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# Why we need guidelines on audiovisual prominence rules

## Executive summary

Prominence rules applicable to distributors of audiovisual service providers and user interface providers require harmonisation. To achieve this, the European Commission should issue guidance on prominence, as foreseen by the European Media Freedom Act (EMFA)<sup>1</sup>. Without it, uncoordinated national rules are already emerging, fragmenting the single market and damaging the user experience. A harmonised internal market, where Europe's creative sector can thrive and its content is accessible to all, can foster innovation and consumer choice.

With four Member States already introducing rules, distributors of audiovisual media services and user interface providers face diverging – and at times conflicting – requirements. Rules differ in scope, definitions, technical obligations and the devices covered. For example, Germany mandates specific interface design; France additionally requires equal positioning and non-discriminatory treatment of services of general interest (SGIs) in search and recommendation; Italy sets layout and icon standards, including numeric key pads; and Spain imposes user interface (UI) display and size constraints.

This fragmentation raises costs and undermines innovations that are meant to enhance the user experience. Common guidance would be a key tool to safeguard the internal market, promote legal certainty and support Member States' implementation. Harmonised principles can provide clarity for distributors of audiovisual media services and user interface providers, facilitate compliance, and create a more predictable and innovation-friendly regulatory environment.

We urge the Commission to publish the guidance without delay. It should:

- ▶ Clarify the relationship between the country-of-origin and prominence rules, balancing the representation of local cultural values with the cross-border operation of audiovisual media service distribution and user interfaces. It should be made clear that Member States may determine *which* audiovisual media services should receive prominence, but not *how* that prominence is implemented;
- ▶ Interpret the concept of 'appropriate prominence' consistently across user interface environments;
- ▶ Provide illustrative implementation models based on existing EU-level legal frameworks;

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<sup>1</sup> Art. 16 Regulation (EU) 2024/1083.



- ▶▶ Emphasise flexibility and proportionality, recognising the diversity of platforms and devices;
- ▶▶ Allow Member States to specify audiovisual media services as general interest within the framework of European fundamental rights and freedoms without undermining the internal market; and
- ▶▶ Ensure that a common standardised technology solution (e.g. via metadata), which can be used to give prominence, is supported by the complete end-to-end delivery chain.

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## Preventing fragmentation on the internal market

Prominence obligations are increasingly being used by Member States to influence how audiovisual and news content is presented to users, typically to promote content deemed to be of general interest.

Whilst this objective is recognised by the EMFA, uncoordinated national rules have been fragmenting the internal market. Diverging national measures already cover mandatory placement of services, interface design requirements and incompatible metadata formats. Germany, France, Italy and Spain have each adopted their own rules.

For service providers operating across borders, this means adapting user interfaces and back-end systems for each jurisdiction, raising development and compliance costs and slowing down product deployment. The internal market only works if companies can build once and scale across the EU.

### Current Member State approaches

- ▶ Germany requires that SGIs be ‘easy and quick’ to locate, using visual cues such as filters, dedicated icons, tiles or rows.<sup>2</sup> TV broadcasting services must appear on the first selection level of the UI. With over 320 SGIs designated in 2025 – spanning TV, radio and on-demand – compliance requires significant metadata and layout changes. This scale renders the concept of prominence meaningless in practice. Exemptions apply only if implementation is technically infeasible or financially disproportionate.
- ▶ In France, prominence obligations apply to SGIs, including all public broadcasters, digital terrestrial television (DTT) services and their individual programmes.<sup>3</sup> Whilst less prescriptive than in Germany, compliance still requires interface adjustments and reporting to prevent discriminatory UI practices. A unified SGI access point is the recommended solution, but fixed positioning is not mandatory. Equal visibility with other services must be ensured across the UI, search results and recommendations.
- ▶ Italy mandates prominence for SGIs across a broad range of devices, including smart TVs, set-top boxes, tablets and DAB+ radios.<sup>4</sup> The law requires a dedicated SGI strip on the homepage, with icons for national TV, satellite, local TV and radio, ordered according to Italy’s logical channel numbering (LCN). The media regulator is currently working on a new prominence regulation requiring the dedicated SGI strip on the first selection level of the UI to show up to nine SGI-related icons.<sup>5</sup> Further regulation requires direct access to linear TV channels via remote-control keys and a specific home-screen icon. Compliance is costly and technically challenging, due to firmware updates, UI integration/redesigns, remote-control functions and hardware requirements.

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<sup>2</sup> Medienstaatsvertrag (State Media Treaty – MStV) and implementing statutes of media regulatory authorities.

