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EDITORIAL

Some things are meant to change. One thing, though, should stand the test of time: Freedom of speech. In ancient Greece, *parrhesia* (candid or free speech) was already a key concept in rhetoric. Yet, millennia later, we are still trying to find the best ways to ensure this fundamental principle.

On the other side of the pond, dismissals of talk-show hosts and journalists are multiplying and conflicts around the world provide daily examples of the risks and difficulties journalists face in carrying out their crucial work. The European Commission's recently published 2025 Rule of Law report further addresses the issues of media pluralism and freedom, the independence regulators and journalists in the EU and four enlargement countries.

Further safeguards may, however, be on the horizon, as the EU has finally seen the EMFA become applicable on 8 August. At national level, things have been moving too, with the French Council of State providing clarification on how the regulator should assess the pluralistic expression of different schools of thought and opinions in programmes. In the UK, a report by the media watchdog has called for urgent action to secure and sustain UK public service media.

Additionally, the role of journalists in the context of AI remains a key topic under discussion. In Cyprus, new additions have been made to the Code of Ethics for Journalists, and the French Council for Journalistic Ethics and Mediation has issued its first opinion on the use of AI. Amidst these developments, it is worth noting that part of the AI Act has now come into force for GPAI models.

Much has happened over the summer, and you will find plenty more food for thought to stimulate freewheeling conversations in this back-to-school edition.

Enjoy the read!

Maja Cappello, Editor

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INTERNATIONAL

EUROPEAN UNION

EU: EUROPEAN COMMISSION

2025 Rule of Law Report

Amélie Lacourt
European Audiovisual Observatory

The sixth edition of the European Commission's Rule of Law Report was published on 8 July 2025. It examines developments in the 27 EU member states and in four enlargement countries (Albania, North Macedonia, Montenegro, and Serbia) in four key areas: the justice system; the anti-corruption framework; media pluralism and freedom; and other institutional issues related to checks and balances. Based on contributions and country visits, the report delivers qualitative information on each country's situation since the previous edition.

Alongside the report, the European Commission also published recommendations to all member states and assessed how the previous year's recommendations had been implemented. This year's report sees the Commission giving particular emphasis to the Single Market dimension.

With regard to media pluralism and freedom in particular, the report reaffirms the importance of these principles for democracy and the Single Market. Although some Member States have introduced improved legal protections, the report still raises growing concerns across the EU with regard to implementation gaps, threats of political interference to the independence of public service media, transparency of media ownership, access to public information and fair distribution of state advertising, the independence of regulators as well as the protection of journalists.

Notably, the report notes that concerns about the independence or impartiality of regulators persist in several member states. Tasks and competences of national media regulators have been or are being expanded, following the requirements and rules of the Digital Services Act and the European Media Freedom Act (EMFA). The report emphasises the importance of ensuring independence of regulators in such a context.

Regarding the protection of journalists, the Commission highlights the 2025 findings of the Media Pluralism Monitor, which reveal deteriorating conditions for journalists in several countries, with increased physical violence during protests, more online harassment and smear campaigns by politicians. The report further discusses the impact of EU legislation, including the adoption of the Directive to protect journalists and whistleblowers against abusive lawsuits (SLAPPs) in cross-

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border situations, and encourages supportive measures at the national level, such as training, awareness campaigns and support mechanisms.

The report also emphasises the importance of the EMFA, which came into force on 8 August 2025. It thereby urges member states to ensure the effective application of the new EU provisions and to address the specific risks to media freedom, pluralism and the safety of journalists on a national level.

2025 Rule of Law Report

https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/annual-rule-law-cycle/2025-rule-law-report_en

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EU: EUROPEAN COMMISSION

Early application of the AI Act: what are the new rules?

Justine Radel-Cormann
European Audiovisual Observatory

Though the AI Act sets its date of application for 2 August 2026 (Art. 113), some provisions have already been applicable since 2 August 2025. As explained in Recital 179, this earlier application targets providers of general-purpose AI models (GPAI), to reflect the rapid pace of technological advancements and adoption of such models.

Under Art. 3(63), a GPAI model is an AI system trained with a large amount of data using self-supervision at scale, which displays significant generality and is capable of competently performing a wide range of distinct tasks.

Consequently, Chapter V of the AI Act establishing obligations for GPAI providers is now applicable, including Art. 53 of the Act. GPAI providers must implement policies to comply with Union law on copyright and related rights, in particular with regard to identifying and complying with reservations of rights pursuant to Article 4(3) of Directive (EU) 2019/790, including through state-of-the-art technologies. In addition, they must draw up and make publicly available a sufficiently detailed summary of the content used for training GPAI models, according to a template provided by the AI Office.

To detail these GPAI obligations, the European Commission published two guidance documents over the summer: the GPAI Code and the Template for GPAI model providers to summarise their training content.

The GPAI Code offers guidance on compliance in three areas (transparency, copyright, safety/security). GPAI providers who voluntarily sign the Code will be able to demonstrate compliance with the relevant AI Act obligations by adhering to it. In doing so, signatories to the Code will benefit from a reduced administrative burden and increased legal certainty compared to providers that prove compliance in other ways. The Code has now been signed by more than 25 companies (eg. Amazon, Google, MistralAI, OpenAI).

The template is a standardised form to assist GPAI providers to summarise the content used to train their model.

Besides the GPAI obligations in Chapter V, other provisions of the AI Act started to apply on 2 August 2025:

- Chapter III, Section 4: obligations of providers and deployers of high-risk AI systems and other parties,

- Chapter VII: establishment of the EU database for high-risk AI systems,

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- Chapter XII: penalties with the exception of Art. 101 (fines specific to providers of general-purpose AI models),

- Article 78: confidentiality rules that European and national institutions must respect when carrying out their tasks and activities.

Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence

https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng

GPAI Code

https://digital-strategy.ec.europa.eu/en/policies/contents-code-gpai

Template for GPAI model providers to summarise their training content

https://digital-strategy.ec.europa.eu/en/library/explanatory-notice-and-template-public-summary-training-content-general-purpose-ai-models

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EU: EUROPEAN COMMISSION

European Commission publishes guidelines on the protection of minors under the DSA

Eric Munch
European Audiovisual Observatory

On 14 July 2025, the European Commission published its guidelines on the protection of minors under the DSA, to ensure a safe online experience for children and young users.

The guidelines, using a risk-based approach and acknowledging the fact that platforms may pose different risks to minors (due to their size, purpose and user base), are set to apply to all online platforms accessible to minors. Micro enterprises (with fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million) and small enterprises (with fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million) are not concerned by the guidelines, except if their platform has been designated by the Commission as a very large online platform (VLOP) under Regulation (EU) 2022/2065 (the Digital Services Act – DSA).

Recommendations made in the guidelines include:

- the use of accurate, reliable, robust, non-intrusive and non-discriminatory age assurance methods to restrict minors' online access to age-inappropriate content (such as gambling and pornography). As per the guidelines, age assurance comprises self-declaration, age estimation and age verification methods.

