

Response to the European Commission Public Consultation on the Evaluation and Update of the Audiovisual Media Services Directive (AVMSD)

The Standing Committee of European Doctors (CPME) welcomes the European Commission's evaluation and update of the 2010 Audiovisual Media Services Directive (AVMSD) which establishes EU-wide coordination of national legislation covering audiovisual media services, including television broadcasts and on-demand services, as well as video-sharing platforms.

One of the AVMSD's aims is to protect viewers from illegal and harmful content. Since it was last amended in 2018, the EU audiovisual media market has developed. Viewers' access particularly to online audiovisual media content has increased. Moreover, there are new distribution technologies and new players such as influencers. The current AVMSD does not provide effective protection in particular for minors against harmful marketing practices.

Already the 2006 CPME [position](#) towards an AVMSD and the 2015 AVMSD consultation [response](#) highlighted advertising of tobacco, alcohol and unhealthy foods and drinks as an important health concern. CPME continued to emphasise the importance of marketing and advertising restrictions in its [feedback](#) to shape the 2021 Europe's Beating Cancer Plan and the 2025 EU Cardiovascular Health Plan, as the EU has a competence to regulate cross-border marketing. Unfortunately, with the exception of tobacco products, EU-level action to regulate marketing has been ineffective. It has relied too much on voluntary measures such as self-regulation, which have failed to reduce exposure to advertising.

Moreover, the current AVMSD focuses only on inappropriate audiovisual commercial communications in children's programmes, while children are often exposed also to other programmes, and more widely to marketing on various video-sharing and social media platforms. Regarding alcohol marketing, the current EU legislation applies only to product marketing of alcoholic beverages but not to brands more generally. For example, a non-alcoholic brand that carries the same branding as its full-strength counterpart is not in the scope of the legislation. Therefore, the exclusion of brand marketing in the AVMSD provides a loophole

through which the alcohol industry can exploit to continue to expose consumers, particularly people under the age of 18, to alcohol marketing.

In line with the [WHO Non Communicable Disease 'quick buys](#), CPME calls for comprehensive bans, effective restrictions, and strictly enforced transparency requirements, both online and offline, of all forms of advertising, promotion, sponsorship, and product placement of products that cause harm to health, with a particular focus on tobacco and nicotine products, unhealthy foods and drinks, and alcohol, but also for products and services inciting addictive behaviours such as gambling. Moreover, European doctors urge the Commission to develop a harmonised and mandatory EU-wide age verification in order to protect viewers, particularly people under the age of 18.

Audiovisual media services – evaluation and update of EU rules

Fields marked with * are mandatory.

Introduction

[Directive 2010/13/EU — commonly referred to as the Audiovisual Media Services Directive \(AVMSD\) — was amended by Directive \(EU\) 2018/1808 of the European Parliament and of the Council of 14 November 2018.](#)

AVMSD establishes EU-wide coordination of national legislation covering audiovisual media services, including television broadcasts and on-demand services, as well as video-sharing platforms (VSPs). The AVMSD remains the longstanding foundation of Europe’s audiovisual content legislation. It fosters an internal market for audiovisual media services, strengthening competitiveness of the sector, protecting viewers from illegal and harmful content and supporting a free and pluralist media environment. It also supports European content creation, guaranteeing that audiovisual service providers active in the EU contribute fairly to the diversity and vitality of our cultural ecosystem.

Currently, the Commission is undertaking an evaluation of the AVMSD and its implementation and is working on the proposal for its review, as required by AVMSD, planned in the Commission work programme for 2026 (CWP), and also highlighted as a key action in the European Democracy Shield. As noted in the CWP, traditional media are struggling, which poses a grave threat to our democracy. At the same time, simpler regulation will help unlock innovation, investment and job creation. In this context, the Commission will consider the relevance of the current rules of the Directive and assess whether they are still fit for purpose, taking into account the developments in the EU audiovisual media market, in particular the increasing access by viewers to audiovisual media content online, the new distribution technologies and the entry and/or growing importance of new players, notably influencers.

The objective of this public consultation is two-fold: i) to gather experiences and views on the current AVMSD and its implementation; ii) to gather feedback and/or assess the feasibility for potential options for its review.

The consultation is structured along the following main areas of the AVMSD:

- Section I – Scope and enforcement
- Section II – Audiovisual commercial communications
- Section III – Protection of viewers
- Section IV – Strengthening media diversity in the internal market

The public consultation is open to all stakeholders. We welcome contributions from Member State authorities (e.g. ministries, national regulatory authorities), companies and industry associations (e.g. public and commercial broadcasters, video-on-demand (VoD) service providers, video-sharing platform (VSP) providers, producers, advertisers, connected TV manufacturers and user interface providers etc.), user and consumer organisations, non-governmental organisations (NGOs), academic institutions, etc.

