

# Audiovisual media services – evaluation and update of EU rules

Fields marked with \* are mandatory.

## Introduction

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[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

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### \* 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
-

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

Marleen

\* Surname

KESTENS

\* Email (this won't be published)

mkestens@ehnheart.org

\* Organisation name

*255 character(s) maximum*

European Heart Network

\* 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.

3606882168-35

## \*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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- Bangladesh
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- 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
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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
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- Ireland
- Isle of Man
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- Italy
- Jamaica
- Japan
- Jersey
- Jordan
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- Réunion
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- Saint Barthélemy
- Saint Helena  
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Tristan da Cunha
- Trinidad and  
Tobago
- Tunisia
- Türkiye
- Turkmenistan
- Turks and  
Caicos Islands
- Tuvalu
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Emirates
- United Kingdom
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Minor Outlying  
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- 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

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\* 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.

The current AVMSD does not define 'child' or 'minor'. The World Health Organisation, in alignment with the UN convention on the Rights of the Child, defines a child as a human being below the age of 18. This definition should be used in the AVMSD.

The current AVMSD does not adequately provide definitions for new forms of advertising (e.g. influencers, influencer marketing, indirect and disguised forms of promotion e.g. algorithm amplified content).

The current directive does not have a definition of an influencer. An influencer is a person who, through social media platforms, has built a substantial following and holds commercial influence over that audience.

The current AVMSD does not have a definition of 'family marketing'. The AVMSD should be expanded to include clear regulation of 'family marketing', understood as marketing in which children are indirectly influenced as part of a family unit. Today's media landscape means that advertisements are often directed at parents while leveraging children's preferences as behavioural drivers. This currently falls outside the directive's narrow definition of marketing aimed directly at children. We therefore recommend that the directive be clarified so that protection covers both direct and indirect influence on children when they are embedded in family decision-making structures.

The AVMSD does not recognise the diversity of VSPs platforms and specifically the fact that some videos are posted for a temporary, very short time (e.g. ephemeral VSPs on Instagram and Snapchat), with content that vanishes after a set period, typically 24 hours.

The scope of the AVMSD is too narrow to deal with the topic of marketing. It does not cover all forms of

marketing (see the decision of the CJEU in Case C-657/11). We are particularly concerned about the little consideration given to brand marketing, and to the ‘remuneration’ threshold that needs to be met for an audiovisual commercial communication to be classified as such by the Directive;

In Denmark, the assessment of whether commercial communication is considered to be directed at children is based on the proportion of minors within the audience. According to established practice by the Danish Consumer Ombudsman (“Forbrugerombudsmanden”), marketing is regarded as child-directed if a ‘non-insignificant’ share of the audience consists of children. The threshold is qualitative rather than strictly numerical, allowing authorities to take into account platform-specific demographics, follower composition, content design, tone, and the likelihood that children are exposed to the advertising.

This approach has proven effective in addressing new forms of digital marketing—particularly influencer content and algorithmically distributed advertising—where minors may form a substantial part of the audience even when they are not the explicitly declared target group.

EHN therefore encourages the Commission to ensure that the revised AVMSD allows Member States to go beyond current rules and are allowed to apply such audience-composition-based criteria, and to recognise that child-directed marketing can occur not only when children are the primary intended audience but also when children constitute a material or ‘non-insignificant’ part of the actual audience.

We recommend that the revised AVMSD explicitly allows Member States to use audience-based definitions when assessing whether commercial communication is directed at minors, including flexible thresholds that account for platform-level data, influencer follower composition, and situational exposure patterns. This will strengthen the Directive’s capacity to address modern digital marketing practices and ensure adequate protection of children across media environments.

When assessing whether commercial communication is directed at children, it is essential to consider not only the advertiser’s stated intention but also the actual composition of the audience. In the digital environment, a substantial proportion of minors may be exposed to content even when the content is not formally aimed at children. Influencer profiles, for example, can have 20–40% underage followers without being classified as “children’s profiles.” Likewise, platforms such as TikTok, YouTube and Instagram have audience demographics where young users make up a significant share, regardless of the advertiser’s declared target group. Moreover, algorithmic recommendation systems expose children to content based on behavioural patterns rather than on the intended or declared audience.