- the setting of the accounts of minors to private by default, in order to hide their personal information, data and social media content from strangers;

- the modification of platforms' recommender systems to lower the risk of children encountering harmful content and getting stuck in rabbit holes of specific content;

- the possibility for children to block and mute any user and assurance that they cannot be added to groups without their explicit consent, in order to help prevent cyberbullying;

- the impossibility for accounts to download or take screenshots of content posted by minors, to prevent the unwanted distribution of sexualised or intimate content and sexual extortion;

- the disabling by default of features contributing to excessive use (such as "streaks" or "ephemeral content"), as well as the removal of persuasive design features aimed predominantly at engagement and the introduction of safeguards around AI chatbots integrated into online platforms;

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- the assurance that children's lack of commercial literacy is not exploited (to avoid leading to unwanted spending or addictive behaviours, including certain virtual currencies or loot-boxes);

- the introduction of measures to improve moderation and reporting tools with prompt feedback and minimum requirements for parental control tools.

The guidelines will be used by the Commission as a tool to assess compliance with Article 28(1) of the DSA, as a reference in assessing whether online platforms meet the necessary standard for minors to use them.

Communication to the Commission - Approval of Guidelines on measures to ensure a high level of privacy, safety and security for minors online

https://ec.europa.eu/newsroom/dae/redirection/document/118226

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EU: EUROPEAN COMMISSION

The European Media Freedom Act becomes applicable

Amélie Lacourt
European Audiovisual Observatory

Since the proposal of the European Media Freedom Act (EMFA) in September 2022, significant progress has been made in regulating media pluralism and independence. Following a political agreement in late 2023, the Act came into force in May 2024, though it has only been fully applicable since 8 August 2025.

The EMFA aims to protect and ensure a pluralistic, free and independent media landscape. It notably addresses the following issues:

- Protection of editorial independence and journalistic sources

- Transparency of media ownership

- Measures to protect the media, journalists and their families from spyware

- Independent public service media

- Media pluralism tests

- Transparent state advertising

- Protection of online media content , including safeguards against the unjustified removal of content

- Creation of the European Board for Media Services (EBMS) to replace the European Regulators Group for Audiovisual Media Services (ERGA).

The main obligations of the regulation are now fully applicable, except for measures related to users' rights to customise their media offering, which are scheduled for 2027.

Carlos Aguilar, the Chair of the EBMS, said: "The successful implementation of the EMFA will depend on our collective ability to turn its principles into effective regulatory practice. We have worked intensively to lay the groundwork for this transition. Now, we call on Member States to match this effort by ensuring that national authorities are properly resourced to meet their new responsibilities”.

Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act)

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https://eur-lex.europa.eu/eli/reg/2024/1083/oj/eng

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EU: GENERAL COURT

General Court annuls implementing decisions determining the supervisory fee applicable to certain online platforms under the DSA

Diego de la Vega
European Audiovisual Observatory

The General Court has delivered two judgments (cases T-55/24 and T-58/24) annulling the European Commission's Implementing Decision C(2023) 8176 final of 27 November 2023 and Implementing Decision C(2023) 8173 final of 27 November 2023 determining the supervisory fee applicable to Facebook, Instagram and TikTok pursuant to Article 43(3) of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act – DSA).

Pursuant to Articles 43(1) to (3) of the DSA, the providers of very large online platforms (VLOPs) and of very large online search engines (VLOSEs) shall be charged annually a supervisory fee for each service for which they have been designated by the European Commission. Meta Platforms Ireland Ltd and TikTok Technology Ltd both run platforms that were designated in April 2023 as VLOPs: specifically, these are Facebook and Instagram, and TikTok respectively. Following these designations, the European Commission informed both companies of the amount of the annual supervisory fee applicable to the three platforms for 2023 in the two implementing decisions.

The companies contested these implementing decisions on the grounds of an erroneous calculation by the European Commission of the average monthly number of active recipients (AMAR) of each platform in the European Union. Also, the implementing decisions were contested on the grounds of an incorrect mechanism used by the European Commission to implement the supervisory fee. As a result, the General Court has annulled the two implementing decisions which will nevertheless remain in effect until the European Commission amends its procedure with a limit of twelve months from the two judgments. The General Court has found that, in any case, this is necessary to maintain transitorily the effects of the contested decision.

Based on the same fundamental reasons, the General Court has considered, in brief, that the European Commission should have adopted a delegated act instead of adopting implementing decisions when communicating the supervisory fee to the two companies. However, the General Court has upheld the European Commission's right to adopt a common methodology for the calculation of the AMAR. Pursuant to Article 43(5) of the DSA, the supervisory fee should be proportionate to the AMAR, and according to the two judgements, the AMAR is

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"intrinsic to the determination of the supervisory fee and must be regarded as constituting an essential and indispensable element" of the supervisory fee. The General Court found, thus, that the use of the AMAR by the two third-party operators on which the European Commission relied for the calculation of the supervisory fee is not contrary to the provisions of the DSA.

Nonetheless, the General Court has found that the European Commission did not follow the legal procedure enshrined in Article 43(4) of the DSA. According to this article, the European Commission is required to adopt delegated acts to determine, *inter alia*, the individual annual supervisory fee applicable to the platforms concerned. Since the AMAR is, according to the General Court, "a concept which must be understood uniformly and consistently throughout the DSA", the European Commission infringed Articles 43(3) to (5) and Article 87 of the DSA. This is because, according to the General Court, the methodology detailed by the European Commission in its two implementing decisions, "has the characteristics of a document of a general nature which is intended to apply to all providers". Consequently, the AMAR should have been detailed in a delegated act rather than in an implementing decision. The General Court has therefore found that the use by the European Commission of an implementing act lacks legal basis.

The General Court's judgments should result in a new calculation of the supervisory fee for each of the companies, which should be included in a new delegated act. Alternatively, this could entail, according to both judgments, an amendment of Delegated Regulation 2023/1127 supplementing Regulation (EU) 2022/2065 of the European Parliament and of the Council with the detailed methodologies and procedures regarding the supervisory fees charged by the Commission on providers of VLOPs and VLOSEs. This delegated regulation sets out the general rules for the calculation of the supervisory fees and it could, according to the General Court, include the methodology for the calculation of the AMAR which could avoid the adoption of a new delegated act.

Case T-55/24 – Meta Platforms Ireland v. Commission. ECLI:EU:T:2025:842

https://curia.europa.eu/juris/document/document.jsf;jsessionid=84712733253E0D26541799AD7E908152?text=&docid=304179&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=11189941

T-58/24 – TikTok Technology v. Commission. ECLI:EU:T:2025:843

https://curia.europa.eu/juris/document/document.jsf?text=&docid=304180&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=9887664

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NATIONAL

CYPRUS

[CY] Decision by Commissioner for State Aid Control on the “Audiovisual Industry Promotion Scheme”

Antigoni Themistokleous
Cyprus Radiotelevision Authority

On 6 August 2025, the Office of the Commissioner for State Aid Control issued Decision No. 476 of 2025 concerning the State Aid Measure titled “Audiovisual Industry Promotion Scheme”. This State Aid Measure has been adopted within the government policy framework and is implemented through development, economic and fiscal incentives.