If relevant, written feedback provided in other document formats can be uploaded through the button available at the end of the questionnaire.

About you

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
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Spanish

Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* First name

Markus

* Surname

Kujawa

* Email (this won't be published)

markus.kujawa@cpme.eu

* Organisation name

255 character(s) maximum

The Standing Committee of European Doctors (CPME)

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)

- Large (250 or more)

Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

9276943405-41

*Country of origin

Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

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| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> Samoa |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt | <input type="radio"/> Macau | <input type="radio"/> San Marino |
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| <input type="radio"/> Angola | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Saudi Arabia |
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| <input type="radio"/> Argentina | <input type="radio"/> Ethiopia | <input type="radio"/> Malta | <input type="radio"/> Sierra Leone |
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| <input type="radio"/> Australia | <input type="radio"/> Fiji | <input type="radio"/> Mauritania | <input type="radio"/> Slovakia |
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- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
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- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena
Ascension and
Tristan da Cunha
- Trinidad and
Tobago
- Tunisia
- Türkiye
- Turkmenistan
- Turks and
Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab
Emirates
- United Kingdom
- United States
- United States
Minor Outlying
Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and
Futuna
- Western Sahara
- Yemen
- Zambia

- Democratic Republic of the Congo
- Lesotho
- Saint Kitts and Nevis
- Zimbabwe
- Denmark
- Liberia
- Saint Lucia

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, ‘business association’, ‘consumer association’, ‘EU citizen’) country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

Section 1: General overview

* To what extent are you familiar with the [AVMSD](#)?

- To a large extent
- To some extent

- To a small extent
- Not at all
- I do not know

Section 2: Scope and enforcement

Definitions

Explanation: *Article 1 provides definitions of key terms related to the audiovisual sector that determine the scope of the Directive, for example, “audiovisual media service”; “video-sharing platform service”; “programme”; “user-generated video“, etc. Article 1 does not include a definition of influencers.*

* To what extent do you think that the [existing definitions of the AVMSD](#) are still accurate and relevant in light of the latest market and technological developments (e.g. increasing role of video-sharing platforms and on-demand services), entry of new players (such as influencers) and shift of viewers towards the digital environment?

- To a large extent
- To some extent
- To a small extent
- Not at all
- I do not know

If possible, please explain your answer and provide specific examples.

Influencer definition

Explanation: *The AVMSD already applies to influencers when their activities are covered by the definition of “audiovisual media service” and they can therefore qualify as media service providers. However, the Directive does not explicitly mention or define influencers. This has created legal uncertainty and fragmented regulatory approaches at national level. Furthermore, other EU legislation, such as the Digital Services Act, the Unfair Commercial Practices Directive and the Transparency and Targeting of Political Advertising Regulation, also contain rules applicable to influencers, irrespective of whether they qualify as media service providers.*

In your opinion, is it sufficiently clear that the current AVMSD includes influencers in its scope, despite the fact that their activities are not explicitly covered in the legal definition of “audiovisual media service”?

- Yes
- No
- I do not know

With regard to a possible clarification of the status of influencers under the AVMSD, what would be your preferred option?

- Maintaining the status quo. While influencers are not explicitly defined as “media service providers” in the AVMSD, it is sufficiently clear that influencers are included in its scope when their activities meet the criteria of the current “audiovisual media service” definition.
- Explicitly mentioning the provision of audiovisual content by influencers under the current definition of ‘audiovisual media service’ when a number of specific criteria, e.g. concerning revenues, followers, etc, are fulfilled.
- Considering influencers as a separate category of audiovisual content providers, in addition to media service providers and video-sharing platform providers, with its own definition and targeted obligations.
- Other, please specify:

With regard to the AVMSD rules applicable to influencers, what would be your preferred option?

- Maintaining the status quo. Under this approach, all the AVMSD rules are applicable to influencers.
- Determining which AVMSD rules are applicable to influencers. This approach would clarify the specific AVMSD rules that should apply to influencers.
- Other, please specify:

What concrete rules and accompanying measures, if any, would you support?

- Clear disclosure/labelling requirements concerning content provision in exchange for any consideration, either money or in-kind, as part of the AVMSD transparency obligation for advertising, product placement and sponsorship.
-

Demonetization of undisclosed provision of content in exchange for consideration, either money or in-kind, as part of the AVMSD measures to be taken by VSPs.