For these reasons, a flexible proportionality standard is more appropriate than relying on a fixed percentage threshold. This approach enables regulators to capture situations where children are exposed to commercial communication and ensures that child-directed marketing is defined in a way that reflects how digital platforms and algorithmic distribution work in practice.

## *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:

Please specify:

An influencer is a person who, through social media platforms, has built a substantial following and holds commercial influence over that audience. Influencers operate as traders, because the content they publish on social media constitutes their commercial activity; their “product” is both themselves and the entirety of their content output.

The current AVMSD does not address the quantity of marketing via influencers, nor does it address the quality of messages sent out by influencers (products they advertise, etc).

A critical and currently unregulated form of marketing to children is the 'non-commercial' promotion of unhealthy products by influencers. This includes situations where influencers feature, consume, praise, or prominently display unhealthy foods, beverages, alcohol, vapes, or other harmful products without an explicit paid partnership or declared commercial collaboration. Despite the absence of formal sponsorship, such exposure acts as implicit advertising and has a strong persuasive effect on children and adolescents, who often perceive influencers as authentic, trustworthy role models. This form of content represents a major regulatory grey zone.

All content produced by influencers should be subject to marketing law, regardless of whether it is explicitly labelled as advertising or presented as entertainment or personal recommendations. Influencers frequently blur the boundary between personal expression and commercial communication. Their content often appears informal or entertainment-driven, yet functions as a marketing channel where affiliate links, product placement, and brand partnerships can be embedded in ways that are not always recognisable to audiences—especially children and young people, who are more susceptible to hidden advertising and have limited ability to recognise commercial intent.

Because influencers function as media actors who produce audiovisual content comparable to traditional broadcasting, and because they reach large numbers of minors across platforms such as YouTube, TikTok and Instagram, clear regulatory obligations and transparency requirements are essential. This includes ensuring that influencers cannot avoid compliance by positioning themselves as private individuals rather than commercial operators.

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:

Please specify:

The current AVMSD has a limited scope, as it primarily covers audiovisual content and therefore fails to capture the full range of channels and formats used by influencers to promote products and services. Influencer marketing increasingly takes place through pictures, blog posts, stories, written content and other non-video formats, which fall outside or at the margins of the AVMSD framework.

Under the current AVMSD framework, only commercial audiovisual communications are addressed, meaning that influencers who casually show themselves trying new fast food items, recommending the “latest menu at McDonald’s,” or featuring unhealthy products prominently in their videos fall outside the scope of the Directive — even though young viewers are equally affected by these portrayals.

The AVMSD should be extended to include these forms of marketing.

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.

Please specify:

Research performed by the Danish Heart Foundation shows that approximately 50% of all identified content featuring unhealthy foods was non-commercial — meaning it was neither paid for nor disclosed as advertising, but still contributed significantly to children's exposure and shaping of unhealthy dietary preferences. This demonstrates that non-commercial influencer content is a major driver of harmful marketing exposure and must be addressed.

The AVMSD should reduce exposure beyond children's programmes: mixed-audience content & modern formats; influencer ads/'kidfluencing'; placement/sponsorship; promotions; advergames; darkpatterns & other persuasive techniques appealing to minors should be addressed.

The new directive should address influencer marketing, especially

- o those influencers reaching young audiences
- o indirect and disguised forms of promotion e.g. algorithm amplified content
- o Influencers should not be allowed to market the following products:

Unhealthy foods and drinks when targeting children (refer to WHO nutrient profiles model to decide what can/cannot be marketed to children)

Any form of tobacco products including e-cigarettes, vapes and nicotine containing products

Any form of alcohol products

We support a multi-pronged approach including clear disclosure obligations together with content restrictions for harmful marketing. We advocate for an approach resting on the adoption and enforcement of legally binding rules, not self-regulation or voluntary codes of conduct for which there is no evidence of effectiveness (e.g. see the EU Pledge that has failed for nearly 20 years to protect children from exposure to unhealthy food marketing, as the BEUC has clearly shown in its 2021 report) – a point which the Commission has consistently failed to acknowledge, preferring self- and co-regulation (combined with the 'exchange of best practice') to EU-level, evidence-based REGULATION.