The objective of the Measure is to promote the audiovisual industry, to increase the activities of companies producing audiovisual works, and consequently enhance employment within the audiovisual sector and promote the Republic of Cyprus as a preferred filming location.

Eligible audiovisual works under this Scheme may include:

- Feature films and full-length films

- Television films (drama films)

- High-quality television series

- Digital and/or analogue animated films

- Creative documentaries

- Reality TV programs that directly or indirectly promote the Republic of Cyprus and its cultural heritage.

The following entities and/or actors may qualify as beneficiaries under this Measure:

- A special-purpose legal entity registered in the Republic of Cyprus or another EU Member State, which operates in the Republic of Cyprus

- A legal or natural person, whether Cypriot or European citizen, who is a tax resident of Cyprus.

The following incentives are granted to beneficiaries by the competent authority:

- Cast rebate

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- Tax credit

- Tax deduction for investment in infrastructure and equipment

The Ministry of Finance is the competent authority responsible for the implementation and execution of this Measure, which is in effect until 30 June 2027 with an annual budget of €25 million.

Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty Text with EEA relevance (EU Regulation 651/2014) is the legal basis for the said Measure; specifically Article 54 – Aid schemes for audiovisual works.

Ανακοίνωση Γραφείου Εφόρου Ελέγχου Κρατικών Ενισχύσεων με θέμα: «Σχέδιο Προώθησης Οπτικοακουστικής Βιομηχανίας»

https://www.gov.cy/anexartitoi-axiomatouchoi/anakoinosi-grafeiou-eforou-elegchou-kratikon-enischyseon-me-thema-schedio-proothisis-optikoakoustikis-viomichanias/

Statement of the Office of the Commissioner for State Aid Control titled "Audiovisula Industry Promotion Scheme"

Απόφαση της Εφόρου Ελέγχου Κρατικών Ενισχύσεων που εκδίδεται δυνάμει του άρθρου 10 των περί Ελέγχου των Κρατικών Ενισχύσεων Νόμων του 2001 έως 2020, Εφημερίδα της Δημοκρατίας

http://www.publicaid.gov.cy/publicaid/publicaid.nsf/All/07A86B875FAC75DDC2258CE3002F1B9E/$file/%CE%91%CE%A0%CE%9F%CE%A6%CE%91%CE%A3%CE%97%20476.pdf?OpenElement

Decision by the Commissioner for State Aid Control concerning the "Audiovisual Industry Promotion Scheme" State Aid Measure. Official Gazette of the Republic.

Γραφείο Εφόρου Ελέγχου Κρατικών Ενισχύσεων

https://www.publicaid.gov.cy/publicaid/publicaid.nsf/All/07A86B875FAC75DDC2258CE3002F1B9E/$file/%CE%91%CE%A0%CE%9F%CE%A6%CE%91%CE%A3%CE%97%20476.pdf?OpenElement

Office of the Commissioner for State Aid control

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[CY] New addition to the Code of Ethics for Journalists in Cyprus: special provision on artificial intelligence

Antigoni Themistokleous
Cyprus Radiotelevision Authority

In late August 2025, the Cypriot press council, namely the Cyprus Media Ethics Committee (CMEC), announced the introduction of a new special provision to the Code of Ethics for Journalists in Cyprus. This new provision, entitled "Artificial Intelligence", addresses the use of artificial intelligence (AI) tools in the production and facilitation of journalistic work and media operations.

The Code of Ethics for Journalists establishes the ethical principles and professional standards and defines the rights and responsibilities of media practitioners in Cyprus. On 27 August 2025, the CMEC publicly announced the new special provision in the Code of Ethics for Journalists in Cyprus via its official Facebook page. The provision reads as follows:

"The use of artificial intelligence (AI) tools in the production or facilitation of journalistic work and media operations must be carried out responsibly, transparently, and in full compliance with the provisions of this code, including those relating to accuracy and reliability, the avoidance of false news, proper use of sources and information, and the protection of intellectual property."

Media professionals are obliged to clearly and visibly declare when any material they publish, broadcast, or post has been produced using AI technologies. They also play a leading role in the governance of such technologies within media organisations, overseeing and regulating their use, while avoiding tools they have not been properly trained to use.

The new special provision has been ratified by the founding parties of the CMEC, thereby formally amending the Code of Ethics for Journalists. The CMEC stated that, acknowledging the role of generative AI tools in journalism and in the production of diverse content, it had conducted a thorough review and analysis of measures and relevant practices already implemented by other press councils, as well as leading international and European journalistic bodies, to finalise and adopt the provision on the use of generative AI tools in media practices.

It should be noted that the Code of Ethics for Journalists, while voluntary, is binding and applies to all media – including the press, broadcasters, and digital outlets – as well as both the public service broadcaster and private/commercial organisations. Additionally, the Code of Ethics for Journalists is binding on all professionals operating within these media entities.

Κώδικας Δημοσιογραφικής Δεοντολογίας 2022

https://cmec.com.cy/el/%CE%BF-%CE%BA%CF%8E%CE%B4%CE%B9%CE%BA%CE%B1%CF%82/%CE%BF-%CE%BA%CF%8E%CE%B4%CE%B9%CE%BA%CE%B1%CF%82-

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Journal Code 2022

https://cmec.com.cy/en/journalists-code-of-conduct/journal-code-2022/#item-20

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GERMANY

[DE] Federal film funding budget to be increased to record level in 2026

Christina Meese
Institute of European Media Law

The federal government's cabinet draft for the 2026 federal budget, which was adopted on 30 July 2025, provides for EUR 2.5 billion to be made available to the Minister of State for Culture and Media. Alongside other measures to strengthen the cultural sector, EUR 250 million would be channelled into the *Deutsche Filmförderfonds* (German Federal Film Fund — DFFF) and the German Motion Picture Fund (GMPF), almost doubling their current funding levels.

Film and media promotion in Germany is organised at many different levels (federal and state) and by various funds and players. The DFFF, which is provided by the Minister of State for Culture and Media and offers incentive subsidies in the form of grants, is by far the most important fund for film promotion in Germany. This funding is aimed at producers of national and international (co-)productions (DFFF I) as well as production service providers whose film projects are wholly or partly implemented in Germany (DFFF II). Grants for both types of funding were increased to a flat 30% of eligible German production costs in 2025. A total of EUR 160 million of the funding budget is to go to the DFFF in 2026, of which EUR 70 million will go to DFFF I and EUR 90 million to DFFF II projects.

The GMPF, on the other hand, supports the production of high-budget series and films that are not exploited in cinemas. This funding is aimed at (co-)producers with a registered office in Germany who have already produced a film or series in the last seven years. Since 2025, it has been awarded as a non-repayable grant of up to 30% of eligible German costs if all eligibility requirements are met. EUR 90 million has been earmarked in the budget for the GMPF in 2026.

