

CCIA Europe Response to the European Commission's Call for Evidence on the Audiovisual Media Services Directive's Evaluation and Review

Making Europe's Audiovisual Media Services Directive fit for the future

December 2025

The Computer & Communications Industry Association (CCIA Europe) believes that the upcoming evaluation and review of the Audiovisual Media Services Directive (AVMSD) should prioritise a coherent and harmonised legislative framework – preserving key principles of the Digital Single Market and removing legal uncertainty. This in order to ensure the AVMSD remains fit for purpose and provides a stable basis for audiovisual services to continue to grow and innovate in the EU. As the European Commission explores options for the announced evaluation of the AVMSD, CCIA Europe respectfully offers the following recommendations.

I. Preserving key principles of the Digital Single Market

The general provisions and definitions in the AVMSD are still largely fit for purpose, since they were drafted based on a good understanding of the media ecosystem and the players operating within it. Hence, the upcoming evaluation and review of the AVMSD should focus on maintaining basic principles and avoiding fragmentation.

Recommendations:

1. Defend the country-of-origin principle
2. Prioritise harmonisation
3. Provide clarity on implementation of prominence rules

II. Clarifying the interplay between AVMSD and DSA

The evaluation must ensure coherence and proportionality within the EU digital framework. The Commission should recognise that the Digital Services Act already sets out horizontal obligations for online platforms, thereby working to reduce regulatory overlap and enhancing legal certainty.

Recommendations:

4. Guarantee consistency on minor protection
5. Focus on empowering users

Introduction

The Computer & Communications Industry Association (CCIA Europe) welcomes the opportunity to contribute to the European Commission's call for evidence on the evaluation and update of EU rules on audiovisual media services.

CCIA Europe closely followed the negotiations of the Audiovisual Media Services Directive (AVMSD),¹ its impact on video-on-demand services (VoDs) and video-sharing platforms (VSPs), and the implementation of the Directive in EU Member States.

The VOD market in the EU is highly competitive, with new players entering the market and services launching in multiple EU countries in parallel. While VoD revenues and subscriptions are growing in a relatively stable manner, the reality is that the share of VoD services in the overall EU audiovisual market remains small compared to traditional actors (18% in 2023).² The market shift towards more on-demand business models in direct-to-consumer distribution is progressing, with many opportunities available for local and international providers, as attested by the growth of new advertising-financed VOD backed by linear services.

In light of this, CCIA Europe believes that evidence on the impact of the AVMSD remains limited, and the Commission therefore should prioritise a very targeted intervention in the upcoming AVMSD review. Such an intervention should be limited to clarifying certain key principles, as well as the interplay between audiovisual media services rules and other EU digital legislation already in force, while avoiding significant changes in scope.

Whether the AVMSD has significantly contributed to the development of this market remains an open question. Hence, the EU's overall goal should be to support the continued growth of the audiovisual sector in Europe through a robust Digital Single Market. This goal will only be achieved by acknowledging the distinct role and value that each actor brings to the content ecosystem. In this context, CCIA Europe respectfully offers the following recommendations to feed into the European Commission's evaluation of the AVMSD.

I. Preserving key principles of the Digital Single Market

The general provisions and definitions in the AVMSD are still largely fit for purpose, since they were drafted based on a good understanding of the media ecosystem and the players operating within it. Hence, the upcoming evaluation and review of the AVMSD should focus on maintaining basic principles and avoiding fragmentation.

1. Defend the country-of-origin principle

The country-of-origin principle is and should continue to be a cornerstone of the EU single market. This principle has successfully facilitated cross-border broadcasting and content production in the EU. It allows providers of audiovisual media services to focus on abiding

¹ Directive (EU) 2018/1808 concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities, available [here](#).

² Dashboard of video on demand (VOD) in Europe, Council of Europe, available [here](#).

by the legislation of their Member State of establishment when operating across the EU, which increases legal certainty for service providers and thus remains key.

Any policy proposal that undermines this principle would directly lead to further fragmentation of the Digital Single Market, while at the same time contradicting other EU legislation pertaining to Digital Single Market, including the e-Commerce Directive and the Digital Services Act (DSA).³ Therefore, to truly guarantee a unified EU internal market and increase business certainty, the Commission should ensure Member States do not deviate from this principle in the implementation of audiovisual rules.

