European Media Freedom Act

2022/0277(COD) - 17/04/2024 - Final act

PURPOSE: to safeguard media freedom, media pluralism and editorial independence in the EU.

LEGISLATIVE ACT: Regulation (EU) 2024/1083 of the European Parliament and of the Council establishing a common framework for media services in the internal market and amending Directive 2010 /13/EU (European Media Freedom Act).

CONTENT: this Regulation lays down **common rules for the proper functioning of the internal market for media services** and establishes the European Board for Media Services, while safeguarding the independence and pluralism of media services.

The definition of media service should cover, in particular, television or radio broadcasts, on-demand audiovisual media services, audio podcasts or press publications.

Rights of media service providers

Member States will:

- **respect the effective editorial freedom and independence of media service providers** in the exercise of their professional activities. Member States, including their national regulatory authorities and bodies, will not interfere in or try to influence the editorial policies and editorial decisions of media service providers.

Journalistic sources and confidential communications will be effectively protected. Member States will not take any of the following measures:

- oblige media service providers or their editorial staff to **disclose information** related to or capable of identifying journalistic sources or confidential communications;

- **detain, sanction, intercept or inspect** media service providers or their editorial staff or subject them or their corporate or private premises to surveillance or search and seizure for the purpose of obtaining information related to or capable of identifying journalistic sources or confidential communications;

- deploy **intrusive surveillance software** on any material, digital device, machine or tool used by media service providers.

Intrusive surveillance software may only be deployed if the measure: (i) is justified by an overriding reason relating to the public interest, in accordance with Article 52(1) of the Charter (ii) is subject to prior authorisation by an independent and impartial judicial or decision-making authority; (iii) takes place in the context of investigations into offences listed in Council Framework Decision 2002/584/JHA which are punishable in the Member State concerned by a custodial sentence or a detention order of a maximum period of at least three years or in investigations of other serious offences punishable in the Member State concerned by a custodial sentence or a detention order of a maximum period of at least five years.

The surveillance measures and the deployment of intrusive surveillance software should be regularly reviewed by a judicial authority or an independent and impartial decision-making authority to determine whether the conditions justifying their use continue to be fulfilled.

Independent functioning of public service media providers

Member States will ensure that:

- public service media providers are **editorially and functionally independent** and provide in an impartial manner a plurality of information and opinions to their audiences;

- the **procedures for the appointment and the dismissal** of the head of management or the members of the management board of public service media providers aim to guarantee the independence of public service media providers;

- that **funding procedures** for public service media providers are based on transparent and objective criteria laid down in advance.

Media service providers should make easily and directly accessible to the recipients of their services up-to-date information on: (a) their legal name or names and contact details; (b) the name or names of their direct or indirect owner or owners with shareholdings enabling them to exercise influence on the operation and strategic decision making; (c) the name or names of their beneficial owner or owners; (d) the total annual amount of public funds for state advertising allocated to them and the total annual amount of advertising revenues received from third-country public authorities or entities.

Media services board

The European Media Freedom Act (EMFA) builds on the provisions of the 2018 audiovisual media services directive (AVMSD). It introduces an independent European board for media services to replace the regulators group (ERGA) established under the AVMSD. The board will be composed of national media authorities and will **advise and support the Commission** and promote the consistent application of key provisions of the new EMFA law and the AVMSD in all Member States, including by providing opinions and helping the Commission to produce guidelines.

Media service providers on very large online platforms

Providers of very large online platforms providing access to media content should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility to reject such self-declarations where they consider that those conditions are not met.

Allocation of public funds for state advertising and supply or service contracts

These funds should be awarded in accordance with transparent, objective, proportionate and non-discriminatory criteria, made publicly available in advance by electronic and user-friendly means, and by means of open, proportionate and non-discriminatory procedures. Member States should seek to ensure that the overall yearly public expenditure allocated for state advertising is distributed to a wide plurality of media service providers represented on the market, taking into account the national and local specificities of the media markets concerned.

ENTRY INTO FORCE: 8.8.2025.