The increase in the funding budget is intended to ensure an attractive incentive system that offers German and international producers long-term planning security. In view of the increased costs in the production sector, this is certainly to be welcomed. The expansion of funding is also intended to make Germany a more competitive film location at international level. However, the government's draft for the 2026 federal budget is subject to further preparatory work, in particular the parliamentary budget preparation process. Its first reading in the German *Bundestag* is scheduled for 22 to 26 September.

Pressemitteilung des Staatsministers für Kultur und Medien

https://kulturstaatsminister.de/kultur-und-medienetat-auf-rekordniveau

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Press release by the Minister of State for Culture and Media

https://kulturstaatsminister.de/kultur-und-medienetat-auf-rekordniveau

Entwurf eines Gesetzes über die Feststellung des Bundeshaushaltsplans für das Haushaltsjahr 2026

https://dserver.bundestag.de/btd/21/006/2100600.pdf

Draft law on the adoption of the federal budget for the 2026 financial year

https://dserver.bundestag.de/btd/21/006/2100600.pdf

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[DE] Federal states propose new digital media treaty

Christina Meese
Institute of European Media Law

On 4 June 2024, the *Rundfunkkommission* (Broadcasting Commission) of the federal states adopted proposals for a reform of the *Medienstaatsvertrag* (state media treaty – MStV). The new *Digitale Medien-Staatsvertrag* (digital media state treaty – DMStV-E) is intended to provide a package of measures to safeguard the communication-related foundations of a free and democratic society in Germany. The first part, which focuses on the implementation and transposition of the European Media Freedom Act (EMFA), the Regulation on Transparency and Targeting of Political Advertising (TTPA) and the Artificial Intelligence Act (AI Act), has already been published. It primarily defines the powers of the state media authorities and clarifies the relationship between the MStV and EU law.

Part 1 of the draft does not fully transpose the aforementioned provisions of EU law. In particular, it does not (yet) contain substantive rules – partly due to open questions regarding the final regulatory nature of the aforementioned EU regulations – while the federal government is responsible for transposing other rules. This applies in particular to Article 4 EMFA and large sections of the TTPA and AI Act, which, as soon as they have been regulated at federal level, will also trigger a need for the DMStV to be adapted in order to create coherence.

With regard to the EMFA, the implementation of Article 6(2) will be regulated in a new Article 60(8) DMStV-E. In future, the *Kommission zur Ermittlung der Konzentration im Medienbereich* (Commission on Concentration in the Media – KEK) will maintain the database on relevant ownership and shareholding arrangements in the media sector. The KEK already maintains an online media database containing information on ownership and shareholding structures in radio, television, press and the online sector. This will be adapted to the requirements of the EMFA. Article 89 MStV, which has set out requirements for the findability of broadcasting and telemedia in user interfaces in Germany since 2020, will be retained. However, a reference to Article 20 EMFA will be added, setting out, among other things, rules on default settings and transparency for manufacturers, developers and importers of user interfaces. These rules will apply in parallel in future. The same applies to the ban on media intermediary discrimination against journalistic-editorial providers, enshrined in Article 94 MStV. This remains in place, but reference is made to the supplementary application of Article 18 EMFA to media privilege on very large online platforms. The terms "media intermediary" and "online platform" overlap, but have different meanings. Finally, against the background of Article 17(3) EMFA, the draft also indicates that the state media authorities can take into account the opinions of the European Board for Media Services in their decisions. Moreover, the state media authorities are designated as competent authorities not only under Article 7 EMFA, but also under Article 25(3) EMFA with regard to monitoring the allocation of public funds for state advertising and supply or service contracts.

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Meanwhile, regarding the TTPA, a conflict-of-law rule (Article 1 (10) DMStV-E) is created, under which the TTPA takes precedence when there is a conflict or overlap. This applies to the extent that its provisions on transparency and targeting of political advertising conflict with national law. In all other respects, however, the MStV remains applicable to broadcasting and telemedia. The concept of political advertising used in the regulation is not adopted. Instead, the German term "*Werbung politischer Art*" (advertising of a political nature), which is not congruent with the EU term, is retained. The ban on advertising of a political nature for broadcasting and the corresponding transparency requirement for telemedia are also retained. The other provisions of the TTPA essentially concern supervisory powers. The state media authorities are designated as competent authorities pursuant to Article 22 (3) and (4) TTPA, insofar as broadcasters and providers of telemedia (which are not also intermediary services) are concerned. It is further clarified that the special supervision of data protection for public service broadcasters also applies within the TTPA. The (internal) broadcasting data protection officer, who monitors compliance with data protection here instead of the data protection authorities, is also the competent "data protection authority" pursuant to Article 22(1) sentence 1 TTPA.

With regard to the AI Act, the main issue is the allocation of responsibility. The state media authorities will also be responsible for implementing Articles 5(1)(a) and (b) and 50(1), (2), (4) and (5) of the AI Act. A joint representative is to be appointed to cooperate with other competent authorities and the Commission. A new Article 109a DMStV-E also clarifies the conditions under which the state media authorities can use technical means for their supervisory activities. They already use the "KIVI" AI tool, which provides automated support for the detection of illegal content on online platforms. The use of such AI tools is to be outlined in law due to the sensitive nature of this field in relation to fundamental rights.

Pressemitteilung der Rundfunkkommission

https://rundfunkkommission.rlp.de/digitale-medien-staatsvertrag

Press release of the Broadcasting Commission

https://rundfunkkommission.rlp.de/digitale-medien-staatsvertrag

Entwurf für einen Digitale Medien-Staatsvertrag (Teil 1)

https://rundfunkkommission.rlp.de/fileadmin/rundfunkkommission/Dokumente/DMStV_1/DMStV_Synopsen/Diskussionsentwurf_Synopse_Anhoerung_9_MAEStV.pdf

Draft digital media state treaty (Part 1)

https://rundfunkkommission.rlp.de/fileadmin/rundfunkkommission/Dokumente/DMStV_1/DMStV_Synopsen/Diskussionsentwurf_Synopse_Anhoerung_9_MAEStV.pdf

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[DE] KEK media concentration report documents new threats to diversity of opinion in Germany

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On 8 July 2025, the *Kommission zur Ermittlung der Konzentration im Medienbereich* (Commission on Concentration in the Media – KEK) presented its 8th report on media concentration in Germany, entitled "Social Media, AI & Co - New threats to diversity of opinion". The Commission was established in 1997 and is responsible, on behalf of the state media authorities, for ensuring compliance with rules on safeguarding diversity of opinion in the private television sector at national level. The report, in which it examines the development of media concentration every three years, contains 316 pages of facts and analysis of both the television market and related media-relevant marketplaces such as radio, press, social media and the markets for broadcasting rights and channels.