2. Prioritise harmonisation

Since the AVMSD entered into force, divergent national implementations have significantly undermined the objectives of the EU Digital Single Market. In this context, the Commission's upcoming review should ensure a high level of harmonisation in the EU.

Specifically, this means addressing discrepancies in the interpretation of provisions such as the prominence obligations (Article 7a AVMSD), local financial contributions (Article 13), and obligations for video-sharing platforms (Article 28a-b). While variations in the transposition of a Directive in Member States are to be expected to some extent, certain national transpositions appear to contradict AVMSD requirements and other EU legislation.

By way of example, CCIA Europe would welcome further standardisation of the definition of 'European works' to guarantee clarity and consistency across Member States. This could be done through practical guidance.

3. Provide clarity on implementation of prominence rules

CCIA Europe would like to see greater clarity and harmonisation regarding prominence rules to address the legal uncertainty and technical burdens currently created by national variations. For instance, today's rules on prominence under the AVMSD risk overlapping with the obligations in the European Media Freedom Act (EMFA).⁴ The guidelines on prominence foreseen by Article 16 of the EMFA could be a step in the right direction to harmonise the way that relevant obligations in both the AVMSD and EMFA work in practice.

Greater harmonisation could be achieved by separating the prominence obligation from the technical possibility for services to give prominence to certain content, and the decision of what is considered as 'content of general interest'. This would build on other EU legislation that harmonises processes while leaving Member States a certain margin for manoeuvre. For example, the DSA does not harmonise the definition of what constitutes 'illegal content' but rather imposes obligations on online intermediaries to moderate this type of content.

A similar approach could be taken to clarify the criteria determining what constitutes content of general interest, therefore allowing Member States to make decisions on national content based on such criteria. This would ensure that national particularities are accounted for, while preserving the purpose of prominence obligations, following guidance

³ Regulation (EU) 2022/2065 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act), available [here](#).

⁴ Regulation (EU) 2024/1083 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act), available [here](#).

from the Council of Europe.⁵ It would also help better delineate the relationship between prominence obligations under the AVMSD and the right to customisation under Article 20 of the EMFA.

II. Clarifying the interplay between AVMSD and DSA

The evaluation must ensure coherence and proportionality within the EU digital framework. The Commission should recognise that the Digital Services Act already sets out horizontal obligations for online platforms, thereby working to reduce regulatory overlap and enhancing legal certainty.⁶

More specifically, when it comes to the interplay between the AVMSD and the DSA, the Commission should focus on two main goals.

4. Guarantee consistency on minor protection

Making sure that the rules under the AVMSD and the DSA are consistent is paramount to achieving a coherent and effective regulatory landscape for the protection of minors. The current legal framework already provides an adequate basis to protect users and particularly minors. CCIA Europe believes that the Commission's evaluation and review should therefore focus on ensuring a correct and unified interpretation of these laws, along with strong enforcement against rogue actors, rather than introducing new regulatory changes.

Further, the Audiovisual Media Services Directive (AVMSD) does not qualify inherently as a *lex specialis* but, in accordance with Article 2(4)(a) of the DSA, it only takes precedence in cases where it regulates other aspects of the provision of intermediary services or specifies and complements the DSA. In this context, the adoption of initiatives at Member State level that diverge from the strong minor protection framework in the EU is particularly worrisome, as it creates a patchwork of diverging measures across the European Union. This, in turn, increases the risk of inconsistencies as well as legal and business uncertainty.

While the DSA frames the obligation to protect minors more broadly, the AVMSD focuses specifically on video-sharing platforms and audiovisual content. Although the obligations in both frameworks aim to achieve the same goal, their application is currently inconsistent.⁷ Furthermore, for those online services defined under the DSA as very large online platforms (VLOPs) rules become even more complicated due to the systemic risk assessment obligations in Articles 34 and 35 DSA.

⁵ Council of Europe, Guidance Note on the Prioritisation of Public Interest Content Online adopted by the Steering Committee for Media and Information Society (CDMSI) at its 20th plenary meeting, 1-3 December 2021, available [here](#).

