

Re: Audiovisual Media Services Directive: vote against a trilogue mandate for the CULT Committee Report on 18 May

Dear MEP,

[European Digital Rights](#) (EDRi) is an association of 35 civil rights organisations from 21 countries, both in Europe and elsewhere.

We are writing to ask you to vote against a trilogue mandate for the CULT Committee report on the first reading of the European Parliament of the draft Directive on the provision of Audiovisual Media Services Directive (2016/0151(COD)). We instead ask you to take time to reflect on the [CULT report](#).

A plenary vote in July would allow a broader discussion in the Parliament, to take full account of the concerns raised in the opinion Committees, [LIBE in particular](#). This will permit the Parliament to make amendments to defend the fundamental rights of citizens and to improve the clarity of the text defended by the Parliament in trilogues with a stronger mandate. This is particularly important, bearing in mind the very restrictive drafts currently being discussed in the Council.

The CULT committee has proposed extending:

- the scope of the Directive to include weakly defined video-sharing platforms, including social media companies;
- the type of content to be regulated by these companies, including content which is not illegal -- e.g. incitement to hatred based on a list of criteria, including "political opinions **or any other opinions**" (emphasis added). This lack of clarity risks leading to arbitrary decisions by companies, without accountability;
- the scope of the Directive to give companies a "self-regulatory" role in the "moral" development of children. This expansion of the scope to entirely different companies has very unclear and untested implications.

Adding still further to the confusion, the Committee [redefined](#) the notion of "user-generated video" in a way that means that a "user-generated video" needs to be neither user-generated nor a video.

Amendment 45

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point d

Directive 2010/13/EU

Article 1 – paragraph 1 – point b a

Text proposed by the Commission

(ba) 'user-generated video' means a set of moving images with or without sound constituting an individual item that is **created and/or** uploaded to a video-sharing platform **by one or more users**;

Amendment

(ba) 'user-generated video' means a set of moving images with or without sound constituting an individual item that is uploaded to a video-sharing platform;



17 May 2017

The proposal also has major issues with regard to the independence of national regulators, of the European Regulators Group for Audiovisual Media Services (ERGA) and the failure to clarify the distinction between "self-regulation" in the context of traditional media (regulation by media of their own editorial decisions) and internet companies (regulation by internet companies of their customers' communications).

The CULT Committee has made important progress in its report but a significantly clearer text, backed with a strong mandate, is essential to ensure a strong negotiating position for the Parliament in trilogues. You can help deliver this.

For more information, please check our [document pool](#) and don't hesitate to contact us any time.

Best regards,

Joe McNamee

Executive Director
European Digital Rights (EDRi)