



Audiovisual Media Services Directive – evaluation and review

The Commissariaat voor de Media (CvdM) promotes reliable and pluralistic media offerings for everyone. As a regulator, we are committed to safeguarding various public interests, by safeguarding a robust news environment, a well-functioning public media and a safe online environment for young people. The Audiovisual Media Services Directive (AVMSD) is a cornerstone of EU audiovisual media policy. The sector-specific rules included in the AVMSD are vital to safe-guarding and promoting a fair, safe, diverse, and competitive audiovisual media market. As a longstanding legislative instrument, the AVMSD ensures legal certainty and predictability for both providers and regulators. The application of specific, content-focused rules adapted to the societal role of the audiovisual media services and audiovisual content is a key tool to achieve public interest objectives that horizontal instruments are not intended to achieve. It aims to create a harmonised internal market while safeguarding public interests such as cultural diversity, consumer protection and media pluralism.

While the Directive remains relevant, it has become partly outdated due to the digital shift towards streaming services, User Generated Content (UGC), as well as the increasing influence of AI. This raises questions of interpretation regarding the definitions and key concepts and poses challenges for supervision and enforcement. Adequate protection of users on diverse digital networks, platforms and devices and ensuring a level playing field in converging markets is therefore under considerable pressure. Key problems include the unclear classification of hybrid services, the inadequate protection of young people online and the unequal obligations for European works. Enforcement is hampered by the lack of resources available to regulators (NRAs) and the cross-border (online) nature of most services. The relevance and scope of various other EU legislative instruments such as the Digital Services Act (DSA) and the European Media Freedom Act (EMFA) add a layer of legal complexity that did not exist when the current Directive was adopted.

So, is the Directive still fit for purpose? The AVMSD remains essential for the internal market and to ensure cultural diversity and protection, but has been rendered obsolete by technological evolutions. The biggest challenges lie in future-proof and harmonised definitions and key concepts, effective enforcement and convergence.

Key Recommendations

1. The scope of the AVMSD should be refined to increase future-proofing and take into account developments around audio and hybrid services. The EC should also prioritise technology neutrality, and improve the alignment of rules for linear and non-linear services.
2. Create clear and enforceable sector-wide regulation, including for Article 28b, and fit for purpose obligations for influencers. Strengthen and harmonise codes of conduct, modernise advertising rules and ensure AVMSD and DSA coordination.
3. The protection of minors needs to be strengthened with more specific and better enforceable provisions for codes of conduct, age-verification and content-classification.
4. The AVMSD should have clearer definitions of European works and the conditions under which exemptions or other relief from the regime are possible, such as for smaller market players and niche providers.
5. Equal access to audiovisual media and a level playing field should be ensured by further harmonizing the accessibility obligations, for example by introducing quotas. This must be accompanied by realistic targets and harmonized exemption options for specific market players.
6. The definitions and key concepts of Article 7a AVMSD need to be clarified and elaborated on to ensure national implementation and harmonisation, and the scope should be extended to online platforms.



1. Scope of application and definitions (material and territorial jurisdiction)

Recommendation: The scope of the AVMSD should be refined to increase future-proofing and take into account developments around audio and hybrid services. They should also prioritise technology neutrality, and improve the alignment of rules for linear and non-linear services.

The Directive defines audiovisual media services as services with the aim to create a harmonised internal market while protecting and promoting cultural diversity, consumer protection and media pluralism. Meanwhile, the country of origin principle prevents double regulation and encourages cross-border services. However, the underlying assumptions about the distinction between linear and non-linear services seem partly outdated due to rapid convergence in the media industry, and we have observed consumption increasingly shifting to online platforms such as streaming and gaming. Trends such as AI, virtual production and UGC raise questions of interpretation and call into question whether the current definitions are still fit for purpose. These developments call for a reconsideration of existing definitions so that hybrid services, such as FAST TV, and podcasts with video could fall within the scope of a future Directive.

The main challenges for the CvdM in this regard lie in the lack of clarity surrounding hybrid services and influencers. This leads to an uneven playing field and risks to public interests such as cultural diversity, consumer protection and media pluralism, which could be undermined by dominant global platforms. In the area of enforcement and supervision, there are issues due to the cross-border nature of services, with small NRA's often lacking the resources and legal instruments to supervise new forms of media offerings.

