European Commission: Proposal for a European Media Freedom Act (EMFA)

IRIS 2022-9:1/3

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As announced in September 2021 by the President of the European Commission Ursula von der Leyen in her State of the Union Speech: “Media companies cannot be treated as just another business. Their independence is essential. Europe needs a law that safeguards this independence - and the Commission will deliver a Media Freedom Act in the next year”. A proposal for a Regulation establishing a common framework for media services in the internal market (Media Freedom Act — EMFA) was released by the European Commission on 16 September 2022.

The EMFA proposal lays down a common framework for the internal market to protect media pluralism and editorial independence, and ensure a common level of safety for the media industry.

The main objectives were presented at a press conference, during which EU Commissioner Jourova pointed out that the proposal is a regulation addressing threats the industry has recently experienced (i.e., journalists being tracked, spied on or put under pressure, and sometimes even being attacked or murdered while doing their job on European soil). Protecting media freedom is of utmost interest, as highlighted by EU Commissioner Breton: “*information is not like any other good*”.

The EMFA proposal, in its current wording, aims to:

- Guarantee the independence of editorial offices by i) requiring additional transparency as to the ownership of media service providers, ii) ensuring the transparent appointment of the governing boards and its head as well as ensuring a stable source of funding for public service mediums, and iii) establishing new transparency requirements for the allocation of state advertising,

- Safeguard media pluralism, ensuring that there is no large concentration in the sector,

- Ensure media diversity online: media service providers will have the possibility to discuss with very large online platforms in the case of media content removal,

- Protect the media industry as a whole, setting up safeguards against spyware uses.

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Furthermore, the current European Regulators Group for Audiovisual Media Services (ERGA) will be replaced and will become the Board for Media Services. As with the ERGA, the Board will be composed of representatives of national regulatory bodies. It will be tasked with new missions, such as supporting and advising the European Commission, giving opinions on media market concentration and ensuring a better system for cooperation among the national regulators in acting against threats and propaganda.

Together with the EMFA proposal, the European Commission adopted a recommendation - a soft law tool - encouraging internal safeguards for editorial independence. It is a self-regulatory tool for the media sector, suggesting models towards which media groups can move in order to ensure more transparency and independence in the sector.

The European Commission's proposal will be discussed by the European Parliament and the Member States under the ordinary legislative procedure. At the European Parliament, the procedure is registered under the number 2022/0277(COD). At the Council of the European Union, the Audiovisual and Media (AUDIO) Working Party has started to discuss the text.

European Media Freedom Act: Proposal for a Regulation and Recommendation

https://digital-strategy.ec.europa.eu/en/library/european-media-freedom-act-proposal-regulation-and-recommendation

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