

Questionnaire for the preparation of the AVMD implementation report

*Disclaimer: This questionnaire is being prepared in the context of the European Parliament's implementation report on the Revised Audiovisual Media Services Directive under the responsibility of the Rapporteur Ms Kammerer. The Questionnaire is not exhaustive but it aims to gather some preliminary input on certain provisions that the Rapporteur considers important to be tackled. We do not expect everyone to answer all the questions, but we do expect you to select the ones that you feel you would like to contribute to the implementation report. **We would appreciate to receive your answer 12. September 2022, please.***

1. Should the differentiation between "linear" and "on-demand" (i.e. non-linear) audiovisual media services, which has been justified with its different grade of impact, be abandoned in the future? Please justify your position.

2. Social networks should also be treated like a video sharing platform service provider with regard to films and videos presented in their offer under the [AVMSD](#), provided that this part of the offer constitutes an *essential function* of their network. Do you consider the Commission's [guidelines](#) drawn up for this purpose on demarcation issues to be clear? If not, please, explain.

Do you see or have you encountered other difficulties when implementing the definition of a 'video-sharing platform service'? Please explain your position briefly.

3. What are your views as regards the application of the country of origin principle? Is there, in your opinion, any new need to amend or expand the deliberately limited possibilities for breaking through the country of origin principle pursuant to Articles 3 and 4 of the AVMSD? If so, in what specific respects and with what objectives?

4. Is sufficient use being made of the possibility of co- and self-regulation pursuant to Art. 4a AVMSD, especially with regard to advertising, protection against violence and disinformation, protection of minors and/or video sharing platform services? Where do you see possibilities and opportunities for an extension and better use of co- and self-regulation at national and European level?

5. In which cases have Member States made use of their right under Art. 4a (3) AVMSD and adopted more detailed or stricter provisions in accordance with the Directive, former subject to co- or self-regulation? Do you consider the application of this provision in a specific area to be necessary and appropriate?

6. Do you see the necessity to extend the basic idea of the conflict of laws-rule laid down in Art. 4 (7) AVMSD to pieces of legislation established after the latest AVMS revision? Please give reasons for your position.

7. The revision of Art. 5 AVMSD aims to require all providers of audiovisual media services to indicate the Member State in which they have their registered office or are deemed to have their registered office, and also to indicate the competent regulatory and supervisory authority. Is the obligation to provide information - especially online - being met in full? If not, where do you see the greatest deficits?

8. The directive gives Member States leeway in implementing youth media protection measures. Which Member States have comparably stricter regulations for the protection of minors in the media (e.g., protection of development/prohibition of violence/restrictions on certain audiovisual commercial communications) and which have comparably weaker regulations for the protection of minors in the media, and when were they introduced in each case?

9. When implementing the Art. 6a (2) AVMSD have you encountered challenges in terms of protection of data originating from minors? If yes, please provide details.

10. Is the obligation to provide information on harmful content as required by Article 6a (3) of the AVMSD fully implemented and how uniform is the associated information system? What does cross-border cooperation look like on this specific point?

11. Which more extensive measures to protect children and young people using video-sharing platform services have been implemented in the Member States?

12. Has the application of Art. 7 AVMSD actually led to a steady improvement in the availability of accessible services? What new technologies have recently been tested or introduced to improve access and the provision of accessible content?

13. Which measures in national accessibility action plans do you consider to be particularly ambitious or innovative?

14. To what extent have the online accessibility contact points provided for in Art. 7(4) AVMSD been established in the Member States?

15. What improvements could be made to ensure the best possible emergency information with the help of audiovisual media services for the entire population in the EU, including people with disabilities?

16. To what extent have the possibilities of Art. 7a and 7b AVMSD been used so far?

17. Are the implementations of the advertising labelling obligations (also online) complete in such a way that an 'average user' clearly understands that a commercial cooperation decisively shapes the value judgment of, for example, influencers in the labelled content? Where do you see specific deficits?

18. Art. 13 AVMSD: In your view, would higher investment requirements economically benefit or harm VoD providers and the production market as a whole in the long term? Please give detailed reasons for your opinion on this.

19. Do you consider the [Guidelines](#) for calculating the proportion of European works in the catalogues of on-demand service providers to be appropriate or not, in particular as regards what is meant by "a title"? Please give reasons for your opinion.

20. What is your view on the definition of a 'low audience' and a 'low turnover', which is also laid down in the above guidelines?

21. Have Member States made use of their right to impose more detailed or stricter measures in the form of specific monitoring obligations on video-sharing platform providers pursuant to Art. 28b (6) AVMSD and what exactly are these?

22. Are the obligations of video-sharing platform service providers pursuant to Art. 28b AVMSD fully implemented in the Member States as far as:

- to protect minors from content that is harmful to their development,
- to protect the general public from incitement to hatred and violence pursuant to Art. 6 and 6a, and
- on the labeling and content restrictions of commercial communications pursuant to Art. 9 (1) AVMSD ?

If not, where are there deficits and why?

23. Have there been complaints from users against video-sharing platform providers pursuant to Art. 28b (3)(i) AVMSD with regard to the implementation of the measures set out in subparagraphs (d) to (h) of the par? What was the subject matter of the complaint and how was the complaint remedied?

24. Have the revised requirements for the organization of media supervision in Articles 30 to 30b of the AVMSD been fully implemented, especially with regard to the independence of the state and the freedom of supervision from instructions? Where do you see deficits in implementation?

25. Should the cooperation of national regulators in ERGA be intensified beyond the memorandum adopted on December 3, 2020? If so, in what area and in what way?

26. What possibilities do you see for establishing an online complaint-referral system among NRA's ?

27. Would it make sense to broaden the scope of the directive and if yes, why and in which sense?

28. Taking into account an almost complete media convergence, do you think it would make sense to (gradually?) move away from the "audiovisual" characteristic in the directive and instead focus on editorial responsibility for content creation (and, in stages, only organizational responsibility for the presentation of corresponding content) as the central connecting factor in the directive? Please give reasons for your opinion.

29. What other points not covered here should be taken into account in the implementation report? Please specify.