- Clear disclosure of financing from Member State's authorities, including public funds for state advertising, and financing from third country authorities, including advertising revenues received from them.
- Union codes of conduct on professional standards.
- Other, please specify:
- None.

European Works definition

Explanation: According to **Article 1(1)(n)** of the AVMSD, European works are defined as

- Works originating in Member States;
- Works originating in European third States party to the European Convention on Transfrontier Television of the Council of Europe;
- Works co-produced between the Union and third countries.

When, for the first two points, they fulfil certain conditions related to, among others, the place of establishment of the producer, the control of the production and the contribution to the production costs.

In your view, to what extent is the current definition of European works (see Article 1 (1)(n)) fit for purpose to achieve the objectives of the AVMSD, in particular as regards supporting European cultural diversity and promoting European audiovisual content?

- Fully fit for purpose
- Largely fit for purpose
- Partially fit for purpose
- Not fit for purpose
- I do not know

If possible, please explain your answer and provide specific examples:

What changes, if any, would you suggest to the definition of European works to better support cultural diversity, European identity and audiovisual production in the EU?

What accompanying verification or monitoring arrangements, if any, would you suggest? (such as verification of origin of co-productions by media regulators, guidance on verification by the Media Board, databases of European works)

Jurisdiction and enforcement

Explanation: Article 2 of the AVMSD provides that audiovisual media service providers fall under the jurisdiction of the Member State where the provider is established (i.e. country-of-origin principle). There are different criteria to establish jurisdiction, especially in case the formal establishment alone does not bring a clear result, in particular:

- Member State where the editorial decisions are taken;
- Member State where most of the workforce involved in the pursuit of the programme-related audiovisual media service activity operates;
- Member State where satellite uplink is located or Member State that granted satellite capacity.

Article 28a of the AVMSD establishes that a video-sharing platform provider falls under the jurisdiction of the Member State where the provider is established following the rule of the E-Commerce Directive (i.e. country-of-origin (COO) principle). Where no such establishment exists, the following criteria apply to determine jurisdiction:

1. Member State where the parent undertaking or a subsidiary of the VSP provider is established;
2. Member State where another undertaking of its group is established.

Article 3 of the AVMSD ensures that Member States cannot restrict retransmissions on their territory of audiovisual media services from other Member States. Yet, Member States can provisionally derogate from this principle under certain conditions and following a multi-step procedure, if those audiovisual media services contain incitement to violence or hatred, put at risk the protection of minors, or are a threat to public security and/or health.

Article 4 of the AVMSD establishes that Member States may adopt more detailed or stricter rules. They can derogate from the principle of country-of-origin under certain conditions and following a multi-step procedure, if a media service provider targets their territory but it has established itself in another Member States in order to circumvent such stricter rules.

Article 4a states that Member States are to promote forms of co-regulation and to encourage self-regulatory practices through the adoption of national codes of conduct and that Member States and the Commission may foster self-regulation through Union codes of conduct.

Article 5 requires audiovisual media service providers to make certain basic information easily, directly, and permanently accessible to users. Information includes name, geographical address, contact details, jurisdiction assignment. Paragraph 2 allows Member States to introduce laws requiring media service providers to make additional information publicly accessible, specifically details about their ownership structure, including beneficial owners.

To what extent do you agree with the following statements concerning the AVMSD provisions on jurisdiction and enforcement?

	To a large extent	To some extent	To a small extent	Not at all	I do not know
The AVMSD is sufficiently clear and effective to determine jurisdiction (Arts. 2, 28a).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The existing derogation procedure from the country-of-origin principle is sufficient and effective in practice (Art. 3).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The current anti-circumvention procedure is sufficient and effective for addressing situations where action against a service not established but targeting a Member State may be necessary (Art. 4).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Member States have effectively encouraged the use of co-regulation, self-regulatory practices and related codes of conduct (Art. 4a).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Media service providers make the required information accessible to users (Art. 5).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If possible, please explain your answer and provide specific examples.

Regarding Art 4a, CPME calls to end the reliance on co- and self-regulation.

Interplay with other EU law, in particular the Digital Services Act (DSA) and the Unfair Commercial Practices Directive (UCPD)

Explanation: The Digital Services Act (DSA), as the horizontal legal framework applicable to online intermediaries including video-sharing platforms, interacts with and complements certain existing rules of the AVMSD, in particular Article 28b, that apply to video-sharing platforms. Questions have arisen as to the interplay between the horizontal framework of the DSA and the sector-specific framework of the AVMSD and the potential need to bring more clarity to the EU legal framework. In November 2025, the Commission published a Report on the application of Article 33 of Regulation (EU) 2022/2065 (DSA) and the interaction of that Regulation with other legal acts, including the AVMSD (COM(2025) 708 final).