2. Online regulation

Recommendation: Create clear and enforceable sector-wide regulation, including for Article 28b, and make them more fitting for influencers. Strengthen and harmonise codes of conduct, modernise advertising rules and ensure AVMSD and DSA coordination.

Video sharing platforms (VSPs) are required to take measures against harmful content, including drawing up codes of conduct, as laid down in Articles 28b and 28c of the Directive. The purpose of these provisions, which were introduced into the Directive during the previous revision, is to protect the public from incitement to hatred and violence, and to achieve a level playing field with traditional media. The assumptions underlying the revision at the time remain largely valid, but convergence in the industry necessitates an extension to influencers and UGC. Due to disinformation trends, where AI increases risks, the need for measures is only greater.

Enforcement problems stem from the complications of assessing fragmented codes, and the extensive and complicated wording of Article 28b. Effective enforcement is also under pressure because cross-border issues bring additional complications and regulators are faced with resource problems. There is a need for clear guidelines for NRAs to act when the country of origin cannot be determined and media services refuses to cooperate. Other aspects of in the chain of online supervision such as hosting can be considered when determining jurisdiction, supplementing elements such as satellite up-links that are already included in the AVMSD. Strengthened codes of conduct with close involvement of NRAs can combat the most urgent risks, while coordinating the AVMSD with the DSA. More precise and better enforceable requirements for the codes of conduct could be considered in future EU-legislation. Especially when this would be supported by more guidance on EU-level, it could contribute to more effective protection of minors, combatting disinformation and safeguarding other public interests at stake.



The importance of regulating influencers under the AVMSD cannot be overstated. Not only are their offerings increasingly resembling those of traditional media players, but the impact of their offerings on the public, other market players, and society as a whole is also becoming increasingly comparable to that of traditional media. We observe three main factors that appear to hinder the effective application of the rules to influencers. The current definition of an audiovisual media service is not well-suited to the situation of influencers, and there is no harmonized definition. Due to legal ambiguity, many countries have not yet included influencers in the scope of media regulation. Moreover, some obligations, such as those for the promotion of European works, are not readily applicable to influencers. Finally, new risks have emerged in the online media ecosystem in recent years, against which the current AVMSD appears to offer insufficient protection. These include news influencers who can reach a wide audience and have a significant impact on opinion formation, but who are not subject to specific obligations.

The consequences of unregulated areas or difficult enforceable rules are particularly noticeable in the rules on commercial communications, which aim to protect the public, especially vulnerable groups such as young people. This is in addition to the unfair competition that can arise with market players traditionally subject to regulation and supervision. Not only it is difficult for influencers to fit into the existing rules for on-demand media offerings, the assumptions made years ago are becoming increasingly outdated due to the enormous rise of online advertising. As a consequence, regulatory requirements can become disproportionately burdensome and complex for influencers. Challenges arise from the enormous increase in advertising within VOD services and VSPs, but also from communications that blur the distinction between editorial content and advertising, with all the consequences that this entails for (online) consumer protection.

3. Protection of Minors

Recommendation: The protection of minors needs to be strengthened with more specific and better enforceable provisions for codes of conduct, age-verification and content-classification.

Providers of audiovisual media services and VSPs are obliged to protect minors from harmful content, as stipulated in Article 6a, 12, 27 and 28b AVMSD. The primary objective is to protect the physical and mental development of young people from harmful content and to promote a safe environment, as emphasised in recital 60 of the Directive. However, assumptions about traditional media appear outdated due to the shift to online consumption, with AI and UGC requiring reconsideration for more effective protection. The significant role of video-sharing platforms in distributing potentially harmful media content should be recognised, and in addition to the mechanisms already laid down in the DSA, the AVMSD could introduce provisions forcing VSPs to assume greater responsibility for the protection of minors.

