procedures used for such state public funds. It is</u> important that <u>the Union and the</u> Member States make the necessary information related to <u>public funds for the purposes of</u> state advertising <u>and purchases</u> publicly accessible in an electronic format that is easy</p>	<p>service providers for the purpose of <b>state advertising or</b> purchasing goods or services from them other than state advertising, including the requirement <b>for example, audiovisual productions, market data and consulting or training services. As regards state advertising the common requirements should cover the allocation taking place both directly or indirectly, for instance through specialised intermediaries. It is also necessary to establish common requirements</b> to publish information on the beneficiaries of state advertising expenditure and the amounts spent. It is important that Member States make the necessary information related to state advertising publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. <b>Where such an obligation would pose a disproportionate and unjustifiable burden to the administrative capacities of regional or local administrations, Member States should have the possibility to exempt subnational governments of territorial entities of less than 100,000 inhabitants, and entities controlled, directly or indirectly, by such subnational</b></p>	<p><del>advertising and of</del> state resources to media service providers <u>and providers of online platforms</u> for the purpose of <u>state advertising or</u> purchasing goods or services from them other than state advertising, <u>for example, audiovisual productions, market data and consulting or training services. When possible, with due regard to national and local specificities of the respective media markets as well as national governance models and division of competences between national, regional and local level in the Member States, taking into account in particular the amount of state resources allocated and the number of potential providers of relevant advertising services or relevant goods or services other than advertising, such allocation should aim to ensure media plurality in particular by benefitting a variety of different media service providers and providers of online platforms. Such allocation should not result in unjustified and disproportionate advantage for certain providers . In order to ensure a high level of transparency, it is important that the criteria and procedures used to allocate public funds to media service providers and providers of online platforms for the purposes</u></p>

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		<p>to view, access and download, in compliance with Union and national rules on commercial confidentiality. <u>Moreover, it is necessary to create easily understandable and publicly available reports in order to gather all information concerning the allocation of public funds for the purposes of state advertising and purchases provided by media service providers, providers of online platforms and providers of online search engines. Those reports should provide a yearly overview of the total amount of public funds for the purposes of state advertising and purchases from State entities, including from third countries, allocated to each media service provider, provider of online platforms and provider of online search engines. The Board should provide the national regulatory authorities or bodies with guidance for reporting on the allocation of public funds for the purposes of state advertising and purchases.</u> This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis.</p>	<p>governments, from the obligation to make publicly available information about their state advertising expenditure. The monitoring of the allocation of state advertising should be performed ex post by national regulatory authorities or bodies or other competent independent authorities or bodies. This Regulation shall not affect the application of the State aid rules, which are applied on a case-by-case basis. <b>Union public procurement and State aid rules.</b></p>	<p><u>of state advertising and supply or service contracts are made publicly available in advance by electronic and user-friendly means. The common requirements regarding state advertising and supply or service contracts should cover the allocation taking place both directly or indirectly, for instance through specialised intermediaries such as advertising agencies and advertising exchange providers. It is also necessary to establish common requirements including the requirement</u> to publish information on the <u>beneficiaries/recipients</u> of state advertising expenditure and the amounts spent. It is important that Member States make the necessary information related to state advertising publicly accessible in an electronic format that is easy to view, access and download, in compliance with Union and national rules on commercial confidentiality. <del>This Regulation shall not affect the application of the-</del> <u>It is also necessary for national regulatory authorities or bodies or other competent independent authorities or bodies in the Member States to monitor and report on the allocation of public funds for the purposes of state aid rules, which are applied on a case-by-case basis</u> advertising to media service</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p><u>providers and providers of online platforms. Where requested by national regulatory authorities or bodies, public authorities and entities should provide them with additional information necessary to assess the completeness of information published and the application of criteria and procedures used for such funds. This Regulation should not affect the application of the Union public procurement and State aid rules.</u></p> <p>[Comment: Recital [...] When possible, taking into account in particular the amount of public funds or other state resources allocated and the number of potential providers of relevant advertising services or relevant goods or services, such allocation should benefit a variety of different media service providers and contribute to ensuring media plurality. In order to ensure a high level of transparency, it is important that the criteria and procedures used to allocate public funds to media service providers and providers of very large online platforms for the purposes of state advertising are publicly available in advance by electronic and user-friendly means. [The common ...]</p>
Recital 49a				

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59a		<p><u>(49a) Emergency messages by public authorities are a necessary form of informing the general public about risks in the event of a natural or health disaster, an accident or any other sudden unforeseen, major incident that could cause harm to significant sections of the population. Emergency situations have the potential to create new or enhance existing vulnerabilities in the media sector. In that context, the allocation of State resources for transmitting emergency messages could make media service providers vulnerable to undue State influence to the detriment of fundamental rights and the freedom to provide services. While emergency situations are becoming increasingly cross-border in nature, the rules on the allocation of State resources differ from one Member State to another, creating fragmentation and legal uncertainty in the internal media market. Therefore, such allocations to media service providers, providers of online platforms and providers of online search engines should follow the same harmonised rules as those for public funds for the purposes of advertising and purchases. Nevertheless, recognising the</u></p>		



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		<p><u>urgency of taking measures during a crisis period, special provisions should apply in order to allow State authorities and State-owned or State-controlled enterprises and entities to comply with transparency and reporting obligations once the emergency situation has ended.</u></p>		
Recital 50				
60	<p>(50) Risks to the functioning and resilience of the internal media market should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of concentration of the market at national and regional level and risks of foreign information manipulation and interference. It should be conducted independently, on the basis of a robust list of key performance indicators, developed and regularly updated by the Commission, in consultation with the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the</p>	<p>(50) Risks to the functioning and resilience of the internal media market, <u>including risks of information manipulation and interference</u>, should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments on the resilience of the internal market for media services, including as regards the degree of <del>concentration</del><u>existing concentrations</u> of the <u>media</u> market at national and regional level and <u>the risks such concentrations pose to editorial independence and media pluralism. In order to bring clarity to market participants and allow for the monitoring of the functioning of the internal market, while assessing the impact on editorial independence and media</u></p>	<p>(50) Risks to the functioning <del>and resilience</del> of the internal media market should be regularly monitored as part of the efforts to improve the functioning of the internal market for media services. Such monitoring should aim at providing detailed data and qualitative assessments <del>on the resilience of the internal market for media services</del>, including as regards the degree of concentration of the market at national and regional level and risks of foreign information manipulation and interference. It should be conducted independently, <b>by a specialised academic entity in collaboration with researchers from the Member States</b>, on the basis of a robust list of key performance indicators <b>and methodology</b>, developed and regularly updated by the Commission, in consultation with</p>	

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	<p>monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience of the internal media market, to alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular, the level of cross-border activity and investment, regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including in a digital environment, as well as transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved.</p>	<p><u><i>pluralism in the Union, it is necessary that the Commission provide an objective overview on existing media market concentrations, both in terms of their contribution to the structure of the media market and to the diversity of media ownership and of their influence on the formation of public opinion in each Member State. Such monitoring of foreign information manipulation and interference.</i></u> It should be conducted independently, on the basis of a robust list of key performance indicators, developed and regularly updated by the Commission, in consultation with the Board. <u><i>Additionally, in order to facilitate the effective application of this Regulation, the Commission should establish a user-friendly alert mechanism to allow media service providers and any relevant interested party to report any issues they encounter or any risks they detect concerning the application of this Regulation. Such a mechanism will help the Commission to identify and address potential infringements of this Regulation more quickly.</i></u> Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises</p>	<p>the Board. Given the rapidly evolving nature of risks and technological developments in the internal media market, the monitoring should include forward-looking exercises such as stress tests to assess the prospective resilience <del>economic viability</del> of the internal media market, to alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular, the level of cross-border activity and investment, regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including in a digital environment, as well as transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide <del>an</del> <b>general</b> overview of measures taken by media service providers with a view to guaranteeing the independence of <del>individual</del> editorial decisions, including those proposed in the accompanying Recommendation, <b>and an analysis</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>such as stress tests to assess the prospective resilience of the internal media market, to alert about vulnerabilities around media pluralism and editorial independence, and to help efforts to improve governance, data quality and risk management. In particular, <del>the level of cross-border activity and investment</del>, regulatory cooperation and convergence in media regulation, obstacles to the provision of media services, including <u>the position of media service providers</u> in a digital environment, <del>as well as the compliance of providers of very large online platforms and providers of very large online search engines with their obligations and</del> transparency and fairness of allocation of economic resources in the internal media market should be covered by the monitoring. It should also consider broader trends in the internal media market and national media markets as well as national legislation affecting media service providers. In addition, the monitoring should provide an overview of measures taken by media service providers with a view to guaranteeing the independence of <del>individual</del> editorial decisions, including those proposed in the accompanying Recommendation. In order to ensure</p>	<p><b>of their potential to reduce risks for the functioning of the internal market for media services.</b> In order to ensure the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved. <b>Where relevant, the results of such monitoring could also be used by the Board in its deliberations on possible opinions.</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>the highest standards of such monitoring, the Board, as it gathers entities with a specialised media market expertise, should be duly involved. <u>Such monitoring should also take into account the results of existing media monitoring exercises in all Member States, the monitoring exercises referred to in the Media and Audiovisual Action Plan, established in the communication of the Commission of 3 December 2020 entitled ‘Europe’s Media in the Digital Decade: An Action Plan to Support Recovery and Transformation’, the results from the Media Pluralism Monitor and findings from the Commission’s annual rule of law reports.</u></p>		
Recital 50a				
60a		<p><u>(50a) It is important that the European Centre for Press and Media Freedom in Leipzig and the Centre for Media Pluralism and Media Freedom at the European University Institute in Florence be recognised as having relevant expertise in media freedom and pluralism. It is also important that European instruments such as the Euromedia Ownership Monitor be taken into account when dealing with media ownership in Europe.</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 51				
61	(51) To prepare the ground for a correct implementation of this Regulation, its provisions concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this Regulation) should apply 3 months after the entry into force of the Act, while all other provisions of this Regulation will apply 6 months after the entry into force of this Regulation. In particular, this is needed to ensure that the Board will be established in time to ensure a successful implementation of the Regulation.	(51) <u>The Commission should be able to take the necessary actions to monitor the effective implementation of, and compliance with the obligations laid down in, this Regulation.</u> To prepare the ground for a correct implementation of this Regulation, its provisions concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this Regulation) should apply 3 months after the entry into force of the Act, while all other provisions of this Regulation will apply 6 months after the entry into force of this Regulation. In particular, this is needed to ensure that the Board will be established in time to ensure a successful implementation of the Regulation.	(51) To prepare the ground for a correct implementation of this Regulation, its provisions concerning independent media authorities, the Board and the required amendments to Directive 2010/13/EU (Articles 7 to 12 and 27 of this Regulation) should apply <del>3</del> <b>12</b> months after the entry into force of the Act, <del>while</del> . All other provisions of this Regulation will apply <del>6</del> <b>18</b> months after the entry into force of this Regulation, <b>except for Article 19, which will apply 48 months after the entry into force.</b> In particular, this is needed to ensure that the Board will be established in time to ensure a successful implementation of the Regulation.	
Recital 51a				
61a			<b>(51a) It should be recalled that the Commission has the duty to monitor the application of this Regulation in line with its responsibility according to Article 17 of the Treaty on European Union. In this regard, the</b>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<b>Commission has stated in its communication of 19 January 2017 entitled “EU law: Better results through better application”, that it is important that it focuses and prioritises its enforcement efforts on the most important breaches of Union law, affecting the interests of Union’s citizens and businesses.</b>	
Recital 52				
62	(52) Since the objectives of this Regulation, namely ensuring the proper functioning of the internal market for media services, cannot be sufficiently achieved by the Member States, because they cannot or might not have incentives to achieve the necessary harmonisation and cooperation acting alone, but can rather, by reasons of the increasingly digital and cross-border production, distribution and consumption of media content as well as the unique role of media services, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is	(52) Since the objectives of this Regulation, namely ensuring the proper functioning of the internal market for media services, cannot be sufficiently achieved by the Member States, because they cannot or might not have incentives to achieve the necessary harmonisation and cooperation acting alone, but can rather, by reasons of the increasingly digital and cross-border production, distribution and consumption of media content as well as the unique role of media services, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is	(52) Since the objectives of this Regulation, namely ensuring the proper functioning of the internal market for media services, cannot be sufficiently achieved by the Member States, because they cannot or might not have incentives to achieve the necessary harmonisation and cooperation acting alone, but can rather, by reasons of the increasingly digital and cross-border production, distribution and consumption of media content as well as the unique role of media services, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is	(52) Since the objectives of this Regulation, namely ensuring the proper functioning of the internal market for media services, cannot be sufficiently achieved by the Member States, because they cannot or might not have incentives to achieve the necessary harmonisation and cooperation acting alone, but can rather, by reasons of the increasingly digital and cross-border production, distribution and consumption of media content as well as the unique role of media services, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	necessary in order to achieve those objectives.	necessary in order to achieve those objectives.	necessary in order to achieve those objectives.	necessary in order to achieve those objectives. <small>Text Origin: Commission Proposal</small>
Recital 53				
63	(53) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter, in particular Articles 7, 8, 11, 16, 47, 50 and 52 thereof. Accordingly, this Regulation should be interpreted and applied with due respect to those rights and principles. In particular, nothing in this Regulation should be interpreted as interfering with freedom of information or freedom of the press, or incentivising Member States to introduce requirements for editorial content of press publications.	(53) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter, in particular Articles 7, 8, 11, 16, 47, 50 and 52 thereof. Accordingly, this Regulation should be interpreted and applied with due respect to those rights and principles. In particular, nothing in this Regulation should be interpreted as interfering with freedom of information or freedom of the press, or incentivising Member States to introduce requirements for editorial content of press publications.	(53) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter, in particular Articles 7, 8, 11, 16, 47, 50 and 52 thereof. Accordingly, this Regulation should be interpreted and applied with due respect to those rights and principles. In particular, nothing in this Regulation should be interpreted as interfering with freedom of information, <b>editorial freedom</b> or freedom of the press <b>as enshrined in national constitutional laws consistent with the Charter</b> , or incentivising Member States to introduce requirements for editorial content of press publications.	
Recital 54				
64	(54) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the	(54) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the	(54) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the	(54) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>Council<sup>1</sup> and delivered an opinion on XX XX 2022.</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39-98).</p>	<p>Council<sup>1</sup> and delivered an opinion on XX XX 2022.</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39-98).</p>	<p>Council<sup>17</sup> and delivered an opinion on <del>XX XX 2022</del><b>11 November 2022</b><sup>18</sup>,</p> <p><del>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39-98).</del></p> <p><b>17. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</b></p> <p><b>18. OJ C 487, 22.12.2022, p. 9.</b></p>	<p>Council<sup>1</sup> and delivered an opinion on <del>XX XX</del><b>11 November</b> 2022.</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39-98).</p> <p>Footnote to be checked by DLA</p> <p>Text Origin: Commission Proposal</p>
Formula				
65	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:  Text Origin: Commission Proposal
Chapter I				
66	Chapter I General Provisions	Chapter I General Provisions	Chapter I General Provisions	Chapter I General Provisions



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 1				
67	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope  Text Origin: Commission Proposal
Article 1(1)				
68	1. This Regulation lays down common rules for the proper functioning of the internal market for media services, including the establishment of the European Board for Media Services, while preserving the quality of media services.	1. This Regulation lays down common rules for the proper functioning of the internal market for media services, including the establishment of the European Board for Media Services ( <u>the 'Board'</u> ), and <u>common basic principles to serve as minimum standards</u> , while <del>preserving the quality</del> <u>ensuring the independence</u> of media services.	1. This Regulation lays down common rules for the proper functioning of the internal market for media services, including the establishment of the European Board for Media Services, while preserving the <del>quality</del> <b>independence and pluralism</b> of media services.	1. This Regulation lays down common rules for the proper functioning of the internal market for media services, including the establishment of the European Board for Media Services, while <del>preserving the quality</del> <u>safeguarding the independence and pluralism</u> of media services.
Article 1(2)				
69	2. This Regulation shall not affect rules laid down by:	2. This Regulation shall not affect <del>rules laid down by:</del>	2. This Regulation shall not affect rules laid down by:	2. This Regulation shall not affect rules laid down by:  Text Origin: Commission Proposal
Article 1(2), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
6	70	(a) Directive 2000/31/EC;	(a) Directive 2000/31/EC;	(a) Directive 2000/31/EC; Text Origin: Commission Proposal	6
Article 1(2), point (aa)					
	70a		<u>(aa) competition rules, including those laid down by Regulation (EC) No 139/2004;</u>	[Comment: No change]	
Article 1(2), point (ab)					
	70b		<u>(ab) Directive 2001/29/EC;</u>	[Comment: No change]	
Article 1(2), point (ac)					
	70c		<u>(ac) Directive 2019/789/EU;</u>	[Comment: No change]	
Article 1(2), point (b)					
6	71	(b) Directive 2019/790/EU;	(b) Directive 2019/790/EU;	(b) Directive 2019/790/EU; Text Origin: Commission Proposal	6
Article 1(2), point (ba)					
	71a		<u>(ba) rules laid down by Directive 2010/13/EU;</u>	[Comment: No change]	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1(2), point (c)				
72	(c) Regulation 2019/1150;	(c) Regulation 2019/1150;	(c) Regulation 2019/1150;	(c) Regulation 2019/1150; Text Origin: Commission Proposal
Article 1(2), point (d)				
73	(d) Regulation (EU) 2022/XXX [the Digital Services Act];	(d) <del>Regulation (EU) 2022/XXX [the Digital Services Act]</del> rules laid down by Regulation (EU) 2022/2065;	(d) Regulation (EU) 2022/XXX [the Digital Services Act] 2022/2065;	(d) Regulation (EU) <del>2022/XXX [the Digital Services Act]</del> 2022/2065; Text Origin: Council Mandate
Article 1(2), point (e)				
74	(e) Regulation (EU) 2022/XXX [the Digital Markets Act];	(e) <del>Regulation (EU) 2022/XXX [the Digital Markets Act]</del> rules laid down by Regulation (EU) 2022/1925;	(e) Regulation (EU) 2022/XXX [the Digital Markets Act] 2022/1925;	(e) Regulation (EU) <del>2022/XXX [the Digital Markets Act]</del> 2022/1925; Text Origin: Council Mandate
Article 1(2), point (f)				
75	(f) Regulation (EU) 2022/XXX [Regulation on the transparency and targeting of political advertising].	(f) Regulation (EU) 2022/XXX [Regulation on the transparency and targeting of political advertising].	(f) Regulation (EU) 2022/XXX.../... [Regulation on the transparency and targeting of political advertising [2021/0381(COD)]].	(f) Regulation (EU) 2022/XXX [Regulation on the transparency and targeting of political advertising]. Text Origin: Commission Proposal
Article 1(2), point (fa)				
75a				[Comment: No change]

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		<p><u>(fa) rules laid down by Directive (EU) 2019/1937 of the European Parliament and of the Council<sup>1a</sup>;</u></p> <p><u>1a. Directive 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).</u></p>		
Article 1(2), point (fb)				
75b			<b>(g) Regulation (EU) 2016/679.</b>	<p><u>(g) Regulation (EU) 2016/679.</u></p> <p>Text Origin: Council Mandate</p>
Article 1(2), point (fc)				
75c		<p><u>(fb) Directive (EU) xxx/ XXX of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”).</u></p>		<p>[Comment: No change]</p>
Article 1(3)				
76	3. This Regulation shall not affect the possibility for Member States to adopt more detailed rules in the fields covered by Chapter II and Section 5 of Chapter III, provided	3. This Regulation shall not affect the possibility for Member States to adopt more detailed <u>or stricter</u> rules in the fields covered by Chapter II <del>and</del> , Section 5 of Chapter III <u>and</u>	3. This Regulation shall not affect the possibility for Member States to adopt more detailed <b>or stricter</b> rules in the fields covered by Chapter II, <b>Section 5 and Article 24</b> <del>and Section 5</del> of Chapter III,	3. This Regulation shall not affect the possibility for Member States to adopt more detailed <u>or stricter</u> rules in the fields covered by Chapter II <del>and</del> , Section 5 of Chapter III <u>and Article 24</u> , provided that those rules

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	that those rules comply with Union law.	<a href="#">Article 24</a> , provided that those rules comply with Union law.	provided that those rules comply with Union law.	<a href="#">ensure a higher level of protection for media pluralism or editorial independence in accordance with this Regulation and</a> comply with Union law.
Article 2				
77	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions Text Origin: Commission Proposal
Article 2, first paragraph				
78	For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply: Text Origin: Commission Proposal
Article 2, first paragraph, point (1)				
79	(1) ‘media service’ means a service as defined by Articles 56 and 57 of the Treaty, where the principal purpose of the service or a dissociable section thereof consists in providing programmes or press publications to the general public, by any means, in order to inform, entertain or educate, under the	(1) ‘media service’ means a service as defined by Articles 56 and 57 of the Treaty, where the principal purpose of the service or a dissociable section thereof consists in <del>providing</del> programmes or press publications, <a href="#">or excerpts from them</a> , to the general public, by any means, in order to inform, entertain or educate, under the editorial	(1) ‘media service’ means a service as defined by Articles 56 and 57 of the Treaty, where the principal purpose of the service or a dissociable section thereof consists in providing programmes or press publications to the general public, by any means, in order to inform, entertain or educate, under the	(1) ‘media service’ means a service as defined by Articles 56 and 57 of the Treaty, where the principal purpose of the service or a dissociable section thereof consists in providing programmes or press publications to the general public, by any means, in order to inform, entertain or educate, under the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	editorial responsibility of a media service provider;	responsibility of a media service provider;	editorial responsibility of a media service provider;	editorial responsibility of a media service provider; Text Origin: Commission Proposal
Article 2, first paragraph, point (2)				
80	(2) ‘media service provider’ means a natural or legal person whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organised;	(2) ‘media service provider’ means a natural or legal person, whose professional activity, <u>regardless of whether, in the case of a natural person, it is exercised in a standard or non-standard form of employment</u> , is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organised;	(2) ‘media service provider’ means a natural or legal person whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organised;	(2) ‘media service provider’ means a natural or legal person whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organised;  [Comment: to clarify the EP wording in a Recital; to check if covered also within the existing wording in Recital 7]
Article 2, first paragraph, point (3)				
81	(3) ‘public service media provider’ means a media service provider which is entrusted with a public service mission under national law or receives national public funding for the fulfilment of such a mission;	(3) ‘public service media provider’ means a media service provider which is entrusted with a public service <del>mission</del> <u>remit</u> under national law or receives national public funding for the fulfilment of such a <del>mission</del> <u>remit</u> ;	(3) ‘public service media provider’ means a media service provider which is entrusted with a public service <del>mission</del> <u>remit</u> under national law <del>or</del> <u>and</u> receives national public funding for the fulfilment of such a <del>mission</del> <u>remit</u> ;	(3) ‘public service media provider’ means a media service provider which is entrusted with a public service <del>mission</del> <u>remit</u> under national law <del>or</del> <u>and</u> receives national public funding for the fulfilment of such a <del>mission</del> <u>remit</u> ;  Text Origin: Council Mandate
Article 2, first paragraph, point (4)				

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6 82	(4) ‘programme’ means a set of moving images or sounds constituting an individual item, irrespective of its length, within a schedule or a catalogue established by a media service provider;	(4) ‘programme’ means a set of moving images or sounds constituting an individual item, irrespective of its length, within a schedule or a catalogue established by a media service provider;	(4) ‘programme’ means a set of moving images or sounds constituting an individual item, irrespective of its length, within a schedule or a catalogue established by a media service provider;	(4) ‘programme’ means a set of moving images or sounds constituting an individual item, irrespective of its length, within a schedule or a catalogue established by a media service provider;  Text Origin: Commission Proposal
Article 2, first paragraph, point (5)				
6 83	(5) ‘press publication’ means a publication as defined in Article 2(4) of Directive 2019/790/EU;	(5) ‘press publication’ means a publication as defined in Article 2(4) of Directive 2019/790/EU;	(5) ‘press publication’ means a publication as defined in Article 2(4) of Directive 2019/790/EU;	(5) ‘press publication’ means a publication as defined in Article 2(4) of Directive 2019/790/EU;  Text Origin: Commission Proposal
Article 2, first paragraph, point (6)				
6 84	(6) ‘audiovisual media service’ means a service as defined in Article 1(1), point (a), of Directive 2010/13/EU;	(6) ‘audiovisual media service’ means a service as defined in Article 1(1), point (a), of Directive 2010/13/EU;	(6) ‘audiovisual media service’ means a service as defined in Article 1(1), point (a), of Directive 2010/13/EU;	(6) ‘audiovisual media service’ means a service as defined in Article 1(1), point (a), of Directive 2010/13/EU;  Text Origin: Commission Proposal
Article 2, first paragraph, point (7)				
85	(7) ‘editor’ means a natural person or a number of natural persons possibly grouped in a body, regardless of its legal form, status	(7) <del>editor</del> <b>editor-in-chief</b> means a natural person or a number of natural persons possibly grouped in a body, regardless of its legal form,	<i>deleted</i>	(7) <del>‘editor’ means a natural person or a number of natural persons possibly grouped in a body, regardless of its legal form, status</del>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and composition, that takes or supervises editorial decisions within a media service provider;	status and composition, that takes or supervises editorial decisions within a media service provider;		<del>and composition, that takes or supervises editorial decisions within a media service provider;</del> <del>deleted</del>
Article 2, first paragraph, point (8)				
86	(8) ‘editorial decision’ means a decision taken on a regular basis for the purpose of exercising editorial responsibility and linked to the day-to-day operation of a media service provider;	(8) ‘editorial decision’ means a decision taken on a regular basis for the purpose of exercising editorial responsibility <del>and linked to the day-to-day operation</del> of a media service provider;	(8) ‘editorial decision’ means a decision taken on a regular basis for the purpose of exercising editorial responsibility and linked to the day-to-day operation of a media service provider;	(8) ‘editorial decision’ means a decision taken on a regular basis for the purpose of exercising editorial responsibility and linked to the day-to-day operation of a media service provider;  [Comment: to clarify in a recital that individual pieces of content are covered]
Article 2, first paragraph, point (9)				
87	(9) ‘editorial responsibility’ means the exercise of effective control both over the selection of the programmes or press publications and over their organisation, for the purposes of the provision of a media service, regardless of the existence of liability under national law for the service provided;	(9) ‘editorial responsibility’ means the exercise of effective control both over the selection of the programmes or <u>the content of</u> press publications and over their organisation, for the purposes of the provision of a media service, regardless of the existence of liability under national law for the service provided;	(9) ‘editorial responsibility’ means the exercise of effective control both over the selection of the programmes or press publications and over their organisation, for the purposes of the provision of a media service, regardless of the existence of liability under national law for the service provided;	(9) ‘editorial responsibility’ means the exercise of effective control both over the selection of the programmes or press publications and over their organisation, for the purposes of the provision of a media service, regardless of the existence of liability under national law for the service provided;
Article 2, first paragraph, point (9a)				
87a		<u>(9a) ‘online platform’ means online platform as defined in</u>	<b>(9a) ‘online platform’ means a service as defined in Article 3,</b>	<u>(9a) ‘online platform’ means online platform as defined in</u>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<a href="#">Article 3, point (i), of Regulation (EU) 2022/2065;</a>	point (i) of Regulation (EU) 2022/2065;	<a href="#">Article 3, point (i), of Regulation (EU) 2022/2065;</a> [Comment: DLA to check the wording]
Article 2, first paragraph, point (9b)				
87b		<a href="#">(9b) 'online search engine' means online search engine as defined in Article 3, point (j) of Regulation (EU) 2022/2065;</a>		[Comment: No change]
Article 2, first paragraph, point (10)				
88	(10) 'provider of very large online platform' means a provider of an online platform that has been designated as a very large online platform pursuant to Article 25(4) of Regulation (EU) 2022/XXX [Digital Services Act];	(10) 'provider of very large online platform' means a provider of an online platform that has been designated as a very large online platform pursuant to Article <del>25(4)</del> <a href="#">33(4)</a> of Regulation (EU) <del>2022/XXX [Digital Services Act]</del> <a href="#">2022/2065;</a>	(10) 'provider of very large online platform' means a provider of an online platform that has been designated as a very large online platform pursuant to Article <del>25(4)</del> <a href="#">33(4)</a> of Regulation (EU) <del>2022/XXX [Digital Services Act]</del> <a href="#">2022/2065;</a>	(10) 'provider of very large online platform' means a provider of an online platform that has been designated as a very large online platform pursuant to Article <del>25(4)</del> <a href="#">33(4)</a> of Regulation (EU) <del>2022/XXX [Digital Services Act]</del> <a href="#">2022/2065;</a> Text Origin: Council Mandate
Article 2, first paragraph, point (10a)				
88a		<a href="#">(10a) 'provider of a very large online search engine' means a provider of an online search engine that has been designated as a very large online search engine pursuant to Article 33(4) of Regulation (EU) 2022/2065;</a>		[Comment: No change]

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Article 2, first paragraph, point (11)				
89	(11) 'video-sharing platform service' means a service as defined in Article 1(1), point (aa), of Directive 2010/13/EU;	(11) 'video-sharing platform service' means a service as defined in Article 1(1), point (aa), of Directive 2010/13/EU;	(11) 'video-sharing platform service' means a service as defined in Article 1(1), point (aa), of Directive 2010/13/EU;	(11) 'video-sharing platform service' means a service as defined in Article 1(1), point (aa), of Directive 2010/13/EU;  Text Origin: Commission Proposal
Article 2, first paragraph, point (12)				
90	(12) 'national regulatory authority or body' means the authority or body designated by Member States pursuant to Article 30 of Directive 2010/13/EU;	(12) 'national regulatory authority or body' means <del>the</del> an authority or body designated by Member States pursuant to Article 30 of Directive 2010/13/EU;	(12) 'national regulatory authority or body' means <del>the</del> any authority or body designated by Member States pursuant to Article 30 of Directive 2010/13/EU;	(12) 'national regulatory authority or body' means <del>the</del> any authority or body designated by Member States pursuant to Article 30 of Directive 2010/13/EU;  Text Origin: Council Mandate
Article 2, first paragraph, point (12a)				
90a		<u>(12a) 'user interface' means a service that provides an overview of media services provided by individual or multiple media service providers and that enables a user to select media services or applications that essentially serve to provide access to media services and to control or manage access to, and the use of, media services;</u>		<u>(12a) 'user interface' means a service which controls or manages access to and the use of media services providing programmes and which enables users to select among media services or content;</u>
Article 2, first paragraph, point (13)				