## 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:

EHN has no experience on the topic of 'European Works definition' and therefore will not answer the questions in this chapter.

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 type="radio"/>	<input type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input 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 checked="" type="radio"/>	<input 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 type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Media service providers make the required information accessible to users (Art. 5).	<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.

Article 2, 3 and 4: The current AVMSD establishes that a media service provider is regulated primarily by the EU Member State in which it is established. Once it complies with that state's rules implementing the AVMSD, it can provide services across the EU. This undermines Member States who may wish to go beyond what is in the current directive. Although the AVMSD is a 'minimum harmonisation directive' (i.e. it allows member states to have stricter rules than what is in the AVMSD, the 'country of origine' principle) defies this option in practice.

Receiving Member States can exceptionally restrict or intervene in services from another Member State if specific conditions are met, such as:

- Serious violations (e.g., incitement to hatred or harm to minors).
- Risks to public policy, public health, security, or consumer protection (particularly for on-demand services)

However, this principle should be taken out of the AVMSD and the rules of the country where services are broadcast should apply.

The AVMSD does not strike an appropriate balance between free movement imperatives, on the one hand, and the protection of public interests such as public health, consumer protection, children's rights, on the other. This is because the rules it sets at EU-level are not aligned with existing evidence, particularly as regards alcohol and unhealthy food marketing. Minimum rules should not be 'minimal rules' that fail to ensure a high level of public health, consumer and children's rights protection. Such an approach is indeed incompatible with the EU Treaties.

Article 4a: Self-regulation and codes of conduct are not sufficient : The AVMSD should have binding measures that address the issue of marketing of unhealthy products to minors (until the age of 18 included). It should not rely on codes of conduct and voluntary measures as is the case now.

In particular with regard to TV advertising, there should be a watershed (a ban on advertising) on marketing of unhealthy products to minors from 6am till 11pm (applied in some EU and non EU countries) on . It should be applied to all unhealthy products during the hours that children and adolescence watch TV the most.

'Family marketing' should also be addressed: this should be understood as marketing in which children are indirectly influenced as part of a family unit. Today's media landscape means that advertisements are often directed at parents while leveraging children's preferences as behavioural drivers. This currently falls outside the directive's narrow definition of marketing aimed directly at children. We therefore recommend that the directive be clarified so that protection covers both direct and indirect influence on children when they are embedded in family decision-making structures.

## 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
<b>Protection of minors</b> referred to in Articles 28b(1)(a) and (3) AVMSD and Article 28 DSA on online protection of minors.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>Audiovisual commercial communications rules applicable to VSPs</b> referred to in Article 28b(2) AVMSD and Article 26 DSA on advertising on online platforms.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>Protection from harmful/illegal content through terms and conditions</b> referred to in Article 28b(3)(a) AVMSD and Article 14 DSA.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>Protection from harmful audiovisual commercial communications through terms and conditions</b> referred to in Article 28b(3)(b) AVMSD and Article 14 DSA on terms and conditions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>Reporting and flagging mechanisms</b> 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 checked="" type="radio"/>	<input type="radio"/>
<b>Feedback mechanisms</b> 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 checked="" type="radio"/>	<input type="radio"/>
<b>Availability of out-of-court dispute resolution mechanisms</b> 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 checked="" type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>
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If possible, please explain your answer and provide specific examples:

The articulation with the DSA is not clear, not least because the rules have different scopes of application: the AVMS regulates media service providers (including VSPs), whilst the DSA apply to large digital platforms. There is some overlap, but some overlap only, and it is not clearly articulated.

The AVMSD should have mandatory, standardised discretionary warning when any form of audiovisual context depicts products that do not contribute to health (in particular tobacco use, nicotine products, alcohol, junk food, unhealthy food, etc) notably in films, series and on demand services. Reducing exposure to advertising and IMAGERY that promote the use of these products must be recognised as a cornerstone of effective public health protection and on screen smoking, vaping, alcohol consumption, eating of junk food and unhealthy food increase the risk of initiation and influencing among young viewers.