In contrast to previous reports, various key topics were analysed in greater depth in order to highlight developments and mechanisms, identify diversity risks, provide legal classifications, discuss regulatory challenges and suggest possible solutions. In this respect, these reports are becoming increasingly risk-focused. Chapter I begins by looking at the threats to diversity of opinion, including the dangers posed by AI, disinformation and concentration processes in the media market. Chapter II describes the legal framework for concentration control and safeguarding of plurality as well as key practical elements, such as audience share calculation, programme classification and safeguarding of plurality of opinion on television. Chapters III to VI present and analyse empirical data on media use, nationwide television, national television broadcaster groups and other media markets such as streaming, radio and social media.

The central finding is that the *Medienstaatsvertrag* (state media treaty), with its focus on preventing dominant power of opinion in linear television, falls short in the digital age and no longer meets the challenges of the digital and global media landscape. Usage is increasingly shifting to mega-platforms that are increasingly delivering content with the help of algorithms and AI, a trend that the KEK has been warning about since 2018 and that calls for regulatory reform.

The RTL and ProSiebenSat.1 broadcasting groups hold largely stable market shares in private television with a combined average annual audience share of just over 35%. Public service channels, meanwhile, hold an audience share of over 50%, while many smaller providers only have a small market share. In the print sector, the decline in circulation continues, while the radio market shows little change. According to the KEK, the increasing influence of evolving media usage on opinion formation is worrying, especially among younger people, who are clearly turning away from linear television and increasingly using streaming services.

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Traditional media offerings such as linear television and daily newspapers, which have always played a central role in information provision, are increasingly losing audience numbers and reach. Rapid digitalisation has significantly changed information behaviour in Germany, with digital offerings, especially the Internet, overtaking traditional media in some areas and becoming the main source of news and the most important medium for opinion formation. Video streaming services, search engines and social media are the main beneficiaries of this trend and are thus gaining considerable influence on opinion formation. The so-called “platform revolution”, as already described in the two previous KEK reports, is increasingly characterising the media market. Advances in the field of AI are further reinforcing this trend. AI is becoming a key technology for the creation and distribution of news, but also harbours risks for diversity of opinion. Large platform companies have enormous amounts of data that they can use to personalise content and advertising, giving them a clear competitive advantage in view of their position of power. The KEK predicts that AI’s dependence on large quantities of data will lead to greater concentration among a small number of dominant market players as a result of the power of large platform companies and media intermediaries to access such data. AI technology is helping to accelerate this concentration. The apparent diversity of Internet-based offerings often turns out to be dominated by a few large providers, who can also exert considerable influence over content and communication. This is increasing the economic pressure on the business models of journalistic and editorial media.

The Commission emphasises that safeguarding diversity of opinion in the digital space is also a constitutional requirement and warns that it needs updated, effective powers to fulfil its remit. Initial steps have already been taken at EU level through the DSA, DMA and EMFA to counter threats to diversity of opinion and disinformation. The KEK believes the EMFA, which will also have an impact on its work, has great potential to bring about comprehensive reforms to safeguard diversity of opinion in the digital age. Specifically, it thinks the federal states must focus on three areas, i.e. transparency obligations for media service providers, audience measurement regulations and merger control procedures in the media sector. In this regard, the KEK suggests, among other things, that its national media ownership database should be expanded and that it should be designated as the competent body for the independent auditing of audience measurement systems.

8. Konzentrationsbericht „Social Media, KI & Co – Neue Gefährdungslagen für die Meinungsvielfalt“

https://www.kek-online.de/publikationen/medienkonzentrationsberichte/achter-konzentrationsbericht-2025/

8th concentration report "Social Media, AI & Co - New threats to diversity of opinion"

https://www.kek-online.de/publikationen/medienkonzentrationsberichte/achter-

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konzentrationsbericht-2025/

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FRANCE

[FR] *Conseil d'Etat* reinstates age verification requirement for pornographic websites established in other EU member states

Amélie Blocman
Légipresse

The French Minister for Culture and the Minister for AI and the Digital Economy had sought the annulment of the interim order of 16 June 2025 (see IRIS 2025-7:1/14) which, at the request of the operator of the Cyprus-based xHamster website, had suspended the order of 26 February 2025 requiring 17 pornographic websites (including its own) established in another EU member state to implement an effective system for verifying their users' age.

The *Conseil d'Etat* (Council of State) ruled that the interim relief judge of the Paris Administrative Court had erred in law by relying solely on the fact that, in his view, there was serious doubt as to the compatibility of the order of 26 February 2025 with European Union law, to rule that the urgency justified suspending its implementation.

The interim relief judge had also erred in law, the *Conseil d'Etat* ruled, in deducing the existence of such a serious doubt from the mere fact that, in a decision of 6 March 2024, it had stayed proceedings concerning appeals against Decree no. 2021-1306 of 7 October 2021 on the implementation of measures to prevent minors accessing pornographic websites, issued on the basis of the since repealed provisions of Article 23 of the Law of 30 July 2020, until the Court of Justice of the European Union had ruled on a number of questions referred for a preliminary ruling concerning, in particular, the scope of the "coordinated field" within which the principle of control in the member state of origin enshrined in Directive 2000/31/EC of 8 June 2000, known as the "Directive on electronic commerce", applies.

The contested order is based on the provisions of part II of Article 10-2 of the Law of 21 June 2004, resulting from the Law of 21 May 2024, by which the legislature intended to organise, with a view to the possible application of the provisions of Articles 10 and 10-1 of the same law to information society service providers established in other EU member states, recourse to the possibility of derogation from that principle provided for in Article 3(4) and (5) of the same directive.

The company had also argued that the implementation of the contested order would infringe the freedom of expression and the right to privacy of major users of the xHamster service. However, the *Conseil d'Etat* pointed out, firstly, that the provisions of Articles 10 and 10-1 of the Law of 21 June 2004, which this order made applicable in this situation, were designed to protect minors from exposure to pornographic content: they had neither the purpose nor the effect of

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prohibiting it from distributing such content to adults but only of requiring it, in order to prevent minors from accessing it, to set up age verification systems that met the minimum technical requirements set out in the reference system established by the *Autorité de régulation de la communication audiovisuelle et numérique* (the French audiovisual regulator – ARCOM). Secondly, it followed from the wording of the second paragraph of part I of Article 10 of the same law that the requirements of this reference system, established after consultation with the *Commission nationale de l'informatique et des libertés* (the French data protection authority – CNIL), related not only to the reliability of the age verification mechanism but also to respect for users' privacy.

It followed from all of the above, having regard also to the public interest in protecting minors from exposure to pornographic content, that the condition of urgency set out in Article L. 521-1 of the Code of Administrative Justice could not be regarded as having been met.

The interim order of 16 June 2025 was quashed and the obligation for 17 distributors of pornographic content established in other EU member states to verify their users' age was reinstated.