In your view, how clear is the interplay between Article 28b AVMSD and the DSA in the areas listed below?

	To a large extent	To some extent	To a small extent	Not at all	I do not know
Protection of minors referred to in Articles 28b(1)(a) and (3) AVMSD and Article 28 DSA on online protection of minors.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Audiovisual commercial communications rules applicable to VSPs referred to in Article 28b(2) AVMSD and Article 26 DSA on advertising on online platforms.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection from harmful/illegal content through terms and conditions referred to in Article 28b(3)(a) AVMSD and Article 14 DSA.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection from harmful audiovisual commercial communications through terms and conditions referred to in Article 28b(3)(b) AVMSD and Article 14 DSA on terms and conditions.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reporting and flagging mechanisms referred to in Article 28b(3)(d) AVMSD and Article 16 DSA on notice and action mechanisms.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Feedback mechanisms referred to in Article 28b(3)(e) AVMSD and Article 17 DSA on statement of reasons.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Availability of out-of-court dispute resolution mechanisms referred to in Articles 28b(7) and (8) AVMSD and Article 21 DSA on out-of-court dispute settlement.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Systemic risk-related obligations referred to in Articles 28b(1) and (3) AVMSD and Articles 34 and 35 DSA on risk assessment and mitigation of risks.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

If possible, please explain your answer and provide specific examples:

What would be your preferred approach to improve clarity on the interplay between Article 28b AVMSD and the DSA?

- Maintaining the status quo**, I consider that the links are clear enough.
-

Adopting EU guidelines clarifying the interplay between the DSA and the AVMSD, on the basis of the Report published in the context of Article 91(1) DSA

- Amending the AVMSD** to streamline the interplay with the DSA.
- Other**, please specify:

In your opinion should the coordination between the two enforcement frameworks, of the AVMSD and the DSA, be improved (e.g. through increased information sharing mechanisms or through dedicated cooperation mechanisms)?

- Yes
- No
- I do not know

If possible, please explain your answer and provide specific examples of possible solutions you would suggest:

CPME encourages the European Commission to coordinate between the AVMSD and the forthcoming Digital Fairness Act (DFA).

Explanation: The **Unfair Commercial Practices Directive (UCPD)** interacts with, and complements, certain existing rules of the AVMSD. As safety net legislation, the UCPD applies to practices of all traders in business-to-consumers relations protecting consumers against misleading and aggressive practices. In case of conflict between the UCPD and more specific EU legislation (*lex specialis*) such as the AVMSD, the latter prevails. This is relevant in particular concerning the AVMSD rules on protection of minors from harmful content included in audiovisual commercial communications and also concerning the AVMSD rules on of transparency audiovisual commercial communications.

In your view, how clear is the interplay between the AVMSD and the UCPD in the areas listed below?

	To a large extent	To some extent	To a small extent	Not at all	I do not know
Protection of minors e.g. direct appeal to children to buy products or services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rules on influencer marketing e.g. clear disclosure of content provision in exchange for consideration, either money or in-kind	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If possible, please explain your answer and provide specific examples.

On the interplay between the AVMSD and the UCPD, what would be your preferred approach?

- Maintaining the status quo**
- Adopting EU guidelines** clarifying the interplay
- Amending the AVMSD and/or the UCPD** to specify the interplay
- Other**, please specify

In your opinion should the coordination between the two enforcement frameworks, of the AVMSD and the UCPD, be improved (e.g. through increased information sharing mechanisms or through dedicated cooperation mechanisms)?

- Yes
- No
- I do not know

If possible, please explain your answer and provide specific examples of possible solutions you would suggest:

Regulatory authorities

Explanation: The European Board for Media Services (“the Media Board”) has replaced and succeeded the previous European Regulators Group for Audiovisual Media Services (ERGA) which was set up under **Article 30b AVMSD**. The Media Board has been established by Article 8 of the European Media Freedom Act (EMFA). The Media Board is an independent advisory body composed of national regulatory authorities or bodies aiming to promote the effective and consistent application of EU media law, including the EMFA and the AVMSD.

In your experience, to what extent has the European Board for Media Services (‘Media Board, previously ERGA) been effective in promoting the consistent and effective application of the AVMSD?

- To a large extent
- To some extent
- To a small extent
- Not at all

I do not know

If possible, please explain your answer and provide specific examples.