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:

**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
<b>Protection of minors</b> e.g. direct appeal to children to buy products or services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>Rules on influencer marketing</b> e.g. clear disclosure of content provision in exchange for consideration, either money or in-kind	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

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

The AVMSD has a limited scope, as it primarily covers audiovisual content and therefore fails to capture the full range of channels and formats used by influencers to promote products and services. Influencer marketing increasingly takes place through pictures, blog posts, stories, written content and other non-video formats, which fall outside or at the margins of the AVMSD framework. The Unfair Commercial Practices Directive (UCPD) should be reviewed and strengthened to effectively regulate all forms of marketing, including influencer marketing across all media and formats, ensuring a high and consistent level of consumer protection.

The interaction between the AVMSD and the UCPD is unclear, and the discretion that Member States have to regulate marketing, particularly to protect children, is not easy to determine, raising questions of legal certainty.

However, the problem also consists in the lack of effectiveness of the rules the UCPD and the AVMSD lay down to address harmful marketing to children. In particular, the focus on 'direct appeal to children' in Point 28 of the Annex of the UCPD does not reflect the existing evidence that children are exposed to marketing that is not intended to target them specifically (e.g. broader audience services with which families engaged, not just children). Similarly, in the AVMSD, the provisions on alcohol and food marketing take too restrictive an approach to genuinely protect children from harmful commercial communications by not recognising that children are exposed to a wide range of services, not just those specifically intended for them. The commission should take suggested solutions like addressing family marketing in both directives into consideration.

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

Please specify:

the commission should amend the AVMSD and/or the UCPD to clarify their interplay, and also amend the rules contained in both the AVMSD and the UCPD to ensure that they effectively protect consumers from harmful marketing.

The new directive should have mandatory, standardised discretionary warning when audiovisual context depicts products that do not contribute to health (in particular tobacco use, nicotine products, alcohol, notably in films, series and on demand services. Reducing exposure to advertising and IMAGERY that promote the use of these products must be recognised as a cornerstone of effective public health protection and on screen smoking, vaping and alcohol consumption increase the risk of initiation among young viewers.

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

### *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 type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Rules on sponsorship (Article 10)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Rules on product placement (Article 11)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Rules for TV advertising and teleshopping (Articles 19-25)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
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### 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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

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

The EU has clear competence to regulate cross-border marketing to ensure the proper functioning of the internal market while guaranteeing a high level of health and consumer protection, in line with Article 168(1) TFEU. The EU should make full use of these powers when addressing the marketing of products that are harmful to human health.

The AVMSD should be in line with/respect the UN convention on the rights of the child, and therefore assure that all children until 18 years old have the right to the highest attainable standard of health and development. The current AVMSD does not define children and – in practice- does not protect adolescents. The World Health Organisation, in alignment with the UN convention on the Rights of the Child, defines a child as a human being below the age of 18. This definition should be used in the AVMSD.

The current AVMSD fails to address new products which did not exist at the time of revision of the AVMSD in 2018 (nicotine products, vapes, etc).

The current AVMSD fails to address marketing of alcohol products, in particular to adolescents

Protection should not be limited to content explicitly designed for or addressed at children. The current AVMSD focuses on whether marketing is aimed specifically at minors and therefore fails to address children's real exposure to unhealthy products (alcohol, unhealthy food, vapes, nicotine products, smoking behaviour, drinking behaviour, etc).

The AVMSD should have binding measures that address the issue of marketing to children (until the age of 18). It should not rely on codes of conduct and voluntary measures as is the case now. In particular with regard to TV advertising, there should be a watershed (a ban on advertising) from 6am till 11pm (applied in some EU and non-EU countries). It should be applied to all unhealthy products during the hours that children and adolescence watch TV the most.