Conseil d'État, 15 juillet 2025, n° 505472, Ministres de la Culture et chargé de l'Intelligence artificielle et du Numérique c/ Hammy Media Ltd

https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2025-07-15/505472

Council of State, 15 July 2025, no. 505472, Minister for Culture and Minister for AI and the Digital Economy v. Hammy Media Ltd.

https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2025-07-15/505472

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[FR] Clarification of how ARCOM assesses pluralistic expression of schools of thought and opinion in programmes

Amélie Blocman
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A number of associations had asked the *Autorité de régulation de la communication audiovisuelle et numériqu*e (the French audiovisual regulator – ARCOM) to send a formal notice, on the basis of Articles 42 and 48-1 of the Law of 30 September 1986, to the television services France 2, France 3, France 4, France 5, France Info, Arte, TF1, M6, TMC and BFM, and radio services France Inter, France Culture, RMC and RTL, urging them to "amend the list [of] presenters, columnists and guests other than politicians" appearing on their programmes "so that the various schools of thought and opinion have speaking time proportionate to their importance in French society". Since ARCOM's failure to act on these requests implied that it had rejected them, the applicants asked the *Conseil d'Etat* (Council of State) to overturn these decisions on the grounds of *ultra vires*.

The Council of State pointed out that, under the provisions of Articles 1, 3-1 and 13 of the Law of 30 September 1986, ARCOM's remit was to guarantee respect for the pluralistic expression of schools of thought and opinion in audiovisual programmes, particularly in news programmes. As set out in the Reporters Without Borders decision of 13 February 2024 (IRIS 2024-8:1/8), it was up to ARCOM to assess whether broadcasters complied with this requirement while exercising their editorial freedom by taking into account, throughout their programming, the diversity of schools of thought and opinion expressed by all participants in the programmes broadcast.

It was up to ARCOM, when it received a relevant complaint from a person with a legitimate interest, to investigate, over a period that, except in special circumstances, should be long enough for it to be able to make its assessment, whether there was any obvious, long-term imbalance in view of the need for pluralistic expression of schools of thought and opinion in radio and television programmes, in particular news and current affairs programmes.

As such, ARCOM must make an overall assessment of the diversity of expression, without having to qualify or classify programme participants with regard to schools of thought and opinion. This examination was without prejudice to the rules applicable to the calculation of speaking time for politicians, particularly during election periods, and to other provisions and stipulations applicable to the services concerned.

In the present case, ARCOM could not, in the exercise of its jurisdiction, accede to a request to qualify or classify programme participants (except politicians) on the basis of their presumed affiliation to certain schools of thought and opinion and, consequently, rule on the speaking time that should be allocated to them in proportion to the importance of these schools of thought and opinion in French

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society. It was therefore obliged to reject the applications, especially as the applicants had based their arguments on records of speaking time allocated to politicians, whereas their application had only mentioned “presenters, columnists and guests other than politicians”.

Conseil d'État, 4 juillet 2025, 494597, 494628, 494797, 498439, Association Cercle droit et liberté, Observatoire du Journalisme et a.

https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2025-07-04/494597

Council of State, 4 July 2025, 494597, 494628, 494797, 498439, Association Cercle droit et liberté, Observatoire du Journalisme et al.

https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2025-07-04/494597

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[FR] Decree specifies content of compulsory message warning of the illegal nature of certain pornographic content

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Article 1-3 of the Law of 21 June 2004 on confidence in the digital economy (LCEN), created by Article 12 of the Law of 21 May 2024 aimed at securing and regulating the digital space, requires any producer of pornographic content simulating simple, aggravated or incestuous rape to display, before and during its distribution, a message warning all users, regardless of age, of the illegal nature of the behaviour depicted. Decree no. 2025-767 of 4 August 2025, which implements this provision, specifies the wording of the message warning users of such pornographic content, as well as how it should appear both before the content is accessed and during viewing. The message ("Warning: This content simulates rape or incestuous rape, crimes punishable by at least 15 years' imprisonment under the Criminal Code") must appear in white on a black background, full-screen for at least 12 seconds before the content appears, and at the bottom of the screen throughout its broadcast.

This provision will come into force two months after its publication.

Failure to comply with this obligation is punishable by one year's imprisonment and a fine of EUR 75 000, applicable to all producers of content covered by the law, wherever they are established.

As provided for in the last paragraph of Article 1-3 of the LCEN, the effectiveness of this obligation depends in part on content that does not include the warning message being treated as illegal, to the extent that it may be flagged or made the subject of an injunction served on intermediary service providers who allow it to be distributed online, pursuant to Article 3(h) of the Digital Services Act.

In its opinion on the draft decree, the *Autorité de régulation de la communication audiovisuelle et numérique* (the French audiovisual regulator – ARCOM) points out that the pornographic content in question (simulating rape, aggravated rape or incestuous rape) is likely to constitute "programmes of extreme violence", which are prohibited from being broadcast on linear television services and on-demand audiovisual media services established in France, pursuant to Recommendation 2005-5 of 7 June 2005 and Decision 2011-64 of 20 December 2011 respectively.

Décret n° 2025-767 du 4 août 2025 relatif à la présentation du message avertissant du caractère illégal des comportements représentés dans des contenus à caractère pornographique, pris en application de l'article 1-3 de la loi n° 2004-575 du 21 juin 2004 pour la confiance dans l'économie numérique, JORF du 6 août 2025

https://www.legifrance.gouv.fr/download/pdf?id=G4eiXSIMaZyGAvKo6YyX_yfJvp_yqT8SIiOnWW6Q0Fc=

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Decree no. 2025-767 of 4 August 2025 on the presentation of the message warning of the illegal nature of the behaviour depicted in pornographic content, pursuant to Article 1-3 of Law no. 2004-575 of 21 June 2004 on confidence in the digital economy, Official Journal of 6 August 2025.

https://www.legifrance.gouv.fr/download/pdf?id=G4eiXSIMaZyGAvKo6YyX_yfJvp_yqT8SIiOnWW6Q0Fc=

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[FR] First opinion of the Council for Journalistic Ethics and Mediation on the use of AI

Amélie Blocman
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The *Conseil de déontologie journalistique et de médiation* (Council for Journalistic Ethics and Mediation - CDJM), a body for self-regulation and mediation between journalists, the media, press agencies and audiences, on all issues relating to journalistic ethics, was contacted by a private individual in March 2025 regarding an article on the Jeuxvidéo.com website, alleging a lack of respect for accuracy and an affront to dignity. The article, referring to a survey, concluded that people from generation Z have a problem with punctuality. The article's author introduced the survey by claiming that it would drive Apple co-founder Steve Jobs mad. The text was illustrated by an AI-generated image of Steve Jobs with his face contorted in anger.

In accordance with its mandate, the CDJM refers to texts specifying professional obligations. In particular, the *Charte d'éthique professionnelle des journalistes français* (1918-1938-2011) (Charter of Professional Ethics of French Journalists), which states that: journalists "consider critical thinking, truthfulness, accuracy, integrity, fairness and impartiality to be the pillars of journalistic activity; they consider accusations without proof, malicious intent, alteration of documents, distortion of facts, misappropriation of images, lies, manipulation, censorship and self-censorship, and failure to verify facts to be the most serious professional abuses".

