

POSITION PAPER

EBU contribution to the call for evidence on the Audiovisual Media Services Directive

CALL FOR EVIDENCE: AVMSD EVALUATION

EBU CONTRIBUTION

18.12.2025

- *Introduction*

The European Broadcasting Union (EBU) welcomes the opportunity to contribute to the European Commission's evaluation of the Audiovisual Media Services Directive (AVMSD). As the voice of public service media (PSM), we firmly believe that the Directive plays a vital role in advancing core public interest objectives - and that its importance has never been greater. From safeguarding the protection of minors and consumers more broadly, over ensuring media pluralism, to promoting cultural and linguistic diversity, the AVMSD continues to be an indispensable legal framework, both offline and online. For over 35 years, the Directive has provided legal certainty, enabling the audiovisual sector to operate consistently across borders while granting Member States the flexibility to adapt rules to their unique cultural, social, and market contexts. In a rapidly changing media landscape characterized by globalization, digital transformation, and audience fragmentation, retaining this balance between harmonization and national responsiveness is critical.

As the European Commission evaluates the AVMSD, we urge policymakers to take into account the long-term sustainability of Europe's media sector, which is increasingly under pressure. Recent studies, including those from the [Reuters Institute](#) and [Eurobarometer](#), highlight fundamental changes to media consumption habits: online platforms have become main gateways for accessing editorial content and this is true not only for young audiences. Yet, these platforms - notoriously less regulated than traditional broadcasters, including under the AVMSD - directly compete with European media service providers and undermine their viability through disruptive business models. This shift is vividly reflected in the transition of advertising revenues from linear television to online services. Meanwhile, attention-driven algorithms and commercial deals that favour global entertainment giants, make it more challenging for citizens to discover culturally relevant, high-quality programming tailored to their needs - a threat to the historically strong relationship between citizens and their media.

Below, we highlight several areas the European Commission should pay close attention to while going forward, so that the AVMSD remains fit for purpose in safeguarding the sustainability of Europe's media sector and advancing key public interest objectives.

- *Prominence of general interest media services*

While the current Directive grants Member States freedom to ensure the prominence of general interest media services, only a few have taken concrete measures. We regret that the optional nature of Article 7a AVMSD has not led to the development of more national prominence regimes. This lack of action has significant consequences, depriving citizens across the EU of access to trusted, reliable, and culturally relevant content, which is

essential for informing themselves, participating meaningfully in democratic processes, and fostering social cohesion. In today's media ecosystem - dominated by connected devices, user interfaces, online platforms, and increasingly AI systems and bots - access to editorial content from PSM and other commercial providers of general interest media services has become challenging (see [joint op-ed by RSF and EBU](#)).

As recognized by the recent conclusions under the [Polish](#) (paras. 24-26) and [Danish](#) Council Presidencies (para. 29), more ambition and more clarity are needed going forward. We also welcome in this regard the recent announcement by the European Commission to "assess ways to strengthen the prominence of media services of general interest" in the [European Democracy Shield](#). We consider it necessary to introduce mandatory requirements for Member States to ensure the prominence of audiovisual media services of general interest. The EU could provide for more detail in a future Directive as to ensure that prominence regimes are effective. For instance, a prominence rule should explicitly recognise public service media as providers of general interest content given their public service remit which tasks public service media with providing a universal and inclusive programming offer. In order to be effective, it should limit the number of potential beneficiaries that qualify as providers of general interest audiovisual media services. It should clarify that Member States can apply prominence measures in cross-border contexts to all relevant actors in their markets. It could also explain what prominence means in practice.

Importantly, similar problems exist in the audio/radio sector, where there is an urgent need to promote audio/radio media services of general interest for the benefit of listeners. In fact, citizens trust linear and non-linear radio and audio media services as reliable sources of information, particularly in emergency situations, when other technologies are unavailable, yet they are facing increasing obstacles in accessing and finding them. A telling example of this is the lack of direct access to local radio channels on car interfaces. Member States must therefore be able to extend national prominence regimes to audio/radio media services of general interest. This is in line with the European Media Freedom Act, which contains a broad definition of 'media services' including linear and non-linear audiovisual and audio and radio media services.