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91	(13) ‘media market concentration’ means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one media service provider;	(13) ‘media market concentration’ means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one <del>party in the media service provider</del> <u>value chain</u> ;	(13) ‘media market concentration’ means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one media service provider;	(13) ‘media market concentration’ means a concentration as defined in Article 3 of Regulation (EC) No 139/2004 involving at least one media service provider <del>or one provider of an online platform</del> <u>providing access to media content</u> ;
Article 2, first paragraph, point (13a)				
91a		<u>(13a) ‘media pluralism’ means a variety of voices, analyses and opinions in public discourse, including minority positions and opinions, disseminated in an unimpeded way by media service providers which are in the hands of many different owners, each independent from one another, across different media channels and media genres and the recognition of the co-existence of private commercial media service providers and public service media providers;</u>		[Comment: No change; Proposal to adapt Recital 40; the wording “recognition of the co-existence of private commercial media service providers and public service media providers” in recital 18]
Article 2, first paragraph, point (14)				
92	(14) ‘audience measurement’ means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services for the purposes of	(14) ‘audience measurement’ means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services <u>and of users of online</u>	(14) ‘audience measurement’ means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services <b>or users of content on</b>	(14) ‘audience measurement’ means the activity of collecting, interpreting or otherwise processing data about the number and characteristics of users of media services <u>or users of content on</u>

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	decisions regarding advertising allocation or prices or the related planning, production or distribution of content;	<u>platforms</u> for the purposes of decisions regarding advertising allocation <del>or</del> , prices, <u>purchases and sales</u> , or the <del>related</del> planning, <del>production</del> or distribution of <del>content</del> <u>media services</u> ;	<b>online platforms</b> for the purposes of decisions regarding advertising allocation or <del>prices or the related</del> <b>pricing or</b> planning, production or distribution of content;	<u>online platforms</u> for the purposes of decisions regarding advertising allocation or <del>prices or the related</del> <u>pricing, purchases and sales</u> <del>or</del> planning, <del>production</del> or distribution of content;
Article 2, first paragraph, point (14a)				
92a		<u>(14a) 'proprietary audience measurement' means audience measurement which does not follow industry standards agreed by self-regulatory mechanisms covering media service providers;</u>		<u>(14a) 'proprietary audience measurement' means audience measurement which does not follow industry standards and best practices agreed through self-regulatory mechanisms;</u>
Article 2, first paragraph, point (14b)				
92b			(14a) 'public authority or entity' means a national or subnational government, a regulatory authority or body, or an entity controlled, directly or indirectly, by a national or subnational government;	<u>(14a) 'public authority or entity' means a national or subnational government, a regulatory authority or body, or an entity controlled, directly or indirectly, by a national or subnational government;</u>  Text Origin: Council Mandate
Article 2, first paragraph, point (15)				
93	(15) 'State advertising' means the placement, publication or dissemination, in any media service, of a promotional or self-promotional message, normally in	(15) 'State advertising' means the placement, <u>promotion</u> , publication or dissemination, in any media service, <u>online platform or online search engine</u> , of a promotional or	(15) 'State advertising' means the placement, publication or dissemination, in any media service, of a promotional or self-promotional message <b>or a public</b>	(15) 'State advertising' means the placement, <u>promotion</u> , publication or dissemination, in any media service, <del>or online platform</del> of a promotional or self-promotional

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	return for payment or for any other consideration, by, for or on behalf of any national or regional public authority, such as national, federal or regional governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government of a territorial entity of more than 1 million inhabitants;	self-promotional message, normally in return for payment or for any other consideration, by, for or on behalf of any <u>Union</u> , national or regional public authority, such as <u>Union institutions, bodies, offices or agencies</u> , national, federal or regional governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government <del>of a territorial entity of more than 1 million inhabitants;</del>	<b>announcement or an information campaign</b> , normally in return for payment or for any other consideration, by, for or on behalf of <del>any national or regional</del> public authority, such as national, federal <del>or regional</del> governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, or any local government of a territorial <del>or</del> entity of more than 1 million inhabitants;	message <u>or a public announcement or an information campaign</u> , normally in return for payment or for any other consideration, by, for or on behalf of <del>any national or regional</del> public authority, <del>such as national, federal or regional</del> governments, regulatory authorities or bodies as well as state-owned enterprises or other state-controlled entities at the national or regional level, <del>or any local government of a territorial or</del> entity <del>of more than 1 million inhabitants;</del>
Article 2, first paragraph, point (15a)				
93a		<u>(15a) 'emergency message by a public authority' means the placement, publication or dissemination, in any media service, of a message of informative nature considered necessary by a public authority in the event of natural or sanitary disasters, accidents, other sudden incidents or critical situations that could cause harm to individuals;</u>		[Comment: No change]
Article 2, first paragraph, point (16)				
94	(16) 'spyware' means any product with digital elements specially designed to exploit vulnerabilities in	(16) <del>'spyware'</del> <u>surveillance technology</u> means <del>any product with</del> digital <del>elements specially</del>	(16) <del>'spyware'</del> <b>intrusive surveillance software</b> means any product with digital elements	

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	<p>other products with digital elements that enables the covert surveillance of natural or legal persons by monitoring, extracting, collecting or analysing data from such products or from the natural or legal persons using such products, in particular by secretly recording calls or otherwise using the microphone of an end-user device, filming natural persons, machines or their surroundings, copying messages, photographing, tracking browsing activity, tracking geolocation, collecting other sensor data or tracking activities across multiple end-user devices, without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent in that regard;</p>	<p><del>designed to exploit vulnerabilities in other products with digital elements</del> <u>or mechanical instrument or product or another instrument or product</u> that enables the <del>covert surveillance of natural or legal persons by</del> <u>acquisition of information by intercepting,</u> monitoring, extracting, collecting or analysing data <del>from such products or from</del> <u>without</u> the natural or legal persons using such products, in particular by <del>secretly recording calls or otherwise using the microphone of an end-user device, filming natural persons, machines</del> <u>or person concerned being made aware in a specific manner and having given</u> their <del>surroundings, copying messages, photographing, tracking browsing activity, tracking geolocation, collecting other sensor data or tracking activities across multiple end-user devices, without the natural or legal person concerned being made aware in a specific manner and having given their express specific</del> <u>consent</u> <u>express specific consent, in accordance with the conditions for consent set out in Article 7 of Regulation (EU) 2016/679,</u> in that regard;</p>	<p>specially designed to exploit vulnerabilities in other products with digital elements that enables the covert surveillance of natural or legal persons by monitoring, extracting, collecting or analysing data from such products or from the natural or legal persons using such products, in particular by secretly recording calls or otherwise using the microphone of an end-user device, filming natural persons, machines or their surroundings, copying messages, photographing, tracking browsing activity, tracking geolocation, collecting other sensor data or tracking activities across multiple end-user devices, without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent in that regard;</p>	
Article 2, first paragraph, point (16a)				
94a				

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		<p><u>(16a) ‘spyware’ means any surveillance technology with a high level of intrusiveness resulting, in particular, from the extensive access it can offer to devices and their functionalities, typically designed to exploit vulnerabilities in products with digital elements that enables the extensive covert surveillance of natural or legal persons, including retroactively, by monitoring, extracting, collecting or analysing data from such products or from the natural or legal persons using such products, including in an indiscriminate manner, without the natural or legal person concerned being made aware in a specific manner and having given their express specific consent, in accordance with the conditions for consent set out in Article 7 of Regulation (EU) 2016/679, in that regard;</u></p>		
Article 2, first paragraph, point (17)				
95	<p>(17) ‘serious crime’ means any of the following criminal offences listed in Article 2(2) of the Council Framework Decision 2002/584/JHA<sup>1</sup>:</p> <p>1. Council Framework Decision 2002/584/JHA of 13 June 2002 on the</p>	<p>(17) ‘serious crime’ means any of the following criminal offences listed in Article 2(2) of the Council Framework Decision 2002/584/JHA<sup>1</sup>:</p> <p>1. Council Framework Decision 2002/584/JHA of 13 June 2002 on the</p>	<p><i>deleted</i></p>	

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	European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1-20).	European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1-20).		
<i>Article 2, first paragraph, point (17)(a)</i>				
96	(a) terrorism,	(a) terrorism <i>as defined in <a href="#">Directive (EU) 2017/541 of the European Parliament and of the Council</a>,</i>	<i>deleted</i>	
<i>Article 2, first paragraph, point (17)(b)</i>				
97	(b) trafficking in human beings,	(b) trafficking in human beings,	<i>deleted</i>	
<i>Article 2, first paragraph, point (17)(c)</i>				
98	(c) sexual exploitation of children and child pornography,	(c) sexual exploitation of children and child pornography,	<i>deleted</i>	
<i>Article 2, first paragraph, point (17)(d)</i>				
99	(d) illicit trafficking in weapons, munitions and explosives,	(d) illicit trafficking in weapons, munitions and explosives,	<i>deleted</i>	
<i>Article 2, first paragraph, point (17)(e)</i>				
100	(e) murder, grievous bodily injury,	(e) murder, grievous bodily injury,	<i>deleted</i>	
<i>Article 2, first paragraph, point (17)(f)</i>				



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101	(f) illicit trade in human organs and tissues,	(f) illicit trade in human organs and tissues,	<i>deleted</i>	
<i>Article 2, first paragraph, point (17)(g)</i>				
102	(g) kidnapping, illegal restraint and hostage-taking,	(g) kidnapping, illegal restraint and hostage-taking,	<i>deleted</i>	
<i>Article 2, first paragraph, point (17)(h)</i>				
103	(h) organised or armed robbery,	(h) organised or armed robbery,	<i>deleted</i>	
<i>Article 2, first paragraph, point (17)(i)</i>				
104	(i) rape,	(i) rape,	<i>deleted</i>	
<i>Article 2, first paragraph, point (17)(j)</i>				
105	(j) crimes within the jurisdiction of the International Criminal Court.	(j) crimes within the jurisdiction of the International Criminal Court.	<i>deleted</i>	
<i>Article 2, first paragraph, point (17a)</i>				
105a		<u>(17a) ‘media literacy’ means skills, knowledge and understanding that allow citizens to use media effectively and safely which are not limited to learning about tools and technologies but</u>		<u>(17a) ‘media literacy’ means skills, knowledge and understanding that allow citizens to use media effectively and safely which are not limited to learning about tools and technologies but</u>

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		<i>aim to equip citizens with the critical thinking skills required to exercise judgment, analyse complex realities and recognise the difference between opinion and fact.</i>		<i>aim to equip citizens with the critical thinking skills required to exercise judgment, analyse complex realities and recognise the difference between opinion and fact.</i>
Chapter II				
106	Chapter II Rights and duties of media service providers and recipients	Chapter II Rights <del>and duties</del> <i>of recipients of media services, rights</i> of media service providers and <del>recipients</del> <i>safeguards for the independent functioning of public service media providers</i>	Chapter II Rights and duties of media service providers and recipients <b>of media services</b>	Chapter II Rights and duties of media service providers and recipients <i>of media services</i> <small>Text Origin: Council Mandate</small>
Article 3				
107	Article 3 Rights of recipients of media services	Article 3 Rights of recipients of media services	Article 3 <del>Rights of recipients of media services</del> <b>The right to a plurality of news and current affairs content</b>	Article 3 <del>Rights</del> <b>Right</b> of recipients of media services
Article 3, first paragraph				
108	Recipients of media services in the Union shall have the right to receive a plurality of news and current affairs content, produced with respect for editorial freedom of media service providers, to the benefit of the public discourse.	<del>Recipients of media services in the Union shall have the right to receive a plurality of news and current affairs content, produced with respect for editorial freedom</del> <b>Member States shall ensure, in accordance with Article 11 of the Charter of Fundamental</b>	Recipients of media services in the Union shall have the right <del>Member States shall respect the right of the general public</del> to receive a plurality of news and current affairs content, produced with respect for editorial freedom of media service	<del>Recipients of media services in the Union shall have the right to receive</del> <b>Member States shall respect the right of recipients of media services to have access to</b> a plurality of <del>news and current affairs content, produced with respect for editorial freedom of media service</del>

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		<i><u>Rights of the European Union (the 'Charter'), that recipients of media services have access to a plurality of media services produced by editorially independent media service providers, without any State interference, in order to ensure free and democratic discourse. Member States shall establish the necessary framework conditions to guarantee those rights and to safeguard, preserve and promote media pluralism to the benefit of the public discourse.</u></i>	providers, to the benefit of the public discourse.	<i><u>providers editorially independent media content and ensure that framework conditions are in place in line with this regulation to safeguard that right,</u></i> to the benefit of <del>the public</del> <u>free and democratic</u> discourse.
Article 4				
109	Article 4 Rights of media service providers	Article 4 Rights of media service providers	Article 4 Rights of media service providers	Article 4 Rights of media service providers  Text Origin: Commission Proposal
Article 4(1)				
110	1. Media service providers shall have the right to exercise their economic activities in the internal market without restrictions other than those allowed under Union law.	1. Media service providers shall have the right to exercise their economic activities in the internal market without restrictions other than those allowed <del>under</del> <u>pursuant to</u> Union law.	1. Media service providers shall have the right to exercise their economic activities in the internal market without restrictions other than those allowed <del>under</del> <b>that are in compliance with</b> Union law.	1. Media service providers shall have the right to exercise their economic activities in the internal market without restrictions other than those allowed <del>under</del> <u>pursuant to</u> Union law.
Article 4(2)				
111				

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	2. Member States shall respect effective editorial freedom of media service providers. Member States, including their national regulatory authorities and bodies, shall not:	2. <u>The Union</u> , Member States <u>and private entities</u> shall respect <u>the effective editorial freedom and independence</u> of media service providers. Member States, including their national regulatory authorities and bodies, <u>Union institutions, bodies, offices and agencies and private entities</u> shall not:	2. Member States shall respect effective editorial freedom of media service providers. Member States, including their national regulatory authorities and bodies, shall not: <b>interfere in or try to influence editorial policies and editorial decisions by media service providers.</b>	2. Member States shall respect <u>the effective editorial freedom and independence</u> of media service providers <b>in the exercise of their professional activity</b> . Member States, including their national regulatory authorities and bodies, shall not: <u>interfere in or try to influence the editorial policies and editorial decisions of media service providers.</u>
Article 4(2a)				
111a			2a. Member States shall ensure an effective protection of journalistic sources. Member States shall not, unless this is justified by an overriding requirement in the public interest and provided for in national law and is in compliance with Article 52(1) of the Charter and other Union law:	2a. Member States shall ensure <b>that</b> journalistic sources <u>and confidential communications are effectively protected</u> . Member States shall not <u>carry out any of the following actions</u> ;
Article 4(2), point (a)				
112	(a) interfere in or try to influence in any way, directly or indirectly, editorial policies and decisions by media service providers;	(a) interfere in or try to influence in any way, directly or indirectly, editorial policies and <u>editorial</u> decisions by media service providers;	(a) <del>interfere in or try to influence in any way, directly or indirectly,</del> <b>oblige media service providers or their editorial staff, or any persons who, because of their regular relationship with a media service provider or its editorial policies and decisions by</b>	(a) <b>oblige media service providers, their editorial staff, or any persons who, because of their regular or professional relationship with a media service provider or its editorial staff, might have information related to or capable of identifying</b>

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			media service providers staff, may have information that could identify journalistic sources to disclose such information;	journalistic sources <i>or confidential communications</i> , to disclose such information;
Article 4(2), point (aa)				
112a		<u>(aa) (aa) oblige media services providers or their employees to disclose any information related to editorial processing, including on their sources, or to disseminate such information;</u>		
Article 4(2), point (b)				
113	(b) detain, sanction, intercept, subject to surveillance or search and seizure, or inspect media service providers or, if applicable, their family members, their employees or their family members, or their corporate and private premises, on the ground that they refuse to disclose information on their sources, unless this is justified by an overriding requirement in the public interest, in accordance with Article 52(1) of the Charter and in compliance with other Union law;	(b) detain, sanction, <del>intercept,</del> subject to <del>surveillance or</del> search and seizure, or inspect media service providers, <u>their employees</u> or, if applicable, their family members, <del>their employees or</del> <u>any other person belonging to their family members</u> <u>professional network of relationships, including occasional contacts</u> , or their corporate and private premises, <del>on the ground that they refuse to disclose information on where such actions might lead to a violation of their sources, unless this is justified by an overriding requirement in the public interest, in accordance with Article 52(1) of the Charter and in compliance with other Union law</del> <u>right to exercise</u>	(b) detain, sanction, intercept, subject to surveillance or search and seizure, or inspect media service providers or, if applicable, their family members, their employees or their family members, or editorial staff or any persons who, because of their corporate and private premises, on the ground that they refuse to disclose information on their sources, unless this is justified by an overriding requirement in the public interest, in accordance with Article 52(1) of the Charter and in compliance with other Union law <b>regular relationship with a media service provider or its editorial staff, may have information that could identify</b>	(b) detain, sanction, intercept or inspect media service providers, <b>their editorial staff or any persons who, because of their regular or professional relationship with a media service provider or its editorial staff, might have information related to or capable of identifying journalistic sources or confidential communications, subject any of them or their corporate or private premises to surveillance, search and seizure, for the purpose of obtaining such information;</b>

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		<u>their professional activity and, in particular, where such actions might result in access to journalistic sources;</u>	journalistic sources, or the corporate and private premises of those persons, on the ground that they refuse to disclose such information; or	
Article 4(2), point (ba)				
113a		<u>(ba) access encrypted content data on any device or in any machine used by media service providers or, if applicable, their families or their employees or their family members or, if applicable, any other person belonging to their professional or private network of relationships, including occasional contacts;</u>		
Article 4(2), point (c)				
114	(c) deploy spyware in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members, unless the deployment is justified, on a case-by-case basis, on grounds of national security and is in compliance with Article 52(1) of the Charter and other Union law or the deployment occurs in serious crimes investigations of one of the aforementioned persons, it is provided for under national law and is in compliance with Article 52(1)	(c) deploy <del>spyware</del> <u>surveillance measures or use surveillance technology, or instruct private entities to use such measures or such technology,</u> in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members, <del>unless the deployment is justified, on a case-by-case basis, on grounds of national security and is in compliance with Article 52(1) of the Charter and</del> <u>or, if applicable, any other Union law or the deployment</u>	(c) deploy <del>spyware</del> <b>intrusive surveillance software</b> in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members, unless the deployment is justified, on a case-by-case basis, on grounds of national security and is in compliance with Article 52(1) of the Charter and other Union law <del>or editorial staff or any persons</del> <b>who, because of their regular relationship with a media service provider or its editorial staff, may</b>	(c) deploy <b>intrusive surveillance software, on any material or digital device, machine or tool</b> used by media service providers, their <b>editorial staff or any persons who, because of their regular or professional relationship with a media service provider or its editorial staff, might have information related to or capable of identifying journalistic sources or confidential communications</b>

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	<p>of the Charter and other Union law, and measures adopted pursuant to sub-paragraph (b) would be inadequate and insufficient to obtain the information sought.</p>	<p><del>occurs in serious crimes investigations of one of the aforementioned persons, it is provided for under national law and is in compliance with Article 52(1) of the Charter and other Union law, and measures adopted pursuant to sub-paragraph (b) would be inadequate and insufficient to obtain the information sought.</del>  <u>person belonging to their professional network, including occasional contacts.</u></p>	<p><b>have information that could identify journalistic sources, for the purpose of obtaining such information, unless</b> the deployment occurs in serious crimes investigations of one of the aforementioned those persons, it is provided for under national law and is in compliance with Article 52(1) of the Charter and other Union law, and measures adopted pursuant to sub-paragraph (b) would be inadequate and insufficient to obtain the information sought <b>for offences referred to in Article 2(2) of Council Framework Decision 2002/584/JHA<sup>19</sup> and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, or other specific offences punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least five years, as determined by the law of that Member State.</b></p> <p><b>19. Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).</b></p>	
Article 4(2), point (ca)				
114a				

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		<u>(ca) deploy spyware or any similar intrusive technology, or instruct private entities to use spyware or such technology, in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members or, if applicable, any other subject belonging to their professional network, including occasional contacts.</u>		
Article 4(2), point (cb)				
114b		<u>(cb) commission a third party to carry out any of the actions referred to in points (b) to (ca).</u>		
Article 4(2a), second subparagraph				
114c			Member States shall not adopt a measure pursuant to point (c) of the first subparagraph where measures referred to point (b) of the first subparagraph are adequate and sufficient to obtain the information sought.	Member States shall not <b>take</b> a measure as referred to point (c) of the first subparagraph where <b>a measure as</b> referred to in point <b>(a) or</b> (b) of the first subparagraph would be adequate and sufficient to obtain the information sought.
Article 4(2a)				
114d		<u>2a. By way of derogation from paragraph 2, point (b), Member States, including their national</u>		<u>By way of derogation from points (a) and (b) of this paragraph,</u>



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		<p><u>regulatory authorities and bodies, Union institutions, bodies, offices and agencies and private entities may carry out an action as referred to therein, provided that other legal measures would be inadequate and insufficient to obtain the information sought and provided that the action:</u></p> <p><u>(a) is unrelated to the professional activity of a media service provider and its employees;</u></p> <p><u>(b) does not result in access to journalistic sources;</u></p> <p><u>(c) is provided for under national law;</u></p> <p><u>(d) is justified on a case-by-case basis for the purpose of preventing, investigating or prosecuting a serious crime;</u></p> <p><u>(e) complies with Article 52(1) of the Charter and other relevant Union law;</u></p> <p><u>(f) is proportionate with respect to the legitimate aim pursued; and</u></p> <p><u>(g) is ordered, ex ante, by an independent and impartial judicial authority with effective, known and accessible remedial measures ensured in accordance with Article 47 of the Charter and in compliance with other relevant Union law.</u></p> <p><u>When carrying out actions as referred to in paragraph 2, point (b), the Member States, including</u></p>		<p><u>Member States may take a measure referred to therein, provided that it:</u></p> <p><u>(i) is provided for by national law or Union law;</u></p> <p><u>(ii) is in compliance with Article 52(1) of the Charter and other Union law;</u></p> <p><u>(iii) is justified on a case-by-case basis by an overriding reason of public interest and is proportionate; and</u></p> <p><u>(iv) is subject to prior authorisation by a judicial authority or an independent and impartial decision-making authority or, in duly justified exceptional and urgent cases, is subsequently authorised by such authority without undue delay.</u></p> <p><u>By way of derogation from point (c) of this paragraph, Member States may deploy intrusive surveillance software, provided that the deployment complies with the conditions referred to in the second subparagraph above and it is carried out for the purposes of investigations of one of the persons referred to in point (c) for offences referred to in Article 2(2) of Council Framework Decision 2002/584/JHA (19) punishable in the Member State concerned by a custodial sentence or a detention</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>their national regulatory authorities and bodies, Union institutions, bodies, offices and agencies and private entities shall not retrieve data related to the professional activity of media service providers and their employees, in particular data which offer access to journalistic sources.</u></p>		<p>order of a maximum period of at least three years or for other specific <b>serious</b> crimes punishable in the Member State concerned by a custodial sentence or a detention order of a maximum period of at least five years, as determined by the law of that Member State.</p> <p>(19) Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).</p> <p>[Comment: “serious crimes” will be complemented with a Recital on the need to apply the principle of proportionality - to be drafted and discussed by the 3 Legal Services]</p> <p><u>Member States shall ensure that the surveillance measures referred to in point (b) of this paragraph and the deployment of intrusive surveillance software referred to in point (c) of this paragraph are regularly reviewed by a judicial authority or an independent and impartial decision-making authority in order to determine if the conditions justifying its their use continue to be fulfilled.</u></p> <p><u>The safeguards provided by Directive (EU) 2016/680 of the European Parliament and of the</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p><u>Council, including the right of the data subject to information and access to personal data undergoing processing, shall apply to any processing of personal data occurring in the context of the deployment of the surveillance measures referred to in point (b) of this paragraph or the deployment of intrusive surveillance software referred to in point (c) of this paragraph.</u></p>
Article 4(2b)				
114e		<p><u>2b. By way of derogation from paragraph 2, points (ba) and (c), Member States, including their national regulatory authorities and bodies, Union institutions, bodies, offices and agencies and private entities may carry out an action as referred to therein, provided that the actions referred to in paragraph 2, point (b), would be inadequate and insufficient to obtain the information sought and provided that the action:</u></p> <p><u>(a) complies with the conditions listed in paragraph 2a, points (a), (b), (c), (e), (f) and (g);</u></p> <p><u>(b) concerns only the investigation or prosecution of a serious crime that is punishable in the Member State concerned by a custodial sentence or a detention</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>order for a maximum period of at least five years;</u>  <u>(c) is carried out as a last resort; and (d) is subject to periodic review by an independent and impartial judicial authority.</u></p>		
Article 4(2c)				
114f		<p><u>2c. By way of derogation from paragraph 2, point (ca), Member States, including their national regulatory authorities and bodies, Union institutions, bodies, offices and agencies and private entities may carry out an action as referred to therein, provided that the actions referred to in paragraph 2, point (ba) or (c), would be inadequate and insufficient to obtain the information sought and provided that the action complies with the conditions listed in paragraph 2a, points (a), (b), (c), (e), (f) and (g), and paragraph 2b, points (b), (c) and (d).</u></p>		
Article 4(2d)				
114g		<p><u>2d. The carrying out of actions as referred to in paragraph 2, points (ba), (c) and (ca), shall be subject to ex-post scrutiny by means of judicial review or by means of another independent oversight</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>mechanism. Member States shall inform persons targeted by actions as referred to in paragraph 2, points (b) to (ca), and persons whose data or communications were accessed as a result of such actions of the fact that their data or communications were accessed and of the duration and scope of the processing of those data, and the manner in which those data were processed. Member States shall ensure access to redress through an independent body for persons directly or indirectly affected by the carrying out of such actions. Member States shall publish the number of requests approved and rejected for the carrying out of such actions. The safeguards provided for in this paragraph shall extend to natural persons in non-standard forms of employment, such as freelancers exercising activities in the same field as media service providers and their employees.</u></p>		
Article 4(3)				
115	<p>3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate an independent authority or body to</p>	<p>3. Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate <del>an</del> <u>structurally and functionally</u></p>	<p>3. <del>Without prejudice and in addition to the right to effective judicial protection guaranteed to each natural and legal person, Member States shall designate an independent authority or body to</del></p>	<p><b>3. Member States shall ensure that media service providers or their editorial staff, or any persons who, because of their regular <i>or professional</i> relationship with a media service</b></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>handle complaints lodged by media service providers or, if applicable, their family members, their employees or their family members, regarding breaches of paragraph 2, points (b) and (c). Media service providers shall have the right to request that authority or body to issue, within three months of the request, an opinion regarding compliance with paragraph 2, points (b) and (c).</p>	<p>independent authority or body, <u>such as an ombudsperson</u>, to handle complaints lodged by media service providers or, <del>if applicable</del>, their family members, <del>their</del> <u>the employees of media service providers</u> or their family members, <u>or any other person professionally or privately associated with them</u>, regarding breaches of paragraph 2, points <u>(aa), (b), (ba), (c), (ca) and (cb) (b) and (e)</u>. Media service providers shall have the right to request that authority or body to issue, within three months of the request, an opinion regarding compliance with paragraph 2, points <u>(aa), (b), (ba), (c), (ca) and (cb) (b) and (e)</u>.</p>	<p>handle complaints lodged by media service providers or, if applicable, their family members, their employees or their family members, <b>Member States shall ensure that media service providers or their editorial staff, or any persons who, because of their regular relationship with a media service provider or its editorial staff, may have information that could identify journalistic sources have a right to an effective judicial protection in cases regarding breaches of paragraph 2, points (b) and (e).</b> Media service providers shall have the right to request that authority or body to issue, within three months of the request, an opinion regarding compliance with paragraph 2, points (b) and (e) <b>2a. Member States shall entrust an independent authority or body with relevant expertise to provide assistance to those persons with regard to the exercise of such right where no self-regulatory bodies or mechanisms are in place to provide such assistance.</b></p>	<p><b>provider or its editorial staff, <u>might</u> have information <u>related to or capable of identifying</u> journalistic sources <u>or confidential communications</u> have a right to an effective judicial protection, in line with Article 47 of the Charter, in cases regarding breaches of paragraph 2a. Member States shall entrust an independent authority or body with relevant expertise to provide assistance to those persons with regard to the exercise of that right. <u>Where no such authority or body exists, those persons may seek assistance from a self-regulatory body or mechanism.</u></b></p>
Article 4(4)				
115a			<p><b>4. This Article is without prejudice to the Member States'</b></p>	<p><b>4. The Member States' <u>responsibilities as laid down in the Treaty on European Union</u></b></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			responsibility for safeguarding national security.	<i>and the Treaty on the Functioning of the European Union are respected.</i>
Article 5				
116	Article 5 Safeguards for the independent functioning of public service media providers	Article 5 Safeguards for the independent functioning of public service media providers	Article 5 Safeguards for the independent functioning of public service media providers	Article 5 Safeguards for the independent functioning of public service media providers  Text Origin: Commission Proposal
Article 5(1)				
117	1. Public service media providers shall provide in an impartial manner a plurality of information and opinions to their audiences, in accordance with their public service mission.	1. <u>Member states shall ensure, by means of national law and their actions, that</u> public service media providers <del>shall</del> <u>have full autonomy and editorial independence from governmental, political, economic or private vested interests in order to</u> provide, <u>in the exercise of their public service remit,</u> in an impartial and independent manner, a plurality of information and opinions to their audiences, <del>in accordance with their public service mission.</del>	1. <b>Member States shall ensure that</b> public service media providers <del>shall</del> <b>are editorially independent and</b> provide in an impartial manner a plurality of information and opinions to their audiences, in accordance with their public service <del>mission</del> <b>remit as defined at national level in line with Protocol No 29 on the system of public broadcasting in the Member States annexed to the TEU and the TFEU.</b>	1. <u>Member States shall ensure that</u> public service media providers <del>shall</del> <u>are editorially and functionally independent, and</u> provide in an impartial manner a plurality of information and opinions to their audiences, in accordance with their public service <del>mission</del> <u>remit as defined at national level in line with Protocol No 29 on the system of public broadcasting in the Member States annexed to the TEU and the TFEU.</u>  [Comment: in a recital to include: independent "from governmental, political, economic or private interests" and free "from external influence"]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(2), first subparagraph				
118	<p>2. The head of management and the members of the governing board of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria laid down in advance by national law.</p>	<p>2. <u>Member States shall ensure, by means of national law and their actions, that the principles of independence, accountability, effectiveness, transparency and openness are respected when the management structures of public service media are appointed. In particular,</u> the head of management and the members of the governing board of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria laid down in advance <del>by</del><u>in</u> national law.</p>	<p>2. <b>Member States shall ensure that the procedures for the appointment and the dismissal of the head of management and/or the members of the governing management board of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria laid down in advance by national law, including the duration of their term of office, seek to guarantee the independence of the public service media providers.</b></p>	<p>2. <u>Member States shall ensure that the procedures for the appointment and the dismissal of</u> the head of management <del>and/or</del> the members of the <del>governing</del><u>management</u> board of public service media providers <del>shall be appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria laid down in advance by national law</del> <u>aim to guarantee the independence of the public service media providers.</u></p>
Article 5(2), second subparagraph				
119	<p>The duration of their term of office shall be established by national law, and be adequate and sufficient to ensure effective independence of the public media service provider. They may be dismissed before the end of their term of office only exceptionally where they no longer fulfil the legally predefined conditions required for the performance of their duties laid down in advance by national law or for specific reasons of illegal</p>	<p>The duration of their term of office shall be established <del>by</del><u>in</u> national law, <u>shall correspond to their tasks and shall</u> <del>and</del> be adequate and sufficient to ensure effective independence of the public media service provider. They may be dismissed before the end of their term of office only <del>exceptionally</del><u>in exceptional circumstances</u> where they no longer fulfil the legally predefined conditions required for the performance of their duties laid</p>	<p>The duration of their term of office shall be established by national law, and be adequate and sufficient to ensure effective independence of the <b>appointment of the head of management or the members of the management board of public media service provider.</b> They may be dismissed before the end of their term of office only exceptionally where they no longer fulfil the legally predefined conditions required for the performance of</p>	<p>The <del>duration of their term of office shall be established by national law, and be adequate and sufficient to ensure effective independence of the</del> <u>appointment of the head of management or the members of the management board of public media service provider.</u> <del>They may be dismissed before the end of their term of office only exceptionally where they no longer fulfil the legally predefined conditions required for the performance of</del></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	conduct or serious misconduct as defined in advance by national law.	down in advance <del>by</del> <u>in</u> national law or for specific reasons of illegal conduct or serious misconduct as defined in advance <del>by</del> <u>in</u> national law.	<del>their duties</del> <b>media providers shall be based on transparent, open and non-discriminatory procedures and [...] transparent, objective, non-discriminatory and proportionate criteria</b> laid down in advance <del>by</del> <u>at</u> national law or for specific reasons of illegal conduct or serious misconduct as defined in advance by national law <del>level</del> .	<del>their duties</del> <b>media providers shall be based on transparent, open, effective and non-discriminatory procedures and transparent, objective, non-discriminatory and proportionate criteria</b> laid down in advance <del>by</del> <u>at</u> national <del>law or for specific reasons of illegal conduct or serious misconduct as defined in advance by national law</del> <u>level</u> .  <u>The duration of their term of office shall be sufficient for the effective independence of public service media providers.</u>
Article 5(2), third subparagraph				
120	Dismissal decisions shall be duly justified, subject to prior notification to the person concerned, and include the possibility for judicial review. The grounds for dismissal shall be made available to the public.	Dismissal decisions shall be duly justified <u>on the basis of criteria laid down in advance in national law</u> , subject to prior notification to the person concerned, and include the possibility for judicial review. The grounds for dismissal shall be made available to the public.	<b>Decisions on dismissal decisions of the head of management or the members of the management board of public service media providers</b> shall be duly justified, subject to prior notification to the person concerned, and include the possibility for judicial review. The grounds for dismissal shall be made available <b>provide reasons for which such persons no longer fulfil the conditions required for the performance of their duties, and be subject to prior notification to the public person concerned.</b>	<u>Decisions on dismissal decisions of the head of management or the members of the management board of public service media providers before the end of their term of office</u> shall be duly justified, <del>subject to prior notification to the person concerned, and include the possibility for judicial review. The grounds for dismissal</del> <u>may be taken only exceptionally where they no longer fulfil the conditions required for the performance of their duties according to criteria laid down in advance at national level</u> , shall be <del>made available</del> <u>subject to prior notification to the public person</u>