Section 3: Audiovisual commercial communications

Explanation: Article 9 of the AVMSD establishes rules that audiovisual commercial communications need to comply with (e.g. being readily recognisable as such and not using subliminal techniques; not prejudicing respect for human dignity; not including or promoting any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation; not encouraging behaviour prejudicial to health or safety; limitations to the advertising of certain products such as alcohol or medicinal products; special protection for minors) and which apply to all media service providers, including influencers, and also to video-sharing platforms according to Article 28b. Articles 10 and 11 establish certain requirements for audiovisual media services providers concerning product placement and sponsorship. Articles 19-26 establish additional rules, including quantitative limits, concerning only television advertising.

To what extent do you consider that the following provisions on audiovisual commercial communications have effectively protected viewers against inappropriate, hidden or excessive audiovisual commercial communications?

Requirements for all AVMS providers

	To a large extent	To some extent	To a small extent	Not at all	I do not know
Qualitative requirements (Article 9) - e.g. audiovisual commercial communication shall be readily recognisable as such, not use subliminal techniques, not prejudice respect for human dignity, not include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation, etc.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rules on sponsorship (Article 10)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rules on product placement (Article 11)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Requirements for TV advertising and teleshopping only

	To a large extent	To some extent	To a small extent	Not at all	I do not know

Quantitative limits on television advertising and teleshopping (Articles 20 and 23)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rules for TV advertising and teleshopping (Articles 19-25)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Requirements for video-sharing platforms

	To a large extent	To some extent	To a small extent	Not at all	I do not know
Rules on commercial communications for VSPs (Article 28b(2))	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

If possible, please explain your answer and provide specific examples.

With regard to the AVMSD rules on audiovisual commercial communications, please select your preferred option:

- Maintaining the status quo**
- Self-/co-regulation or guidance:** this option would entail self-/co-regulatory codes of conduct or guidance by the Media Board to address in a granular way harmful or sensitive commercial communications that are not regulated specifically by the AVMSD, such as those for dietary advice or supplements, plastic surgery or aesthetic treatments.
- Revising the AVMSD**

If you selected “Revising the AVMSD” in the previous question, please select one or more of the following options.

- Simplification and streamlining of rules: This option would reduce complexity and duplication while maintaining key principles. It could entail a single set of horizontal principles applicable to all services, such as transparency requirements and reinforced editorial independence and qualitative requirements. It would strengthen the level playing field by eliminating regulatory discrepancies between providers of linear and non-linear audiovisual media services, and between providers of audiovisual media services and video-sharing platforms



Updating and expanding the qualitative rules on harmful audiovisual commercial communications to address emerging risks. This approach would introduce greater granularity and/or new categories of harmful or sensitive commercial communications, such as those for dietary advice or supplements, plastic surgery or aesthetic treatments. EU delegated/implementing acts could provide additional details.

- Extending quantitative advertising limits beyond television broadcasting to on-demand services. This option would extend and/or adapt the quantitative advertising limits to services other than television broadcasting in order to strengthen the level playing field.
- Extending quantitative advertising limits beyond television broadcasting to video-sharing platforms. This option would extend and/or adapt the quantitative advertising limits to services other than television broadcasting in order to strengthen the level playing field.
- Other, please specify:

Based on your experience or knowledge, do you have concerns related to stricter or more detailed national rules on commercial communications?

- Yes
- No
- I do not know

Please describe:

Norway has a positive example of stricter national rules as the prohibition of advertising of alcoholic beverages also applies to advertising of other products bearing the same brand name or distinctive characteristics as alcoholic beverages. As said, this is a positive example, not a concern.

Based on your experience or knowledge, do you have concerns related to online platforms acting as gateways to media content through distribution agreements and general terms and conditions, including (advertising) revenue-sharing agreements.

- Yes
- No
- I do not know

In your opinion, is there a need for any mechanisms to ensure the financial sustainability and fairness of those agreements for media service providers and, consequently, the diversity of content on offer?

- Yes
- No
- I do not know

Section 4: Protection of viewers

Rules relating to incitement to violence or hatred, public provocation to commit a terrorist offence (Article 6), protection of minors on media services (Article 6a) and on video-sharing platforms (Article 28b)

Explanation: Article 6 of the AVMSD establishes an obligation for Member States to ensure that audiovisual media services do not contain any incitement to violence or hatred and/or public provocation to commit a terrorist offence. **Article 6a** includes provisions to protect minors from harmful content (content which may impair their physical, mental or moral development). **Article 28b** specifically addresses VSP services, requiring them to take appropriate and proportionate measures to protect minors from harmful content referring to Article 6a, as well as the general public from certain types of programmes and user-generated videos, partly repeating the list of Article 6.

In your opinion, to what extent are the provisions under the AVMSD (Article 6, 6a and 28b) effective in protecting viewers, specifically against the following types of content?