The Global Charter of Ethics for Journalists states that a journalist "shall report only facts of which he/she knows the origin [...] shall not suppress essential information or falsify document. He/she will be careful to reproduce faithfully statements and other material that non-public persons publish in social media" (IFJ, 2019, Article 3).

Furthermore, under the terms of its recommendation "Journalism and artificial intelligence: best practices" of 3 July 2023, the CDJM reiterates the established principles: "When visuals generated by AI tools (drawings, illustrations, artist's views, reconstructions...) are used, no doubt should be left as to their artificial nature and the audience should be informed". Furthermore, the recommendation states: "Journalists should not use AI tools to generate images, sounds or videos whose realism is likely to mislead the audience or leave it in a state of ambiguity, by presenting it with information that is contrary to the reality of the facts. As an exception, such visuals may be used to illustrate subjects relating to the creation and circulation of these false images. In this case, it is best practice to add a visible and explicit reference to the creation, in order to limit the risk of misleading the audience, particularly in the event of re-use".

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While the CDJM takes note of the fact that the editorial team at Jeuxvideo.com, alerted by its e-mail of 4 March 2025, added a notice stating "Image generated by AI", it points out that publishing a fake is a major breach of professional ethics. The CDJM points out that, in its opinion, it is not enough to add, in a caption or commentary, that the photo published is an artificially created image or to mention, in the credit, the tool used to produce it as this information may, in reality, escape a large proportion of readers or viewers. In the CDJM's view, respect for accuracy should lead editorial staff to give priority to what is real, in this case the work of photojournalists, and not to use AI tools to generate images, sounds or videos whose realism could mislead the audience or leave it in a state of ambiguity.

In this case, the CDJM considers that the ethical obligation of accuracy and veracity has not been respected by Jeuxvideo.com. *On the other hand,* it considers that showing someone in a state of anger, even after their death, does not *a priori* constitute an affront to dignity.

CDJM, avis n° 25-024, adopté le 8 juillet 2025

https://cdjm.org/avis-25-024/

CDJM, Opinion No. 25-024, adopted on 8 July 2025

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UNITED KINGDOM

[GB] Ofcom calls for urgent action to secure and sustain UK public service media

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The UK's public service broadcasters (PSBs) – the BBC, ITV, STV, Channels 4 and 5, and S4C – remain central to public service media (PSM). Yet Ofcom, the UK's communications regulator, warns that their survival, and with it a cornerstone of UK culture, is threatened by mounting financial pressures, technological change, and global competition.

Ofcom's July 2025 review presents stakeholder proposals, weighing their benefits and practical implications, building on its statutory five-year assessment under section 264 of the Communications Act 2003. In December 2024, Ofcom concluded that, taken together, the PSBs had fulfilled the public service broadcasting purposes for 2019–2023 (delivering programming that informs, educates, entertains, and reflects UK society) but that growing challenges threaten the long-term sustainability of the PSM model. The new paper looks ahead, examining what must change.

Key challenges faced by PSM in the UK

In a media ecosystem increasingly dominated by global players and platform algorithms, Ofcom has raised a number of challenges faced by the UK's PSM.

First, the UK audiovisual sector is undergoing profound change. Global content platforms like Netflix, fuelled by advanced personalisation technology, dominate attention spans and advertising revenue. Younger audiences, in particular, gravitate toward user-generated and bite-sized content, typically consumed on video-sharing platforms (VSPs). Moreover, linear television is in retreat: less than half of in-home viewing now occurs on traditional channels. PSBs increasingly use third-party platforms like YouTube to distribute content, but these platforms' opaque algorithms tend to weaken the reach and consequently the impact of PSBs (especially among young audiences).

Second, recent legislative updates alone appear insufficient to secure the future of PSM. The 2024 Media Act introduces a broader public service remit and public service requirements, enabling PSBs to fulfil their obligations not only via linear channels but across their full portfolio, including video-on-demand (VOD) and digital services. Although this evolution provides flexibility, Ofcom concludes that it will not, on its own, address the deeper structural challenges confronting PSM. The pace of change necessitates a broader strategy that addresses systemic vulnerabilities and spurs PSBs, platforms, regulators, and government into coordinated action.

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A third challenge concerns financial strains as licence fees and advertising revenues have dropped over 25% since 2016. Diversification into digital and premium content has yet to offset these losses, while the cost of serving multiple platforms, rising production expenses, and competition from global giants add pressure. The impact extends across the UK creative sector, which relies on PSB commissions for independent production and regional talent. Meanwhile, universal service obligations require continued investment in Digital Terrestrial Television (DTT), now shifting from asset to liability as audiences increasingly move online.

Finally, maintaining visibility in a saturated market remains challenging. As audiences shift online, PSBs compete with global streamers and vast content on video platforms, where Ofcom notes their share is minimal. This threatens key genres like news, children's and educational programming, all of which are central to civic engagement and cultural cohesion. With nearly half of adults relying on social media for news, amid low trust and high misinformation, Ofcom warns that PSM content must remain accessible and prominent.

Recommendations for securing the future of PSM

To address these interlocking challenges, Ofcom identifies six pillars of reform that require immediate attention and action.

First, ensure the prominence of PSB content online: PSBs must adapt strategies to audience behaviours, including innovating for platforms like YouTube. Ofcom urges cooperation with platform operators to secure visibility on fair terms, while noting that government legislation may be needed. Ofcom also calls for an exploration of prominence rules for news on social media and VSPs, despite the complexities of implementation.

Second, secure sustainable funding which is crucial to maintaining content with public value but lacks commercial viability such as local news and children's programming. Potential policy tools include levies, tax credits, and AI copyright reforms. Ofcom highlights the importance of fair returns for creators whose content or data is used by Generative AI (GenAI) models and search engines.

Third, clarify the future of DTT: universal availability remains a statutory requirement, but the value of DTT is diminishing as audiences migrate online. Ofcom calls for a government decision by 2026 to enable an orderly transition toward hybrid distribution; freeing funds from costly DTT transmission to multi-platform delivery could help PSBs better engage digital audiences.

Fourth, encourage broadcaster collaborations: to compete with global platforms and boost reach, UK broadcasters must increase their scale through deeper partnerships and technology sharing. Ofcom supports a regulatory approach for mergers and alliances that prioritises long-term sustainability.

Fifth, invest in media and digital literacy: as the information ecosystem becomes more fragmented and influenced by AI and algorithms, improving media literacy is central to civic participation. PSBs, particularly the BBC, are encouraged to

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support public understanding of how to critically assess news and content. Online platforms must also design their services with media literacy in mind. Ofcom will issue new recommendations under the Online Safety Act later this year.

Finally, modernise regulation to match today's digital-first environment, moving beyond frameworks rooted in linear broadcasting. Ofcom is implementing reforms under the 2024 Media Act that allow PSBs more flexibility to meet obligations across online and broadcast platforms. By late 2025, the regulator will also issue a broad call for evidence to guide future rules for television and radio in the digital era.

