EMFA: Interinstitutional negotiations and adoption of a provisional agreement

IRIS 2024-1:1/7

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The European Commission published its proposal for a regulation and recommendation for the safeguarding of media freedom, pluralism and independence: the European Media Freedom Act (EMFA) on 16 September 2022 (IRIS 2022-9:1/3).

The EMFA addresses in particular:

- the independence of public service media (including the appointment and dismissal of members) and stable sources of funding,

- transparency of media ownership,

- the protection of editorial independence,

- spyware against journalists,

- protection against unjustified online content removal,

- safeguards to ensure media pluralism and prevent media concentration, and

- the creation of the European Board for Media Services (EBMS), a new watchdog for media freedom, composed of representatives of national authorities, with the Commission as an observer.

The Council of the European Union adopted its negotiating position on 21 June 2023. The Committee on Culture and Education (CULT) adopted its draft position on 7 September 2023 (IRIS 2023-8:1/9), which was later voted on in parliament on 3 October 2023 (IRIS 2023-9:1/12).

Some of the main topics discussed by both institutions concerned the protection of journalists from surveillance, including spyware (Article 4), protection against unjustified online content removal (“media exemption”) (Article 17), and the allocation of state advertising (Article 24) .

Pursuant to the ordinary legislative procedure, the Council, the Parliament and the Commission entered the first cycle of interinstitutional negotiations only a few days later, on 19 October 2023. This was followed by a second cycle on 29

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November and a third on 15 December 2023.

The Commission welcomed a political agreement during the last session of the interinstitutional negotiation round. According to Thierry Breton, Commissioner for Internal Market, “With the agreement today on EMFA, we have made a key contribution to the sustainability and future development of independent media in the EU. Media pluralism and independence are a pillar of EU democracy, and the European Media Freedom Act will be a powerful tool to protect them, while fostering an environment where media can grow and operate freely across borders.”

The Council and the Parliament will officially endorse the provisional agreement once the text is finalised at the technical level. The EMFA should be formally adopted in the spring of 2024. Once officially adopted and published in the Official Journal of the European Union, the regulation will be binding in its entirety and directly applicable in all member states after 15 months.

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=COM%3A2022%3A0457%3AFIN

Council of the European Union mandate for negotiations with the European Parliament on the proposal, as agreed by the Permanent Representatives' Committee

https://data.consilium.europa.eu/doc/document/ST-10954-2023-INIT/en/pdf

Amendments adopted by the European Parliament on 3 October 2023 on 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 (COM(2022)0457 – C9-0309/2022 – 2022/0277(COD))

https://www.europarl.europa.eu/doceo/document/TA-9-2023-0336_EN.html

Press release – Commission welcomes political agreement on European Media Freedom Act

https://ec.europa.eu/commission/presscorner/detail/en/ip_23_6635

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