Protection by audiovisual media services

	To a large extent	To some extent	To a small extent	Not at all	I do not know
Content inciting to violence or hatred directed against a group of persons or members of a group (referring to the grounds mentioned in Article 21 of the Charter of Fundamental Rights)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Public provocations to commit terrorist offence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Content impairing the physical, mental, or moral development of minors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Content most harmful to minors, such as gratuitous violence and pornography	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Protection by video-sharing platforms

	To a large extent	To some extent	To a small extent	Not at all	I do not know
Content inciting to violence or hatred directed against a group of persons or members of a group (referring to the grounds mentioned in Article 21 of the Charter of Fundamental Rights)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Public provocations to commit terrorist offence, child pornography, racism or xenophobia	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Content impairing the physical, mental, or moral development of minors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Content most harmful to minors, such as gratuitous violence and pornography	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

In your view, what is the most appropriate option for addressing risks resulting from the proliferation of harmful content and for protecting minors on VSPs within the scope of the AVMSD?

- Maintaining the status quo: no changes to the rules on harmful content on VSPs.
- Introducing further specific categories of harmful content on VSPs to account for content with a potential negative impact on children's physical, mental or moral development, including their health, in addition to the category of content most harmful to minors, such as gratuitous violence and pornography
- Other, please specify:

In your view, which further types of online harmful content should be specified in the Directive to ensure a better protection of minors on VSPs?

- Content promoting self-harm or suicide
- Content promoting eating disorders
- Cyberbullying, harassment, or humiliating content
- Content encouraging dangerous or harmful behaviours (e.g. risky challenges, unsafe stunts, consumption of addictive substances, addictive behaviours)
- Content including coarse/offensive language or disturbing scenes or themes
- Content promoting harmful stereotypes
- Content promoting body dysmorphia

- Other, please specify:

Article 28b requires VSPs to put in place measures to protect minors from harmful content. To that end, it allows VSPs a degree of flexibility in selecting which measures to put in place. These include age verification mechanisms, parental controls, content rating and reporting and flagging mechanisms. In your view, what would be your preferred regulatory approach to ensure that the measures effectively protect minors from harmful content?

- Maintaining the status quo:** no changes to the rules on measures for VSPs (allowing them flexibility in selecting measures).
- Making certain measures mandatory depending on the harmfulness of content:** This option would entail requiring VSPs to mandatorily put in place one or more of the measures depending on how harmful the content is.
- Other,** please specify:

To ensure a high and consistent level of protection of minors online across the EU, which options below could be considered?

- Restricting through VSPs' terms and conditions:** This option would entail requiring VSPs to restrict in their terms and conditions certain types of particularly harmful content, such as content promoting self-harm or suicide, content promoting eating disorders or cyberbullying
- Making age verification mandatory:** This option would entail requiring VSPs to provide effective, easy-to-use, and accessible age verification, proportionate to the risks of the harmful content, such as pornography or gratuitous violence, and age group(s) concerned. It would complement any obligations under Articles 28 or 35 of the DSA.
- Making parental controls mandatory:** This option would entail requiring VSPs to provide effective, easy-to-use, and accessible parental controls, proportionate to the risks of the harmful content, such as content encouraging dangerous or harmful behaviours or content including coarse/offensive language or disturbing scenes or themes, and age group(s) concerned. It would complement any obligations under Articles 28 or 35 of the DSA.
-

Making content rating and labelling mandatory: This option would entail requiring VSPs to provide clear, consistent and meaningful content rating and labelling systems, including in a format that is usable by end-users and interoperable where appropriate.

Other, please specify:

In your opinion, is there a need for the standardisation of content rating and/or labelling across the EU for VSPs and/or audiovisual media service providers, e.g. through an EU-wide industry-led content rating and labelling system or a European repository of content rating indicators, age labels and content descriptors?

- Yes, please specify:
- No

Please specify:

In your view, are there any other measures that should be put in place to protect minors from harmful content online within the AVMSD?

- Yes, please specify:
- No

Please specify:

Regarding content encouraging harmful behaviours, a special attention should be given to ban gambling advertising, promotion and sponsorship, as gambling is a public health issue of urgent concern in Europe, causing addictive behaviour with devastating effects for some individuals and families.

Accessibility (Article 7)

Explanation: Article 7 mandates EU Member States to progressively enhance media accessibility for persons with disabilities, requiring a designated contact point, accessible emergency information, regular reporting, and encouraging accessibility action plans.

In your view, since the adoption of the AVMSD accessibility rules, to what extent do you consider that the measures taken by media service providers in your country have been effective to improve the accessibility of their services for persons with disabilities?