Crucially, the EMFA was adopted to promote media freedom and pluralism across Europe, acknowledging their fundamental importance to European democracies. Prominence rules serve this purpose precisely (see para. 25 of the [Council conclusions](#) on assessment of the legal framework for audiovisual media services and video-sharing platform services) and should therefore form an integral part of the measures taken by Member States to fulfil their obligations under EU and international law, particularly those stemming from Article 10 of the European Convention on Human Rights (ECHR).

- ***Video-sharing platforms (VSPs)***

Since the last revision of the AVMSD, VSPs have emerged as major players in the audiovisual market, attracting vast audiences and increasingly adopting business models resembling those of providers of audiovisual media services (AVMS). Today, VSPs compete directly with AVMS on connected devices and user interfaces, on small as well as big

screens. In light of these developments, we urge the European Commission to thoroughly evaluate the existing regulatory asymmetries between AVMS providers and VSPs, as the current regime may no longer reflect the realities of the market and risks undermining the Directive's core public interest objectives. In light of the technological capabilities of platforms, their knowledge of individual users, and their targeting of advertising and content, this assessment should begin with the question of whether the current distinction between editorial and organisational responsibility remains appropriate. In addition, users expect a similar if not the same level of protection, regardless of the type of service they use. The Directive's objectives are obviously not met if the same content can be interrupted by advertising every two minutes on a VSP, while it can only be interrupted after thirty minutes when broadcast on TV, even if both videos are accessible through the TV screen.

Of particular concern is the fact that VSPs, which are subject to lighter regulation under the Directive, facilitate the proliferation of illegal and harmful content, including in the form of advertising, posing significant risks to consumers, especially minors. These risks are further exacerbated by challenges such as the spread of disinformation, fake news, and content that contributes to foreign information manipulation and interference (FIMI) on these platforms and more ambitious and targeted action is needed as recognized by the Commission in its European Democracy Shield and the Danish Council Presidency conclusions on access to reliable news

- ***Relationship of AVMSD with DSA and ECD***

The AVMSD remains the cornerstone of EU regulation for AVMS, addressing sector-specific issues and establishing concrete obligations for audiovisual content across linear and non-linear services, and VSPs. However, its effectiveness is increasingly challenged by horizontal laws such as the Digital Services Act (DSA) and the E-Commerce Directive (ECD), which regulate information society services, and in particular online intermediaries that have become key gateways for media consumption, including VSPs. Broad interpretations of the DSA and ECD by the European Commission have restricted Member States' ability to apply national measures to certain operators, particularly in areas like the prominence of general interest media services and the protection of minors, thereby undermining the AVMSD's public interest objectives and the effectiveness of national implementation efforts. If the AVMSD is revised, policymakers must preserve the acquis of the Directive and establish that, in the event of conflict, the AVMSD, as a sector-specific legal instrument, takes precedence over broader EU legislation. Clarifying the relationship between the AVMSD and horizontal laws is crucial to ensure the Directive and its national implementations can fully achieve their intended goals.

- ***Additional considerations***

While the evaluation of the AVMSD should assess the effectiveness and added value of the current rules, it is equally important for the Commission to examine new challenges facing the media sector that may require regulatory attention, to ensure that EU media policies remain responsive to emerging needs and continue to provide strong public interest

protections in a rapidly evolving market. Issues such as the dominance of global platforms as gateways to media content, the spread of illegal and harmful content online, and the impact of AI-driven systems on content distribution are heavily impacting the sector. Economic pressures, including the erosion of funding and advertising revenues for legacy media, threaten the very existence of Europe's dual broadcasting system.¹ We would like to use the opportunity of this call for evidence to highlight already a few of these emerging challenges:

- *Future-proofing the AVMSD's content integrity obligation*

Article 7b AVMSD has proven to be key in ensuring that AVMS are protected from interference by third parties. As technological developments continue to reshape the distribution of AVMS, it is essential to interpret this principle broadly to safeguard programmes and services, irrespective of the means used to reach users. To enhance legal certainty, the AVMSD could explicitly prohibit practices like disaggregation, unauthorized inclusion in service packages, or the insertion of pre-roll advertising by third parties without the consent of the media service provider. These measures would prevent risks to content integrity while ensuring clarity for audiences and protecting the media sector from unfair exploitation.

