[IS] Media Commission upholds refusal of right of reply to online news report

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In Decision no. 5/2026 of 2 October 2026, published on 8 October, Iceland's Media Commission (*Fjölmiðlanefnd*) held that *Fjölmiðlatorgið ehf.*, publisher of the online news service DV.is, was entitled, under Article 36 of Media Act No. 38/2011, to deny the right of reply to a report published on 24 September. The complainant, Eldur Smári Kristinsson, sought both the correction of the report and publication of a reply, arguing that the article could mislead readers about his views and damage his reputation. The Commission found that DV.is had not published a factually incorrect statement about him.

The DV.is article concerned interviews with clinicians in an Icelandic public broadcast and reporting about a politically contested issue. It referred to people who had raised concerns about the subject and named the complainant, with links to articles he had written on another news website. The complainant maintained that placing his name and links to his work beside critical descriptions of the wider debate created a misleading overall impression, although the specific statement identifying him as someone who had raised the topic was not the sole basis of his objection. He asked DV.is to publish a short reply to clarify the basis of his views.

After the DV.is had declined his request, his complaint reached the Media Commission on 28 September, whereupon the authority asked the complainant for the text he wished to publish. It would then be able to assess not just whether he objected to the article, but what the proposed reply would accomplish. The Commission's decision distinguishes alleged injury to reputation from the narrower question required by Article 36, i.e. whether the media outlet had inaccurately stated facts that needed correction through a reply or equivalent remedy.

Article 36(1) gives a person whose legitimate interests, particularly their honour or reputation, are harmed by inaccurate factual reporting a right to a reply or equivalent remedy. It applies to media content generally, rather than only traditional television news. The Commission recalled that refusal is an exception to the right and should be interpreted narrowly. Nevertheless, Article 36(2)(b) permits it where the proposed text contains something other or more than what is necessary to correct the stated facts. The law also provides the opportunity to

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take a case to the Commission for a rapid decision if a media provider refuses or fails to respond within three days .

The Commission considered the context of the DV.is article and the complainant's linked articles. It found that it had been accurate to state that he had addressed the same issue as other people cited in the report. The link was to a collection of his articles, and the DV.is report did not otherwise describe his writings in detail. The authority therefore found no incorrect factual assertion requiring correction. It also assessed the submitted reply as extending beyond factual rectification and upheld the publisher's refusal under Article 36(2)(b).

The decision draws on the audiovisual tradition of right of reply and refers to Article 28 of the Audiovisual Media Services Directive (AVMSD) and Council of Europe guidance for the digital media environment. It concerns a particular online news publication and a specific request for publication of a reply. It is not a general exemption for publishers from their correction obligations, a ruling about the substantive merits of the underlying public debate, or an administrative fine imposed on DV.is.

Decision 5/2026 on a request for a right of reply concerning DV.is

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