	To a large extent	To some extent	To a small extent	Not at all	I do not know
Public service broadcasters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Commercial broadcasters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
On-demand audiovisual media service providers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

If possible, please explain your answer and provide specific examples.

Right of reply (Article 28)

Explanation: Article 28 ensures that natural or legal persons whose legitimate interests have been damaged by incorrect factual statements in television programmes have a right of reply. Member States must guarantee that this right is exercised effectively, promptly, and in a manner proportionate to the harm caused.

To what extent do you consider that the current right of reply in television broadcasting, as set out in Article 28, is effective?

- To a large extent
- To some extent
- To a small extent
- Not at all
- I do not know

If possible, please explain your answer and provide specific examples.

Media literacy (Articles 28b and 33a)

Explanation: Article 33a of the AVMSD establishes that Member States shall promote and take measures for the development of media literacy skills and report about their implementation to the Commission. **Article 28b** establishes the provision of effective media literacy measures and tools among the measures to be adopted by video-sharing platforms.

To what extent do you consider that measures taken by media market players under the current provisions on media literacy (Art. 28b and Art. 33a) are effective for the achievement of the following objectives?

By audiovisual media services

	To a large extent	To some extent	To a small extent	Not at all	I do not know
Protection of minors	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Promotion of trustworthy media content	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Combating disinformation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

By video-sharing platforms

	To a large extent	To some extent	To a small extent	Not at all	I do not know
Protection of minors	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Promotion of trustworthy media content	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Combating disinformation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please provide examples of measures that have been effective or ineffective and explain why.

With regard to the development of media literacy skills in the online environment, please select your preferred policy option:

- Maintaining the status quo:** Keep the current provision under Article 28b, which requires video-sharing platforms, among other appropriate measures, to provide for effective media literacy measures and tools and raise users' awareness of those measures and tools.
- Guidance for VSPs:** This approach would entail a non-binding guidance for VSPs concerning measures to be taken, while keeping the current provision under Article 28b.
- Minimum specific obligations for VSPs:** This approach would entail the introduction of AVMSD-related minimum specific media literacy obligations for VSPs, such as implementing tools or features to improve media literacy or providing age-appropriate content guidance, in addition to measures foreseen under Article 35 DSA as regards VLOPs.

- Other**, please specify:

With regard to the reporting obligation of Member States on the implementation of the media literacy provision, please select your preferred policy option:

- Maintaining the status quo:** This approach would maintain the current obligation according to which Member States have to report on media literacy measures they have taken, without any standardisation of reporting tools.
- Standardisation of Member States' reporting:** This option would entail a standardised approach for Member States' reporting under Article 33a, for example through the use of digital tools and harmonised templates.
- Other**, please specify:

Section 5: Strengthening media diversity in the internal market

Signal integrity (Article 7b)

Explanation: Article 7b of the AVMSD states that Member States shall take appropriate and proportionate measures to ensure that audiovisual media services provided by media service providers are not, without the explicit consent of those providers, overlaid for commercial purposes or modified.

In your opinion, to what extent has this provision been effective in protecting the integrity of the content of audiovisual media service providers?

- To a large extent
- To some extent
- To a small extent
- Not at all
- I do not know

If possible, please explain your answer and provide specific examples.

Prominence of Audiovisual Media Services of general interest (Article 7a)

Explanation: Article 7a of the AVMSD states that Member States may take measures to ensure the appropriate prominence of audiovisual media services of general interest. This is possible under defined general interest objectives such as media pluralism, freedom of speech and cultural diversity.

In your opinion, to what extent is the current regulatory framework within the AVMSD effective in ensuring prominence of audiovisual media services of general interest?

- To a large extent
- To some extent
- To a small extent
- Not at all
- I do not know

Do you consider that audiovisual media services of general interest are sufficiently visible and easily accessible via the user interfaces commonly used to access such services, for example smart TVs, or via video-sharing platforms?

	Yes	No	I do not know
Smart TVs	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Video sharing platforms	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

If possible, please explain your answer and provide specific examples.

In view of the objectives to safeguard media pluralism, freedom of speech, cultural diversity, media sustainability, and coherence with the European Media Freedom Act, do you consider that prominence rules would be needed also for non-audiovisual media services, such as audio (radio and podcast) and press publications?

- No
- Yes, for audio services
- Yes, for press publications
- Yes, for both

In your opinion, is there a need for any mechanisms to ensure prominence of content produced by media services of general interest in the context of recommender systems or news feeds of platforms and user interfaces?

- Yes
- No
- I do not know

If possible, please explain your answer and provide specific examples.

