EMFA: a quick recap of the ongoing legislative process

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On 16 September 2022, the European Commission presented a proposal for a regulation establishing a common framework for media services in the internal market (Media Freedom Act — EMFA) (see IRIS 2022-9/3, and the European Audiovisual Observatory note on the proposal for a European media Freedom Act published on 10th January 2023).

Since then, the European institutions have started their work with the Audiovisual and Media Working Party (AUDIO) for the Council of the European Union and the Committee on Culture and Education (CULT) for the European Parliament (EP).

Looking a bit closer at each of the institutions:

- The AUDIO working party prepares the work of EU ministers for audiovisual affairs and is made up of counsellors, each attached to the various permanent representations based in Brussels. The working party recently met on 28 March and 17 April and will resume on 22 May. During these meetings, parts of the EMFA proposal are discussed in order for the Council to later adopt and present its General Approach, forming the Council's position for future discussions with the other EU institutions when the interinstitutional negotiations will kick off.

- The CULT committee is responsible for this file, for which MEP Sabine Verheyen is the rapporteur. The Committee on Internal Market and Consumer Protection (IMCO) and the Committee on Civil Liberties, Justice and Home Affairs (LIBE) are associated committees in this process, with shared competencies on the text, and are tasked with giving their opinion on the matter. For instance, LIBE will look at the proposed articles dealing with journalists' protection. Each opinion will be added to the final report of the CULT Committee. Once adopted in plenary session, the report and the opinons will together represent the EP's position with a view to the adoption of the EMFA, to be used during the interinstitutional negotiations.

What has been published so far?

- the CULT draft opinion, led by MEP Sabine Verheyen, presenting 117 amendments, dated 31 March 2023, published on 20 April 2023. The deadline for amendments is 5 May 2023.

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- the IMCO draft opinion, led by MEP Geoffroy Didier, presenting 172 amendments, dated 3 March 2023, as well as the tabled amendments to the draft opinion, totaling 700 amendments altogether .

- the LIBE draft opinion, led by MEP Ramona Strugariu, presenting 124 amendments, dated 16 April 2023, published on 18 April 2023. The deadline for amendments is set to 8 May 2023.

Each committee will discuss its draft report and tabled amendments to later agree on a final version.

What's in there?

While information on the work of the AUDIO working party is not yet publicly available, MEP Sabine Verheyen's draft report has been published. Here are some examples of what the MEP suggests:

- Guaranteeing the independence of the future Board, by revising the proposed recital 24 (amendment 14), requesting for instance the establishment of an independent Secretariat.

- Giving the possibility to a regulatory authority (which is not competent to take actions) to ask the competent national authority to take measures against a media service provider when having a prejudicial behaviour (by amending the proposed Article 16, see amendment 78).

- Giving the possibility to media service providers to ask the relevant national authority to provide a clarification when first declined by the very large online platform (amending the proposed Article 17, see amendment 80).

- Asking VLOPs to respect the freedom of expression and freedom of the media, ensuring a fair and non discriminatory distribution on their platform of services provided by media service providers (amending the proposed Article 17, see amendment 81).

Expected procedure:

If LIBE and IMCO can adopt their positions by the end of June 2023, the assembled EP report could be presented and voted on during a plenary session in September 2023. This way, interinstitutional negotiations could start in October 2023.

This timeline is suggested by MEP Verheyen in her draft report.

MEP Verheyen's Draft Report on the proposal for EMFA

https://www.europarl.europa.eu/doceo/document/CULT-PR-746655_EN.html

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AUDIO Working Party dedicated webpage

https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/audiovisual-working-party/

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

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022PC0457

LIBE Draft Opinion on EMFA

https://www.europarl.europa.eu/doceo/document/LIBE-PA-746757_EN.pdf

IMCO Draft Opnion on EMFA

https://www.europarl.europa.eu/doceo/document/IMCO-PA-742456_EN.pdf

Tabled amendments to IMCO Draft Opinion (AMs 173-421)

https://www.europarl.europa.eu/doceo/document/IMCO-AM-746660_EN.pdf

Tabled amendments to IMCO Draft Opinion (AMs 422-700)

https://www.europarl.europa.eu/doceo/document/IMCO-AM-746721_EN.pdf

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