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				<u>concerned and include the possibility for judicial review.</u>
Article 5(3)				
121	3. Member States shall ensure that public service media providers have adequate and stable financial resources for the fulfilment of their public service mission. Those resources shall be such that editorial independence is safeguarded.	3. Member States shall ensure that public service media providers have adequate, <u>sustainable and predictable</u> <del>and stable</del> financial resources <u>on a multiannual basis</u> for the fulfilment of their public service <del>mission</del> <u>remit and to meet the objectives thereof</u> . Those resources <u>and the process by which they are allocated shall be based on transparent criteria laid down in advance and</u> shall be such that editorial independence is safeguarded <u>while allowing for the development of media services for new audience interests or new content and media forms and for technical development</u> .	3. Member States shall ensure that <b>funding procedures for public service media are transparent, objective and seek to guarantee that</b> public service media providers have adequate and stable financial resources <del>for</del> <b>corresponding to</b> the fulfilment of their public service <del>mission</del> <b>remit</b> . Those resources shall be such that editorial independence is safeguarded.	3. Member States shall ensure that <u>funding procedures for public service media providers are based on transparent and objective criteria laid down in advance</u> . <u>Those procedures shall guarantee that</u> public service media providers have adequate, <u>sustainable and predictable</u> <del>and stable</del> financial resources <del>for</del> <u>corresponding to</u> the fulfilment of <u>and capacity to develop within</u> their public service <del>mission</del> <u>remit</u> . Those resources shall be such that editorial independence <u>of public service media providers</u> is safeguarded.
Article 5(3a)				
121a		<u>3a. Member States shall appoint an independent authority or establish independent procedures for determining the financial needs appropriate for public service media providers in accordance with paragraph 3. Member States shall ensure that independent judicial review is guaranteed.</u>		[No change]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>The procedure for appointing an independent authority as referred to in the first subparagraph or the established procedures referred to therein shall be predictable, transparent, independent, impartial and non-discriminatory and be based on objective and proportionate criteria laid down in advance by national law.</i></u>		
Article 5(4)				
122	4. Member States shall designate one or more independent authorities or bodies in order to monitor compliance with paragraphs 1 to 3.	4. Member States shall <u>put in place mechanisms or</u> designate one or more independent authorities or bodies <u>to monitor the application of paragraphs 1 to 3. Such mechanisms, authorities or bodies shall be free from government influence. In the event of doubt or following findings related to non-compliance or partial</u> <del>in order to monitor</del> compliance with <del>paragraphs 1 to 3</del> <u>this Article, an opinion shall be issued by the independent authorities or bodies which shall inform the Board; the findings shall be made available to the public.</u>	4. Member States shall designate one or more independent authorities or bodies in order <u>put in place mechanisms</u> to monitor compliance <del>with</del> <u>the application of</u> paragraphs 1 to 3.	4. Member States shall designate one or more independent authorities or bodies <u>or put in place mechanisms free from political influence by the government</u> <del>in order</del> to monitor <del>compliance with</del> <u>the application of</u> paragraphs 1 to 3. <u>The results of the monitoring exercise shall be made available to the public.</u>
Article 6				
123	Article 6	Article 6	Article 6	Article 6

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	Duties of media service providers providing news and current affairs content	Duties of media service providers providing news and current affairs content	Duties of media service providers providing news and current affairs content	Duties of media service providers <del>providing news and current affairs content</del>
Article 6(1)				
6	124	1. Media service providers providing news and current affairs content shall make easily and directly accessible to the recipients of their services the following information:	1. Media service providers <u>in compliance with Union and national law</u> , <del>providing news and current affairs content</del> shall make <del>easily and</del> <u>the following information</u> directly <u>and permanently</u> accessible <u>in an easy manner</u> to the recipients of their services <del>the following information</del>	1. Media service providers <del>providing news and current affairs content</del> shall make easily and directly accessible to the recipients of their services <del>the following</del> <u>up-to-date information</u> <u>on</u> :
Article 6(1), point (a)				
6	125	(a) their legal name and contact details;	(a) their legal name <u>(s)</u> and contact <u>and registration</u> details;	(a) their legal name <u>(s)</u> and contact details;
Article 6(1), point (b)				
6	126	(b) the name(s) of their direct or indirect owner(s) with shareholdings enabling them to exercise influence on the operation and strategic decision making;	(b) the name(s) of their direct or indirect owner(s) with shareholdings enabling them to exercise influence on the operation and strategic decision making; <b>and</b>	(b) the name(s) of their direct or indirect owner(s) with shareholdings enabling them to exercise influence on the operation and strategic decision making, <u>including direct or indirect ownership by the state or a public authority or entity</u> ;
Article 6(1), point (c)				

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127	(c) the name(s) of their beneficial owners within the meaning of Article 3, point 6 of Directive (EU) 2015/849 of the European Parliament and of the Council.	(c) the name(s) of their beneficial owners <del>within the meaning of</del> <b>defined in</b> Article 3, point 6 <sub>2</sub> of Directive (EU) 2015/849 of the European Parliament and of the Council <sub>2</sub> ;	(c) the name(s) of their beneficial owners <del>within the meaning of</del> <b>defined in</b> Article 3, point 6 <del>(6)</del> of Directive (EU) 2015/849 <del>of the European Parliament and of the Council</del> .	(c) the name(s) of their beneficial owners <del>within the meaning of</del> <b>defined in</b> Article 3, point 6 <sub>2</sub> of Directive (EU) 2015/849 <del>of the European Parliament and of the Council</del> .
Article 6(1), point (ca)				
127a		<u>(ca) whether and to what extent their direct, indirect or beneficial ownership is held by the government, a State institution, a State-owned enterprise or another public body;</u>		[Comment: Parts moved to point b above]
Article 6(1), point (cb)				
127b		<u>(cb) the name and professional contact details of the natural person who bears editorial responsibility in accordance with the law of the relevant Member State, indicating, where the name and professional contact details of more than one person are given, the part of the media service for which each person is responsible;</u>		[Comment: No change]
Article 6(1), point (cc)				
127c		<u>(cc) details concerning the ownership structure and how they</u>		[Comment: No change]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>are related to their parent and sister companies and their subsidiaries;</u>		
Article 6(1), point (cd)				
6	127d	<u>(cd) State advertising and State financial support allocated to them.</u>		<u>(cd) total annual amount of state advertising allocated to them and the total annual amount of advertising revenues received from public authorities or entities of third countries;</u>  [Comment: a Recital based on the Article, not going beyond - Legal Services to check and propose a draft]
Article 6(1), point (ce)				
6	127e	<u>1b. Media service providers shall submit the information listed in paragraph 1 to the national media ownership databases referred to in paragraph 2b. Where there is a change in the information listed in paragraph 1, media service providers shall submit that updated information to the national media ownership databases within 30 days of the change.</u>		[Comment: No change]
Article 6(1), point (cf)				
6	127f			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>1c. In duly justified cases and upon request, media service providers, in compliance with Union and national law, shall make available to the national regulatory authorities or bodies, to the Board or, where applicable, to any party with a legitimate interest the business and financial interests or activities of their direct, indirect and beneficial owners in other businesses, including their links to politically exposed persons, as defined in Article 3, point (9), of Directive (EU) 2015/849 of the European Parliament and of the Council, and to persons known to be close associates, as defined in Article 3, point (11), of that Directive.</i></u></p>		<p>[Comment: No change; The part on political exposed persons to be included in a Recital]</p>
Article 6(1), point (cg)				
127g		<p><u><i>1e. National regulatory authorities or bodies shall be entrusted to establish national media ownership databases to monitor compliance with the obligation set out in paragraph 1. Those databases shall be publicly available and shall comply with relevant Union law.</i></u></p> <p><u><i>On a request from the national regulatory authorities or bodies, media service providers shall provide them with additional</i></u></p>		<p><u><i>(cg) Member States shall entrust national regulatory authorities or bodies or other competent authorities or bodies to develop national media ownership databases containing the information set out in paragraph 1.</i></u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>information for the purpose of assessing the accuracy of the information provided under paragraphs 1 and 2a.</u>		
Article 6(1), point (ch)				
6	127h	<u>If. National regulatory authorities or bodies shall submit data on the information provided under paragraph 1 on a quarterly basis to the European Database of Media Ownership referred to in Article 12, first paragraph, point (fa).</u>		[Comment: No change; A review clause to be inserted to taken on board this idea]
Article 6(1), point (ci)				
6	127i	<u>Ia. Media service providers shall keep the information made accessible pursuant to paragraph 1 up to date.</u>		[Comment: no change]
Article 6(1), point (cj)				
6	127j	<u>Id. The information provided under paragraphs 1 and 2a shall respect the fundamental rights concerned, such as the respect for the private and family life of beneficial owners. That information shall be necessary and proportionate and shall aim to pursue an objective of general interest.</u>		[Comment: No change]



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Article 6(2)				
128	2. Without prejudice to national constitutional laws consistent with the Charter, media service providers providing news and current affairs content shall take measures that they deem appropriate with a view to guaranteeing the independence of individual editorial decisions. In particular, such measures shall aim to:	2. Without prejudice to national constitutional laws consistent with the Charter, media service providers <del>providing news and current affairs content</del> shall take measures that they deem appropriate with a view to guaranteeing the independence of <del>individual</del> editorial decisions. In particular, such measures shall aim to:	2. Without prejudice to national constitutional <del>or other national</del> laws consistent with the Charter, media service providers providing news and current affairs content shall take measures that they deem appropriate with a view to guaranteeing the <del>editorial independence of individual editorial decisions</del> . In particular, such measures shall aim to:	2. Without prejudice to national constitutional laws consistent with the Charter, media service providers providing news and current affairs content shall take measures that they deem appropriate with a view to guaranteeing the independence of <del>individual</del> editorial decisions. In particular, such measures shall aim to:  [Comment: As part of the compromise a reference to "content that has the potential to have a significant impact on public opinion" will be included in a Recital.]
Article 6(2), point (a)				
129	(a) guarantee that editors are free to take individual editorial decisions in the exercise of their professional activity; and	(a) guarantee that editors <del>and editors-in-chief</del> are free to take <del>individual</del> editorial decisions in the exercise of their professional activity <del>within the editorial line of the media service provider</del> ; and	(a) guarantee that <del>editors are free to take individual editorial decisions in the exercise of their professional activity</del> editorial decisions can be taken freely within the established editorial line of the media service provider; and	(a) guarantee that <del>editors are free to take individual editorial decisions in the exercise of their professional activity</del> editorial decisions can be taken freely <del>within the established editorial line of the media service provider</del> ; and  [Comment: EP a strong recital is needed explaining the differences at MS level]
Article 6(2), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
130	(b) ensure disclosure of any actual or potential conflict of interest by any party having a stake in media service providers that may affect the provision of news and current affairs content.	(b) ensure disclosure of any actual or potential conflict of interest, <u>and of any attempts of interference in the editorial decisions of media service providers</u> <del>by any party having a stake in media service providers that may affect the provision of news and current affairs content.</del>	(b) ensure disclosure of any actual or potential conflict of interest by any party having a stake in media service providers that may affect the provision of news and current affairs content.	(b) ensure disclosure of any actual or potential conflict of interest <del>by any party having a stake in media service providers</del> that may affect the provision of news and current affairs content.
Article 6(2), point (ba)				
130a		<p><u>2a. Media service providers which receive public funds from third countries for the purposes of advertising or purchases shall annually submit a report to the national regulatory authority or body. Such reports shall include at least the following details:</u></p> <p><u>(a) the names of the entities granting public funds;</u></p> <p><u>(b) the total annual amount of the public funds granted.</u></p> <p><u>The national regulatory authority or body shall make information reported pursuant to the first subparagraph publicly available.</u></p>		[Comment: No change]
Article 6(3)				
131				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. The obligations under this Article shall not apply to media service providers that are micro enterprises within the meaning of Article 3 of Directive 2013/34/EU.	3. <del>The obligations under this Article shall not apply to media service providers that are micro enterprises within the meaning of Article 3 of Directive 2013/34/EU.</del> <u>deleted</u>	deleted	3. <del>The obligations under this Article shall not apply to media service providers that are micro enterprises within the meaning of Article 3 of Directive 2013/34/EU.</del> <u>deleted</u>
Article 6a				
6	131a	<u>Article 6a</u> <u>Restrictions on media ownership</u>		[Comment: No change]
Article 6a(1)				
6	131b	<u>1. Natural persons entrusted with the following prominent public functions shall not be beneficial owners, as defined in Article 2(1), point (22), of Regulation (EU) XXXX/XXX [on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, COD 2021/0239], of any press publication or audiovisual media service within the duration of their term of office:</u> <u>(a) in a Member State:</u> <u>(i) heads of State, heads of government or ministers;</u> <u>(b) at Union level:</u> <u>(i) President of the European Council, President of the</u>		[Comment: No change]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>Commission or members of the Commission;</u>  <u>(c) in a third country;</u>  <u>(i) functions that are equivalent to those set out in point (a)(i).</u></p>		
Article 6a(2)				
131c		<p><u>2. Where a natural person is entrusted with a prominent public function as set out in paragraph 1, they shall cease operating the media service provider concerned or terminate the business relationship, where it allows for the exercise of influence over the media service provider, with the media service provider concerned without undue delay but, in any event, no later than 60 days after becoming a politically exposed person as defined in Article 3, point (9), of Directive (EU) 2015/849.</u></p>		[Comment: No change]
Chapter III				
132	Chapter III Framework for regulatory cooperation and a well-functioning internal market for media services	Chapter III Framework for regulatory cooperation and a well-functioning internal market for media services	Chapter III Framework for regulatory cooperation and a well-functioning internal market for media services	Chapter III Framework for regulatory cooperation and a well-functioning internal market for media services  Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Section 1				
133	Section 1 Independent media authorities	Section 1 Independent media authorities	Section 1 Independent media authorities	Section 1 Independent media authorities Text Origin: Commission Proposal
Article 7				
134	Article 7 National regulatory authorities or bodies	Article 7 National regulatory authorities or bodies	Article 7 National regulatory authorities or bodies	Article 7 National regulatory authorities or bodies Text Origin: Commission Proposal
Article 7(1)				
135	1. The national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU shall be responsible for the application of Chapter III of this Regulation.	1. The national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU shall be responsible for the application of Chapter III of this Regulation.	1. The national regulatory authorities or bodies referred to as <b>defined</b> in Article 30 of Directive 2010/13/EU shall be responsible for <b>2(12) shall ensure, where applicable through consultation or coordination with other relevant authorities or bodies, or, where relevant self-regulatory bodies in their Member States,</b> the application of Chapter III of this Regulation.	1. The national regulatory authorities or bodies <i>referred to as defined</i> in Article <i>30 of Directive 2010/13/EU shall be responsible for</i> <b>2(12) shall ensure, where applicable through consultation or coordination with other relevant authorities or bodies, or, where relevant self-regulatory bodies in their Member States,</b> the application of Chapter III <i>of this Regulation.</i>
Article 7(2)				
136				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. The national regulatory authorities or bodies shall be subject to the requirements set out in Article 30 of Directive 2010/13/EU in relation to the exercise of the tasks assigned to them by this Regulation.	2. The national regulatory authorities or bodies shall be subject to the requirements set out in Article 30 of Directive 2010/13/EU in relation to the exercise of the tasks assigned to them by this Regulation.	2. The national regulatory authorities or bodies shall be subject to the requirements set out in Article 30 of Directive 2010/13/EU in relation to the exercise of the tasks assigned to them by this Regulation.	2. The national regulatory authorities or bodies shall be subject to the requirements set out in Article 30 of Directive 2010/13/EU in relation to the exercise of the tasks assigned to them by this Regulation.  Text Origin: Commission Proposal
Article 7(2a)				
136a		<u>2a. Member states shall ensure that the national regulatory authorities or bodies are legally distinct from the government and functionally independent from their respective governments and from any other public or private body.</u>		[Comment: No change]
Article 7(3)				
137	3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources to carry out their tasks under this Regulation.	3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources <u>and expertise</u> to carry out their tasks under this Regulation. <u>Member States shall proportionally increase the financial, human and technical resources allocated to national regulatory authorities or bodies in order to take into account the</u>	3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources to carry out their tasks under this Regulation.	3. Member States shall ensure that the national regulatory authorities or bodies have adequate financial, human and technical resources to carry out their tasks under this Regulation.  [Comment: in a Recital to address the EP concerns "to take into account the additional tasks conferred upon them under this Regulation"]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>additional tasks conferred upon them under this Regulation.</i></u>		
Article 7(4), first subparagraph				
138	4. Where needed for carrying out their tasks under this Regulation, the national regulatory authorities or bodies shall have appropriate powers of investigation, with regard to the conduct of natural or legal persons to which Chapter III applies.	<del><i>43a. Where needed for carrying out their tasks under this Regulation, the national regulatory authorities or bodies shall have appropriate powers of investigation.</i></del> <u><i>Member States shall ensure that the national regulatory authorities or bodies are given access to, or are provided with, all information and data necessary for carrying out their tasks under this Regulation, in particular</i></u> with regard to the <del><i>conduct of</i></del> natural or legal persons to which Chapter III applies.	4. Where needed for carrying out their tasks under this Regulation, <b>Member States shall ensure that</b> the national regulatory authorities or bodies shall have appropriate powers of investigation, with regard to the conduct of <b>are empowered to request the</b> natural or legal persons to which Chapter III applies <b>to provide, within a reasonable time period, information and data that are proportionate and necessary for carrying out the tasks under Chapter III.</b>	4. Where needed for carrying out their tasks under this Regulation, <u><i>Member States shall ensure that</i></u> the national regulatory authorities or bodies <del><i>shall have appropriate powers of investigation, with regard to the conduct of</i></del> <u><i>are empowered to request the</i></u> natural or legal persons to which Chapter III applies <u><i>to provide, within a reasonable time period, information and data that are proportionate and necessary for carrying out the tasks under Chapter III.</i></u>
Article 7(4), second subparagraph				
139	Those powers shall include in particular the power to request such persons to provide, within a reasonable time period, information that is proportionate and necessary for carrying out the tasks under Chapter III; the request can also be addressed to any other person that, for purposes related to their trade, business or profession, may reasonably be in possession of the information needed.	<del><i>Those powers shall include in particular the power to request such</i></del> <u><i>On a request from the national regulatory authorities or bodies, natural or legal</i></u> persons to <del><i>provide</i></del> <u><i>which Chapter III applies shall,</i></u> within a reasonable time period, <u><i>provide them with</i></u> information that is proportionate <u><i>to</i></u> and necessary for carrying out the tasks <del><i>under set out in</i></del> Chapter III; <del><i>the.</i></del> <u><i>On a request</i></u> <del><i>can also be addressed to</i></del> <u><i>from the national</i></u>	<i>deleted</i>	<del><i>Those powers</i></del> <u><i>Member States</i></u> shall include in particular <del><i>the power to request such persons to provide, within a reasonable time period, information that is proportionate and necessary for carrying out the tasks under Chapter III; the request</i></del> <u><i>ensure that requests</i></u> can also be addressed to <u><i>any other natural or legal person that, for purposes related to its trade, business or profession, might reasonably be in possession of</i></u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>regulatory authorities or bodies,</u> any other <u>natural or legal</u> person that, for purposes related to <del>theirs</del> trade, business or profession, <del>may</del><u>might</u> reasonably be in possession of <del>the</del> information needed <u>for carrying out the tasks set out in Chapter III shall provide them with that information.</u></p>		<p><u>information and data that is proportionate and necessary for carrying out the tasks under Chapter III,</u> <del>any other person that, for purposes related to their trade, business or profession, may reasonably be in possession of the information needed.</del></p>
Article 7(4a)				
139a		<p><u>4a. National regulatory authorities or bodies shall hold regular consultations with the representatives of the media sector. National regulatory authorities or bodies shall publish annually and make publicly available reports which reflect the results of such consultations.</u></p>		[Comment: No change]
Article 7(4b)				
139b		<p><u>4b. Member States shall entrust the national regulatory authorities or bodies with developing and maintaining dedicated online media ownership databases containing the information listed in Article 6(1), including at regional or local level. The public shall have easy, swift and effective access, free of charge, to such databases. National regulatory</u></p>		[Comment: No change]



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>authorities or bodies shall produce regular reports on the ownership of media services under the jurisdiction of the Member State concerned.</u>		
Section 2				
140	Section 2 European Board for Media Services	Section 2 European Board for Media Services	Section 2 European Board for Media Services	Section 2 European Board for Media Services Text Origin: Commission Proposal
Article 8				
141	Article 8 European Board for Media Services	Article 8 European Board for Media Services	Article 8 European Board for Media Services	Article 8 European Board for Media Services
Article 8(1)				
142	1. The European Board for Media Services ('the Board') is established.	1. The European Board for Media Services ('the Board') is <u>hereby</u> established. <u>The Board shall be a body of the Union and shall have legal personality.</u>	1. The European Board for Media Services ('the Board') is established.	1. The European Board for Media Services ('the Board') is <u>hereby</u> established.
Article 8(1a)				
142a		<u>1a. The Board shall enjoy complete independence in the exercise of its functions.</u>		[Comment: No change]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 8(2)				
143	2. The Board shall replace and succeed the European Regulators Group for Audiovisual Media Services (ERGA) established by Directive 2010/13/EU.	2. The Board shall replace and succeed the European Regulators Group for Audiovisual Media Services (ERGA) established by Directive 2010/13/EU.	2. The Board shall replace and succeed the European Regulators Group for Audiovisual Media Services (ERGA) established by Directive 2010/13/EU.	2. The Board shall replace and succeed the European Regulators Group for Audiovisual Media Services (ERGA) established by Directive 2010/13/EU.  Text Origin: Commission Proposal
Article 8(2a)				
143a		<u>2a. The Board shall have a secretariat and shall be advised by the Expert Group established by Article 11a.</u>		[Comment: No change]
Article 8(2b)				
143b		<u>2b. The Board and the secretariat shall be provided with the human and financial resources necessary for the performance of their tasks.</u>		[Comment: No change]
Article 8(2c)				
143c		<u>2c. The budget of the Board and the secretariat shall be shown in a separate budgetary line within the relevant heading of section III of the budget of the Union.</u>		[Comment: No change]
Article 9				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
144	Article 9 Independence of the Board	Article 9 Independence of the Board	Article 9 Independence of the Board	Article 9 Independence of the Board  Text Origin: Commission Proposal
Article 9, first paragraph				
145	The Board shall act in full independence when performing its tasks or exercising its powers. In particular, the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from any government, institution, person or body. This shall not affect the competences of the Commission or the national regulatory authorities or bodies in conformity with this Regulation.	The Board shall act in full independence when performing its tasks or exercising its powers. In particular, the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from any government, <del>institution</del> <u>national agency or body</u> , person or <u>Union institution, body, office or agency</u> <del>body</del> . This shall not affect the competences of the Commission, or the national regulatory authorities or bodies in conformity with this Regulation. <u><i>This shall also not affect the possibility for the other national regulatory authorities or bodies or representatives of self-regulatory or co-regulatory bodies to participate, as appropriate, in the meetings of the Board.</i></u>	The Board shall act in full independence when performing its tasks or exercising its powers. In particular, the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from any government, institution, person or body. This shall not affect the competences of the Commission or the national regulatory authorities or bodies in conformity with this Regulation.	The Board shall act in full independence when performing its tasks or exercising its powers. In particular, the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from any government, institution, person or body. This shall not affect the competences of the Commission or the national regulatory authorities or bodies in conformity with this Regulation.  [Comment: In Recitals 22a and 23 to take into account EP concerns]
Article 10				
146	Article 10	Article 10	Article 10	Article 10