<sup>3</sup> 2022-469 Audiovisual Law.

<sup>4</sup> AGCOM Resolution 390/24/CONS.

<sup>5</sup> AGCOM Resolution 110/25/CONS.

- ▶▶ Spain requires DTT receivers and their remote controls to allow simple, direct access to audiovisual communication services broadcast via various transmission technologies.<sup>6</sup> They must also include features that allow users to easily change default configuration and settings.

This patchwork of approaches affects not only the technical design of devices but also users' freedom to personalise their content environment, which in turn must be enabled by manufacturers and service providers under the EMFA. As a result, businesses face divergent obligations, ranging from UI design constraints to metadata provision and even remote-control configurations, making it harder to ensure equal SGI visibility across the EU.

## Harmonisation to ensure consistent implementation

Member States should remain free to decide whether to introduce a prominence regime for audiovisual media services of general interest. Most Member States have, for good reason, chosen not to introduce such a regime, even if permitted by the Audiovisual Media Services Directive (AVMSD).<sup>7</sup>

To avoid further fragmentation and ensure effective implementation, we urge the Commission to issue guidance based on the following pillars in light of existing national approaches:

- ▶▶ **Country of origin:** The guidelines should be firmly based on the country-of-origin principle to prevent unnecessary barriers to the cross-border distribution of audiovisual media services and user interfaces. The Commission's guidance should therefore make it clear that Member States must not impose additional, specific prominence requirements (the 'how'). In line with Court of Justice case law, only the rules of the service or device's country of origin should apply.
- ▶▶ **National approach in designation and definition of SGI:** In contrast, the designation and definition of the audiovisual media services that should receive prominence (the 'what') should be determined by the Member States in a non-discriminatory way. Audiovisual media services designated as SGIs – and their entitlement to prominence – should follow clear standards that reflect the intended objective of effectively highlighting a limited number of services, not the majority available via a UI.
- ▶▶ **Implementation neutrality and future-proofing:** The guidelines must support a user-experience approach, allowing for different solutions depending on the device, platform and service. Overly prescriptive requirements such as fixed interface layouts, software structures or hardware components (e.g. remote controls or numeric keypads) would risk limiting adaptability and innovation. UI providers need flexibility to innovate and build the best findability features based on consumer demands and expectations, not mandated requirements. Thus, the guidance should include only non-binding examples (e.g. colour highlighting, prioritisation, clustering, dedicated buttons or lanes) to illustrate acceptable implementations. This would enhance legal certainty for companies, particularly when operating cross-border or EU-wide, whilst preserving flexibility for future technological developments.

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<sup>6</sup> Royal Decree 250/2025.

<sup>7</sup> Directive (EU) 2018/1808.

- ▶▶ **Proportionality and clarity:** Requirements should be clearly defined and limited to what is necessary. To prevent conflicting rules, the scope must be precise and proportionate. Search and recommendation functions should be explicitly out of scope of any prominence requirements.
- ▶▶ **User empowerment:** Prominence obligations should not compromise user customisation. Consumers must be free to adjust their interface preferences.
- ▶▶ **Ensuring technical feasibility:** Prominence obligations should allow for a shared, future-proof technical specification that maybe optionally used by devices. A standardised common technology would allow prominent services to be automatically identified by the end device (the signalling of the 'what'), removing the need for manual updates.
- ▶▶ **Shared responsibility:** In order to work, a robust, reliable and future-proof technical specification needs to be supported across the entire delivery chain, including content providers, network operators and delivery platforms. It is necessary to impose a responsibility on designated audiovisual media service providers to cooperate in providing the necessary technical identifier that can be read by devices, and to hold providers who misuse such an identifier liable.

## Allowing national flexibility within a common European framework

We understand some Member States' motivation to pursue the promotion of audiovisual media services of general interest. However, without harmonised implementation, national rules create barriers within the internal market and restrict the cross-border provision of services.

Any Member States introducing prominence obligations should publish, in a timely, clear and transparent manner, the list of services it considers to be of general interest.

Such audiovisual media services must respect fundamental freedoms and be subject to clear standards as set by the AVMSD. They must be relevant for individual and public opinion formation in the EU or in the relevant Member State. They must contribute to democratic, social and cultural needs, including the preservation of media pluralism.

The rationale for designating a service as one of general interest must be set out in advance, in a manner that is proportionate, publicly accessible and easily understandable. Preferential treatment through prominence must not be arbitrary, and should be based on objective, transparent criteria.

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