With regard to this provision, please indicate your preferred policy option:

- **Maintaining the status quo** - keeping the adoption of prominence measures as an option for Member States without specific EU rules or guidance.
- **Guidance** - keeping the adoption of prominence measures as an option for Member States while adopting EU guidelines on their implementation.
- **Optional prominence measures with some harmonised elements:** While some elements of the prominence obligations (e.g. addressees, technical measures, jurisdiction) would be harmonised at EU level for those Member States that decide to introduce such measures, others would be left to Member States' decision. EU delegated/implementing acts or the Media Board could provide additional details
- **Optional prominence measures under a harmonised framework:** Most elements of the prominence obligations, including the criteria for specifying the media services to be given prominence, as well as monitoring and enforcement arrangements, would be harmonised at EU level for those Member States that decide to introduce such measures
- **Mandatory prominence measures with some harmonised elements:** Prominence measures would be mandatory for all Member States, and certain elements of the prominence obligations (e.g. addressees, technical measures, jurisdiction) would be harmonised at EU level, while others would be left to Member States' decision. EU delegated/implementing acts or the Media Board could provide additional details.
- **Mandatory prominence under harmonised framework:** Prominence measures would be mandatory for all Member States. Most elements of the prominence obligations would be harmonised at EU level
- **Other**, please explain:

Promotion of European works (Articles 13, 16, 17 and 18)

Explanation: In application of **Article 13(1)** of the AVMSD on-demand audiovisual media service providers must secure at least a 30% share of European works in their catalogues and ensure prominence of those works.

In application of **Articles 16-18** of the AVMSD, broadcasters must reserve at least 50% of their transmission time for European works, and at least 10% of their transmission time or of their programming budget to European independent productions.

Article 13(2) of the AVMSD allows Member States to extend their financial contribution schemes to audiovisual media service providers that are established in other Member States but target audiences in their territories, if such obligations are proportionate and non-discriminatory.

Do you agree with the following statements regarding the impact of AVMSD provisions on the promotion of European works? (Articles 13, 16, 17 and 18)

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I do not know
The requirement for on-demand services to secure at least a 30% share of European works and ensure their prominence (Art. 13(1)) has been effective in promoting cultural diversity.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The requirement for broadcasters to reserve a majority proportion of transmission time for European works effectively promotes European content (Art. 16(1)).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The requirement to reserve at least 10% of transmission time or programming budget for independent European works effectively supports independent production (art. 17).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The national financial contribution schemes have effectively contributed to support the production of European works.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

If possible, please explain your answer and provide specific examples.

Transmission of cinematographic works only as agreed with rightsholders (Article 8)

Explanation: Article 8 requires Member States to ensure that media service providers do not transmit films outside the periods established with rights holders.

To what extent is the requirement that media service providers respect agreed release windows for cinematographic works still relevant in practice?

- To a large extent
- To some extent
- To a small extent
- Not at all
- I do not know

Are there any challenges or issues related to the implementation of this obligation (e. g., negotiations with rights holders, enforcement difficulties, market impacts etc)?

Major events (Article 14)

Explanation: Article 14 enables each Member State to take measures to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events.

In your opinion, to what extent the provisions of the AVMSD on events of major importance for society (Art. 14) have been effective in ensuring wide access by the public to the events of major importance for society?

- To a large extent
- To some extent
- To a small extent
- Not at all
- I do not know

Do you consider that the current rules on the determination and justification for the list of major events (Article 14) are adequate?

- Yes, fully adequate

- Largely adequate
- Partially adequate
- Not adequate
- I do not know

If possible, please explain your answer and provide specific examples.

In your view, how could the AVMSD deal with events of major importance under Article 14 in the future:

- Maintaining the status quo**
- Revising the AVMSD**

Short news reports (Article 15)

Explanation: Article 15 establishes that Member States shall ensure that, for the purpose of short news reports, any broadcaster established in the EU has access on a fair, reasonable and non-discriminatory basis to events of high interest to the public which are transmitted on an exclusive basis by a broadcaster under their jurisdiction.

Do you consider that the current provision on short extracts (Article 15) is still relevant and necessary in the current digital media environment?

- Yes, fully relevant and necessary
- Largely relevant
- Partially relevant
- Not relevant
- I do not know

Section 6: Conclusions

Please feel free to elaborate on your response and/or add further objectives for a possible reform.

You may upload here a document on the subject of this consultation, as additional background reading to better understand your position and/or to provide concrete evidence (e.g. a quantification of burdens currently incurred). The maximum file size is 1MB. The Commission will publish all additional documents received.

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