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Structure of the Board	Structure of the Board	Structure of the Board	Structure of the Board Text Origin: Commission Proposal
Article 10(1)				
147	1. The Board shall be composed of representatives of national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU.	1. The Board shall be composed of representatives of national regulatory authorities or bodies referred to in Article 30 of Directive 2010/13/EU.	1. The Board shall be composed of representatives of national regulatory authorities or bodies referred to as defined in Article 30 of Directive 2010/13/EU <del>2</del> (12).	1. The Board shall be composed of representatives of national regulatory authorities or bodies referred to as defined in Article 30 of Directive 2010/13/EU <del>2</del> (12).
Article 10(2)				
148	2. Each member of the Board shall have one vote.	2. Each member of the Board shall have one vote.	2. Each member of the Board shall have one vote.	2. Each member of the Board shall have one vote. Text Origin: Commission Proposal
Article 10(2a)				
148a			2a. The Board shall take decisions by a two-thirds majority of its members.	<u>2a. The Board shall take decisions by a two-thirds majority of its members with voting rights.</u> [Comment: EP concerns at the end of Recital 23 to be discussed; redrafting suggestions to be expected]
Article 10(3)				
149				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. Where a Member State has more than one national regulatory authority or body, those regulatory authorities or bodies shall coordinate with each other as necessary and appoint a joint representative which shall exercise the right to vote.	3. Where a Member State has more than one national regulatory authority or body, those regulatory authorities or bodies shall coordinate with each other as necessary and appoint a joint representative which shall exercise the right to vote.	3. Where a Member State has more than one national regulatory authority or body, those regulatory authorities or bodies shall coordinate with each other as necessary and appoint a joint representative which shall exercise the right to vote.	3. Where a Member State has more than one national regulatory authority or body, those regulatory authorities or bodies shall coordinate with each other as necessary and appoint a joint representative which shall exercise the right to vote.  Text Origin: Commission Proposal
Article 10(4)				
150	4. The Board shall be represented by its Chair. The Board shall elect a Chair from amongst its members by a two-thirds majority of its members with voting rights. The term of office of the Chair shall be two years.	4. The Board shall be represented by its Chair. The Board shall <del>elect</del> <u>have a Steering Group. The Steering Group shall consist of members elected from among the members of the Board. The Steering Group shall consist of</u> a Chair, <u>a Vice-Chair, the outgoing Chair and two other members. The Chair and the other members of the Steering Group shall be elected</u> from amongst its members by a two-thirds majority of its members with voting rights. The term of office of the Chair shall be two years.	4. The Board shall be represented by its Chair. The Board shall elect a Chair <b>and Vice-Chair</b> from amongst its members <del>by a two-thirds majority of its members with voting rights.</del> The term of office of the Chair shall be <del>two years</del> <b>one year, renewable once.</b>	4. The Board shall be represented by its Chair. The Board shall elect a Chair <u>and Vice-Chair</u> from amongst its members. <u>The term of office of the Chair shall be one year, renewable once. The Board may set up a Steering Group</u> <del>by a two-thirds majority of its members with voting rights. The term of office of the Chair shall be two years.</del>
Article 10(5)				
151	5. The Commission shall designate a representative to the Board. The	5. The Commission shall designate a representative to the Board. The	5. The Commission shall designate a representative to the Board. The	5. The Commission shall designate a representative to the Board. The

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	representative of the Commission shall participate in all activities and meetings of the Board, without voting rights. The Chair of the Board shall keep the Commission informed about the ongoing and planned activities of the Board. The Board shall consult the Commission in preparation of its work programme and main deliverables.	representative of the Commission <del>shall</del> <u>may</u> participate in <del>all</del> activities and meetings of the Board, without voting rights. The Chair of the Board shall keep the Commission <u>and the European Parliament</u> informed about the ongoing and planned activities of the Board. <del>The Board shall consult the Commission in preparation of</del> <u>and, in particular, on</u> its work programme and main deliverables.	representative of the Commission shall participate in <del>all activities and meetings</del> <u>the deliberations</u> of the Board, without voting rights. The Chair of the Board shall keep the Commission informed about the <del>ongoing and planned</del> activities of the Board. The Board shall consult the Commission in preparation of its work programme and main deliverables.	representative of the Commission shall participate in <del>all activities and meetings</del> <u>the deliberations</u> of the Board, without voting rights. The Chair of the Board shall keep the Commission informed about the <del>ongoing and planned</del> activities of the Board. <del>The Board shall consult the Commission in preparation of its work programme and main deliverables.</del>  [Comment: mention to the European Parliament in Article 12]
Article 10(6)				
152	6. The Board, in agreement with the Commission, may invite experts and observers to attend its meetings.	6. The Board <u>may invite experts and, with the</u> <del>in</del> agreement <del>withof</del> the Commission, <del>may invite experts and observers to attend its meetings</del> <u>observers to attend its meetings or to participate, on an ad hoc basis, in its work.</u>	6. The Board <b>may invite experts and</b> , in agreement with the Commission, <del>may invite experts and</del> <b>permanent</b> observers to attend its meetings.	6. The Board <u>may invite experts and</u> , in agreement with the Commission, <del>may invite experts and</del> <u>permanent</u> observers to attend its meetings.
Article 10(7)				
153	7. The Board shall take decisions by a two-thirds majority of its members with voting rights.	7. The Board shall take decisions by a two-thirds majority of its members with voting rights.	<i>deleted</i>	7. <del>The Board shall take decisions by a two-thirds majority of its members with voting rights.</del> <u>deleted</u>
Article 10(8)				
154				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights, in agreement with the Commission.	8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights. <u>Prior to the adoption of its rules of procedure, the Board shall give the Commission an opportunity to provide comments. The Board shall lay down, in its rules of procedure, the practical arrangements for the prevention and management of conflict of interests and shall inform the European Parliament of the rules of procedures it adopts or any substantial changes it makes to them.</u> <del>in agreement with the Commission.</del>	8. The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights, in agreement, <b>in consultation</b> with the Commission.	8. The Board shall adopt its rules of procedure, <u>in consultation with the Commission. Those rules of procedure shall include the practical arrangements for the prevention and management of conflict of interests of the Members of the Board</u> <del>by a two-thirds majority of its members with voting rights, in agreement with the Commission.</del>  [Comment: European Parliament to be added in a specific paragraph/Article with a broader coverage; suggestion - Article 12]
Article 11				
155	Article 11 Secretariat of the Board	Article 11 Secretariat of the Board	Article 11 Secretariat of the Board	Article 11 Secretariat of the Board  Text Origin: Commission Proposal
Article 11(1)				
156	1. The Board shall have a secretariat, which shall be provided by the Commission.	1. The Board shall <del>have a</del> <u>be assisted by a separate and independent</u> secretariat, <del>which. The secretariat shall be provided by the Commission</del> <u>take instructions only from the Board.</u>	1. The Board shall have a secretariat, which shall be provided by the Commission <b>and be adequately resourced.</b>	1. The Board shall <u>be assisted by</u> <del>have</del> a secretariat, which shall be provided by the Commission, <u>taking into account the needs indicated by the Board. The secretariat shall be adequately resourced for the performance of its tasks.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 11(2)				
157	2. The main task of the secretariat shall be to contribute to the execution of the tasks of the Board laid down in this Regulation and in Directive 2010/13/EU.	2. The main task of the secretariat shall be to contribute to the execution of the tasks of the Board laid down in this Regulation and in Directive 2010/13/EU.	2. The main task of the secretariat shall be to contribute to the <b>independent</b> execution of the tasks of the Board laid down in this Regulation and in Directive 2010/13/EU. <b>In particular, it shall provide administrative and organisational support to the activities of the Board.</b>	2. The main task of the secretariat shall be to contribute to the <b><u>independent</u></b> execution of the tasks of the Board laid down in this Regulation and in Directive 2010/13/EU. <b><u>The secretariat shall act on the sole instructions of the Board regarding its tasks under this Regulation and under Directive 2010/13/EU.</u></b>
Article 11(3)				
158	3. The secretariat shall provide administrative and organisational support to the activities of the Board. The secretariat shall also assist the Board in carrying out its tasks.	3. The secretariat shall provide administrative and organisational support to the activities of the Board. The secretariat shall also assist the Board <b><u>substantively</u></b> in carrying out its tasks.	3. The secretariat shall <del>provide administrative and organisational support to the activities of the Board.</del> <b>coordinate closely with the Board and its Chair. When assisting the Board with drawing up its deliverables, the secretariat shall also assist the Board in carrying out its tasks</b> <b>act on the instructions of the Board and its Chair as regards their content.</b>	3. The secretariat shall provide administrative and organisational support to the activities of the Board. The secretariat shall also assist the Board <b><u>substantively</u></b> in carrying out its tasks.  [Comment: A recital related to the cooperation with the Board before the secretariat staff is hired will be prepared; A review clause to specifically evaluate how Article 11 is working will be drafted. Such evaluation should take place after XX years of implementation.]
Article 11a				



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
6	158a	<u><a href="#">Article 11a</a></u> <u><a href="#">Expert Group to the Board</a></u>		<u><a href="#">Article 11a</a></u> <u><a href="#">Consultation mechanism</a></u>
Article 11a, first paragraph				
6	158b	<u><a href="#">An Expert Group shall be established. The Expert Group shall consist of representatives from the media sector beyond the audiovisual media sector. The representatives of the Expert Groups shall be appointed in a transparent, objective and non-discriminatory manner.</a></u>		<p><u><a href="#">(1) Where the Board considers matters beyond the audiovisual media sector, it shall consult representatives from the relevant media sectors operating at national or Union level.</a></u></p> <p><u><a href="#">(2) The Board shall, in its rules of procedures, set out the arrangements to conduct the consultation referred to in paragraph 1. Such consultation shall ensure the possibility to involve several representatives, as appropriate.</a></u></p> <p><u><a href="#">(3) Where possible, the Board shall make publicly available the results of the consultation.</a></u></p> <p>[Comment: in a Recital to clarify that this mechanism is in addition to the possibility for the Board to consult other types of stakeholders and this is a permanent but a flexible mechanism]</p>
Article 11a, second paragraph				
6	158c			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>The Expert Group shall be composed of one or more representatives from the media sectors of each Member State, from European associations or from European organisations with expertise on media beyond the audiovisual media sector or one or more natural persons with expertise on media beyond the audiovisual media sector. Details on the full composition of the Expert Group shall be laid down in the Board's rules of procedure.</i></u>		[Comment: No change]
Article 11a, third paragraph				
6	158d	<u><i>The Expert Group shall provide independent expertise, assistance and advice to the Board in carrying out its tasks on issues related to media freedom and pluralism.</i></u>		[Comment: No change]
Article 11a, fourth paragraph				
6	158e	<u><i>The Expert Group may draft a recommendation, on its own initiative or on a request by the Board, Commission or the European Parliament, regarding the Board's work programme and the effective and consistent application of Chapter 3 of this Regulation. The Expert Group</i></u>		[Comment: No change]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>shall make such recommendations publicly available.</i>		
Article 11a, fifth paragraph				
6	158f	<i>Where the Board deals with a matter beyond the audiovisual media sector or relating to the press, it shall consult the Expert Group.</i>		[Comment: No change]
Article 12				
6	159	Article 12 Tasks of the Board	Article 12 Tasks of the Board	Article 12 Tasks of the Board  Text Origin: Commission Proposal
Article 12, first paragraph				
6	160	Without prejudice to the powers granted to the Commission by the Treaties, the Board shall promote the effective and consistent application of this Regulation and of national rules implementing Directive 2010/13/EU throughout the Union. The Board shall:	<del>Without prejudice to the powers granted to the Commission by the Treaties.</del> The Board shall promote the effective and consistent application of this Regulation and of national rules implementing Directive 2010/13/EU throughout the Union. The Board shall:	Without prejudice to the powers granted to the Commission by the Treaties, the Board shall <b>advise and support the Commission on matters related to media services within its competence as well as</b> promote the effective and consistent application of <b>Chapter III of</b> this Regulation and <del>of national rules implementing</del> <b>the implementation of</b> Directive 2010/13/EU throughout the Union. The Board shall <b>therefore:</b>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12, first paragraph, point (a)				
161	(a) support the Commission, through technical expertise, in ensuring the correct application of this Regulation and the consistent implementation of Directive 2010/13/EU across all Member States, without prejudice to the tasks of national regulatory authorities or bodies;	(a) support the Commission, through <del>technical</del> <sup>its</sup> expertise, in ensuring the correct application of this Regulation and the consistent implementation of Directive 2010/13/EU across all Member States, without prejudice to the tasks of national regulatory authorities or bodies;	(a) <del>support</del> <sup>provide technical expertise to</sup> the Commission, through technical expertise, in ensuring the correct <del>in its task to</del> <sup>ensure the consistent</sup> application of <b>Chapter III</b> of this Regulation and the consistent implementation of Directive 2010/13/EU across all Member States, without prejudice to the tasks of national regulatory authorities or bodies;	(a) <del>support</del> <sup>provide technical expertise to</sup> the Commission, through <del>technical expertise, in ensuring the correct</del> <sup>in its task to</sup> ensure the consistent application of <b>Chapter III of</b> this Regulation and the consistent implementation of Directive 2010/13/EU across all Member States, without prejudice to the tasks of national regulatory authorities or bodies;
Article 12, first paragraph, point (b)				
162	(b) promote cooperation and the effective exchange of information, experience and best practices between the national regulatory authorities or bodies on the application of the Union and national rules applicable to media services, including this Regulation and Directive 2010/13/EU, in particular as regards Articles 3, 4 and 7 of that Directive;	(b) promote cooperation and the effective exchange of information, experience and best practices between the national regulatory authorities or bodies on the application of the Union and national rules applicable to media services, including this Regulation and Directive 2010/13/EU, in particular as regards Articles 3, 4 and 7 of that Directive;	(b) promote cooperation and the effective exchange of information, experience and best practices between the national regulatory authorities or bodies on the application of the Union and national rules applicable to media services, including this Regulation and Directive 2010/13/EU, in particular as regards Articles 3, 4 and 7 of that Directive;	(b) promote cooperation and the effective exchange of information, experience and best practices between the national regulatory authorities or bodies on the application of the Union and national rules applicable to media services, including this Regulation and Directive 2010/13/EU, in particular as regards Articles 3, 4 and 7 of that Directive;  Text Origin: Commission Proposal
Article 12, first paragraph, point (c)				
163				

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	(c) advise the Commission, where requested by it, on regulatory, technical or practical aspects pertinent to the consistent application of this Regulation and implementation of Directive 2010/13/EU as well as all on other matters related to media services within its competence. Where the Commission requests advice or opinions from the Board, it may indicate a time limit, taking into account the urgency of the matter;	(c) advise the Commission, <u>on its own initiative or</u> where requested by it, on regulatory, technical or practical aspects pertinent to the consistent application of this Regulation and implementation of Directive 2010/13/EU as well as all on other matters related to media services within its competence. Where the Commission requests advice or opinions from the Board, it may indicate a time limit, taking into account the urgency of the matter, <u>by which the Board is to respond to the Commission's request</u> ;	deleted	[Comment: (sub-paragraph (c) has been deleted, and its content has been inserted in paragraph 1.)]
Article 12, first paragraph, point (d)				
164	(d) when requested by the Commission, provide opinions on the technical and factual issues that arise with regard to Article 2(5c), Article 3(2) and (3), Article 4(4), point (c) and Article 28a(7) of Directive 2010/13/EU;	(d) <del>when requested by</del> <u>on its own initiative or upon request of</u> the Commission, provide opinions on the technical and factual issues that arise with regard to Article 2(5c), Article 3(2) and (3), Article 4(4), point (c) and Article 28a(7) of Directive 2010/13/EU;	(d) when requested by the Commission, provide opinions on the technical and factual issues that arise with regard to Article 2(5c), Article 3(2) and (3), Article 4(4), point (c) and Article 28a(7) of Directive 2010/13/EU;	(d) when requested by the Commission, provide opinions on the technical and factual issues that arise with regard to Article 2(5c), Article 3(2) and (3), Article 4(4), point (c) and Article 28a(7) of Directive 2010/13/EU;
Article 12, first paragraph, point (e)				
165	(e) in agreement with the Commission, draw up opinions with respect to:	(e) <del>in agreement with the Commission,</del> draw up opinions with respect to:	(e) in <del>agreement</del> <b>consultation</b> with the Commission, draw up opinions with respect to:	(e) in <del>agreement</del> <b>consultation</b> with the Commission, draw up opinions with respect to:
Article 12, first paragraph, point (e)(i)				

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166	(i) requests for cooperation and mutual assistance between national regulatory authorities or bodies, in accordance with Article 13(7) of this Regulation;	(i) requests for cooperation and mutual assistance between national regulatory authorities or bodies, in accordance with Article 13(7) of this Regulation;	(i) requests for cooperation and <del>mutual assistance</del> between national regulatory authorities or bodies, in accordance with Article 13(7) of this Regulation;	(i) requests for cooperation <del>and mutual assistance</del> between national regulatory authorities or bodies, in accordance with Article 13(7) of this Regulation;
Article 12, first paragraph, point (e)(ii)				
167	(ii) requests for enforcement measures in case of disagreement between the requesting authority or body and the requested authority or body regarding the actions recommended pursuant to Article 14(4) of this Regulation;	(ii) requests for enforcement measures in case of disagreement between the requesting authority or body and the requested authority or body regarding the actions recommended pursuant to Article 14(4) of this Regulation;	(ii) requests for enforcement measures in case of disagreement between the requesting authority or body and the requested authority or body, <b>including recommended</b> regarding the actions recommended, pursuant to Article 14(4) of this Regulation;	(ii) requests for enforcement measures in case of disagreement between the requesting authority or body and the requested authority or body, <b>including recommended</b> regarding the actions <del>recommended</del> , pursuant to Article 14(4) of this Regulation;
Article 12, first paragraph, point (e)(iii)				
168	(iii) national measures concerning media service providers established outside of the Union, in accordance with Article 16(2) of this Regulation;	(iii) national measures concerning media service providers established outside of the Union, in accordance with Article 16(2) of this Regulation;	(iii) national measures concerning media <del>service providers</del> established <b>services from</b> outside of the Union, in accordance with Article 16(2) of this Regulation;	(iii) national measures concerning media <del>service providers</del> established <b>services from</b> outside of the Union, in accordance with Article 16(2) of this Regulation;
Article 12, first paragraph, point (ea)(f)				
169	(f) upon request of the Commission, draw up opinions with respect to:	(f) <b>on its own initiative or</b> upon request of the Commission, draw up opinions with respect to:	(f) upon request of the Commission, draw up opinions with respect to: <b>media market concentrations which are likely to affect the functioning of the internal market for media</b>	(f) <b>on its own initiative or</b> upon request of the Commission, <b>or upon a duly justified and reasoned request of a media service provider that is individually and directly</b>

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			services, in accordance with Article 22(1) of this Regulation;	<u>affected</u> , draw up opinions with respect to:
Article 12, first paragraph, point (ea)(f)(i)				
170	(i) national measures which are likely to affect the functioning of the internal market for media services, in accordance with Article 20(4) of this Regulation;	(i) national measures which are likely to affect the functioning of the internal market for media services <u>or which have an impact on media pluralism or the editorial independence of media service providers</u> , in accordance with Article 20(4) of this Regulation;	<i>deleted</i>	(i) <u>national regulatory or administrative</u> measures which are likely to <u>significantly</u> affect the <u>functioning of operation of media service providers in</u> the internal market for media services, in accordance with Article 20(4) of this Regulation;
Article 12, first paragraph, point (ea)(f)(ia)				
170a		<u>(ia) factors to be taken into account when applying the criteria for assessing the impact of media market concentrations, in accordance with Article 21(3) of this Regulation;</u>		[Comment: No Change (alignment)]
Article 12, first paragraph, point (ea)(f)(ii)				
171	(ii) media market concentrations which are likely to affect the functioning of the internal market for media services, in accordance with Article 22(1) of this Regulation;	(ii) media market concentrations which are likely to affect the functioning of the internal market for media services <u>or which have an impact on media pluralism or the editorial independence of media service providers</u> , in accordance with Article 22(1) of this Regulation;	<i>deleted</i>	(ii) <u>(ii) to be moved to a new 12(1)(ga):</u>  <u>on its own initiative or upon request of the Commission, draw up opinions with respect to</u> media market concentrations which are likely to affect the functioning of the internal market for media

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				services, in accordance with Article 22(1) of this Regulation;
Article 12(1), point (fa)				
171a		<u>(fa) establish and maintain the European Database of Media Ownership, which collects information provided by national regulatory authorities and bodies under Article 6;</u>		[Comment: No change]
Article 12, first paragraph, point (g)				
172	(g) draw up opinions on draft national opinions or decisions assessing the impact on media pluralism and editorial independence of a notifiable media market concentration where such a concentration may affect the functioning of the internal market, in accordance with Article 21(5) of this Regulation;	(g) draw up opinions on draft national opinions or decisions assessing <del>the impact on media pluralism and editorial independence of</del> a notifiable media market concentration <del>where such a concentration may affect the functioning of the internal market,</del> in accordance with Article 21(5) of this Regulation;	(g) draw up opinions on <del>draft national opinions or decisions assessing the impact on media pluralism and editorial independence of a notifiable media market concentration where such a concentration may affect the functioning of the internal market,</del> in accordance with Article 21(5) of this Regulation;	(g) draw up opinions on draft <del>national opinions or decisions assessing the impact on media pluralism and editorial independence of a notifiable media market concentration where such a concentration may affect the functioning of the internal market,</del> <u>assessments or draft opinions of national regulatory authorities or bodies</u> in accordance with Article 21(5) of this Regulation;
Article 12, first paragraph, point (g)(i)				
172a			<b>(i) national measures which are likely to significantly and adversely affect the operation of media service providers in the internal market, in accordance</b>	[Comment: alignment - above]



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			with Article 20(4) of this Regulation;	
Article 12, first paragraph, point (g)(ii)				
6	172b		(ii) draft national assessments or draft opinions on the impact on media pluralism and editorial independence of a notifiable media market concentration where such a concentration is likely to affect the functioning of the internal market, in accordance with Article 21(5) of this Regulation;	[Comment: alignment - above]
Article 12, first paragraph, point (h)				
6	173	(h) assist the Commission in drawing up guidelines with respect to:	(h) assist the Commission in drawing up guidelines with respect to:	(h) assist the Commission in drawing up guidelines with respect to:  Text Origin: Commission Proposal
Article 12, first paragraph, point (h)(i)				
6	174	(i) the application of this Regulation and of the national rules implementing Directive 2010/13, in accordance with Article 15(2) of this Regulation.	(i) the application of this Regulation and of the national rules implementing the implementation of Directive 2010/13, in accordance with Article 15(2) of this Regulation.	(i) the application of this Regulation and of the national rules implementing the implementation of Directive <del>2010/13</del> 2010/13/EU, in accordance with Article 15(2) of this Regulation.

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Article 12, first paragraph, point (h)(ii)				
175	(ii) factors to be taken into account when applying the criteria for assessing the impact of media market concentrations, in accordance with Article 21(3) of this Regulation;	(ii) factors to be taken into account when applying the criteria for assessing the impact of media market concentrations; <u>on media pluralism and editorial independence</u> in accordance with Article 21(3) of this Regulation;	(ii) <del>factors</del> <b>elements</b> to be taken into account when applying the criteria for assessing the impact of media market concentrations, in accordance with Article 21(3) of this Regulation;	(ii) <del>factors to be taken into account when applying the criteria for assessing the impact of media market concentrations</del> <b>elements referred to in Article 21(2), point (a) to (c)</b> , in accordance with Article 21(3) of this Regulation;
Article 12, first paragraph, point (h)(iii)				
176	(iii) the application of Articles 23(1), (2) and (3) pursuant to Article 23(4) of this Regulation.	(iii) the application of Articles 23(1), (2) and (3) pursuant to Article 23(4) of this Regulation.	(iii) the application of Articles 23(1), (2) and (3) pursuant to Article 23(4) of this Regulation.	(iii) the application of Articles 23(1), (2) and (3) pursuant to Article 23(4) of this Regulation.  Text Origin: Commission Proposal
Article 12, first paragraph, point (i)				
177	(i) upon request of at least one of the concerned authorities, mediate in the case of disagreements between national regulatory authorities or bodies, in accordance with Article 14(3) of this Regulation;	(i) upon request of at least one of the concerned authorities <u>or bodies</u> , mediate in the case of disagreements between national regulatory authorities or bodies, in accordance with Article 14(3) of this Regulation;	(i) upon request of at least one of the concerned authorities, mediate in the case of disagreements between national regulatory authorities or bodies, in accordance with Article 14(3) of this Regulation;	(i) upon request of at least one of the concerned authorities <u>or bodies</u> , mediate in the case of disagreements between national regulatory authorities or bodies, in accordance with Article 14(3) of this Regulation;
Article 12, first paragraph, point (j)				
178	(j) foster cooperation on technical standards related to digital signals and the design of devices or user	(j) foster cooperation on <del>technical</del> <u>harmonised European</u> standards related to digital signals	(j) foster cooperation on <del>technical</del> <b>harmonised</b> standards related to <del>digital signals and the</del>	(j) foster cooperation on <del>technical</del> <u>harmonised</u> standards related to <del>digital signals and the</del>

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	interfaces, in accordance with Article 15(4) of this Regulation;	and the design of devices or user interfaces, in accordance with Article 15(4) of this Regulation;	design of devices or user interfaces, in accordance with Article <del>15(4)</del> <b>19(4)</b> of this Regulation;	design of devices or user interfaces, in accordance with Article <del>15(4)</del> <b>19(4a)</b> of this Regulation;
Article 12, first paragraph, point (k)				
179	(k) coordinate national measures related to the dissemination of or access to content of media service providers established outside of the Union that target audiences in the Union, where their activities prejudice or present a serious and grave risk of prejudice to public security and defence, in accordance with Article 16(1) of this Regulation;	(k) coordinate national measures related to the dissemination of or access to content of media service providers established outside of the Union that target <del>audiences</del> <b>recipients</b> in the Union, <del>where their activities prejudice or present a serious and grave risk of prejudice to public security and defence</del> , in accordance with Article 16(1) of this Regulation;	(k) coordinate national measures related to the dissemination of or access to content of media <del>service providers established</del> <b>services from</b> outside of the Union that target <del>or reach</del> audiences in the Union, where <del>their activities</del> <b>such media services</b> prejudice or present a serious and grave risk of prejudice to public security <del>and defence</del> , [...] in accordance with Article 16(1) of <b>this Regulation and in consultation with the Commission draw up a list of criteria in accordance with 16(3) of this Regulation;</b>	(k) coordinate <b>relevant measures by the national measures regulatory authorities or bodies concerned</b> related to the dissemination of or access to content of media <del>service providers established</del> <b>services from</b> outside of the Union that target <del>or reach</del> audiences in the Union, where <del>their activities</del> <b>such media services</b> prejudice or present a serious and grave risk of prejudice to public security <del>and defence</del> , in accordance with Article 16(1) <b>of this Regulation and, in consultation with the Commission, develop a set of criteria in accordance with 16(2b) of this Regulation;</b>
Article 12, first paragraph, point (l)				
180	(l) organise a structured dialogue between providers of very large online platforms, representatives of media service providers and of civil society, and report on its results to the Commission, in accordance with Article 18 of this Regulation;	(l) organise, <b>with the involvement of the Expert Group</b> , a structured dialogue between providers of very large online platforms, <b>providers of very large online search engines and</b> representatives of media service providers and of civil society <b>and other relevant</b>	(l) organise a structured dialogue between providers of very large online platforms, representatives of media service providers and of civil society, and report on its results to the Commission, in accordance with Article 18 of this Regulation;	(l) organise a structured dialogue between providers of very large online platforms, representatives of media service providers and of civil society, and report on its results to the Commission, in accordance with Article 18 of this Regulation;

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		<u>stakeholders</u> , and report on its results to the Commission <u>and to the European Parliament</u> , in accordance with Article 18 of this Regulation;		[Comment: aligned with Article 18]
Article 12, first paragraph, point (m)				
6	181	(m) foster the exchange of best practices related to the deployment of audience measurement systems, in accordance with Article 23(5) of this Regulation.	(m) foster the exchange of best practices related to the deployment of audience measurement systems, in accordance with Article 23(5) of this Regulation.	(m) foster the exchange of best practices related to the deployment of audience measurement systems, in accordance with Article 23(5) of this Regulation.  Text Origin: Commission Proposal
Article 12, first paragraph, point (ma)				
6	181a		<u>(ma) develop, in consultation with media service providers and other relevant stakeholders, guidelines and recommendations on the criteria and methodology for the distribution of public funds for State advertising and purchases in accordance with Article 24;</u>	[Comment: No change as a consequence of the outcome on Article 24]
Article 12, first paragraph, point (mb)				
6	181b		<u>(mb) support the Commission in carrying out the monitoring exercised referred to in Article 25;</u>	[Comment: No change as aligned with corresponding Article]

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Article 12, first paragraph, point (mc)				
181c		<u>(mc) foster the development and use of effective measures and tools to strengthen media literacy, including the development of best practices for national authorities and bodies, media service providers, online platforms and online search engines;</u>		<u>(mc) Exchange experiences and best practices on media literacy, including to foster the development and use of effective measures and tools to strengthen media literacy;</u>
Article 12, first paragraph, point (md)				
181d		<u>(md) prepare a detailed annual report and follow-up of its activities and tasks set out in this paragraph and present it to the European Parliament.</u>		<u>(md) draw up a detailed annual report on its activities and tasks, which shall be made publicly available; the Chair shall present the report to the European Parliament when invited to do so;</u>
Article 12, first paragraph a				
181e		<u>(1a) In so far as necessary to achieve the objectives set out in this Regulation and to carry out its tasks, the Board may, without prejudice to the competences of the Member States and the Union institutions, in coordination with the Commission, cooperate with competent Union bodies, offices, agencies and advisory bodies, competent authorities in third countries and international organisations. To that end, the</u>		[Comment: No change]

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		<u>Board may, subject to prior approval by the Commission, establish working arrangements.</u>		
Article 12, third paragraph				
6	181f		2. Where the Commission requests advice or opinions from the Board, it may indicate a time limit, unless otherwise provided for in Union law, taking into account the urgency of the matter.	<u>Where the Commission requests advice or opinions from the Board, it may indicate a time limit, unless otherwise provided for in Union law, taking into account the urgency of the matter.</u>
Article 12, fourth paragraph				
6	181g		The Board shall forward its deliverables to the contact committee established by Article 29 of Directive 2010/13/EU.	<u>The Board shall forward its deliverables to the contact committee established by Article 29 of Directive 2010/13/EU.</u>
Section 3				
6	182	Section 3 Regulatory cooperation and convergence	Section 3 Regulatory cooperation and convergence	Section 3 Regulatory cooperation and convergence  Text Origin: Commission Proposal
Article 13				
6	183	Article 13 Structured cooperation	Article 13 Structured cooperation	Article 13 Structured cooperation