Key problems include the lack of cooperation with NRAs from platforms in the classification of content and inadequate age verification, both of which jeopardises public interests such as the healthy development of young people. Enforcement is complicated due to the difficult assessment of UGC, and many platforms apply their own terms of service and/or community guidelines, which fragments standards and complicates oversight further. Platforms frequently apply their own content classification systems, which do not always correspond to national or EU-level expectations. NRAs often struggle to verify whether content is appropriately labelled or whether the platform's classification system offers any meaningful protection. Age verification is another weak link, as most VSPs use limited verification through self-declaration and/or models based on age estimation which cannot always be consistently accurate. Resistance from the industry, concerns about privacy and the cross-border nature of services prevent the adoption of robust solutions at national level. To meet the Directive's objectives, protections for minors online must evolve from voluntary measures to more structured, enforceable provisions.



4. Promotion of European Works

Recommendation: The AVMSD should have clearer definitions of European works and the conditions under which exemptions or other relief from the regime are possible, such as for smaller market players and niche providers.

The aim of the rules for European Works is to promote cultural diversity and the European production sector, as indicated in recital 69 of the Directive. These assumptions are still valid in part, but the explosive growth in the supply and consumption of VOD makes the distinction in percentages obsolete in view of substitution. Current challenges are linked to an uneven playing field and overly burdensome obligations for small providers, which puts cultural diversity under pressure. Supervision and enforcement are complex and burdensome due to extensive reporting obligations and calculations based on the AVMSD text that raise questions (e.g. exclusion of sport from linear offerings but not from on-demand offerings). At present, the prescribed minimum percentages of European works are often achieved through the provision of national works, which in our opinion does not entirely correspond to the original intentions of the European legislator. Impact assessments and other evaluation instruments in future could provide up-to-date info on whether the original objectives of the EU-legislator are met and could offer useful data for evidence-based policies, be it on EU- or national level.

5. Accessibility of media content

Recommendation: Equal access to audiovisual media and a level playing field should be ensured by further harmonizing the accessibility obligations, for example by introducing quotas. This must be accompanied by realistic targets and harmonized exemption options for specific market players.

Member States must promote accessibility for persons with hearing or visual impairments through measures such as subtitling and audio description, in accordance with Article 7 of the Directive. The aim of the European legislator in this regard is inclusion and equal access to media. The assumptions remain valid, but the digital shift offers opportunities for AI support, which may require an update of the existing provisions. Problems include fragmented national implementations and high costs for small providers, which threatens inclusion. Mandatory quotas and quality requirements could provide more clarity, but must be accompanied by realistic targets and exemption options. Making EU funds available for technology would also enable less financially strong market players to make progress. Extending accessibility requirements to more providers than audiovisual media services could also be considered, but would require careful coordination with the European Accessibility Act (EAA).

6. Due prominence of services of general interest

Recommendation: The definitions and key concepts of Article 7a AVMSD need to be clarified and elaborated on to ensure national implementation and harmonisation, and it should be clear that online platforms, including VSPs and other platforms that play a gatekeeper role and act as main access points to audiovisual media content, can be included in the scope of national prominence regimes.

Member States may ensure the prominence of media services of general interest, in accordance with Article 7a AVMSD. Objectives of general interest underlying this provision are the promotion of media pluralism, freedom of expression and cultural diversity. The assumptions underpinning the introduction of Article 7a in the latest revision of the Directive are still valid. Given that online platforms are gaining the upper hand in providing access to media services, an expansion of the scope of prominence measures is necessary. Research conducted by the CvdM in 2024 into news consumption among young people shows that the major online platforms, social media and video sharing platforms are the most important gatekeepers when it comes to access to news and other media content.



Problems surrounding prominence stem from vague definitions, fragmented national implementations that are limited to a handful of Member States, and the country-of-origin principle, not only enshrined in the AVMSD but also the e-Commerce Directive, which can hinder cross-border application. Enforcement is also difficult due to the unclear relationship with existing rules such as must-carry regimes. Inspiration for guidance on EU-level, regarding issues such which (gatekeeper) parties could be subject to national prominence requirements and how due prominence can be ensured in relation to the country-of-origin principle could be found in a guidance note of the Council of Europe. A multi-stakeholder approach, extending the scope to online platforms and user interfaces with an important gatekeeper function, as well as better functioning in cross-border situations, could contribute to a less fragmented market and asymmetries in national prominence regimes and protect the country-of-origin principle as a corner stone of the AVMSD.