

# European Media Freedom Act

2022/0277(COD) - 12/09/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Culture and Education adopted the report by Sabine VERHEYEN (EPP, DE) on the proposal for a regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

## *Subject matter and scope*

The amended text stipulates that the Regulation lays down common rules for the proper functioning of the internal market for media services, including the establishment of the European Board for Media Services (the 'Board'), and common basic principles to serve as minimum standards, while ensuring the independence of media services.

## *Rights of media service providers*

Member States should respect effective editorial freedom of media service providers. Member States, including their national regulatory authorities and bodies, **should not**:

- oblige media services providers or their employees to disclose any information related to editorial processing, including on their sources, or to disseminate such information;
- access encrypted content data on any device or in any machine used by media service providers or, if applicable, their families or their employees or their family members or, if applicable, any other person belonging to their professional or private network of relationships, including occasional contacts;
- deploy surveillance measures or use surveillance technology, or instruct private entities to use such measures or such technology, in any device or machine used by media service providers;
- deploy spyware or any similar intrusive technology, or instruct private entities to use spyware or such technology, in any device or machine used by media service providers.

## *Safeguards for the independent functioning of public service media providers*

The report stated that Member States should ensure, by means of national law and their actions, that the principles of independence, accountability, effectiveness, transparency and openness are respected when the management structures of public service media are appointed. They should also appoint an independent authority or establish independent procedures for determining the financial needs appropriate for public service media providers. Member States should ensure that **independent judicial review** is guaranteed.

## *Allocation of expenditure on state advertising*

Members considered that public funding allocated for advertising purposes to a given media service provider, including an online platform provider or an online search engine provider, should not exceed 15% of the total budget allocated by the public authority to all media service providers operating at national level.

Furthermore, in the interests of transparency, Members considered it necessary to create easily understandable and publicly available reports in order to gather all information concerning the allocation of public funds for the purposes of state advertising and purchases provided by media service providers, providers of online platforms and providers of online search engines.

Those reports should provide a yearly overview of the total amount of public funds for the purposes of state advertising and purchases from State entities, including from third countries, allocated to each media service provider, provider of online platforms and provider of online search engines.

### *National regulatory authorities or bodies*

Member States should proportionally increase the financial, human and technical resources allocated to national regulatory authorities or bodies in order to take into account the additional tasks conferred upon them under this Regulation.

It is proposed that national regulatory authorities or bodies should hold regular consultations with the representatives of the media sector.

Moreover, Member States should entrust the national regulatory authorities or bodies with developing and maintaining dedicated online media ownership databases. The public should have easy, swift and effective access, free of charge, to such databases.

### *European Board for Media Services replacing the European Regulators Group for Audiovisual Media Services (ERGA)*

Members called for a new body to be set up, the European Board for Media Services (the Board), which should be legally and functionally independent from the Commission and able to act on its own, not only at the Commission's request. The board should be assisted by a separate and independent secretariat. Both the board and the secretariat should be provided with the human and financial resources necessary for the performance of their tasks. The budget of the board and the secretariat should be shown in a separate budgetary line within the relevant heading of section III of the budget of the Union.

Lastly, an independent **expert group** should be set up consisting of representatives from the media sector beyond the audiovisual media sector.