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				Text Origin: Commission Proposal
Article 13(1)				
184	1. A national regulatory authority or body may request ('requesting authority') cooperation or mutual assistance at any time from one or more national regulatory authorities or bodies ('requested authorities') for the purposes of exchange of information or taking measures relevant for the consistent and effective application of this Regulation or the national measures implementing Directive 2010/13/EU.	1. A national regulatory authority or body may request ('requesting authority') cooperation, <u>including the exchange of information and</u> <del>or mutual assistance,</del> at any time from one or more national regulatory authorities or bodies ('requested authorities') for the <del>purposes of exchange of information or taking measures relevant for the consistent and</del> effective application of this Regulation or the national measures implementing Directive 2010/13/EU.	1. A national regulatory authority or body <del>may request</del> ('requesting authority') <del>cooperation or mutual assistance</del> <b>may request cooperation</b> at any time from one or more national regulatory authorities or bodies ('requested authorities') for the purposes of exchange of information or <del>taking measures</del> <b>mutual assistance</b> relevant for the consistent and effective application of <b>Chapter III</b> of this Regulation or the <del>national measures</del> <b>implementing implementation of</b> Directive 2010/13/EU.	1. A national regulatory authority or body <del>may request</del> ('requesting authority') <b>may request</b> cooperation, <u>including the exchange of information</u> or mutual assistance, at any time from one or more national regulatory authorities or bodies ('requested authorities') for the <del>purposes of exchange of information or taking measures relevant for the consistent and</del> effective application <u>of Chapter III</u> of this Regulation or the <del>national measures</del> <b>implementing implementation of</b> Directive 2010/13/EU.
Article 13(2)				
185	2. Where a national regulatory authority or body considers that there is a serious and grave risk of prejudice to the functioning of the internal market for media services or a serious and grave risk of prejudice to public security and defence, it may request other national regulatory authorities or bodies to provide accelerated	2. Where a national regulatory authority or body considers that <del>there is a serious and grave risk of prejudice to the functioning of the internal market for media services</del> <del>or</del> <u>media content constitutes a public provocation to commit a terrorist offence as set out in Article 5 of Directive (EU) 2017/541 or presents</u> a serious and	<i>deleted</i>	2. <del>Where a national regulatory authority or body considers that there is a serious and grave risk of prejudice to the functioning of the internal market for media services or a serious and grave risk of prejudice to public security and defence, it may request other national regulatory authorities or bodies to provide accelerated</del>

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	cooperation or mutual assistance, while ensuring compliance with fundamental rights, in particular freedom of expression.	grave risk of prejudice to public <u>security and to the safeguarding of national</u> security and defence, it may request other national regulatory authorities or bodies to provide accelerated cooperation or mutual assistance, while ensuring compliance with fundamental rights, in particular freedom of expression.		<del>cooperation or mutual assistance, while ensuring compliance with fundamental rights, in particular freedom of expression.</del> <u>(para 2 to be moved to new para 8)</u>
Article 13(3)				
186	3. Requests for cooperation or mutual assistance, including accelerated cooperation or mutual assistance, shall contain all the necessary information, including the purpose of and reasons for it.	3. Requests for cooperation, <u>such as the exchange of information</u> <del>and or mutual assistance, including accelerated cooperation or</del> mutual assistance, shall contain all the necessary information <u>related to the request</u> , including the purpose of and reasons for it.	3. Requests for cooperation <del>or mutual assistance, including</del> accelerated cooperation or mutual assistance, shall contain all the necessary information, including the purpose of and reasons for it.	3. Requests for cooperation <del>or mutual assistance, including accelerated cooperation or mutual assistance,</del> shall contain all the necessary information <u>related to the request</u> , including the purpose of and reasons for it.
Article 13(4), first subparagraph				
187	4. The requested authority may refuse to address the request only in the following cases:	4. The requested authority may refuse to address the request only in the following cases:	4. The requested authority may refuse to address the request only in the following cases:	4. The requested authority may refuse to address the request only in the following cases:  Text Origin: Commission Proposal
Article 13(4), first subparagraph, point (a)				
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	(a) it is not competent for the subject matter of the request or for the measures it is requested to take;	(a) it is not competent for the subject matter of the request or for the measures it is requested to take;	(a) it is not competent for the subject matter of the request or <del>for the measures it is</del> <b>to provide the type of cooperation</b> requested <del>to take;</del>	(a) it is not competent for the subject matter of the request or <del>for the measures it is</del> <b>to provide the type of cooperation</b> requested; <del>to take;</del>
Article 13(4), first subparagraph, point (b)				
189	(b) execution of the request would infringe this Regulation, Directive 2010/13/EU or other Union legislation or Member State law compliant with Union law to which the requested authority is subject.	(b) execution of the request would infringe this Regulation, Directive 2010/13/EU or other Union legislation or Member State law compliant with Union law to which the requested authority is subject.	(b) execution of the request would infringe this Regulation, Directive 2010/13/EU or other Union legislation or <del>Member State</del> <b>national</b> law compliant with Union law to which the requested authority is subject.	(b) execution of the request would infringe this Regulation, Directive 2010/13/EU or other Union legislation or <del>Member State</del> <b>national</b> law compliant with Union law to which the requested authority is subject.  Text Origin: Council Mandate
Article 13(4), first subparagraph, point (ba)				
189a		<u><i>(ba) the request was not duly justified.</i></u>		merged with point c below
Article 13(4), first subparagraph, point (bb)				
189b			<b>(c) the scope or the subject matter of the request is unjustified or disproportionate.</b>	<u><i>(c) the scope or the subject matter of the request is not duly justified or is disproportionate.</i></u>
Article 13(4), second subparagraph				
190		The requested authority shall provide reasons for any refusal to	The requested authority shall, <b>without undue delay</b> , provide	The requested authority shall, <b><u>without undue delay</u></b> , provide

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	The requested authority shall provide reasons for any refusal to address a request.	address a request. <u>Where the requested authority refuses to address a request under the first subparagraph, point (a), it shall, where possible, indicate the authority that is competent for the subject matter of the request or for the measures it was requested to take.</u>	reasons for any refusal to address a request. <b>In cases under point (a) of the first subparagraph, it shall, where possible, indicate the competent authority.</b>	reasons for any refusal to address a request. <u>In cases under point (a) of the first subparagraph, it shall, where possible, indicate the competent authority.</u>
Article 13(5)				
191	5. The requested authority shall inform the requesting authority of the results achieved or of the progress of the measures taken in response to the request.	5. The requested authority shall inform the requesting authority <u>without undue delay</u> of the results achieved or of the progress of the measures taken in response to the request.	<i>deleted</i>	5. <i>The requested authority shall inform the requesting authority of the results achieved or of the progress of the measures taken in response to the request.</i>
Article 13(6)				
192	6. The requested authority shall do its utmost to address and reply to the request without undue delay. The requested authority shall provide intermediary results within the period of 14 calendar days from the receipt of the request, with subsequent regular updates on the progress of execution of the request. In case of requests for accelerated cooperation or mutual assistance, the requested authority shall address and reply to the request within 14 calendar days.	6. The requested authority shall do its utmost to address and reply to the request without undue delay. <u>Further details on the procedure of the structured cooperation, including the rights and obligations of the parties, the deadlines to be respected and intermediary results, shall be set out in the Board's rules of procedure</u> <i>The requested authority shall provide intermediary results within the period of 14 calendar days from the receipt of the request,</i>	6. The requested authority shall do its utmost to address and reply to the request without undue delay. The requested authority shall provide intermediary results within the period of 14 calendar days from the receipt of the request, with subsequent <b>and, where possible, provide</b> regular updates on the progress of execution of the request. In case of requests for accelerated cooperation or mutual assistance, the requested authority shall address	6. The requested authority shall do its utmost to address and reply to the request without undue delay. <i>The requested authority shall and provide intermediary results within the period of 14 calendar days from the receipt of the request, with subsequent</i> regular updates on the progress of <u>the</u> execution of the request. <i>In case of requests for accelerated cooperation or mutual assistance, the requested authority shall address and reply to the request within 14 calendar days.</i>

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		<p><i>with subsequent regular updates on the progress of execution of the request.</i> In case of requests for accelerated cooperation or mutual assistance, the requested authority shall address and reply to the request within 14 calendar days.</p>	<p>and reply to the execution of the request within 14 calendar days.</p>	
Article 13(7)				
193	<p>7. Where the requesting authority does not consider the measures taken by the requested authority to be sufficient to address and reply to its request, it shall inform the requested authority without undue delay, explaining the reasons for its position. If the requested authority does not agree with that position, or if the requested authority's reaction is missing, either authority may refer the matter to the Board. Within 14 calendar days from the receipt of that referral, the Board shall issue, in agreement with the Commission, an opinion on the matter, including recommended actions. The requested authority shall do its utmost to take into account the opinion of the Board.</p>	<p>7. Where the requesting authority does not consider the measures taken by the requested authority to be sufficient to address and reply to its request, it shall inform the requested authority without undue delay, explaining the reasons for its position. If the requested authority does not agree with that position, or if the requested authority's reaction is missing, either authority may refer the matter to the Board. <u>Following receipt of such a referral and</u> within <u>14 calendar days from the receipt of that referral a time period to be specified in the Board's rules of procedure,</u> the Board shall issue, in <u>agreement consultation</u> with the Commission <u>where the Board deems it relevant,</u> an opinion on the matter, including recommended actions. The requested authority shall do its utmost to take into account the opinion of the Board.</p>	<p>7. Where the requesting authority <del>does not consider the measures taken by</del> <b>considers that</b> the requested authority <del>to be sufficient to address and reply</del> <b>has not sufficiently addressed or replied</b> to its request, it shall inform the requested authority without undue delay, explaining the reasons for its position. If the <del>requested</del> <b>requesting</b> authority <del>does not agree with that position, or if the requested authority's reaction is missing</del> <b>and the requested authority do not come to an agreement,</b> either authority may refer the matter to the Board. Within 14 calendar days from the receipt of that referral <b>In accordance with timelines to be established by the Board in its rules of procedure,</b> the Board shall issue, in <del>agreement</del> <b>consultation</b> with the Commission, an opinion on the matter, including recommended actions. The <del>requested authority</del> <b>authorities concerned</b></p>	<p>7. Where the requesting authority <del>does not consider the measures taken by</del> <b>considers</b> <u>that</u> the requested authority <del>to be sufficient to address and reply</del> <b>has not sufficiently addressed or replied</b> to its request, it shall inform the requested authority without undue delay, explaining the reasons for its position. If the <u>requesting authority and the</u> requested authority <del>does not agree with that position, or if the requested authority's reaction is missing</del> <b>do not come to an agreement concerning the request,</b> either authority may refer the matter to the Board. <del>Within 14 calendar days from the receipt of that referral</del> <b>In accordance with timelines to be established by the Board</b> <u>in its rules of procedure,</u> the Board shall issue, in <u>agreement consultation</u> with the Commission, an opinion on the</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			shall do <del>its utmost</del> <b>their utmost</b> to take into account the opinion of the Board.	matter, including recommended actions. The <del>requested authority</del> <b>authorities concerned</b> shall do <del>its utmost</del> <b>their utmost</b> to take into account the opinion of the Board.
Article 13(7a)				
193a			<p>8. Where a national regulatory authority or body considers that there is a serious and grave risk of limitation of the freedom to provide or receive media services in the internal market or a serious and grave risk of prejudice to public security, it may request other national regulatory authorities or bodies to provide accelerated cooperation, including for the purposes of ensuring effective application of national measures under Article 3 of the Directive 2010/13/EU. In case of requests for accelerated cooperation, the requested authority shall do its utmost to address such requests within 14 calendar days. Paragraphs 3, 4 and 7 of this Article shall apply accordingly.</p>	<p><u>7a. Where a national regulatory authority or body considers that there is a serious and grave risk of limitation of the freedom to provide or receive media services in the internal market or a serious and grave risk of prejudice to public security, it may request other national regulatory authorities or bodies to provide accelerated cooperation, while ensuring compliance with fundamental rights, in particular freedom of expression, including for the purposes of ensuring effective application of national measures under Article 3 of the Directive 2010/13/EU.</u></p> <p><u>The requested authority shall reply to and do its utmost to address requests for accelerated cooperation within 14 calendar days. Paragraphs 3,4 and 7 of this Article shall apply mutatis mutandis to requests for accelerated cooperation.</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 13(7b)				
193b				<u>7b. Further details on the procedure of the structured cooperation under this Article shall be set out in the Board's rules of procedure.</u>
Article 14				
194	Article 14 Requests for enforcement of obligations by video-sharing platforms	Article 14 Requests for enforcement of obligations by video-sharing platforms	Article 14 Requests for enforcement of obligations by video-sharing platforms <b>platform providers</b>	Article 14 Requests for enforcement of obligations <del>by</del> <u>of</u> video-sharing <del>platforms</del> <u>platform providers</u>
Article 14(1)				
195	1. Without prejudice to Article 3 of Directive 2000/31/EC, a national regulatory authority or body may request another national regulatory authority or body to take necessary and proportionate actions for the effective enforcement of the obligations imposed on video-sharing platforms under Article 28b of Directive 2010/13/EU.	1. Without prejudice to Article 3 of Directive 2000/31/EC, a national regulatory authority or body may request another national regulatory authority or body to take necessary and proportionate actions for the effective enforcement of the obligations imposed on video-sharing platforms under Article 28b of Directive 2010/13/EU.	1. Without prejudice to Article 3 of Directive 2000/31/EC, a national regulatory authority or body ( <b>'requesting authority'</b> ) <b>may submit a duly justified</b> <del>may</del> request <b>to</b> another national regulatory authority or body ( <b>'requested authority'</b> ), <b>which is competent for the subject matter of the request</b> , to take necessary and proportionate actions for the effective enforcement of the obligations imposed on video-sharing <del>platforms</del> <b>platform providers</b> under Article <del>28b</del> <b>28b(1) to 28b(3)</b> of Directive 2010/13/EU.	1. Without prejudice to Article 3 of Directive 2000/31/EC, a national regulatory authority or body ( <b>'requesting authority'</b> ) <b>may submit a duly justified</b> <del>may</del> request <b>to</b> another national regulatory authority or body ( <b>'requested authority'</b> ), <b>which is competent for the subject matter of the request</b> , to take necessary and proportionate actions for the effective enforcement of the obligations imposed on video-sharing <del>platforms</del> <b>platform providers</b> under Article <del>28b</del> <b>28b(1) to 28b(3)</b> of Directive 2010/13/EU.  Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 14(2)				
196	2. The requested national authority or body shall, without undue delay and within 30 calendar days, inform the requesting national authority or body about the actions taken or planned pursuant to paragraph 1.	2. The requested national authority or body shall, without undue delay and within <u>a maximum time period to be specified in the Board's rules of procedure</u> <del>30 calendar days</del> , inform the requesting national authority or body about the actions taken or planned pursuant to paragraph 1 <u>or justify the reasons for which actions were not taken</u> .	2. The requested <del>national</del> authority or body shall, without undue delay and within 30 calendar days <b>timelines to be established by the Board in its rules of procedure</b> , inform the requesting <del>national</del> authority or body about the actions taken or planned pursuant to paragraph 1.	2. <u>2.</u> The requested <del>national</del> authority <del>or body shall</del> <b>shall inform the requesting authority</b> , without undue delay, <u>of the actions it has taken or plans to take, or</u> <del>and within 30 calendar days, inform the requesting national authority or body</del> about the <u>reasons for which actions taken or planned were not taken</u> , pursuant to <u>a request under paragraph 1. The Board shall establish the timelines for that purpose in its rules of procedure.</u>  [Comment: to be in each of the other 2 paragraphs this more general reference "timelines for that purpose"]
Article 14(3)				
197	3. In the event of a disagreement between the requesting national authority or body and the requested authority or body regarding actions taken pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.	3. In the event of a disagreement between the requesting national authority or body and the requested authority or body regarding actions taken <u>or planned or a refusal to take actions</u> pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.	3. In the event of a disagreement between the requesting <del>national</del> authority or body and the requested authority or body regarding actions taken <b>or planned</b> pursuant to paragraph 1, either authority or body may refer the matter to the Board for mediation in view of finding an amicable solution.	3. In the event of a disagreement between the requesting <del>national</del> authority <del>or body</del> and the requested authority <u>regarding actions taken or planned or a lack of actions</u> <del>or body regarding actions taken</del> pursuant to paragraph 1, either authority <del>or body</del> may refer the matter to the Board for mediation in view of finding an amicable solution.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 14(4)				
198	<p>4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a request referred to in paragraph 1. If the Board considers that the requested authority has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its opinion, in agreement with the Commission, without undue delay.</p>	<p>4. If no amicable solution has been found following mediation by the Board, the requesting national authority or body or the requested national authority or body may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the requested authority or body has complied with a request referred to in paragraph 1. If the Board considers that the requested authority <u>or body</u> has not complied with such a request, the Board shall recommend actions to comply with the request. The Board shall issue its opinion, in <del>agreement</del><u>consultation</u> with the Commission <u>where it deems it relevant</u>, without undue delay.</p>	<p>4. If no amicable solution has been found following mediation by the Board, the requesting <del>national authority or body</del> or the requested <del>national authority or body</del> may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the <del>requested authority or body</del> has <del>complied with a request referred to in paragraph 1</del> <b>has been sufficiently addressed</b>. If the Board considers that the requested authority has not <del>complied with</del> <b>sufficiently addressed</b> such a request, the Board shall recommend actions to <del>comply with</del> <b>address</b> the request. The Board shall issue its opinion, in <del>agreement</del><u>consultation</u> with the Commission, without undue delay.</p>	<p>4. If no amicable solution has been found following mediation by the Board, the requesting <del>national authority or body</del> or the requested <del>national authority or body</del> may request the Board to issue an opinion on the matter. In its opinion the Board shall assess whether the <del>requested authority or body</del> has <del>complied with a request referred to in paragraph 1</del> <u>has been sufficiently addressed</u>. If the Board considers that the requested authority has not <del>complied with</del><u>sufficiently addressed</u> such a request, the Board shall recommend actions to <del>comply with</del><u>address</u> the request. The Board shall issue its opinion, in <del>agreement</del><u>consultation</u> with the Commission, without undue delay.</p>
Article 14(5)				
199	<p>5. The requested national authority or body shall, without undue delay and within 30 calendar days at the latest from the receipt of the opinion referred to in paragraph 4, inform the Board, the Commission and the requesting authority or body of the actions taken or planned in relation to the opinion.</p>	<p>5. <u>Following receipt of the opinion referred to in paragraph 4</u>, the requested national authority or body shall, without undue delay and within <del>30 calendar days at the latest from the receipt of the opinion referred to in paragraph 4</del> <u>a maximum time period to be specified in the Board's rules of procedure</u>, inform the Board, the</p>	<p>5. The requested <del>national authority or body</del> shall, without undue delay and within <del>30 calendar days at the latest from the receipt of the opinion referred to in paragraph 4</del> <b>timelines to be established by the Board in its rules of procedure</b>, inform the Board, the Commission and the requesting authority <del>or body</del> of the</p>	<p>5. <u>Following receipt of the opinion referred to in paragraph 4, the requested authority</u><del>The requested national authority or body</del> shall, without undue delay and within <del>30 calendar days at the latest from the receipt of the opinion referred to in paragraph 4</del> <u>timelines to be established by the Board in its rules of</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<del>Commission and the</del> requesting authority or body <u>and, where necessary, the Commission</u> of the actions taken or planned in relation to the opinion.	actions taken or planned in relation to the opinion.	<u>procedure</u> , inform the Board, the Commission and the requesting authority <del>or body</del> of the actions taken or planned in relation to the opinion.
Article 15				
200	Article 15 Guidance on media regulation matters	Article 15 Guidance on media regulation matters	Article 15 Guidance on media regulation matters	Article 15 Guidance on media regulation matters  Text Origin: Commission Proposal
Article 15(1)				
201	1. The Board shall foster the exchange of best practices among the national regulatory authorities or bodies, consulting stakeholders, where appropriate, and in close cooperation with the Commission, on regulatory, technical or practical aspects pertinent to the consistent and effective application of this Regulation and of the national rules implementing Directive 2010/13/EU.	1. The Board shall foster the exchange of best practices among the national regulatory authorities or bodies, consulting stakeholders, where appropriate, and in <del>close</del> cooperation with the Commission, on regulatory, technical or practical aspects pertinent to the consistent and effective application of this Regulation and of the national rules implementing Directive 2010/13/EU.	1. The Board shall foster the exchange of best practices among the national regulatory authorities or bodies, consulting stakeholders, where appropriate, <del>and in close cooperation with the Commission,</del> on regulatory, technical or practical aspects pertinent to the consistent and effective application of <del>this Regulation and of the national rules implementing</del> <b>Chapter III of this Regulation and implementation of</b> Directive 2010/13/EU.	1. The Board shall foster the exchange of best practices among the national regulatory authorities or bodies, consulting stakeholders, where appropriate, <del>and in close cooperation with the Commission,</del> on regulatory, technical or practical aspects pertinent to the consistent and effective application of <u>Chapter III</u> of this Regulation and <del>of the national rules implementing</del> <u>implementation of</u> Directive 2010/13/EU.
Article 15(1a)(2)				
202				