The AVMSD should address the level of exposure to marketing - the huge quantity of exposure both offline and online - in particular to promotion of products that do no contribute to health, such as tobacco products, vapes, nicotine products, unhealthy foods, alcohol products). The current AVMSD fails to address the persuasive power of marketing, as it does not

- o limit the volume, or omnipresence of advertising.
- o Does not deal with marketing techniques such as celebrities, brand characters and promotional toys (see publicity for VAPES disguised as toys, etc)

The omni-presence of marketing and social media advertising should be addressed. This goes beyond

influencer marketing and is not addressed in the current AVMSD. The AVMSD fails to address marketing techniques like indirect and disguised forms of promotion, video-sharing and the use of algorithms (algorithmically amplified content), personalised, algorithm-driven content on digital platforms, to promote products in particular products that do not contribute to health. Using algorithms and AI, companies can now deliver highly personalised advertisements to children, which are largely invisible to parents and are often delivered through influencers and trusted celebrities - young people are routinely exposed to intrusive and manipulative advertisements for unhealthy products.

On marketing and advertising of unhealthy food products, The AVMSD should embed the WHO/Europe nutrient profile model in the binding law. The current directive lacks a binding nutrient profile system to determine which products should not be advertised to children.

The AVMSD should have mandatory, standardised discretionary warning when audiovisual context depicts products that do not contribute to health (in particular tobacco use, nicotine products, alcohol, unhealthy foods, notably in films, series and on demand services. Reducing exposure to advertising and IMAGERY that promote the use of these products must be recognised as a cornerstone of effective public health protection and on screen smoking, vaping and alcohol consumption increase the risk of initiation among young viewers.

The AVMSD should call for effective sanctions/penalties in case of non-compliance.

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:

Please specify:

Considering the limited scope of the current AVMSD, the Commission should come forward with a specific Directive on Commercial Determinants of Health, in particular but not exclusively with a focus on the impact of commercial determinants on children's health (until the age of 18).

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:

Denmark: In Denmark, we have observed significant challenges with the commercial targeting of children and young people through digital platforms, particularly influencer-based marketing. In 2025, the Danish

Government therefore introduced a legislative proposal to ban the marketing of unhealthy foods and beverages to children under the age of 15, including marketing conducted via influencers and social media platforms. This initiative was necessary because voluntary industry self-regulation has proven insufficient, especially regarding new digital advertising formats. Evidence from several cases shows that children are consistently exposed to unhealthy food advertising despite existing guidelines.

In light of this experience, Denmark does not consider stricter national rules on commercial communications problematic. On the contrary, they have been essential to ensure effective child protection. For this reason, Denmark supports maintaining Member States' ability to adopt more detailed or stricter rules when this is justified for public health considerations, including the protection of minors from harmful commercial practices.

We therefore recommend that the AVMSD revision explicitly acknowledges the need for Member States to introduce stricter measures—such as bans on unhealthy food marketing to minors—when evidence shows that EU-level rules and self-regulation fail to sufficiently protect children in a rapidly changing digital media landscape. At the same time, we see value in the EU exploring harmonised minimum standards to prevent cross-border inconsistencies and ensure that the protection of minors keeps pace with modern digital marketing practices.

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

Please describe:

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**

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*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 checked="" type="radio"/>	<input type="radio"/>
Content most harmful to minors, such as gratuitous violence and pornography	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>
Content most harmful to minors, such as gratuitous violence and pornography	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input 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:

Please specify:

The EU should consider protection of children's health under these provisions because it has an impact on physical, mental, or moral development of minors.

This includes protecting minors from commercial determinants of health and advertising, marketing, marketing techniques, teleshopping, influencers, techniques encouraging overconsumptions, techniques using promotional toys or celebrities, algorithms enhancing these techniques, etc for products that have a negative impact on health (unhealthy foods, tobacco, nicotine products, alcohol).

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:

Please specify:

Age verification techniques, including no access to digital media under 15 years old, no access to social media under 15 years old.

