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#### 'I/A' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Draft Directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities **(first reading)**

- Adoption of the legislative act
- Statements

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#### Statement by Latvia

Latvijas Republika vērš uzmanību, ka juridiskais termins “veikt uzņēmējdarbību”, kā tas lietots Direktīvas latviešu tulkojumā, to attiecinot uz audiovizuālo mediju pakalpojumu sniedzēju uzņēmuma dibināšanas vietu, nozīmē “veikt uzņēmējdarbību” („*to conduct business*”). Tātad tas būtiski atšķiras no termina “*to be established*” juridiskās nozīmes, kāda tiek lietota teksta angļu valodas versijā un tulkojumos citās valodās.

Latvijas Republika atzīmē, ka tik būtiskas nozīmes juridiskās terminoloģijas neatbilstīgs un neprecīzs lietojums rada juridisko nenoteiktību ar neparedzamām sekām. Tas rada ne tikai nelabvēlīgu juridiska paralēlisma risku Direktīvas tulkojumos, bet var novest arī pie juridiskas nenoteiktības un pretrunīgas juridiskas interpretācijas, transponējot Direktīvu dalībvalstu tiesību aktos. Tas var izrādīties īpaši problemātiski attiecībā uz pārrobežas pakalpojumiem, tostarp attiecībā uz pakalpojumiem pēc pieprasījuma un video koplietošanas platformām.

Latvijas Republika atzīmē, ka termins “*to be established*” līdzīgā kontekstā tiek lietots Līguma par Eiropas Savienības darbību 49. pantā, kur tas latviski tulkots kā “izveidot”. Kaut gan termins “izveidot” ir tuvāks uzņēmuma nodibināšanas nozīmei, Latvija piedāvā terminu “dibināt” (*‘to found or establish’*) kā precīzāku tulkojumu, kas novērstu kļūdainu interpretāciju un juridisko nenoteiktību.

Latvijas Republikas nolūks ir ierosināt labojumu (*corrigendum*) procedūru minētajai Direktīvai, lai nodrošinātu atbilstīgu un korektu terminoloģijas lietojumu.

### **Joint Statement by Finland, Ireland and the Netherlands**

We, the undersigned Member States consider the promotion of the digital single market highly important and acknowledge the need for the review of regulatory framework for audiovisual media services taking into account changes in the market, consumption and technology.

The protection of minors from harmful content and the protection of all citizens against hate is in itself a legitimate aim. However, as stated consistently during the negotiations, the AVMS Directive is not the correct place for regulating video sharing platforms since the rest of the scope of the directive covers only AV media services where the service provider has editorial responsibility for the content of the program. The proposed regulation of video sharing platforms is difficult to control and it can cause undesired side effects and disproportionate administrative burden. Rather than overregulating video sharing platforms, a strong emphasis should be placed on promoting critical media literacy and media education in the Member States.

We consider that this lack of clarity compounded by a lack of impact assessments and a robust evidence base, could undermine the legal certainty needed for regulators and industry to implement the provisions in a clear, consistent and effective way and for industry to innovate. It also may threaten the ability of European citizens to exercise their fundamental rights in particular their freedom of expression.

For the reasons stated here and during the negotiations on this proposal, we will vote against the directive when it comes up for adoption as an "I" item in Coreper on 24.10.2018 and as an "A" item in the Council on 6.11.2018 (PE-CONS 33/18). Finland, Ireland and the Netherlands ask the Secretariat General of the Council to include this statement to the respective minutes of these two meetings.

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