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. Where the Commission issues guidelines related to the application of this Regulation or the national rules implementing Directive 2010/13/EU, the Board shall assist it by providing expertise on regulatory, technical or practical aspects, as regards in particular:	2. Where the Commission issues guidelines related to the application of this Regulation or the national rules implementing Directive 2010/13/EU, the Board shall assist it by providing expertise on regulatory, technical or practical aspects, as regards in particular:	<del>2</del> <b>1a</b> . Where the Commission issues guidelines related to the application of <b>Chapter III of</b> this Regulation or the national rules <del>implementing</del> <b>implementation of</b> Directive 2010/13/EU, the Board shall assist it by providing expertise on regulatory, technical or practical aspects, as regards in particular:	2. Where the Commission issues guidelines related to the application of this Regulation or the <del>national rules implementing</del> <b>implementation of</b> Directive 2010/13/EU, the Board shall assist it by providing expertise on regulatory, technical or practical aspects, as regards in particular:
Article 15(1a)(2), point (a)				
6	203  (a) the appropriate prominence of audiovisual media services of general interest under Article 7a of Directive 2010/13/EU;	(a) the appropriate prominence of audiovisual media services of general interest under Article 7a of Directive 2010/13/EU;	(a) the appropriate prominence of audiovisual media services of general interest under Article 7a of Directive 2010/13/EU;	(a) the appropriate prominence of audiovisual media services of general interest under Article 7a of Directive 2010/13/EU;  Text Origin: Commission Proposal
Article 15(1a)(2), point (b)				
6	204  (b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU.	(b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU <u>and Article 6 of this Regulation.</u>	(b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU.	(b) making information accessible on the ownership structure of media service providers, as provided under Article 5(2) of Directive 2010/13/EU <u>and Article 6 (1) of this Regulation.</u>  Text Origin: EP Mandate
Article 15(1a), (2) a				
6	204a		<b>Where the Commission issues guidelines related to the</b>	<u>Where the Commission issues guidelines related to the</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			implementation of Directive 2010/13/EU, it shall consult the contact committee established pursuant to Article 29 of that Directive.	<u>implementation of Directive 2010/13/EU, it shall consult the contact committee established pursuant to Article 29 of that Directive.</u>  Text Origin: Council Mandate
Article 15(3)				
205	3. The Commission may issue an opinion on any matter related to the application of this Regulation and of the national rules implementing Directive 2010/13/EU. The Board shall assist the Commission in this regard, where requested.	3. The Commission, <u>assisted by the Board</u> , may issue an opinion on any matter related to the application of this Regulation and of the national rules implementing Directive 2010/13/EU. <del>The Board shall assist the Commission in this regard, where requested.</del>	3. <b>Where</b> the Commission <del>may</del> <b>issues</b> an opinion on <del>any</del> matter related to the application of <b>Chapter III</b> of this Regulation and of the national rules implementing <b>implementation of</b> Directive 2010/13/EU, the Board shall assist the Commission <del>in this regard, where requested.</del>	3. <u>Where</u> the Commission <del>may</del> <b>issue</b> <u>issues</u> an opinion on <del>any</del> matter related to the application of this Regulation and <del>of the national rules implementing</del> <u>implementation of</u> Directive 2010/13/EU, the Board shall assist the Commission <del>in this regard, where requested.</del>
Article 15(4)				
206	4. The Board shall foster cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to facilitate the development of technical standards related to digital signals or design of devices or user interfaces controlling or managing access to and use of audiovisual media services.	4. The Board shall foster cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to <del>facilitate</del> <u>promote</u> the development of <del>technical</del> <u>harmonised European</u> standards related to digital signals or design of devices, <u>including their remote controls or user interfaces</u> <del>or user interfaces controlling or managing access to</del>	<i>deleted</i>	4. <del>The Board shall foster cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to facilitate the development of technical standards related to digital signals or design of devices or user interfaces controlling or managing access to and use of audiovisual media services.</del>  paragraph 4 to be deleted and migrated to Article 19(4)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>and use of audiovisual media services.</i>		
Article 16				
207	Article 16 Coordination of measures concerning media service providers established outside the Union	Article 16 Coordination of measures concerning media <i>service providers established</i> <u>services which come from</u> outside the Union	Article 16 Coordination of measures concerning media service providers established <u>services from</u> outside the Union	Article 16 Coordination of measures concerning media <i>service providers established</i> <u>services from</u> outside the Union
Article 16(1)				
208	1. The Board shall coordinate measures by national regulatory authorities or bodies related to the dissemination of or access to media services provided by media service providers established outside the Union that target audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to public security and defence.	1. The Board shall coordinate measures by national regulatory authorities or bodies related to the dissemination of or access to media services provided by media service providers established outside the Union that, <u>irrespective of their means of distribution or the means by which they can be accessed,</u> target <u>or reach</u> audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services <i>prejudice or present a serious and grave risk of prejudice to public security and defence.;</i>	1. <b>Without prejudice to Article 3 of Directive 2010/13/EU,</b> the Board shall, <b>upon request of the national regulatory authorities or bodies from at least two Member States,</b> coordinate <b>relevant</b> measures by <b>the</b> national regulatory authorities or bodies <b>concerned,</b> related to the dissemination of or access to media services <b>originating from outside the Union or</b> provided by media service providers established outside the Union that, <b>irrespective of their means of distribution or access,</b> target <b>or reach</b> audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to public security <del>and defence.</del>	1. <u>Without prejudice to Article 3 of Directive 2010/13/EU,</u> the Board shall, <u>upon request of the national regulatory authorities or bodies from at least two Member States,</u> coordinate <u>relevant</u> measures by <u>the</u> national regulatory authorities or bodies <u>concerned,</u> related to the dissemination of or access to media services <u>originating from outside the Union or</u> provided by media service providers established outside the Union that, <u>irrespective of their means of distribution or access,</u> target <u>or reach</u> audiences in the Union where, inter alia in view of the control that may be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to public security <del>and defence.</del>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16(1), point (aa)				
208a		<u>(aa) contain a public provocation to commit a terrorist offence as set out in Article 5 of Directive (EU) 2017/541;</u>		
Article 16(1), point (ba)				
208b		<u>(ba) manifestly, seriously and gravely prejudice, or present a serious and grave risk of prejudice to, public security, including the safeguarding of national security and defence.</u>		
Article 16(2)				
209	2. The Board, in agreement with the Commission, may issue opinions on appropriate national measures under paragraph 1. All competent national authorities, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board.	2. The Board, <del>in agreement with the Commission,</del> may issue opinions on appropriate national measures under paragraph 1 <u>in accordance with its rules of procedure.</u> All competent national authorities, including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board. <u>Such authorities and bodies shall provide reasons for a refusal to take into account the opinions of the Board.</u>	2. The Board, in <del>agreement</del> <b>consultation</b> with the Commission, may issue opinions on appropriate national measures under paragraph 1. <del>At</del> <b>Without prejudice to their powers under national law, the</b> competent national authorities <b>concerned</b> , including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board.	2. The Board, in <del>agreement</del> <b>consultation</b> with the Commission, may issue opinions on appropriate national measures under paragraph 1. <del>At</del> <b>Without prejudice to their powers under national law the</b> competent national authorities <b>concerned</b> , including the national regulatory authorities or bodies, shall do their utmost to take into account the opinions of the Board.
Article 16(2a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
209a		<p><u>2a. Member States shall ensure that, where relevant, national regulatory authorities or bodies which decide to take action against a media service provider established outside the Union, have a legal basis to take into account at least one of the following:</u></p> <p><u>(a) a decision taken against that provider by a national regulatory authority or body from another Member State;</u></p> <p><u>(b) an opinion of the Board relating to that provider and taken on the grounds set out in this Article;</u></p> <p><u>(c) any assessment of how the media service from that provider is received on the territory of the Union.</u></p>		<p><u>2a. Members States shall ensure that the national regulatory authorities or bodies concerned are not precluded from taking into account an opinion issued by the Board according to paragraph 2 when considering to take measures against a media service provider under paragraph 1.</u></p> <p>[Comment: a Recital to explain the idea behind 2a (it stops MS from blocking it) and also to develop in a recital the following: the Board to take into account how the "signal" is received and "assessment of how the media service from that provider is received on the territory of the Union".]</p>
Article 16(2b)				
209b			<p><b>3. The Board, in consultation with the Commission, shall draw up a list of criteria that national regulatory authorities or bodies may take into consideration when exercising their regulatory powers over media service providers referred to in paragraph 1.</b></p>	<p><u>2b. The Board, in consultation with the Commission, shall develop a set of criteria for the use of national regulatory authorities or bodies when they exercise their regulatory powers over media service providers referred to in paragraph 1. National regulatory authorities or bodies shall do their</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>utmost to take into account the criteria developed by the Board.</u>
Article 16(2b)				
209c		<u>2b. The Board shall develop a set of guidelines concerning media service providers established outside the Union. Where the competent authorities or bodies of a Member State take action against such a provider, they shall do their utmost to take into account the guidelines developed by the Board.</u>		
Article 16(2c)				
209d		<u>2c. Where a media service provider established outside the Union falls under the territorial jurisdiction of a Member State pursuant to Article 2(4) of Directive 2010/13/EU, in addition to any opinions of the Board issued under paragraph 2 of this Article, a regulatory authority or body of another Member State may request the competent authorities or bodies of the Member State under whose territorial jurisdiction the media service provider falls to take appropriate action against that provider where it assesses that the provider has manifestly, seriously and gravely infringed Article 6(1),</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>point (b), of Directive 2010/13/EU or has prejudiced or presented a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence.</i></u>		
Section 4				
210	Section 4 Provision of media services in a digital environment	Section 4 Provision of media services in a digital environment	Section 4 Provision of <b>and access</b> to media services in a digital environment	
Article 17				
211	Article 17 Content of media service providers on very large online platforms	Article 17 Content of media service providers on very large online platforms	Article 17 Content of media service providers on very large online platforms	Article 17 Content of media service providers on very large online platforms  Text Origin: Commission Proposal
Article 17(-1)(1)				
212	1. Providers of very large online platforms shall provide a functionality allowing recipients of their services to declare that:	1. Providers of very large online platforms shall <u><i>ensure that decisions concerning content moderation and any other actions they undertake do not negatively impact media freedom and pluralism. They shall ensure that their content moderation and monitoring processes have adequate human resources to cover</i></u>	1. Providers of very large online platforms shall provide a functionality allowing recipients of their services to <del>declare that:</del>	1. Providers of very large online platforms shall provide a functionality allowing recipients of their services to <del>declare that:</del>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>all languages and geographical regions of the Union. They shall</u> provide a functionality allowing recipients of their services to declare <del>that</del> :		
Article 17(-1)(1), point (a)				
6	213 (a) it is a media service provider within the meaning of Article 2(2);	(a) <del>it is that they are</del> media service <del>provider</del> <u>providers</u> within the meaning of Article 2(2) <u>and fulfil the duty set out in Article 6(1)</u> ;	(a) <b>declare that</b> it is a media service provider within the meaning of Article 2(2) <b>and complies with Article 6(1)</b> ;	(a) <del>it is a</del> <u>declare that they are</u> media service <del>provider</del> <u>providers</u> within the meaning of Article 2(2) <u>and comply with Article 6(1)</u> ;
Article 17(-1)(1), point (b)				
6	214 (b) it is editorially independent from Member States and third countries; and	(b) <del>it is that they are</del> editorially independent from <u>any Union institution, body, office or agency and from</u> Member States, <u>political parties</u> and third countries; <del>and that they are functionally independent from private entities whose corporate purpose is not related to the creation or dissemination of media services;</del>	(b) <b>declare that</b> it is editorially independent from Member States and third countries; <del>and</del>	(b) <del>it is</del> <u>declare that they are</u> editorially independent from Member States, <u>political parties</u> , <del>and</del> third countries; <del>and entities controlled or financed by third countries;</del>  [Comment: DLA to revise if needed]
Article 17(-1)(1), point (c)				
6	215 (c) it is subject to regulatory requirements for the exercise of editorial responsibility in one or more Member States, or adheres to a co-regulatory or self-regulatory mechanism governing editorial	(c) <del>it is that they are</del> subject to regulatory requirements for the exercise of editorial responsibility <u>and oversight by a competent national regulatory authority or body</u> in one or more Member States; <del>;</del>	(c) <b>declare that</b> it is subject to regulatory requirements <del>for the exercise of editorial responsibility in one or more Member States,</del> or adheres to a <del>co-regulatory</del> <u>co-</u> or self-regulatory mechanism	(c) <del>it is</del> <u>declare that they are</u> subject to regulatory requirements for the exercise of editorial responsibility in one or more Member States <u>and oversight by a competent national regulatory authority or body, or</u>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	standards, widely recognised and accepted in the relevant media sector in one or more Member States.	<del>or adheres to</del> <u>or that they comply with</u> a co-regulatory or self-regulatory mechanism governing editorial standards <u>that is transparent, legally,</u> <del>widely</del> recognised and <u>widely</u> accepted in the relevant media sector in one or more Member States <del>;</del>	governing editorial standards, [...] widely recognised <b>by</b> and accepted in the relevant media sector in one or more Member States <del>;</del> , <b>for the exercise of editorial responsibility and editorial standards; and</b>	<u>that they adhere to a co- or self-regulatory,</u> <del>or adheres to a co-regulatory or self-regulatory</del> mechanism governing editorial standards, <u>that is</u> widely recognised <u>by</u> and accepted in the relevant media sector in one or more Member States <del>;</del>
Article 17(-1)(1), point (ca)				
G	215a	<u>(ca) that they do not provide content generated by an artificial intelligence system without subjecting such content to human oversight and editorial control;</u>		<u>(ca) To be added: [safeguard concerning AI generated content - in line with AI Act discussions]</u>  [Comment: To be drafted after the political agreement on the Article]
Article 17(-1)(1), point (cb)				
G	215b	<u>(cb) their name and the name of their managing director, their professional contact details, including an email address and telephone number, and their place of establishment;</u>		<u>(cb) provide their legal name and contact details, including an email address, through which the provider of the very large online platform can communicate quickly and directly with them; and</u>  [Comment: This should be point (e) in the final text, instead of (cb), also to ensure coherence with row 215f.]
Article 17(-1)(1), point (cc)				
G	215c			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(cc) information about the competent national regulatory authority or body or the representative of the co-regulatory or self-regulatory mechanism to which they are subject.</u>		[Comment: No change; covered by below point]
Article 17(-1)(1), point (cd)				
6	215d		(d) provide the contact details of the relevant national regulatory authorities or bodies or representatives of the co- or self-regulatory mechanisms referred to in point (c).	<u>(cd) provide the contact details of the relevant national regulatory authorities or bodies or representatives of the co- or self-regulatory mechanisms referred to in point (c).</u>
Article 17(-1), (1) a				
6	215e		In case of reasonable doubts concerning the media service provider's compliance with point (c), the provider of a very large online platform shall seek confirmation on the matter from the relevant national regulatory authority or body or the relevant co- or self-regulatory body.	<u>In case of reasonable doubts concerning the media service provider's compliance with point (c), the provider of a very large online platform shall seek confirmation on the matter from the relevant national regulatory authority or body or the relevant co- or self-regulatory mechanism.</u>
Article 17(-1a)				
6	215f	<u>1a. Providers of very large online platforms shall ensure that the functionality referred to in paragraph 1 allows for information</u>		<u>-1a. Providers of very large online platforms shall ensure that the information declared under paragraph 1, with the exception of</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>declared thereunder, with the exception of the information set out in paragraph 1, point (cb), to be publicly and easily accessible</u></p>		<p><u>the information set out in point (e), is made publicly available in an easily accessible manner on their online interface.</u></p> <p>[Comment: in the final text it should be after paragraph 1]</p>
Article 17(-1b)				
215g		<p><u>1b. Providers of very large online platforms shall acknowledge receipt of declarations submitted under paragraph 1. They shall state in the acknowledgement whether or not they accept the declaration. They shall immediately communicate the acknowledgement of receipt to the media service provider concerned, the competent national regulatory authority or body concerned or the representative of the co-regulatory or self-regulatory mechanism concerned. In the acknowledgement of receipt, providers of very large online platforms shall indicate a competent contact person or body through which the media service provider can communicate directly and quickly with the provider of the very large online platform. Where a provider of a very large online platform accepts a</u></p>		<p><u>-1b. Providers of very large online platforms shall acknowledge receipt of declarations submitted under paragraph 1 and provide their contact details, including an email address, through which the media service provider can communicate directly and quickly with them. Providers of very large online platforms shall, without undue delay, indicate whether or not they accept the declaration.</u></p> <p>[Comment: If needed, Recital 33 could further explain the possibility for VLOPs to reject or invalidate declarations]</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>declaration submitted by a media service provider under paragraph 1, that media service provider shall be deemed to be a recognised media service provider.</i></u>		
Article 17(-1c)				
6	215h	<u><i>1c. On a request from a provider of a very large online platform which has not accepted a declaration submitted under paragraph 1, point (c), due to having a reasonable doubt as to the nature of that declaration, the relevant national regulatory authority or body or the representative of the relevant co-regulatory or self-regulatory mechanism shall confirm the nature of or invalidate that declaration. Where the relevant national regulatory authority or body or the representative of the relevant co-regulatory or self-regulatory mechanism confirms the nature of that declaration, the media service provider shall be deemed to be a recognised media service provider.</i></u>		[No change]
Article 17(-1d)				
6	215i	<u><i>1d. On a request from a media service provider that considers that</i></u>		[No change]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>the provider of a very large online platform has unjustly invalidated its declaration submitted under paragraph 1, the relevant national authority or body or the representative of the relevant co-regulatory or self-regulatory mechanism concerned shall clarify the matter. Where the provider of a very large online platform decides not to accept the clarification provided by the relevant national authority or body or the representative of the relevant co-regulatory or self-regulatory mechanism, the media service provider may appeal against that decision to the competent national regulatory authority or body. The competent national regulatory authority or body shall rule on the matter without delay. The Board shall issue a recommendation. Where the competent national regulatory authority or body confirms the declaration, the media service provider shall be deemed to be a recognised media service provider.</i></u></p>		
6	Article 17(-1e)			
6	215j	<p><u><i>1e. Where a provider of a very large online platform has frequently suspended or restricted, pursuant to paragraph 2, the</i></u></p>		[No change]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>provision of its online intermediation services in relation to a media service provided by a media service provider on the basis of a breach of its terms and conditions, that provider of the very large online platform may invalidate the declaration submitted by the media service provider under paragraph 1. The provider of the very large online platform shall inform the supervising or regulatory entity and the Board that it has invalidated the declaration.</u></p>		
Article 17(2)				
216	<p>2. Where a provider of very large online platform decides to suspend the provision of its online intermediation services in relation to content provided by a media service provider that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content is incompatible with its terms and conditions, without that content contributing to a systemic risk referred to in Article 26 of the Regulation (EU) 2022/XXX [Digital Services Act], it shall take all possible measures, to the extent consistent with their obligations under Union law, including Regulation (EU) 2022/XXX</p>	<p>2. Where a provider of <u>a</u> very large online platform decides to suspend <u>or restrict</u> the provision of its online intermediation services in relation to <del>content provided by</del> a media service <del>provider that submitted a declaration pursuant to paragraph 1 of this Article, on the grounds that such content</del> <u>provided by a recognised media service provider because that media service</u> is incompatible with its terms and conditions, <u>it shall,</u> without <del>that content contributing prejudice to the mitigating measures in relation</del> to a systemic risk referred to in Article <del>26 of the 34 of</del> Regulation (EU) <del>2022/XXX [Digital Services Act], it</del></p>	<p>2. Where a provider of <b>a</b> very large online platform decides to suspend the provision of its online intermediation services in relation to content provided by a media service provider that submitted a declaration <b>and contact details of the content provided by such media service provider</b>, on the grounds that such content is incompatible with <del>its</del><b>the terms and conditions of the online intermediation services</b>, without <del>that content contributing prejudice to the mitigating measures in relation</del> to a systemic risk referred</p>	<p>2. Where a provider of <u>a</u> very large online platform <del>decides to suspend</del> <u>intends to take a decision suspending</u> the provision of its online intermediation services in relation to content provided by a media service provider that submitted a declaration <del>-</del> pursuant to paragraph 1 of this Article <u>or restricting the visibility of the content provided by such media service provider</u>, on the grounds that such content is incompatible with its <del>-</del> terms and conditions, <del>without that content contributing to a systemic risk referred to in Article 26 of the</del> <u>prior to the suspension or</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>[Digital Services Act], to communicate to the media service provider concerned the statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150, prior to the suspension taking effect.</p>	<p><i>shall take all possible measures, to the extent consistent with their obligations under Union law, including 2022/2065, communicate to that recognised media service provider the reasons accompanying that decision, specifying the specific clause in the terms and conditions with which the media service was incompatible, as required by Article 4(1) of Regulation (EU) 2022/XXX [Digital Services Act], to communicate to the media service provider concerned the statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150, 2019/1150 and Article 17(3) of Regulation (EU) 2022/2065. The provider of the very large online platform shall give the recognised media service provider the opportunity to respond to the reasons accompanying its decision within 24 hours</i> prior to the suspension <i>or restriction</i> taking effect.</p>	<p>to in Article <del>26</del> <b>34</b> of Regulation (EU) 2022/XXX [Digital Services Act] <b>2022/2065</b>, it shall take all possible measures, to the extent consistent with their obligations under Union law, including Regulation (EU) 2022/XXX [Digital Services Act], to communicate to the media service provider concerned the statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150, <b>and to provide the media service provider with an opportunity to reply to the statement of reasons within an appropriate period</b> prior to the restriction or suspension taking effect. <b>If following, or in the absence of, such a reply, the provider of a very large online platform still intends to restrict or suspend the provision of its online intermediation services, it shall inform the media service provider concerned.</b></p>	<p><u>restriction of visibility taking effect it shall:</u></p> <p><u>(i) communicate to the media service provider concerned the statement of reasons for its envisaged decision within the meaning of Article 4(1) of Regulation (EU) 2022/XXX [Digital Services Act], it shall take all possible measures, to the extent consistent with their obligations under Union law, including 2019/1150 and Article 17 of Regulation (EU) 2022/2065, and</u></p> <p><u>(ii) give the media service provider the opportunity to reply to that statement within 24 hours or, in case of a crisis as referred to in Article 36(2) of Regulation (EU) 2022/XXX [Digital Services Act], to communicate to 2022/2065, within a shorter timeframe which allows the media service provider sufficient time to reply in a meaningful manner.</u></p> <p><u>If following, or in the absence of, such a reply, the provider of a very large online platform takes a decision to suspend or restrict visibility of the content concerned, it shall inform</u> the media service provider concerned <u>without undue delay.</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p><u><i>This paragraph shall not apply where providers of very large online platforms suspend the provision of their services in relation to the content of a media service provider or restrict the visibility of such content in compliance with their obligations pursuant to Articles 28, 34 and 35 of Regulation (EU) 2022/2065 and the statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150, prior to the suspension taking effect</i></u><sup>28b</sup> <u><i>of Directive (EU) 2010/13 or their obligations relating to illegal content pursuant to Union law.</i></u></p> <p>[Comment: Recital to clarify restrictions of visibility, based on Recital 31 of the Council mandate and Recital 35a of the EP mandate];</p>
Article 17(2a)				
216a		<p><u><i>2a. Where, following the 24-hour period referred to in paragraph 2, the second subparagraph, and after due consideration of the response of the recognised media service provider, the provider of the very large online platform considers the media service concerned to be incompatible with its terms and conditions, it may refer the case to</i></u></p>		[No change]



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><i><u>the relevant competent national regulatory authority or body or the body of the relevant self-regulatory or co-regulatory mechanism. The relevant competent national regulatory authority or body or the representative of the relevant self-regulatory or co-regulatory mechanism shall decide, without delay, whether the intended suspension or restriction is justified in view of the specific clause in the terms and conditions of the provider of the very large online platform, taking into account fundamental freedoms.</u></i></p>		
Article 17(3)				
217	<p>3. Providers of very large online platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 by media service providers that submitted a declaration pursuant to paragraph 1 of this Article are processed and decided upon with priority and without undue delay.</p>	<p>3. Providers of very large online platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 <u>or Article 20 of Regulation (EU) 2022/2065 by recognised</u> <del>by</del> media service providers <del>that submitted a declaration pursuant to paragraph 1 of this Article are processed and decided upon with priority and without undue delay</del> <u>are processed and decided upon with priority and, in any event, no later than 24 hours after submission of the complaint. The media service</u></p>	<p>3. Providers of very large online platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 by media service providers that submitted a declaration pursuant to paragraph 1 of this Article are processed and decided upon with priority and without undue delay.</p>	<p>3. Providers of very large online platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 <del>by media service providers that submitted a declaration pursuant to paragraph 1 of this Article</del> <u>or Article 20 of Regulation (EU) 2022/2065 by media service providers</u> are processed and decided upon with priority and without undue delay. <u>The media service provider may be represented by a body in the complaint procedure.</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>provider may be represented by a body in complaints procedures.</i></u>		
Article 17(4)				
218	<p>4. Where a media service provider that submitted a declaration pursuant to paragraph 1 considers that a provider of very large online platform frequently restricts or suspends the provision of its services in relation to content provided by the media service provider without sufficient grounds, the provider of very large online platform shall engage in a meaningful and effective dialogue with the media service provider, upon its request, in good faith with a view to finding an amicable solution for terminating unjustified restrictions or suspensions and avoiding them in the future. The media service provider may notify the outcome of such exchanges to the Board.</p>	<p>4. Where a <u>recognised</u> media service provider <del>that submitted a declaration pursuant to paragraph 1</del> considers that a provider of very large online platform frequently restricts or suspends the provision of its services in relation to content <u>or services</u> provided by the media service provider without sufficient grounds <u>and in a manner that undermines media freedom and media pluralism</u>, the provider of <u>the</u> very large online platform shall, <u>at the request of the media service provider</u>, engage in a meaningful and effective <u>dialogue consultation</u> with the media service provider, <del>upon its request</del>, in good faith with a view to finding an amicable solution <del>for terminating</del> <u>within a reasonable timeframe that avoids</u> unjustified restrictions or suspensions <del>and avoiding them</del> in the future. The media service provider may notify the outcome of such <del>exchanges</del> <u>consultations</u> to the Board <u>and to the national digital services coordinator referred to in Regulation (EU) 2022/2065</u>. <u>Where no amicable solution can be found, the media service provider may</u></p>	<p>4. Where a media service provider that submitted a declaration pursuant to paragraph 1 considers that a provider of very large online platform <del>frequently</del> <b>repeatedly</b> restricts or suspends the provision of its services in relation to content provided by the media service provider without sufficient grounds, the provider of very large online platform shall engage in a meaningful and effective dialogue with the media service provider, upon its request, in good faith with a view to finding an amicable solution, <b>within a reasonable timeframe</b> for terminating unjustified restrictions or suspensions and avoiding them in the future. The media service provider may notify the <b>details and</b> outcome of such exchanges to the Board.</p>	<p>4. Where a media service provider that submitted a declaration pursuant to paragraph 1 considers that a provider of <u>the</u> very large online platform <del>frequently</del> <u>repeatedly</u> restricts or suspends the provision of its services in relation to content provided by the media service provider without sufficient grounds, the provider of <u>the</u> very large online platform shall engage in a meaningful and effective dialogue with the media service provider, upon its request, in good faith with a view to finding an amicable solution, <u>within a reasonable timeframe</u>, for terminating unjustified restrictions or suspensions and avoiding them in the future. The media service provider may notify the outcome <u>and the details</u> of such exchanges to the Board <u>and the Commission</u>. <u>The media service provider may request an opinion by the Board on the outcome of the dialogue, including where relevant recommended actions for the provider of the very large online platform. The Board shall inform the Commission of its opinion.</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><a href="#">lodge a complaint before a certified out-of-court dispute settlement body in accordance with Article 21 of Regulation (EU) 2022/2065.</a></u>		
Article 17(4a)				
218a			4a. In case a provider of very large online platforms rejects a declaration by a media service provider submitted pursuant to paragraph 1 of this Article or in case no amicable solution was found following the dialogue pursuant to paragraph 4 of this Article, the media service provider concerned may use the mediation mechanism under Article 12 of Regulation (EU) 2019/1150. The media service provider concerned may notify the outcome of such mediation to the Board.	<u><a href="#">4a. In case a provider of a very large online platforms rejects or invalidates a declaration by a media service provider submitted pursuant to paragraph 1 or in case no amicable solution was found following the dialogue pursuant to paragraph 4, the media service provider concerned may use the mediation mechanism under Article 12 of Regulation (EU) 2019/1150 or resort to the out-of-court dispute settlement under Article 21 of Regulation (EU) 2022/2065. The media service provider concerned may notify the outcome of such redress mechanisms to the Board.</a></u>
Article 17(5)				
219	5. Providers of very large online platforms shall make publicly available on an annual basis information on:	5. Providers of very large online platforms shall make publicly available on an annual basis information on:	5. Providers of very large online platforms shall make publicly available on an annual basis <b>detailed</b> information on:	5. Providers of very large online platforms shall make publicly available on an annual basis <u><a href="#">detailed</a></u> information on:
Article 17(5), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
6	220	(a) the number of instances where they imposed any restriction or suspension on the grounds that the content provided by a media service provider that submitted a declaration in accordance with paragraph 1 of this Article is incompatible with their terms and conditions; and	(a) the number of instances <del>where they imposed any restriction or suspension on the grounds that the content provided by a media in</del> <u>which they initiated the process to suspend or restrict the provision of their online intermediation</u> service provider that submitted a declaration in accordance with paragraph 1 of this Article is incompatible with their terms and conditions; <del>and</del> <u>with pursuant to paragraph 1 of this Article is incompatible with their terms and conditions; and 2;</u>	(a) the number of instances where they imposed any restriction or suspension on the grounds that the content provided by a media service provider that submitted a declaration in accordance with paragraph 1 <del>of this Article</del> is incompatible with their terms and conditions; <del>and</del>
Article 17(5), point (b)				
6	221	(b) the grounds for imposing such restrictions.	(b) the grounds for imposing such <u>suspensions or</u> restrictions; <del>and</del> <u>including the specific clause in their terms and conditions with which the media service provider was incompatible;</u>	(b) the grounds for imposing such restrictions; <del>or suspensions,</del> <u>including the specific clauses in their terms and conditions with which the media service providers' content was deemed incompatible;</u>
Article 17(5), point (ba)				
6	221a		<u>(ba) the number of instances in which they refused to accept declarations submitted by a media service provider under paragraph 1 and the grounds for refusing to accept them.</u>	[Comment: moved as a point bb (or d) in the final text]
Article 17(5), point (bb)				
6	221b			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(c) the number of dialogues with media service providers pursuant to paragraph 4.	<u>(bb) the number of dialogues with media service providers pursuant to paragraph 4.</u>
Article 17(5), point (bc)				
221c				<u>(bc) the number of instances in which they rejected declarations submitted by a media service provider under paragraph 1 and the grounds for rejection.</u>
Article 17(5), point (bd)				
221d				<u>(bd) the number of instances in which they invalidated a declaration submitted by a media service provider under paragraph 1 and the grounds for invalidation.</u>
Article 17(6)				
222	6. With a view to facilitating the consistent and effective implementation of this Article, the Commission may issue guidelines to establish the form and details of the declaration set out in paragraph 1.	6. With a view to facilitating the consistent and effective implementation of this Article, the Commission, <u>in consultation with the Board, shall</u> <del>may</del> issue guidelines to establish the form and details of the declaration set out in paragraph 1.	6. With a view to facilitating the consistent and effective implementation of this Article, the Commission <del>may</del> <b>shall</b> issue guidelines to <del>establish the form and details</del> <b>facilitate the effective implementation</b> of the <del>declaration set out</del> <b>functionality referred to</b> in paragraph 1, <b>including the modalities of involvement of civil society organisations and, where relevant, national regulatory</b>	6. With a view to facilitating the consistent and effective implementation of this Article, the Commission <del>may</del> <b>shall</b> issue guidelines to <del>establish the form and details</del> <b>facilitate the effective implementation</b> of the <del>declaration set out</del> <b>functionality referred to</b> in paragraph 1.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			authorities or bodies in the review of the declarations under paragraph 1.	
Article 17(6a)				
6	222a	<u>6a. This Article shall be without prejudice to the right of media service providers to effective judicial protection.</u>		[Comment: No change]
Article 18				
6	223	Article 18 Structured dialogue	Article 18 Structured dialogue	Article 18 Structured dialogue  Text Origin: Commission Proposal
Article 18(1)				
6	224	1. The Board shall regularly organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation, to foster access to diverse offers of independent media on very large online platforms and to monitor adherence to self-regulatory	1. The Board, <u>with the involvement of the Expert Group</u> , shall regularly organise a structured dialogue between providers of very large online platforms, <u>providers of very large online search engines</u> , representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation, <del>to foster access to diverse offers of independent media on very large</del>	1. The Board shall regularly organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society <del>to discuss experience and best practices in the application of Article 17 of this Regulation, to foster access to diverse offers of independent media on very large online platforms and to monitor adherence to self-regulatory</del>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference.	<del>online platforms and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference. <u>in order to:</u></del>	initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference.	<del>initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference. <u>in order to:</u></del>
Article 18(1), point (ba)				
224a		<u>(ba) monitor compliance with self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference;</u>		<u>(a) discuss experience and best practices in the application of Article 17, including as regards the functioning of very large online platforms and their moderation processes for content provided by media service providers;</u>  <u>(b) foster access to diverse offers of independent media on very large online platforms;</u>  <u>(c) monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference;</u>
Article 18(1), point (aa)				
224b		<u>(aa) foster access to diverse offers of independent media on very large online platforms and very large online search engines;</u>		[Comment: it will be point b, moved up]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 18(1), point (aa)			
6	224c	<u>(ca) examine the potential and actual impact of the design and functioning of very large online platforms or very large online search engines, of the design and functioning of their respective recommendation systems and content moderation processes and of decisions by providers of very large online platforms and providers of very large online search engines on media freedom and media pluralism.</u>		[Comment: moved up and redrafted]
	Article 18(2)			
6	225	2. The Board shall report on the results of the dialogue to the Commission.	2. The Board shall <u>present the</u> report on the results of the dialogue to the Commission, <u>to the European Parliament and to the Council</u> . <u>Such results shall be made publicly available.</u>	2. The Board shall report on the results of the dialogue to the Commission <u>and, where possible, make the results of the dialogue publicly available.</u>
	Article 19			
6	226	Article 19 Right of customisation of audiovisual media offer	Article 19 Right of customisation of <u>the audio and</u> audiovisual media offer	Article 19 Right of customisation of <del>audiovisual</del> media offer  Text Origin: Council Mandate