Denmark has recently initiated legislative efforts to introduce a minimum age requirement of 15 years for access

to certain social media platforms. This initiative responds to extensive evidence that children are exposed to harmful content, self-harm material, aggressive commercial practices and data-driven advertising models on major platforms. According to the Danish Government, 94% of children under age 13 already have profiles on at least one social media platform, demonstrating that existing age-limit mechanisms are insufficient

Under the proposed agreement, access below the age of 15 would only be possible under strict parental consent. Parents may authorize access from the age of 13 following an individual assessment, although the Government has underlined that such exceptions must be carefully regulated and supported by reliable age-verification systems. This approach is intended to strengthen the protection of minors while acknowledging the role of parental responsibility.

The introduction of a 15-year age threshold—combined with an optional parental consent mechanism for 13- to 14-year-olds—reflects Denmark’s assessment that current EU-level rules do not sufficiently protect children from commercial or psychological harm in digital environments. The initiative is part of a broader national strategy to safeguard children online, including enhanced Digital Services Act (DSA) supervision and the development of secure age-verification solutions.

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

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:

In all it does, the Commission must be guided by its mainstreaming obligations under the EU Treaties to ensure a high level of health and consumer protection in all its policies. It must also uphold the best interests of the child as a primary consideration, in line with Article 24 of the EU Charter (which itself draws on Article 3 of the UN Convention on the Rights of the Child which all EU Member States have ratified and constitutes – as acknowledged by the Court of Justice of the European Union – a source of the general principles of EU law).

- o The EU has clear competence to regulate cross-border marketing to ensure the proper functioning of the internal market while guaranteeing a high level of health and consumer protection, in line with Article 168(1) TFEU. The EU should make full use of these powers when addressing the marketing of products that are harmful to human health.
- o The AVMSD should be in line with/respect the UN convention on the rights of the child, and therefore assure that all children until 18 years old have the right to the highest attainable standard of health and development.

- o The AVMSD should address the sheer quantity of advertising offline and online and the space taken by advertising of unhealthy products
- o In the framework of the AVMSD, protection from marketing and advertising of unhealthy products should extend to all individuals under the age of 18. The AVMSD should foresee a ban on advertising of unhealthy products to children (age 18) on all platforms (offline and online).
- o Public Health protection should include advertising, promotion of products, sponsorship, digital environment, in particular
  - influencer marketing, especially those influencers reaching young audiences
  - indirect and disguised forms of promotion e.g. algorithm amplified content

## 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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Promotion of trustworthy media content	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Combating disinformation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Promotion of trustworthy media content	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Combating disinformation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

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

The notion of 'protection of minors' is far too narrowly construed to effectively protect children from the harms to which they are exposed as users of audiovisual media services and VSPs. In particular, the Commission has not taken stock of the accumulation of evidence demonstrating that children are exposed to harmful marketing, despite repeated calls from public health actors for the past two decades. We therefore urge the Commission to revise the AVMS so that harmful marketing is effectively regulated to ensure a high level of public health, consumers and children's rights protection.

Media literacy cannot be a substitute to the failure to adopt appropriate rules recognising the vulnerabilities of media users, and children more specifically, to online harms. Although we support media literacy efforts, we are convinced that media literacy should never be envisaged as a substitute to effective regulation. It is, at best, a complementary tool which can support effective regulation, never an alternative to such regulation.

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:

Please specify:

Effective media literacy must go beyond general awareness and instead equip users with concrete skills to critically assess content, understand commercial intent, protect their data, and navigate algorithmic environments such as social media.

Therefore, media literacy initiatives must be age-specific and tailored to developmental stages. For younger children, the emphasis should be on basic recognition of advertising and persuasive intent. For older children and teens, the focus should expand toward data awareness, influencer transparency and understanding how algorithmic curation shapes their feed.

Media literacy could never stand alone and its not up to or possible for parents or children to protect them self when there are exposed to:

- algorithmically amplified commercial content,
- influencer marketing,
- disguised advertising,
- manipulative engagement features, and
- misinformation framed as entertainment.

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:

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**

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

- Expansion of the scope to include on-demand audiovisual media service providers in addition to broadcasters
- Ease and/or simplify the process of recognition of events of major importance
- Other, please specify:

### *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

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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.

Please upload your file(s)

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

**f46fde9e-3ae3-4a3c-9be9-37239400733f/EHN\_final\_note\_on\_AVMSD\_consultation.pdf**

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