

# EUROPEAN PARLIAMENT

2004



2009

06.12.2006

## AMENDMENT 1

by Ruth HIERONYMI, on behalf of the EPP-ED Group

### Report Ruth Hieronymi (A6-0399/2006)

on the proposal for a directive of the European Parliament and of the Council amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities

[COM(2005)0646 - C6-0443/2005 - 2005/0260(COD)]

Commission proposal

Amendment by Parliament

#### Amendment 1 RECITAL 14

(14) The definition of audiovisual media services covers mass media in their function to inform, entertain and educate, but excludes any form of private correspondence, such as e-mails sent to a limited number of recipients. The definition also excludes all services **not intended for** the distribution of audiovisual content, i.e. where any audiovisual content is merely incidental to the service and not **its** principal purpose. Examples include websites that contain audiovisual elements only in an ancillary manner; such as animated graphical elements, small advertising spots or information related to a product or non-audiovisual service.

(14) The definition of audiovisual media services covers mass media **exercising editorial responsibility** in their function to inform, entertain and educate **the general public, includes audiovisual commercial communications** but excludes any form of private correspondence, such as e-mails sent to a limited number of recipients. The definition also excludes all services **whose principal purpose is not** the distribution of audiovisual content, i.e. where any audiovisual content is merely incidental to the service. Examples include websites that contain audiovisual elements only in an ancillary manner; such as animated graphical elements, small advertising spots or information related to a product or non audiovisual service.

**Also excluded are games of chance involving a stake representing a sum of money, including lotteries and betting, provided that their main purpose is not that of distributing audiovisual content.**

*Further examples are online games and search engines, as long as the principal purpose of the audiovisual media service is not reached.*

Or. en

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## AMENDMENT 2

by Ruth HIERONYMI, on behalf of the EPP-ED Group

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on the proposal for a directive of the European Parliament and of the Council amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities

[COM(2005)0646 - C6-0443/2005 - 2005/0260(COD)]

Commission proposal

Amendment by Parliament

#### Amendment 2 RECITAL 35

(35) Non-linear audiovisual media services have the potential to partially replace linear services. Accordingly, they should where practicable promote the production and distribution of European works and thus actively contribute to the promotion of cultural diversity. It will be important to regularly re-examine the application of the provisions relating to the promotion of European works by audiovisual media services. Within the framework of the reports set out in Article 3f paragraph 3, Member States shall also take into account notably the financial contribution by such services to the production and rights acquisition of European works; the share of European works in the catalogue of audiovisual media services as well as in the effective users' consumption of European works proposed by such services.

(35) Non-linear audiovisual media services have the potential to partially replace linear services. Accordingly, they should where practicable promote the production and distribution of European works and thus actively contribute to the promotion of cultural diversity. ***Such support for European works might for example take the form of a minimum share of European works proportionate to economic performance, a minimum share of European works in video-on-demand catalogues, or the attractive presentation of European works in electronic programme guides.*** It will be important to regularly re-examine the application of the provisions relating to the promotion of European works by audiovisual media services. Within the framework of the reports set out in Article 3f paragraph 3, Member States shall also take into account notably the financial contribution by such services to the production and rights

acquisition of European works; the share of European works in the catalogue of audiovisual media services as well as in the effective users' consumption of European works proposed by such services. ***In these reports, appropriate account should also be taken of the works of independent producers.***

Or. en

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06.12.2006

## AMENDMENT 3

by Ruth HIERONYMI, on behalf of the EPP-ED Group

### Report Ruth Hieronymi (A6-0399/2006)

on the proposal for a directive of the European Parliament and of the Council amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities

[COM(2005)0646 - C6-0443/2005 - 2005/0260(COD)]

Commission proposal

Amendment by Parliament

#### Amendment 3

#### ARTICLE 1, PARAGRAPH 4, LETTER B

Article 2a, paragraph 2a (new) (Directive 89/552/EEC)

*2a. In respect of on-demand services, Member States may, in urgent cases, provisionally take measures to derogate from paragraph 1 without fulfilling the conditions set out in points 2(b), 2(c) and 2(d) above. If they do so, the measures shall be notified in the shortest possible time to the Commission and to the Member State in which the media service provider is established, with an indication of the reasons for which the Member State considers that the case is urgent.*

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## AMENDMENT 4

by Ruth HIERONYMI, on behalf of the EPP-ED Group

### Report Ruth Hieronymi (A6-0399/2006)

on the proposal for a directive of the European Parliament and of the Council amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities

[COM(2005)0646 - C6-0443/2005 - 2005/0260(COD)]

Commission proposal

Amendment by Parliament

#### Amendment 4

#### ARTICLE 1, POINT 10

Article 11, paragraph 2 (Directive 89/552/EEC)

2. The transmission of films made for television (excluding series, serials, light entertainment programmes and documentaries), cinematographic works, children's programmes and news programmes may be interrupted by advertising and/or teleshopping once for each period of **35** minutes.

No advertising or teleshopping may be inserted during religious services.

2. The transmission of films made for television (excluding series, serials, light entertainment programmes and documentaries), cinematographic works, children's programmes and news programmes may be interrupted by advertising and/or teleshopping once for each period of **30** minutes.

No advertising or teleshopping may be inserted during religious services.

Or. en