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 19(1)				
227	<p>1. Users shall have a right to easily change the default settings of any device or user interface controlling or managing access to and use of audiovisual media services in order to customise the audiovisual media offer according to their interests or preferences in compliance with the law. This provision shall not affect national measures implementing Article 7a of Directive 2010/13/EU.</p>	<p>1. Users shall have a right to easily change the <del>default settings of any device or</del> <u>configuration of audiovisual media services or of applications allowing users to access such services on a</u> user interface <u>or on devices, including remote controls,</u> controlling or managing access to and use of <u>audio or</u> audiovisual media services in order to customise the <u>audio or</u> audiovisual media offer according to their interests or preferences in compliance with the law. This provision shall not affect national measures implementing <del>Article 7a</del> <u>Articles 7a and 7b</u> of Directive 2010/13/EU.</p>	<p>1. Users shall have a right to easily change the default settings of any device or user interface controlling or managing access to and use of audiovisual media services <del>audiovisual</del> <b>providing programmes</b> in order to customise the audiovisual media offer according to their interests or preferences in compliance with <del>the</del> <b>Union</b> law. This provision shall not affect national measures implementing Article 7a of Directive 2010/13/EU.</p>	<p>1. Users shall have a right to easily change the <u>configuration, including</u> default settings, <del>of</del> any device or user interface controlling or managing access to and use of <del>audiovisual</del> <u>audiovisual</u> <del>[...]</del> media services <u>providing programmes</u> in order to customise the <del>audiovisual</del> <u>audiovisual</u> <del>[...]</del> media offer according to their interests or preferences in compliance with <del>the</del> <b>Union</b> law. This provision shall not affect national measures implementing Article 7a <u>and 7b</u> of Directive 2010/13/EU.</p> <p>[Comment: to draft a recital with concrete examples on what configuration and default settings include and what is meant; the meaning is not any configuration]</p>
Article 19(2)				
228	<p>2. When placing the devices and user interfaces referred to in paragraph 1 on the market, manufacturers and developers shall ensure that they include a functionality enabling users to freely and easily change the default settings controlling or managing access to and use of the audiovisual media services offered.</p>	<p>2. <del>When placing the</del> <u>Any person who places on the market</u> devices, <u>including remote controls, or</u> <del>and</del> user interfaces referred to in paragraph 1 <del>on the market,</del> <del>manufacturers and developers,</del> shall ensure that they include a functionality enabling users to freely and easily change, <u>at any time, the settings and</u> <del>the</del> default</p>	<p>2. When placing the devices and user interfaces referred to in paragraph 1 on the market, manufacturers, <b>developers and importers</b> <del>and developers</del> shall ensure that <del>they</del> <b>such devices and user interfaces</b> include a functionality enabling users to freely and easily change the default settings controlling or managing</p>	<p>2. When placing the devices and user interfaces referred to in paragraph 1 on the market, manufacturers, <u>developers and importers</u> <del>and developers</del> shall ensure that <del>they</del> <u>such devices and user interfaces</u> include a functionality enabling users to freely and easily change <u>at any time the configuration, including</u> <del>the</del></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><del>settings</del> <u>layout, including the configuration of audiovisual media services or of applications allowing users to access such services,</u> controlling or managing access to and use of the audiovisual media services offered. <u>The provisions of Article 25 of Regulation (EU) 2022/2065 shall apply accordingly.</u></p>	<p>access to and use of the audiovisual media services offered.</p>	<p>default settings controlling or managing access to and use of the <del>audiovisual</del> media services offered.</p>
Article 19(2a)				
228a		<p><u>2a. Any person operating devices as referred to in paragraph 2 or user interfaces shall ensure that the identity of the media service provider who has editorial responsibility for a media service is consistently and clearly visible and identifiable, provided that this information has been provided by the relevant media service provider.</u></p>		<p><u>2a. Manufacturers, developers and importers of devices and user interfaces referred to in paragraph 1 shall ensure that the visual identity of media service providers, to whose services their devices and user interfaces give access, is consistently and clearly visible to the users.</u></p> <p>[Comment: a Recital to clarify the meaning that those people should make sure that it is not removed or modified and why the visibility is important]</p>
Article 19(3a)				
228b				<p><u>3a. Member States shall take appropriate measures to ensure that manufacturers, developers and importers comply with paragraph 2 and 2a.</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 19(3)			
228c			3. Member States shall take appropriate measures to ensure that manufacturers, developers and importers comply with paragraph 2.	
	Article 19(4a)			
228d			4. The Board shall foster cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to facilitate the development of harmonised standards related to design of devices or user interfaces controlling or managing access to and use of media services providing programmes or those devices related to carrying the digital signals.	<p><u>4a. The Board shall foster cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to promote the development of harmonised standards related to design of devices or user interfaces controlling or managing access to and use of media services providing programmes or related to digital signals carried by such devices.</u></p> <p>(former article 15(4))</p>
	Section 5			
229	Section 5 Requirements for well-functioning media market measures and procedures	Section 5 Requirements for well-functioning media market measures and procedures	Section 5 Requirements for well-functioning media market measures and procedures	Section 5 Requirements for well-functioning media market measures and procedures  Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20				
230	Article 20 National measures affecting the operation of media service providers	Article 20 National measures affecting the operation of media service providers	Article 20 National measures affecting the operation of media service providers	Article 20 National measures affecting <del>the operation of</del> media service providers
Article 20(1)				
231	1. Any legislative, regulatory or administrative measure taken by a Member State that is liable to affect the operation of media service providers in the internal market shall be duly justified and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory.	1. Any legislative, regulatory or administrative measure taken by a Member State that is liable to affect <u>media pluralism and the editorial independence</u> <del>the operation</del> of media service providers <u>regarding either the provision or the operation of their media services</u> in the internal market shall be duly justified and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory.	1. <del>Any</del> Legislative, regulatory or administrative <del>measure</del> <b>measures</b> taken by a Member State that <del>is</del> <b>are</b> liable to affect <del>the operation</del> <b>media pluralism or editorial independence</b> of media service providers in the internal market shall be duly justified and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory.	1. <del>Any</del> Legislative, regulatory or administrative <del>measure</del> <b>measures</b> taken by a Member State that <del>is</del> <b>are</b> liable to affect <del>the operation</del> <b>media pluralism or editorial independence</b> of media service providers <u>operating</u> in the internal market shall be duly justified and proportionate. Such measures shall be reasoned, transparent, objective and non-discriminatory.
Article 20(2)				
232	2. Any national procedure used for the purposes of the preparation or the adoption of a regulatory or administrative measure as referred to in paragraph 1 shall be subject to clear timeframes set out in advance.	2. Any national procedure used for the purposes of the preparation or the adoption of a regulatory or administrative measure as referred to in paragraph 1 shall be subject to clear timeframes set out in advance. <u>Such timeframes shall be of sufficient length to ensure that</u>	2. Any national procedure used for the purposes of the <del>preparation or the adoption of a regulatory or an</del> administrative measure as referred to in paragraph 1 shall be <del>subject to</del> <b>clear timeframes set out in advance set out in advance and carried out without undue delay.</b>	2. Any national procedure used for the purposes of the <del>preparation or the adoption of a regulatory or an</del> administrative measure as referred to in paragraph 1 shall be subject to <del>clear</del> timeframes <del>set out in advance</del> , <u>and carried out without undue delay.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>such measures and their consequences can be properly considered and that media service providers directly affected can provide feedback on them.</i></u></p>		<p>[Comment: In a Recital (38): Such timeframes should have a sufficient length to ensure an adequate assessment of the envisaged measures by media service providers and their foreseeable consequences.]</p>
Article 20(3)				
233	<p>3. Without prejudice and in addition to its right to effective judicial protection, any media service provider subject to an administrative or regulatory measure referred to in paragraph 1 that concerns it individually and directly shall have the right to appeal against that measure to an appellate body. That body shall be independent of the parties involved and of any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. It shall have the appropriate expertise to enable it to carry out its functions effectively.</p>	<p>3. Without prejudice and in addition to its right to effective judicial protection, any media service provider subject to an administrative or regulatory measure referred to in paragraph 1 that concerns it individually and directly shall have the right to appeal against that measure to an appellate body, <u><i>which may be a court of law.</i></u> That body shall be independent of the parties involved and of any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. It shall have the appropriate expertise <u><i>and funding</i></u> to enable it to carry out its functions effectively <u><i>and to respond to any appeals timely. Such appellate bodies may take opinions issued by the Board on the matter into consideration.</i></u></p>	<p>3. <del>Without prejudice and in addition to its right to effective judicial protection,</del> Any media service provider subject to <del>an administrative or regulatory</del> <b>regulatory or administrative</b> measure referred to in paragraph 1 that concerns it individually and directly shall have the right to appeal against that measure to an appellate body. That body, <b>which may be a court</b>, shall be independent of the parties involved and of any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. It shall have the appropriate expertise to enable it to carry out its functions effectively.</p>	<p>3. <del>Without prejudice and in addition to its right to effective judicial protection,</del> Any media service provider subject to <del>an administrative or regulatory</del> <u><i>regulatory or administrative</i></u> measure referred to in paragraph 1 that concerns it individually and directly shall have the right to appeal against that measure to an appellate body. That body, <u><i>which may be a court,</i></u> shall be independent of the parties involved and of any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. It shall have the appropriate expertise to enable it to carry out its functions effectively <u><i>and in a timely manner.</i></u></p> <p>[Comment: In Recital (probably a new Recital 38a) to add: "in the case of a non-judicial body that they should be provided with adequate resources"]</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20(4)				
234	<p>4. The Board, upon request of the Commission, shall draw up an opinion where a national legislative, regulatory or administrative measure is likely to affect the functioning of the internal market for media services. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter. Opinions by the Board and, where applicable, by the Commission shall be made publicly available.</p>	<p>4. The Board, <u>on its own initiative or upon request of the Commission or the European Parliament</u>, shall draw up an opinion where a national legislative, regulatory or administrative measure is likely to affect the functioning of the internal market for media services <u>or to impact media pluralism or editorial independence</u>. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission <del>may</del><u>shall</u> issue its own opinion on the matter. Opinions by the Board and, where applicable, by the Commission shall be made publicly available.</p>	<p>4. The Board, upon request of the Commission, shall draw up an opinion where a national legislative, regulatory or administrative measure is likely to affect the functioning of <del>the</del> <b>if a regulatory or administrative measure referred to in paragraph 1 is likely to significantly and adversely affect the operation of media service providers in the internal market, the Board may draw up an</b> for media services. Following the opinion of the Board <del>on the</del> <b>measure. Following that opinion,</b> and without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter. <del>Opinions by</del> The Board and, <del>where applicable,</del> by the Commission shall <del>be made</del> <b>make their opinions</b> publicly available.</p>	<p>4. <u>If a regulatory or administrative measure referred to in paragraph 1 is likely to significantly affect the operation of media service providers in the internal market,</u> the Board <u>shall, on its own initiative or</u>, upon request of the Commission, <del>shall draw up an opinion where a national legislative, regulatory or administrative measure is likely to affect the functioning of the internal market for media services.</del> <u>Following the or upon a duly justified and reasoned request of a media service provider that is individually and directly affected by such measure, draw up an opinion of the Board, and on the measure.</u> Without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter. <del>Opinions by</del> The Board and, <del>where applicable,</del> by the Commission shall <del>be made</del> <u>make their opinions</u> publicly available.</p> <p>[Comment: in a Recital to explain the meaning of "in duly justified cases"]</p>
Article 20(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
235	<p>5. Where a national authority or body adopts a measure that affects individually and directly a media service provider and is likely to affect the functioning of the internal market for media services, it shall communicate, at the request of the Board, and where applicable, of the Commission, without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the grounds on which the national authority or body has based its measure, and, where applicable, the views of other authorities concerned.</p>	<p>5. Where a national authority or body adopts a measure that affects <del>individually and</del> directly a media service provider and is likely to affect <u>media pluralism and editorial independence or</u> the functioning of the internal market for media services, it shall communicate, at the request of the Board, and where applicable, of the Commission, without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the grounds on which the national authority or body has based its measure, and, where applicable, the views of other authorities <u>or bodies</u> concerned. <u>On a request from a media service provider affected directly by a measure taken by a Member State, the Board shall issue an opinion on the measure concerned.</u></p>	<p>5. Where a national authority or body adopts a measure that affects individually and directly a media service provider and is likely to affect the functioning of the internal market for media services, it shall communicate, at the request of <b>For the purposes of drawing up an opinion under paragraph 4</b>, the Board, and where applicable, of the Commission, <del>without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the grounds on which</del> <b>may request relevant information from a national authority or body that adopts a regulatory or administrative measure referred to in paragraph 1 that concerns, individually and directly, a media service provider.</b> The national authority or body has based its measure, and, where applicable, the views of other authorities <del>concerned</del> <b>concerned shall provide that information without undue delay and by electronic means.</b></p>	<p>5. <del>Where a national authority or body adopts a measure that affects individually and directly a media service provider and is likely to affect the functioning of the internal market for media services, it shall communicate, at the request of</del> <b>For the purposes of drawing up an opinion under paragraph 4</b>, the Board, and where applicable, of the Commission, <del>without undue delay and by electronic means, any relevant information, including the summary of the facts, its measure, the grounds on which</del> <b>may request relevant information from a national authority or body that adopts a regulatory or administrative measure referred to in paragraph 1 that concerns, individually and directly, a media service provider.</b> The national authority or body <del>has based its measure, and, where applicable, the views of other authorities concerned</del> <b>concerned shall provide that information without undue delay and by electronic means.</b></p>
Article 21				
236	Article 21 Assessment of media market concentrations	Article 21 Assessment of media market concentrations	Article 21 Assessment of media market concentrations	Article 21 Assessment of media market concentrations

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 21(1), first subparagraph				
237	1. Member States shall provide, in their national legal systems, substantive and procedural rules which ensure an assessment of media market concentrations that could have a significant impact on media pluralism and editorial independence. These rules shall:	1. Member States shall provide, in <del>their national</del> <i>legal systems</i> <u>law</u> , substantive and procedural rules which ensure an assessment of media market concentrations that could have <del>a significant</del> <u>an</u> impact on media pluralism and editorial independence. These rules shall:	1. Member States shall provide, in <del>their national legal systems</del> <u>law</u> , substantive and procedural rules which <del>ensure</del> <u>allow for</u> an assessment of media market concentrations that could have a significant impact on media pluralism and editorial independence. These rules shall:	1. Member States shall provide, <del>in their</del> <u>in</u> national <del>legal systems</del> <u>law</u> , substantive and procedural rules which <del>ensure</del> <u>allow for</u> an assessment of media market concentrations that could have a significant impact on media pluralism and editorial independence. These rules shall:
Article 21(1), first subparagraph, point (a)				
238	(a) be transparent, objective, proportionate and non-discriminatory;	(a) be transparent, objective, proportionate and non-discriminatory;	(a) be transparent, objective, proportionate and non-discriminatory;	(a) be transparent, objective, proportionate and non-discriminatory;  Text Origin: Commission Proposal
Article 21(1), first subparagraph, point (b)				
239	(b) require the parties to a media market concentration that could have a significant impact on media pluralism and editorial independence to notify that concentration in advance to the relevant national authorities or bodies;	(b) require the parties to a media market concentration that could have <del>a significant</del> <u>an</u> impact on media pluralism and editorial independence to notify that concentration in advance to the relevant national authorities or bodies;	(b) require the parties <del>to a media market</del> <u>involved in the concentration to notify such</u> concentration <del>that could have a significant impact on media pluralism and editorial independence to notify that</del> concentration in advance to the relevant national authorities or	(b) require the parties <del>to a</del> <u>involved in the</u> media market concentration <del>that could have a significant impact on media pluralism and editorial independence to notify that</del> concentration in advance to the relevant national authorities or <del>bodies</del> <u>to notify such concentration in advance to the relevant national</u>



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			bodies in advance to the relevant national authorities or bodies or provide such authorities or bodies with appropriate powers to obtain information from those parties necessary to assess the concentration;	<u>authorities or bodies or provide such authorities or bodies with appropriate powers to obtain information from those parties necessary to assess the concentration;</u>
Article 21(1), first subparagraph, point (c)				
240	(c) designate the national regulatory authority or body as responsible for the assessment of the impact of a notifiable concentration on media pluralism and editorial independence or ensure the involvement of the national regulatory authority or body in such assessment;	(c) designate the national regulatory <del>authority or body</del> <u>authorities or bodies</u> as responsible for the assessment of the impact of a notifiable <u>media market</u> concentration on media pluralism and editorial independence or ensure <del>the</del> <u>their</u> <u>substantial</u> involvement <del>of the</del> <u>in such assessment or require them to consult other</u> national regulatory <del>authority or body in such</del> <u>authorities or bodies of the Member State that could contribute to the</u> assessment <u>of a media market concentration;</u>	(c) designate the national regulatory <del>authority or body</del> <u>authorities or bodies</u> as responsible for the assessment of the impact of a notifiable concentration on media pluralism and editorial independence or ensure <del>the</del> <u>their</u> involvement of the national regulatory authority or body in such assessment;	(c) designate the national regulatory <del>authority or body</del> <u>authorities or bodies</u> as responsible for the assessment <del>of the impact of a notifiable concentration on media pluralism and editorial independence</del> or ensure <del>the involvement of the national regulatory authority or body</del> <u>their substantive involvement</u> in such assessment;
Article 21(1), first subparagraph, point (d)				
241	(d) set out in advance objective, non-discriminatory and proportionate criteria for notifying media market concentrations that could have a significant impact on media pluralism and editorial independence and for assessing the	(d) set out in advance objective, non-discriminatory and proportionate criteria for notifying <del>media market concentrations that could have a significant impact on media pluralism and editorial independence and for</del> <u>and</u> assessing	(d) set out in advance objective, non-discriminatory and proportionate criteria for notifying <del>such</del> media market concentrations that could have a significant impact on media pluralism and editorial independence and for assessing the	(d) set out in advance objective, non-discriminatory and proportionate criteria for notifying <u>such</u> media market concentrations <del>that could have a significant impact on media pluralism and editorial independence</del> and for assessing the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	impact of media market concentrations on media pluralism and editorial independence.	the impact of media market concentrations on media pluralism and editorial independence-;	impact-of media market eoncentrations on media pluralism and editorial independence.	impact-of media market eoncentrations on media pluralism and editorial independence.
Article 21(1), first subparagraph, point (da)				
6	241a	<u>(da) specify in advance a reasonable period of time by which the national regulatory authority or body conducting the assessment is to complete the assessment, taking into account the period of time required for the involvement of the Board, the Commission, or both, in accordance with paragraphs 4 and 5;</u>		<u>(da) specify in advance the timeframes for completing the assessment;</u>
Article 21(1), first subparagraph, point (db)				
6	241b	<u>(db) specify the consequences of not completing the assessment by the end of the period referred to in point (da).</u>		[No change]
Article 21(1), second subparagraph				
6	242	The assessment referred to in this paragraph shall be distinct from the competition law assessments including those provided for under merger control rules. It shall be without prejudice to Article 21(4) of Regulation (EC) No 139/2004, where applicable.	The assessment referred to in this paragraph shall be distinct from the competition law assessments, including those provided for under merger control rules. It shall be without prejudice to Article 21(4) of Regulation (EC) No 139/2004, where applicable.	The assessment referred to in this paragraph shall be distinct from <del>the</del> <b>Union and national</b> competition law assessments, including those provided for under merger control rules. It shall be without prejudice to Article 21(4) of Regulation (EC) No 139/2004, where applicable.

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Article 21(2)				
243	2. In the assessment referred to in paragraph 1, the following elements shall be taken into account:	2. In the assessment referred to in paragraph 1, the following elements shall, <u>in particular</u> , be taken into account:	2. In the assessment referred to in paragraph 1, the following elements shall be taken into account:	2. In the assessment referred to in paragraph 1, the following elements shall be taken into account:
Article 21(2), point (a)				
244	(a) the impact of the concentration on media pluralism, including its effects on the formation of public opinion and on the diversity of media players on the market, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;	(a) the impact of the concentration on media pluralism <u>at Union, national and regional level</u> , including its <u>geographical reach and its</u> effects on the formation of public opinion and on the diversity of media players <u>and content</u> on the market, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;	(a) the <b>expected</b> impact of the <b>media market</b> concentration on media pluralism, including its effects on the formation of public opinion and on the diversity of media <del>players</del> <b>services and media offer</b> on the market, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;	(a) the <u>expected</u> impact of the <u>media market</u> concentration on media pluralism, including its effects on the formation of public opinion and on the diversity of media <del>players</del> <u>services and media offer</u> on the market, taking into account the online environment and the parties' interests, links or activities in other media or non-media businesses;  [Comment: "geographical reach" idea to be included in the Recital 40, Row 50]
Article 21(2), point (b)				
245	(b) the safeguards for editorial independence, including the impact of the concentration on the functioning of the editorial teams and the existence of measures by media service providers taken with a view to guaranteeing the	(b) <del>the</del> safeguards for editorial independence, including the impact of the concentration on the functioning of the editorial teams and the existence of measures by media service providers taken with a view to guaranteeing <u>ethical and</u>	(b) the safeguards for editorial independence, including the <del>impact of the concentration on the functioning of the editorial teams and the existence of</del> <b>measures taken</b> by media service providers <del>taken</del> with a view	(b) the safeguards for editorial independence, including the <del>impact of the concentration on the functioning of the</del> <u>measures taken by media service providers with a view to guaranteeing the independence of</u> editorial <del>teams</del>

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	independence of individual editorial decisions;	<u>professional standards and</u> the independence of <del>individual</del> editorial decisions;	to guaranteeing the independence of <del>individual</del> editorial decisions;	<del>and the existence of measures by media service providers taken with a view to guaranteeing the independence of individual</del> <u>decisions;</u>  <u>A new separate point to be added:</u>  <u>(e) Where applicable, the commitments that any of the party involved in the media market concentration may offer to safeguard media pluralism and editorial</u> <del>decisions</del> <u>independence;</u>  [Comment: "standards" to be included in a recital"; point (e) will be a separate point; could be moved up as "(cb)" - DLA to check]
Article 21(2), point (c)				
6	246	(c) whether, in the absence of the concentration, the acquiring and acquired entity would remain economically sustainable, and whether there are any possible alternatives to ensure its economic sustainability.	(c) whether, in the absence of the <b>media market</b> concentration, the <del>acquiring and acquired entity</del> <b>entities concerned</b> would remain economically sustainable, and whether there are any possible alternatives to ensure <del>its</del> <b>their</b> economic sustainability.	(c) whether, in the absence of the <u>media market</u> concentration, the <del>acquiring and acquired entity</del> <u>entities concerned</u> would remain economically sustainable, and whether there are any possible alternatives to ensure <del>its</del> <u>their</u> economic sustainability.
Article 21(2), point (ca)				
6	246a		<u>(ca) the results of the risk assessment carried out as part of</u>	<u>(ca) where relevant, the findings of the Commission's annual rule of</u>

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		<u><i>the Commission's annual rule of law report and the Media Pluralism Monitor to identify, analyse and assess risks to media freedom and media pluralism in the Member States.</i></u>		<u><i>law report concerning media pluralism and media freedom.</i></u>
Article 21(3)				
247	3. The Commission, assisted by the Board, may issue guidelines on the factors to be taken into account when applying the criteria for assessing the impact of media market concentrations on media pluralism and editorial independence by the national regulatory authorities or bodies.	3. The Commission, <del>assisted by</del> <u>in consultation with</u> the Board, <del>may shall</del> issue guidelines <del>on the factors</del> to be taken into account <del>when applying the criteria for by</del> <u>national regulatory authorities or bodies in</u> assessing the impact of media market concentrations on media pluralism and editorial independence <del>by the national regulatory authorities or bodies.</del>	3. The Commission, assisted by the Board, may issue guidelines on the factors to be taken into account when applying the criteria for assessing the impact of media market concentrations on media pluralism and editorial independence by the national regulatory authorities or <del>bodies</del> <u>elements referred to in paragraph 2.</u>	3. The Commission, assisted by the Board, <del>may shall</del> issue guidelines on the <del>factors to be taken into account when applying the criteria for assessing the impact of media market concentrations on media pluralism and editorial independence by the national regulatory authorities or bodies</del> <u>elements referred to in paragraph 2, point (a) to (c).</u>
Article 21(4)				
248	4. The national regulatory authority or body shall consult the Board in advance on any opinion or decision it aims to adopt assessing the impact on media pluralism and editorial independence of a notifiable media market concentration where such concentrations may affect the functioning of the internal market.	4. The national regulatory authority or body shall <del>consult</del> <u>inform</u> the Board <u>before conducting the assessment referred to in the first subparagraph of paragraph 1 and shall consult the Board before issuing</u> <del>in advance on</del> any opinion or <u>taking any</u> decision it aims to adopt <u>assessing concerning</u> the impact on media pluralism and editorial independence of a notifiable <del>media</del> market concentration <u>or</u> where such	4. The national regulatory authority or body shall consult the Board in advance on any opinion or decision it aims to adopt assessing the impact on media pluralism and editorial independence of a notifiable media market concentration where such concentrations may affect the functioning of the internal market <b>Where a media market concentration is likely to affect the functioning of the internal</b>	4. <del>The national regulatory authority or body shall consult the Board in advance on any opinion or decision it aims to adopt assessing the impact on</del> <u>Where a media market concentration is likely to affect the functioning of the internal market for</u> media pluralism and editorial independence of a notifiable media market concentration where such concentrations may affect the

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		concentrations may affect the functioning of the internal market.	<b>market for media services, the national regulatory authority or body shall consult the Board in advance on its draft assessment or its opinion, as relevant.</b>	<del>functioning of the internal market.</del> <u>services, the national regulatory authority or body shall consult the Board in advance on its draft assessment or draft opinion.</u>
Article 21(5)				
249	5. Within 14 calendar days from the receipt of the consultation referred to in paragraph 4, the Board shall draw up an opinion on the draft national opinion or decision referred to it, taking account of the elements referred to in paragraph 2 and transmit that opinion to the consulting authority and the Commission.	5. Within 14 calendar days from the receipt of the consultation referred to in paragraph 4, the Board shall draw up an opinion on the draft national opinion or decision referred to it, taking account of the elements referred to in paragraph 2 and transmit that opinion to the consulting authority <u>or body</u> and the Commission.	5. Within 14 calendar days from the receipt of the consultation referred to in paragraph 4 <del>the</del> <b>timelines to be established by the Board in its rules of procedure</b> , the Board <del>shall</del> <b>may</b> draw up an opinion on the draft <del>national assessment or draft opinion or decision referred to it</del> <b>of the consulting national regulatory authority or body</b> , taking account of the elements referred to in paragraph 2 and transmit that opinion to <del>the consulting</del> <b>such authority or body</b> and the Commission.	5. Within <del>14 calendar days from the receipt of the consultation referred to in paragraph 4</del> <u>the timelines to be established by the Board in its rules of procedure</u> , the Board shall draw up an opinion on the draft <del>national assessment or draft opinion or decision referred to it</del> <u>of the consulting national regulatory authority or body</u> , taking account of the elements referred to in paragraph 2 and transmit that opinion to <del>the consulting authority</del> <u>such authority or body</u> and the Commission.
Article 21(6)				
250	6. The national regulatory authority or body referred to in paragraph 4 shall take utmost account of the opinion referred to in paragraph 5. Where that authority does not follow the opinion, fully or partially, it shall provide the Board and the Commission with a	6. The national regulatory authority or body referred to in paragraph 4 shall take utmost account of the opinion referred to in paragraph 5. Where that authority does not follow the opinion, fully or partially, it shall provide the Board and the Commission with a	6. The national regulatory authority or body referred to in paragraph 4 shall take utmost account of the opinion referred to in paragraph 5. <del>Where that authority does not follow the opinion, fully or partially, it shall provide the Board and the Commission with a</del>	6. The national regulatory authority or body referred to in paragraph 4 shall take utmost account of the opinion referred to in paragraph 5. Where that authority does not follow the opinion, fully or partially, it shall provide the Board and the Commission with a

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	<p>reasoned justification explaining its position within 30 calendar days from the receipt of that opinion. Without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter.</p>	<p>reasoned justification explaining its position within 30 calendar days from the receipt of that opinion. Without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter. <u>The competent national regulatory authority or body shall, within four weeks of receipt of such an opinion, provide the Commission with the reasons for which it did not fully or partially follow it.</u></p>	<p><del>reasoned justification explaining its position within 30 calendar days from the receipt of that opinion. Without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter.</del></p>	<p>reasoned justification explaining its position within <del>30 calendar days from the receipt of that opinion.</del> <u>Without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter.</u> <u>the timelines to be established by the Board.</u></p>
Article 21(6a)				
6	250a	<p><u>6a. National regulatory authorities or bodies may request entities involved in a media market concentration to make commitments regarding the safeguarding of media pluralism and editorial independence based on the elements set out in paragraph 2.</u></p>		[Comment: No change - new point (e) above]
Article 22				
6	251	Article 22 Opinions on media market concentrations	Article 22 Opinions on media market concentrations	Article 22 Opinions on media market concentrations  Text Origin: Commission Proposal

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Article 22(1)				
252	<p>1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, upon request of the Commission, shall draw up an opinion on the impact of a media market concentration on media pluralism and editorial independence, where a media market concentration is likely to affect the functioning of the internal market for media services. The Board shall base its opinion on the elements set out in Article 21(2). The Board may bring media market concentrations likely to affect the functioning of the internal market for media services to the attention of the Commission.</p>	<p>1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, <u>on its own initiative or</u> upon request of the Commission, shall draw up an opinion on the impact of a media market concentration on media pluralism and editorial independence, where, <u>according to its own preliminary assessment or the Commission's preliminary assessment, that</u> <del>a</del> media market concentration is likely to affect the functioning of the internal market for media services. The Board shall base its opinion on the elements set out in Article 21(2). The Board <u>shall</u> may bring <u>such</u> media market concentrations <del>likely to affect the functioning of the internal market for media services</del> to the attention of the Commission.</p>	<p>1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, upon request of the Commission, shall draw up an opinion on the impact of a media market concentration on media pluralism and editorial independence, where a media market concentration is likely to affect the functioning of the internal market for media services. The Board shall base its opinion on the elements set out in Article 21(2). The Board may bring <del>media market</del><u>such</u> concentrations <del>likely to affect the functioning of the internal market for media services</del> to the attention of the Commission.</p>	<p>1. In the absence of an assessment or a consultation pursuant to Article 21, the Board, <u>on its own initiative or</u> upon request of the Commission, shall draw up an opinion on the impact of a media market concentration on media pluralism and editorial independence, where a media market concentration is likely to affect the functioning of the internal market for media services. The Board shall base its opinion on the elements set out in Article 21(2). The Board may bring <del>media market</del><u>such</u> concentrations <del>likely to affect the functioning of the internal market for media services</del> to the attention of the Commission.</p>
Article 22(2)				
253	<p>2. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter.</p>	<p>2. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission <del>may</del><u>shall</u> issue its own opinion on the matter. <u>The competent national regulatory authority or body shall, within four weeks of receipt of such an opinion, provide the Commission</u></p>	<p>2. Following the opinion of the Board, and without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter.</p>	<p>2. <del>Following the opinion of the Board, and</del> Without prejudice to its powers under the Treaties, the Commission may issue its own opinion on the matter.</p>



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		<u>with the reasons for which it did not fully or partially follow it.</u>		
Article 22(3)				
6	254 3. Opinions by the Board and, where applicable, by the Commission shall be made publicly available.	3. Opinions by the Board and, <del>where applicable,</del> by the Commission shall be made publicly available.	3. <del>Opinions by</del> The Board and, where applicable, by the Commission shall <del>be made</del> <b>make their opinions</b> publicly available.	3. <del>Opinions by</del> The Board and, <del>where applicable, by</del> the Commission shall <del>be made</del> <b>make their opinions</b> publicly available.
Article 22a				
6	254a	<u>Article 22a</u> <u>Delegated acts</u>		[Comment: No change]
Article 22a(1)				
6	254b	<u>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</u>		[Comment: No change]
Article 22a(2)				
6	254c	<u>2. The power to adopt delegated acts referred to in this Regulation shall be conferred on the Commission for an indeterminate period of time from [OP please insert the date = 6 months after the date of entry into force of this Regulation].</u>		[Comment: No change]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 22a(3)			
6	254d	<p><u>3. The power to adopt delegated acts referred to in this Regulation may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</u></p>		[Comment: No change]
	Article 22a(4)			
6	254e	<p><u>4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.</u></p>		[Comment: No change]
	Article 22a(5)			
6	254f	<p><u>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</u></p>		[Comment: No change]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 22a(6)			
6	254g	<u>6. A delegated act adopted pursuant to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of one month of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.</u>		[Comment: No change]
	Section 6			
6	255	Section 6 Transparent and fair allocation of economic resources	Section 6 Transparent and fair allocation of economic resources	Section 6 Transparent and fair allocation of economic resources  Text Origin: Commission Proposal
	Article 23			
6	256	Article 23 Audience measurement	Article 23 Audience measurement	Article 23 Audience measurement  Text Origin: Commission Proposal

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Article 23(1)				
257	1. Audience measurement systems and methodologies shall comply with principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability.	1. Audience measurement systems and methodologies shall comply with principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination, <u>comparability</u> and verifiability. <u>Audience measurement shall be conducted in accordance with self-regulatory mechanisms jointly agreed and widely accepted within the media industry.</u>	1. <b>Providers of</b> audience measurement systems and methodologies shall <b>ensure that their systems and methodologies</b> comply with the principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability.	1. <u>Providers of</u> audience measurement systems <u>shall ensure that their systems and the methodology used by their systems and methodologies shall</u> comply with <u>the</u> principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination, <u>comparability</u> and verifiability.
Article 23(2)				
258	2. Without prejudice to the protection of undertakings' business secrets, providers of proprietary audience measurement systems shall provide, without undue delay and free of costs, to media service providers and advertisers, as well as to third parties authorised by media service providers and advertisers, accurate, detailed, comprehensive, intelligible and up-to-date information on the methodology used by their audience measurement systems. This provision shall not affect the Union's data protection and privacy rules.	2. Without prejudice to the protection of undertakings' <del>business</del> <u>trade</u> secrets <u>as defined in Article 2, point (1), of Directive (EU) 2016/943</u> , providers of proprietary audience measurement systems shall provide, without undue delay and free of costs, to media service providers, and advertisers, as well as to third parties authorised by media service providers and advertisers, accurate, detailed, comprehensive, intelligible and up-to-date information on the methodology used by their audience measurement systems. <u>Providers of proprietary audience measurement systems shall provide free of</u>	2. Without prejudice to the protection of undertakings' business secrets, providers of <del>proprietary</del> audience measurement systems <b>developed outside relevant self-regulatory organisations or whose methodologies do not comply with standards and best practices agreed by the industry</b> shall provide, without undue delay and free of costs, to media service providers and advertisers, as well as to third parties authorised by media service providers and advertisers, accurate, detailed, comprehensive, intelligible and up-to-date information on the methodology used by their audience measurement	2. Without prejudice to the protection of undertakings' <del>business</del> <u>trade</u> secrets, <u>as defined in Article 2, point (1), of Directive (EU) 2016/943</u> , providers of proprietary audience measurement systems shall provide, without undue delay and free of <del>costs</del> <u>charge</u> , to media service providers <del>and advertisers, as well as, to advertisers and</del> to third parties authorised by media service providers and advertisers, accurate, detailed, comprehensive, intelligible and up-to-date information on the methodology used by their audience measurement systems.

