

European Media Freedom Act

2022/0277(COD) - 03/10/2023 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 448 votes to 102, with 15 abstentions, **amendments** to 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 matter was referred back to the committee responsible for interinstitutional negotiations.

Subject matter and scope

The amended text stipulated 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, and common basic principles to serve as minimum standards, while ensuring the independence of media services.

Rights of recipients of media services

Members want Member States to ensure, in accordance with the Charter of Fundamental Rights of the European Union, that recipients of media services have access to a plurality of media services produced by editorially independent media service providers, without any interference from the state, in order to guarantee free and democratic expression. Member States must create the necessary framework conditions to guarantee these rights and to safeguard, preserve and promote media pluralism.

Rights of media service providers

Member States should respect the **effective editorial freedom** of media service providers. They should **not oblige them to reveal their sources, access encrypted content** on their devices or target them with **spyware**.

By way of derogation, the use of spyware could only be justified as a last resort, on a case-by-case basis, and if ordered by an independent judicial body to investigate a serious crime punishable in the Member State concerned by a custodial sentence or detention order for a maximum period of at least five years.

Safeguards for the independent operation of public service media providers

According to Members, Member States should ensure that:

- public service media providers have full autonomy and editorial independence from governmental, political, economic or private vested interests in order to provide, in the exercise of their public service remit, in an impartial and independent manner, a plurality of information and opinions to their audiences;
- the principles of independence, accountability, effectiveness, transparency and openness are respected when the management structures of public service media are appointed.

Member States should ensure that public service media providers have **adequate, sustainable and predictable financial resources** on a multiannual basis for the fulfilment of their public service remit and to meet the objectives thereof.

Obligations of media service providers producing news and current affairs content

Media service providers should make the following information directly and permanently accessible in an easy manner to the recipients of their services:

- whether and to what extent their **direct, indirect or beneficial ownership** is held by the government, a State institution, a State-owned enterprise or another public body;
- the name and professional contact details of the natural person who bears editorial responsibility in accordance with the law of the relevant Member State;
- details concerning the **ownership structure** and how they are related to their parent and sister companies and their subsidiaries;
- **state advertising** and state financial support allocated to them.

National regulatory authorities or bodies should be entrusted to establish national media ownership databases.

Allocation of public funds for state advertising and purchases

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

National regulatory authorities or bodies should monitor the allocation of state funding in media markets and to providers of online platforms and providers of online search engines.

Content of media service providers on very large online platforms

Providers of very large online platforms should ensure that decisions concerning content moderation and any other actions they undertake **do not negatively impact media freedom and pluralism**. They should provide a functionality allowing recipients of their services to declare: (i) that they are media service providers within the meaning of the Regulation and comply with their obligations; (ii) that they are editorially independent from any Union institution, body, office or agency and from Member States, political parties and third countries; (iii) that they do not provide content generated by an artificial intelligence system without subjecting such content to human oversight and editorial control.

Members called for the creation of a **mechanism to manage content takedown orders**. Platforms should first process declarations to distinguish independent media from non-independent sources. Media should then be notified of the platform's intention to delete or restrict their content alongside a **24-hour window** for the media to respond. If after this period the platform still considers the media content fails to comply with its terms and conditions, they can proceed with deleting, restricting or referring the case to national regulators to take the final decision without delay. However, if the media provider considers that the platform's decision does not have sufficient grounds and undermines media freedom, they have right to bring the case to an out-of-court dispute settlement body.

More independent EU media body

Members called for the European Board for Media Services to be legally and functionally independent from the Commission and able to act independently from it. They also called for an **independent expert group**, representing the media sector and civil society, to advise this new Board.