⁶ For example, the Commission's report on the application of Article 33 of Regulation 2022/2065 and the interaction of that Regulation with other legal acts (available [here](#)) notes that both authorities and platforms have highlighted the intersection between the DSA and the AVMSD as potentially overlapping, especially for video-sharing platforms designated as VLOPs under Articles 33-34 DSA, which also fall within the scope of the AVMSD.

⁷ As highlighted in the Staff Working Document on the application of Article 33 of Regulation 2022/2065 and the interaction of that Regulation with other legal acts, available [here](#).

The guidelines on Article 28 DSA further expand on how to ensure high levels of privacy, safety, and security for minors online.⁸ While CCIA Europe considers that guidance in this regard is important and a welcome first step, the guidelines are non-binding and still allow room for Member States to diverge in their interpretation. Therefore, improving consistency and legal certainty should be a key priority for policymakers when evaluating the AVMSD.

Beyond ensuring consistency between these two legal instruments, CCIA Europe believes that Member States should also actively support and participate in the initiatives promoted by the Commission, instead of introducing and applying conflicting legislative actions, which may jeopardise the collective goal of safeguarding minors online in a uniform manner.

The protection of minors is a priority both for legislators and the digital sector, requiring a whole-of-society commitment. However, only through agreed-upon industry-wide solutions, which share the same consistent standards across the EU, will there be a consistent approach to youth and minor protection that is also effective.

5. Focus on empowering users

When it comes to content creators, we believe that the existing frameworks, supported by industry-led initiatives, are largely adequate for addressing transparency in commercial communications by influencers.

Firstly, the Digital Services Act already requires commercial communications to be clearly disclosed when posting on online platforms operating in the EU. Self-declaration tools and visible marks for advertisements are also part of these commitments. Beyond this, rules under both the DSA and the AVMSD currently forbid influencers from using sensitive personal data for the purposes of targeted advertising and from targeting minors with profile-based advertising.

Secondly, many online services already provide content creators with tools and functionalities to clearly and unambiguously declare when their content contains a commercial communication, such as sponsored or paid posts.

Co-regulation and self-regulation remain essential in this space to maintain high standards of transparency and responsibility within the digital ecosystem. Resources and programmes developed by institutions or the industry are vital for equipping creators with the necessary knowledge on responsible advertising and marketing practices.

Rather than shifting the responsibility to intermediaries, the European Commission should focus its efforts on empowering consumers through media literacy, educating content creators on safe and self-determined use of digital services, and holding both creators and advertisers accountable for compliance.⁹

⁸ Guidelines on measures to ensure a high level of privacy, safety and security for minors online, pursuant to Article 28(4) of Regulation (EU) 2022/2065, available [here](#).

⁹ Information displayed in the Influencer Legal Hub, developed by the European Commission is a valuable resource for content creators seeking to comply with existing rules across the EU. More information available [here](#).

Conclusion

Since its adoption in 2018, the AVMSD has to a large extent contributed to making the audiovisual media services market in Europe more competitive. It also allowed new actors and services to enter the market in many EU Member States. The 2018 update of the AVMSD correctly analysed the market realities at the time and undertook measures aimed at ensuring continued growth and diversity of offers, while recognising the different forms of distribution and consumption.

Looking ahead, a targeted review – which serves to clarify certain principles, the interaction between the AVMSD and recently adopted EU legislation, and reinforces the single market – would be the key to enable media services to continue creating content that is relevant, innovative, and that users want to engage with. CCIA Europe therefore suggests focusing any review on addressing overlaps identified in the evaluation and maintaining a principle-based and proportionate approach, in line with the Commission's ongoing simplification efforts.

About CCIA Europe

The Computer & Communications Industry Association (CCIA) is an international, not-for-profit association representing a broad cross section of computer, communications, and internet industry firms.

As an advocate for a thriving European digital economy, CCIA Europe has been actively contributing to EU policy making since 2009. CCIA's Brussels-based team seeks to improve understanding of our industry and share the tech sector's collective expertise, with a view to fostering balanced and well-informed policy making in Europe.

Visit ccianet.eu, x.com/CCIAEurope, or linkedin.com/showcase/cciaeurope to learn more.

For more information, please contact:

CCIA Europe's Head of Communications, Kasper Peters: kpeters@ccianet.org