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		<p><u>charge to each media service provider the audience measurements relating to its content and services. An independent body shall audit once a year the methodology used by proprietary audience measurement systems and the application of that methodology.</u> This provision shall not affect the Union's data protection and privacy rules.</p>	<p>systems. This provision shall not affect the Union's data protection and privacy rules.</p>	<p><u>Providers of proprietary audience measurement systems shall ensure that the methodology used by their systems and the way in which it is applied is independently audited once a year. Providers of proprietary audience measurement systems shall provide, upon request, to each media service provider information on audience measurement results, including non aggregated data, which relate to its media content and media services.</u></p> <p><u>The obligations laid down in this paragraph</u> <del>This provision</del> shall not affect the Union's data protection and privacy rules.</p> <p>[Comment: a recital to explain the concerns that the results need to be useful among the media services providers related to the 2nd paragraph; "high quality"];</p>
Article 23(2a)				
258a		<p><u>2a. Audience measurement data provided to media service providers shall be as granular as the information provided by industry self-regulatory mechanisms, including non-aggregated data.</u></p>		<p>[Comment: No change]</p>
Article 23(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
259	<p>3. National regulatory authorities or bodies shall encourage the drawing up of codes of conduct by providers of audience measurement systems, together with media service providers, their representative organisations and any other interested parties, that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits.</p>	<p>3. <del>National regulatory authorities or bodies shall encourage the drawing up of codes of conduct by</del> Providers of audience measurement systems, together with media service providers, their representative organisations, <u>online platforms</u> and any other interested parties, <u>shall draw up codes of conduct, with the support of national regulatory authorities or bodies,</u> that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits. <u>Such codes of conduct shall provide for the regular, transparent and independent monitoring and evaluation of the achievement of compliance with the principles referred to in paragraph 1. When drawing up codes of conduct, special consideration shall be given to small media in order to ensure that their audiences are properly measured.</u></p>	<p>3. National regulatory authorities or bodies shall encourage the drawing up of codes of conduct by providers of audience measurement systems, together with media service providers, <b>providers of online platforms,</b> their <b>respective</b> representative organisations <del>and</del> any other interested parties, <del>that are</del> <b>encourage adherence with existing codes of conduct by these entities. Such codes of conduct shall be</b> intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits.</p>	<p>3. National regulatory authorities or bodies shall encourage <del>the drawing up of providers of audience measurement systems to draw up,</del> <u>together with media service providers, providers of online platforms, their representative organisations and any other interested parties,</u> codes of conduct <del>by</del> <u>or shall encourage</u> providers of audience measurement systems, <del>together with</del> <u>to comply with codes of conduct jointly agreed and widely accepted by</u> media service providers, their representative organisations and any other interested parties, <del>that are intended to contribute to</del>.</p> <p><u>Codes of conduct as referred to in the first subparagraph of this paragraph shall be intended to promote the regular, independent and transparent monitoring of effective achievement of their objectives and</u> compliance with the principles referred to in paragraph 1, including <del>by promoting through</del> independent and transparent audits.</p> <p>(redrafting to be checked)</p>
Article 23(4)				
260				

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	4. The Commission, assisted by the Board, may issue guidelines on the practical application of paragraphs 1, 2 and 3 of this Article.	4. The Commission, assisted by the Board, <del>may</del> <u>shall</u> issue guidelines on the practical application of paragraphs 1, 2 and 3, <u>taking into account codes of conduct as referred to in paragraph 3 of this Article.</u>	4. The Commission, assisted by the Board, may issue guidelines on the practical application of paragraphs 1, 2 and 3, <b>considering, where appropriate, the codes of conduct referred to in paragraph 3 of this Article.</b>	4. The Commission, assisted by the Board, may issue guidelines on the practical application of paragraphs 1, 2 and 3, <u>taking into account, where appropriate, the codes of conduct referred to in paragraph 3 of this Article.</u>
Article 23(5)				
261	5. The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems and other interested parties.	5. The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems, <u>media service providers</u> and other interested parties.	5. The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems, <b>media service providers, providers of online platforms</b> and other interested parties.	5. The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems, <u>representatives of media service providers, representatives of providers of online platforms,</u> and other interested parties.
Article 23(5a)				
261a		<u>5a. The obligations set out in this Article are without prejudice to the right of audiences to the protection of personal data concerning them as provided for in Article 8 of the Charter of Fundamental Rights of the European Union and Regulation (EU) 2016/679.</u>		

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Article 24				
262	Article 24 Allocation of state advertising	Article 24 Allocation of <u>public funds for</u> state advertising <u>and purchases</u>	Article 24 Allocation of <b>public funds for</b> state advertising <b>and purchases</b>	Article 24 Allocation of <u>public funds for</u> state advertising <u>and supply or service contracts</u>
Article 24(1)				
263	1. Public funds or any other consideration or advantage granted by public authorities to media service providers for the purposes of advertising shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. This Article shall not affect public procurement rules.	1. Public funds or any other consideration or advantage <del>granted</del> <u>allocated</u> by public authorities to media service providers, <u>providers of online platforms and providers of online search engines</u> for the purposes of advertising <u>and purchases</u> shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. <u>Such public funding allocated for the purposes of advertising to a singular media service provider, including to an online platform provider or to an online search engine provider, shall not exceed 15 % of the total budget allocated by the public authority to the totality of media service providers operating at national level.</u> This Article shall not affect public procurement <u>rules or the application of State aid</u> rules.	1. Public funds or any other consideration or advantage <del>granted</del> <b>made available, directly or indirectly</b> , by public authorities or <b>entities</b> to media service providers for the purposes of <b>state</b> advertising shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria and through open, proportionate and non-discriminatory procedures. <b>The award of supply or service contracts by public authorities or entities to media service providers shall be based on transparent, open, proportionate and non-discriminatory procedures.</b> This Article shall not affect <b>the awarding of public contracts and concession contracts under Union public procurement rules or the application of Union state aid rules.</b>	1. Public funds or any other consideration or advantage <del>granted</del> <u>made available, directly or indirectly</u> , by public authorities <u>or entities</u> to media service providers <u>and providers of online platforms</u> for the purposes of <u>state</u> advertising <u>and supply or service contracts with them</u> shall be awarded according to transparent, objective, proportionate and non-discriminatory criteria <u>made publicly available in advance by electronic and user-friendly means</u> and through open, proportionate and non-discriminatory procedures.  <u>Member States shall seek to ensure that the overall yearly public expenditure allocated for the purposes of state advertising is distributed to a wide plurality of media service providers represented on the market, taking into account the national and local specificities of the respective media markets.</u>



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				<p><u><i>This Article shall not affect the awarding of public contracts and concession contracts under Union public procurement rules or the application of Union state aid rules. <del>This Article shall not affect public procurement rules.</del></i></u></p> <p>[Comment: In a Recital: Distribution of funding for the purposes of state advertising should not create an unjustified advantage for the beneficiaries; Definition on Row 92b in line with the text]</p>
Article 24(1a)				
263a		<p><u><i>1a. Public authorities shall ensure that the criteria and procedures used to determine the allocation of public funds for the purposes of State advertising and purchases to media service providers, online platforms and online search engines in accordance with paragraph 1 are made available to the public in advance by electronic and user-friendly means. The national regulatory authorities or bodies shall consult the Board and national media stakeholders on the development of the methodology for such criteria and procedures.</i></u></p>		<p>[Comment: No change]</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 24(1b)(2)				
264	<p>2. Public authorities, including national, federal or regional governments, regulatory authorities or bodies, as well as state-owned enterprises or other state-controlled entities at the national or regional level, or local governments of territorial entities of more than 1 million inhabitants, shall make publicly available accurate, comprehensive, intelligible, detailed and yearly information about their advertising expenditure allocated to media service providers, which shall include at least the following details:</p>	<p>2. Public authorities, including <u>at Union</u>, national, federal, <u>regional, or local level</u> <del>or regional governments</del>, <u>national</u> regulatory authorities or bodies, as well as state-owned enterprises or other state-controlled entities at the <u>Union</u> national <del>or</del> regional <del>level</del>, or local <del>governments of territorial entities of more than 1 million inhabitants</del>, shall make publicly <u>available by electronic and user-friendly means</u> accurate, comprehensive, intelligible, detailed and yearly information about their advertising <del>expenditure and purchase expenditures</del> allocated to media service providers, <u>providers of online platforms and providers of online search engines</u>, which shall include at least the following details:</p>	<p>2. Public authorities, including national, federal or regional governments, regulatory authorities or bodies, as well as state-owned enterprises or other state-controlled <del>or</del> entities at the national or regional level, or local governments of territorial entities of more than 1 million inhabitants, shall make publicly available accurate, comprehensive, intelligible, detailed and yearly information about their <del>state</del> advertising expenditure allocated to media service <del>providers</del>, which shall include at least the following details:</p>	<p>2. Public authorities, <del>including national, federal or regional governments, regulatory authorities or bodies, as well as state-owned enterprises or other state-controlled</del> <u>or</u> entities <del>at the national or regional level, or local governments of territorial entities of more than 1 million inhabitants</del>, shall make publicly available <del>accurate, comprehensive, intelligible, detailed</del> <u>and by electronic and user-friendly means</u> yearly information about their <del>state</del> advertising expenditure <del>allocated to media service providers</del>, which shall include at least the following details:</p>
Article 24(1b)(2), point (a)				
265	<p>(a) the legal names of media service providers from which advertising services were purchased;</p>	<p>(a) the legal names of media service providers, <u>providers of online platforms or providers of online search engines</u> from which advertising services <u>and purchases were obtained</u> <del>were purchased</del>;</p>	<p>(a) the legal names of media service providers from which advertising services were purchased;</p>	<p>(a) the legal names of media service providers <u>or providers of online platforms</u> from which <del>advertising</del> services were purchased;</p>

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Article 24(1b)(2), point (ab)				
265a		<u>(aa) a short reasoning of the criteria and procedures applied for the allocation of public funds for the purposes of State advertising and purchases to media service providers, providers of online platforms or providers of online search engines;</u>		[Comment: No change]
Article 24(1b)(2), point (aa)				
265b		<u>(ba) state advertising and state financial support allocated to media service providers, providers of online platforms or providers of online search engines;</u>		<u>(aa) if applicable the legal names of the business groups of which any such media service providers or providers of online platforms are part;</u>  [Comment: it will be between (a) and (b) in the final text]
Article 24(1b)(2), point (b)				
266	(b) the total annual amount spent as well as the amounts spent per media service provider.	(b) the total annual amount spent as well as the amounts spent per media service provider. <u>provider of online platform or provider of online search engine;</u>	(b) the total annual amount spent as well as the amounts spent per media service provider.	(b) the total annual amount spent as well as the amounts spent per media service provider <u>or provider of online platform.</u>
Article 24(1b)(2), point (ba)				
266a		<u>(bb) details of revenue from contracts with State bodies received</u>		

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		<u>by companies that belong to the same business grouping as the media service provider.</u>		[Comment: point moved under (aa)]
Article 24(1b), (2) a				
266b			Member States may exempt subnational governments of territorial entities of less than 100,000 inhabitants, and entities controlled, directly or indirectly, by such subnational governments, from the obligations under this paragraph.	<u>Member States may exempt subnational governments of territorial entities of less than 100.000 inhabitants, and entities controlled, directly or indirectly, by such subnational governments, from the obligations under point (ba) of this paragraph.</u>
Article 24(3)				
267	3. National regulatory authorities or bodies shall monitor the allocation of state advertising in media markets. In order to assess the accuracy of the information on state advertising made available pursuant to paragraph 2, national regulatory authorities or bodies may request from the entities referred to in paragraph 2 further information, including information on the application of criteria referred to in paragraph 1.	3. National regulatory authorities or bodies shall monitor the allocation of state <del>advertising funding</del> in media markets <u>and to providers of online platforms and providers of online search engines</u> . In order to assess the accuracy of the information on state <del>advertising</del> <u>expenditures</u> made available pursuant to paragraph 2, national regulatory authorities or bodies may request from the entities referred to in paragraph 2 further information, including <u>more detailed</u> information on the application of <u>the</u> criteria <u>and procedures</u> referred to in paragraph 1.	3. National regulatory authorities or bodies <b>or other competent independent authorities or bodies in the Member States</b> shall monitor the allocation of state advertising in media markets: <b>and</b> , in order to assess the <del>accuracy</del> <b>completeness</b> of the information on state advertising made available pursuant to paragraph 2, national regulatory authorities or bodies may request from <del>them</del> <b>may request from those public authorities or entities referred to in that fall under</b> paragraph 2 further information, including information on the application of criteria referred to in	3. National regulatory authorities or bodies <u>or other competent independent authorities or bodies in the Member States</u> shall monitor <u>and report annually on</u> the allocation of state advertising <del>into</del> media <del>markets- service providers</del> <u>and to providers of online platforms based on the details set out in paragraph 2. Annual reports shall be made publicly available in an easily accessible manner.</u> In order to assess the <del>accuracy</del> <b>completeness</b> of the information <u>on state advertising on</u> <del>state advertising</del> made available pursuant to paragraph 2, national regulatory authorities or bodies <u>or</u>

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			<p>paragraph 1. In case the monitoring and assessment are carried out by other competent independent authorities or bodies, they shall keep the national regulatory authorities or bodies duly informed.</p>	<p><u>other competent independent authorities or bodies in the Member States</u> may request from <del>the those public authorities or entities referred to in that fall under</del> paragraph 2 further information, including <u>more detailed</u> information on the application of <u>the</u> criteria <u>and procedures</u> referred to in paragraph 1. <u>In case the monitoring, assessment and reporting are carried out by other competent independent authorities or bodies, they shall keep the national regulatory authorities or bodies duly informed.</u></p>
Article 24(3a)				
6 267a		<p><u>3a. National regulatory authorities or bodies monitoring the allocation of State expenditure shall report annually in a detailed and intelligible manner on the allocation of State expenditure to media service providers, providers of online platforms and providers of online search engine from the details set out to paragraph 2. Annual reports shall be made publicly available in an easily accessible manner.</u></p>		<p>[Comment: No change]</p>
Article 24(3b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
267b		<u><i>3b. The allocation of State expenditure to media service providers, providers of online platforms and providers of online search engines for the purposes of emergency messages by public authorities shall become subject to the requirements set out in paragraphs 2 and 3 once the emergency situation has ended. Such allocations shall be subject to the requirements set out in paragraph 1.</i></u>		[Comment: No change]
Article 24(4)				
268	4. The allocation of state resources to media service providers for the purpose of purchasing goods or services from them other than state advertising shall be subject to the requirements set out in paragraph 1. This Article shall not affect the application of the State aid rules.	4. The allocation of state resources to media service providers for the purpose of purchasing goods or services from them other than state advertising shall be subject to the requirements set out in paragraph 1. This Article shall not affect the application of the State aid rules.	<i>deleted</i>	4. <del><i>The allocation of state resources to media service providers for the purpose of purchasing goods or services from them other than state advertising shall be subject to the requirements set out in paragraph 1. This Article shall not affect the application of the State aid rules.</i></del> <u><i>deleted</i></u>
Chapter IV – Final Provisions				
269	Chapter IV – Final Provisions	Chapter IV – Final Provisions	Chapter IV – Final Provisions	Chapter IV – Final Provisions  Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 25				
270	Article 25 Monitoring exercise	Article 25 Monitoring exercise	Article 25 Monitoring exercise	Article 25 Monitoring exercise  Text Origin: Commission Proposal
Article 25(1)				
271	1. The Commission shall ensure an independent monitoring of the internal market for media services, including risks to and progress in its functioning and resilience. The findings of the monitoring exercise shall be subject to consultation with the Board.	1. The Commission, <u>in consultation with the Board</u> , shall ensure an independent <u>and continuous</u> monitoring of the internal market for media services, <u>including concerning its functioning and resilience</u> , risks to <u>it and its</u> <del>and</del> progress in <del>its</del> <u>functioning and resilience</u> . <del>The findings of the monitoring exercise shall be subject to consultation with the Board</del> <u>the area of media freedom and media pluralism. The Commission may involve European bodies with relevant expertise in media freedom and media pluralism in that monitoring exercise.</u>	1. The Commission shall ensure an independent monitoring of the internal market for media services, including risks to and progress in its functioning <del>and resilience</del> . The findings of the monitoring exercise shall be subject to consultation with the Board. <b>They shall be presented and discussed with the contact committee established by Article 29 of Directive 2010/13/EU.</b>	1. The Commission shall ensure an independent <u>and continuous</u> monitoring of the internal market for media services, including risks to and progress in its functioning <del>and resilience</del> . The findings of the monitoring exercise shall be subject to consultation with the Board. <u>They shall be presented and discussed with the contact committee established by Article 29 of Directive 2010/13/EU.</u>
Article 25(2)				
272	2. The Commission shall define key performance indicators to be used for the monitoring referred in	2. The Commission shall define key performance indicators to be used for the monitoring referred in	2. The Commission shall define key performance indicators, <b>methodological safeguards to protect the objectivity, and</b>	2. The Commission shall define key performance indicators, <u>methodological safeguards to protect the objectivity, and</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1, in consultation with the Board.	paragraph 1, in consultation with the Board.	<b>selection criteria of the researchers</b> to be used for the monitoring referred in paragraph 1, in consultation with the Board.	<u><i>selection criteria of the researchers</i></u> <del>to be used</del> for the monitoring referred in paragraph 1, in consultation with the Board.
Article 25(2a)				
272a		<u><i>2a. In the monitoring exercise referred to in paragraph 1, the Commission shall take into account the Board's reports, assessments and recommendations, input from civil society, the results from the Media Pluralism Monitor and the findings of its annual rule of law reports.</i></u>		[Comment: No change]
Article 25(3)				
273	3. The monitoring exercise shall include:	3. The monitoring exercise shall, <u><i>in particular</i></u> <del>include</del> :	3. The monitoring exercise shall include:	3. The monitoring exercise shall include:
Article 25(3), point (a)				
274	(a) a detailed analysis of the resilience of media markets of all Member States, including as regards the level of media concentration and risks of foreign information manipulation and interference;	(a) <u><i>take into account</i></u> a detailed analysis of the resilience of media markets of all Member States, including <del>as regards</del> <u><i>an overview of the level of media concentration and risks to media pluralism and the editorial independence of media service providers, including of</i></u> <del>foreign</del> information manipulation and interference;	(a) a detailed analysis of <del>the resilience of</del> media markets of all Member States, including as regards the level of media concentration and risks of foreign information manipulation and interference;	(a) a detailed analysis of <del>the resilience of</del> media markets of all Member States, including as regards the level of media concentration and risks of foreign information manipulation and interference;  <u><i>(b or ca) new:</i></u>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u><a href="#">an overview of risks to media pluralism and editorial independence of media service providers to the extent that they could impact the functioning of the internal market;</a></u>
Article 25(3), point (b)				
275	(b) an overview and forward-looking assessment of the resilience of the internal market for media services as a whole;	(b) <u><a href="#">include</a></u> an overview and forward-looking assessment of the resilience of the internal market for media services as a whole, <u><a href="#">including as regards the degree of concentration of the market;</a></u>	(b) an overview and forward-looking assessment of the <del>resilience</del> <b>functioning</b> of the internal market for media services as a whole, <b>including as regards the impact of online platforms;</b>	(b) an overview and forward-looking assessment of the <del>resilience</del> <b>functioning</b> of the internal market for media services as a whole, <u><a href="#">including as regards the impact of online platforms;</a></u>
Article 25(3), point (ba)				
275a		<u><a href="#">(ba) include a continuous and detailed assessment of the implementation of Articles 3, 4 and 7;</a></u>		[Comment: No change; To include in Recital 50, line 60 further details on what needs to be taken into account in the monitoring exercise]
Article 25(3), point (c)				
276	(c) an overview of measures taken by media service providers with a view to guaranteeing the independence of individual editorial decisions.	(c) <u><a href="#">include</a></u> an overview of measures taken by media service providers with a view to guaranteeing the independence of <del>individual</del> editorial decisions.;	(c) an overview of measures taken by media service providers with a view to guaranteeing the independence of <del>individual</del> editorial decisions <b>and an analysis of the expected reduction in risks for the</b>	(c) an overview of measures taken by media service providers with a view to guaranteeing the independence of <del>individual</del> editorial decisions.;
				[Comment: last part of Council's addition in a

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			functioning of the internal market for media services.	Recital, i.e. "and an analysis of the expected reduction in risks for the functioning of the internal market for media services"]
Article 25(3), point (ca)				
6	276a	<u>(ca) include a detailed assessment of the allocation of public funds for State advertising and purchases;</u>		<u>(ca) A detailed overview of frameworks and practices for the allocation of public funds for state advertising;</u>
Article 25(3), point (cb)				
6	276b	<u>(cb) include an overview of national measures affecting media pluralism and the editorial independence of media service providers, taking into account their political independence and accessibility;</u>		[Comment: No change]
Article 25(3), point (cc)				
6	276c	<u>(cc) include an overview of the implementation and impact of the functionality of very large online platforms for recognised media service providers as referred to in Article 17;</u>		[Comment: No change; include in point (b)]
Article 25(3), point (cd)				
6	276d			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>(cd) assess the independence of the national regulatory authorities or bodies.</i>		[Comment: No change]
Article 25(3), point (ce)				
276e		<i>3a. The Commission shall establish an easy-to-use and publicly available alert mechanism to detect risks concerning the application of this Regulation.</i>		[Comment: No change; in a Recital to mention that the existing alert mechanism should also be taken into account]
Article 25(4)				
277	4. The monitoring shall be carried out annually, and its results shall be made publicly available.	4. The monitoring shall be carried out annually, <del>and its results.</del> <i>The results of the monitoring shall be presented annually to the European Parliament and</i> shall be made publicly available.	4. The monitoring shall be carried out annually, and <del>its</del> <b>the results thereof, including the methodology and data</b> , shall be made publicly available.	4. The monitoring shall be carried out annually. <i>The results of the monitoring, including the methodology and data,</i> <del>and its results</del> shall be made publicly available <i>and presented annually to the European Parliament.</i>
Article 26				
278	Article 26 Evaluation and reporting	Article 26 Evaluation and reporting	Article 26 Evaluation and reporting	Article 26 Evaluation and reporting  Text Origin: Commission Proposal
Article 26(1)				
279				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. By [four years after the entry into force of this Regulation] at the latest, and every four years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.	1. By [ <del>four</del> <sup>two</sup> years after the entry into force of this Regulation] <del>at the latest</del> , and every <del>four</del> <sup>two</sup> years thereafter, the Commission shall evaluate <u>the implementation of</u> this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee, <u>including on the findings and follow-up measures to be taken</u> .	1. By [four years after the entry into force of this Regulation] <del>at the latest</del> , and every four years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.	1. By [ <del>four</del> <sup>3</sup> years <del>after the entry into force of this Regulation</del> ] <u>at the latest from the date of application set out in Article 28(2), first subparagraph</u> , and every four years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.  [Comment: technical adjustment on the reference to 28(2) for consistency purposes]
Article 26(1a)				
279a				<u>1a. In the first evaluation referred to in paragraph 1, the Commission shall examine in particular the effectiveness of the functioning of the secretariat of the Board established under Article 11, including as regards the adequacy of resources in relation to the performance of its tasks.</u>
Article 26(2)				
280	2. For the purposes of paragraph 1 and upon its request, Member States and the Board shall send relevant information to the Commission.	2. For the purposes of paragraph 1 and upon its request, Member States and the Board shall send relevant information to the Commission.	2. For the purposes of paragraph 1 and upon its request, Member States and the Board shall send relevant information to the Commission.	2. For the purposes of paragraph 1 and upon its request, Member States and the Board shall send relevant information to the Commission.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 26(3)				
281	3. In carrying out the evaluations referred to in paragraph 1, the Commission shall take into account:	3. In carrying out the evaluations referred to in paragraph 1, the Commission shall take into account:	3. In carrying out the evaluations referred to in paragraph 1, the Commission shall take into account:	3. In carrying out the evaluations referred to in paragraph 1, the Commission shall take into account:  Text Origin: Commission Proposal
Article 26(3), point (a)				
282	(a) the positions and findings of the European Parliament, the Council and other relevant bodies or sources;	(a) the positions and findings of the European Parliament, the Council and other relevant bodies or sources;	(a) the positions and findings of the European Parliament, the Council and other relevant bodies or sources;	(a) the positions and findings of the European Parliament, the Council and other relevant bodies or sources;  Text Origin: Commission Proposal
Article 26(3), point (b)				
283	(b) outcomes of the relevant discussions carried out in relevant fora;	(b) outcomes of the relevant discussions carried out in relevant fora;	(b) outcomes of the relevant discussions carried out in relevant fora;	(b) outcomes of the relevant discussions carried out in relevant fora;  Text Origin: Commission Proposal
Article 26(3), point (c)				
284	(c) relevant documents issued by the Board;	(c) relevant documents issued by the Board;	(c) relevant documents issued by the Board;	(c) relevant documents issued by the Board;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 26(3), point (d)				
285	(d) findings of the monitoring exercise referred to in Article 25.	(d) findings of the monitoring exercise referred to in Article 25.	(d) findings of the monitoring exercise referred to in Article 25.	(d) findings of the monitoring exercise referred to in Article 25.  Text Origin: Commission Proposal
Article 26(3a)				
285a				<b><u>3a. Where appropriate, the report referred in paragraph 1 may be accompanied by a proposal for an amendment of this Regulation</u></b>  [Comment: It will be a new paragraph, i.e. 26(4)]
Article 27				
286	Article 27 Amendments to Directive 2010/13/EU	Article 27 Amendments to Directive 2010/13/EU	Article 27 Amendments to Directive 2010/13/EU	Article 27 Amendments to Directive 2010/13/EU  Text Origin: Commission Proposal
Article 27(1)				
287	1. Article 30b of Directive 2010/13/EU is deleted.	1. Article 30b of Directive 2010/13/EU is deleted.	1. Article 30b of Directive 2010/13/EU is deleted.	1. Article 30b of Directive 2010/13/EU is deleted.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 27(2)				
288	2. References to Article 30b of Directive 2010/13/EU shall be read as references to Article 12 of this Regulation.	2. References to Article 30b of Directive 2010/13/EU shall be read as references to Article 12 of this Regulation.	2. References to Article 30b of Directive 2010/13/EU shall be read as references to Article 12 of this Regulation.	2. References to Article 30b of Directive 2010/13/EU shall be read as references to Article 12 of this Regulation.  Text Origin: Commission Proposal
Article 27(3)				
289	3. References in Union law to the European Regulators Group for Audiovisual Media Services (ERGA) shall be read as references to the European Board for Media Services (the Board).	3. References in Union law to the European Regulators Group for Audiovisual Media Services (ERGA) shall be read as references to the European Board for Media Services (the Board).	3. References in Union law to the European Regulators Group for Audiovisual Media Services (ERGA) shall be read as references to the European Board for Media Services (the Board).	3. References in Union law to the European Regulators Group for Audiovisual Media Services (ERGA) shall be read as references to the European Board for Media Services (the Board).  Text Origin: Commission Proposal
Article 28				
290	Article 28 Entry into force and application	Article 28 Entry into force and application	Article 28 Entry into force and application	Article 28 Entry into force and application
Article 28(1)				
291	1. This Regulation shall enter into force on the twentieth day following	1. This Regulation shall enter into force on the twentieth day following	1. This Regulation shall enter into force on the twentieth day following	1. This Regulation shall enter into force on the twentieth day following

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	that of its publication in the Official Journal of the European Union.	that of its publication in the Official Journal of the European Union.	that of its publication in the Official Journal of the European Union.	that of its publication in the Official Journal of the European Union. <small>Text Origin: Commission Proposal</small>
Article 28(2), first subparagraph				
292	2. This Regulation shall apply from [6 months after the entry into force].	2. This Regulation shall apply from [6 months after the entry into force].	2. This Regulation shall apply from [618 months after the entry into force]. <b>However, Articles 7 to 12 and 27 shall apply from [12 months after the entry into force] and Article 19 shall apply from [48 months after the entry into force].</b>	2. This Regulation shall apply from <del>6</del> 15 months after the entry into force <del>.</del>
Article 28(2), second subparagraph				
293	However, Articles 7 to 12 and 27 shall apply from [3 months after the entry into force] and Article 19(2) shall apply from [48 months after the entry into force].	<del>—</del> However, Articles 7 to 12 and 27 shall apply from [3 months after the entry into force] and Article <del>19(2)</del> 19 shall apply from [ <del>48</del> 24 months after the entry into force].	<i>deleted</i>	<del>—</del> However, <u>Article 3 shall apply from 6 months after the entry into force;</u> Articles <u>4 (1), 4(2), 6(2),</u> 7 to 12 and 27 shall apply from <del>3</del> 9 months after the entry into force <del> and;</del> <u>Articles 13 to 16 shall apply from 12 months after the entry into force;</u> Article <del>19(2)</del> 19 shall apply from <del>48</del> 36 months after the entry into force <del>.</del>
Article 28(3)				
294				



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. This Regulation shall be binding in its entirety and directly applicable in all Member States.	3. This Regulation shall be binding in its entirety and directly applicable in all Member States.	3. This Regulation shall be binding in its entirety and directly applicable in all Member States-	3. This Regulation shall be binding in its entirety and directly applicable in all Member States. <small>Text Origin: Commission Proposal</small>
	Formula			
295	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, <small>Text Origin: Commission Proposal</small>
	Formula			
296	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament <small>Text Origin: Commission Proposal</small>
	Formula			
297	The President	The President	The President	The President <small>Text Origin: Commission Proposal</small>
	Formula			
298	For the Council	For the Council	For the Council	For the Council <small>Text Origin: Commission Proposal</small>
	Formula			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
299	The President	The President	The President	The President Text Origin: Commission Proposal

obtenu par contexte