- *Attribution of editorial responsibility everywhere*

In order to enable users to make informed decisions about the trustworthiness and reliability of the content they consume, they need to be able to find it and know where it comes from. Logos and other features help users navigate the crowded online space, where professionally produced content is presented alongside user-generated content from professional creators and influencers and ordinary users. Clearly presenting the brand attributes editorial responsibility and strengthens the media's brand identity, enhancing its reputation, which is essential for building a long-term relationship with audiences.

Article 20 of the European Media Freedom Act (EMFA) requires device manufacturers and interface providers to display the visual identity of media service providers, such as logos, alongside their services. This is a good first step. However, its current scope is limited and does not account for the growing role of online platforms as gateways to news and media content. Policymakers should therefore consider expanding these obligations to ensure attribution applies universally. Such a broad obligation would support a healthier and more informed media ecosystem. However, its current scope is limited and does not account for the growing role of online platforms as gateways to news and media content. Policymakers should therefore consider expanding these obligations to ensure attribution applies universally.

- *Prohibiting restrictions on external links (Outlinking)*

Online platforms actively restrict media organisations from directing users to their own online services or those of their partners or only allow outlinking within the platform's in-service

¹ For example, public service media suffer from stagnating or decreasing public funds due to the high inflation rates ([public version](#) of the EBU MIS Funding of PSM). In addition, PSM face stricter advertising rules than their commercial counterparts and the revenues that PSM can generate from advertising has also been diminishing.

browser.² These practices are designed to keep users enclosed within the platforms' ecosystems, maximizing advertising revenue and engagement data for the platform itself. For media organisations, this represents a significant challenge. It hampers their ability to redirect users to their own services, establish a lasting connection with audiences, and generate revenue from advertising on their own platforms. Such restrictions not only undermine media organisations' sustainability but also reinforce the dominance of platforms.

- *AI-driven celebrity scams*

The rise of AI-powered illegal advertisements, which misuse the identities of journalists and trusted media brands, poses a serious threat to the integrity of and public trust in media. While investigations into platform non-compliance under the DSA are ongoing, looking also at the way platforms handle illegal content, stronger and more targeted measures are urgently needed to prevent bad actors from exploiting AI technologies and the platforms' advertising systems to erode trust in journalism and the broader media sector.

Reuters recently revealed that Meta earned approximately 10% of its annual revenue from ads promoting scams and banned goods, despite long-standing awareness of the issue³. Meta's systems are said to serve up to 15 billion scam ads daily. Rather than dismantling scam networks, the company has, at times, charged suspected scammers with higher advertising rates, effectively prioritising profit over enforcement. Moreover, Meta's ad personalisation algorithm ensures that users who click on scam ads are subsequently shown more of them. These practices are completely contrary to consumers' interests and ultimately endanger our societies.

Both, the DSA and the AI Act include transparency requirements for online advertising (Article 27 DSA) and the use of AI-generated or manipulated content (Article 35(1)(k) DSA, Article 50(4) AI Act). However, although transparency is a necessary first step, it is not enough to address the scale and severity of the problem.

² See, for example, Martin André, Digital Monopolies – The extent of monopolization in Germany and the implications for media freedom and democracy, which shows how Big Tech dominate internet traffic in Germany.

³ <https://www.reuters.com/investigations/meta-is-earning-fortune-deluge-fraudulent-ads-documents-show-2025-11-06/>