Transmission critical: the future of Public Service Media

https://www.ofcom.org.uk/tv-radio-and-on-demand/public-service-broadcasting/public-service-media-review

Review of Public Service Media (2019 – 23): challenges and opportunities for Public Service Media

https://www.ofcom.org.uk/siteassets/resources/documents/tv-radio-and-on-demand/broadcast-guidance/psb/2024/review-of-public-service-media-2019-2023.pdf?v=389567

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[GB] The Data (Use and Access) Act receives Royal Assent

Julian Wilkins
Wordley Partnership

The Data (Use and Access) Act ("the Act") received Royal Assent in the United Kingdom Parliament on 19 June 2025. The Data (Use and Access) Bill was described when introduced to the House of Lords (IRIS 2025-1:1/13).

The provisions of the Act will come into force automatically by virtue of section 142 of the Act. This includes any regulation-making powers in the Act, including those in Part 1 allowing for the future development of smart data schemes. The Data (Use and Access) Act 2025 (Commencement No.1) Regulations 2025 (The Regulations) came into effect on the 21st July 2025. The Regulations will be necessary to enact many of the Act's provisions.

The implementation of the Act will be split over four phases.

The first stage will include the commencement of technical provisions which clarify aspects of the legal framework. The Regulations implement statutory objectives for the Information Commissioner's Office when carrying out its functions, and provisions requiring the government to prepare a progress update or impact assessment and a report on copyright works and artificial intelligence systems.

The second stage, which will come into effect in September or October 2025, will include the commencement of most of the measures on digital verification services in Part 2 of the Act. Also, measures in Part 7 of the Act concerning the retention of information by providers of internet services in connection with the death of a child.

The third stage will take effect in January 2026 and will include the commencement of the main changes to data protection legislation as provided in Part 5 of the Act, and the provisions on information standards for health and adult social care in England as set out in Part 7 of the Act.

Finally, the fourth stage, which will come into force more than 6 months after Royal Assent, will include the commencement of provisions that require a longer lead-in time. Examples include measures on the National Underground Register in Part 3 of the Act, and the electronic system of registering births and deaths in Part 4, which rely on appropriate technology being in place. Changes to the Information Commissioner's Office (ICO) governance structures in Part 6 of the Act will take place once members of the Information Commission's new Board have been appointed. This is expected in early 2026.

The Data (Use and Access) Act 2025

https://www.legislation.gov.uk/ukpga/2025/18/contents

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The Data (Use and Access) Act 2025 (Commencement No.1) Regulations

https://www.legislation.gov.uk/uksi/2025/904/made

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GEORGIA

[GE] New Amendments to Law on broadcasting enter into force

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Amendments to the 2005 Law of Georgia “On Broadcasting” were adopted by the Parliament of Georgia on 12 June 2025, and entered into force on 13 June 2025.

The Law provides stricter accountability requirements for “media service and video sharing service providers” and “media service and video sharing service platforms” to the national media regulator, the Communications Commission (ComCom).

It rephrases para 9 of Article 70 (last amended on 22 December 2022 by Law No 2482-Xრს-Xმპ) by stipulating that the media shall also provide, if requested by the ComCom, “confidential information (bank secrecy)”.

An additional paragraph to the law (Article 70, para 9-1) now provides that in case of failure of the media service and video sharing platform service provider to submit to the ComCom confidential banking information, or in case of incomplete submittal, the ComCom shall be authorised to request that information directly from the commercial bank and/or microbank in accordance with the procedure established by the Administrative Procedure Code of Georgia.

Para 8 of Article 8 (introduced on 30 June 2023 by Law No 3448-XIმს-Xმპ) is amended to say that litigation in connection with the ComCom’s sanctions on “media service and video sharing service providers” and “media service and video sharing service platforms” may suspend their enforcement only if the decision concerns the suspension/cancellation of a broadcaster’s licence (authorization to broadcast). Any other sanctions, such as monetary fines shall now take effect immediately.

„მაუწყებლობის შესახებ“ საქართველოს კანონში ცვლილების შეტანის თაობაზე, 12 June 2025, No. 667-IIმს-XIმპ

https://matsne.gov.ge/ka/document/view/6524765?publication=0

Law of Georgia “On Amendments to the Law of Georgia on Broadcasting”, 12 June 2025, No. 667-IIმს-XIმპ

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ITALY

[IT] AGCOM Adopts New Measures to Strengthen Press Coverage Rights in Audiovisual Sports Events

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Following a public consultation through a dedicated technical working group involving sports leagues, the National Federation of the Italian Press, the Italian Sports Press Union, the National Order of Journalists, the Usigrai journalists' union, and leading associations representing the national and local broadcasting and print media sectors, Italy's Communications Authority (AGCOM) has approved new provisions governing the exercise of press coverage rights in relation to so-called "related images" from Serie A and Serie B football matches and Lega A basketball games.

In its resolution, AGCOM provided a non-exhaustive list of "related images" – content potentially excluded from live broadcasts – that competition organizers are obliged to make available to accredited journalists upon request (see IRIS 2012-2:1/27).

The resolution– effective from the 2025/2026 sports season – establishes both the categories of footage that must be made available to accredited media operators and the procedures for requesting them. Specifically, within one hour of the conclusion of a match, organizers must provide access to images depicting:

- protests by registered players and officials, including protests over incidents not directly related to the match;

- crowd disturbances in the stands;

- discriminatory content or content offending public order;

- controversial on-field incidents;

- pitch invasions.

This regulatory framework is being introduced on an experimental basis. To ensure its application remains consistent with its guiding principles, AGCOM has decided that the technical working group that developed the measure will remain active throughout the trial period, enabling ongoing assessment and potential fine-tuning.

The measure's primary objective is to safeguard equitable and transparent access to newsworthy material from sporting events of public interest – even when such events fall outside the strictly competitive context or are not captured during live coverage.

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Conversely, the resolution clarifies that certain sensitive content – such as images of racial, gender-based, religious, or political discrimination; offensive banners; violent acts; public-order breaches; on-field protests; and contentious on-field incidents involving fouls, violent conduct, or serious injuries – may be withheld from live transmission, though still subject to post-event availability for legitimate journalistic use.

With this initiative, AGCOM seeks to reinforce the constitutional principles underpinning the right to information, while balancing them against the integrity of live broadcasts and the need to prevent the dissemination of harmful or unlawful content in real time.

Delibera 173/25/CONS "Modalità applicative dell'esercizio del diritto di cronaca con particolare riferimento alla produzione, distribuzione e trasmissione delle immagini correlate ai sensi dell'articolo 2 lettera M) del decreto legislativo 9/2008 e dell'art. 3 del Regolamento allegato alla Delibera N. 405/09/CONS"

https://www.agcom.it/provvedimenti/delibera-173-25-cons#allegati

Resolution 173/25/CONS "Methods of application of the right to report news, with particular reference to the production, distribution and transmission of related images pursuant to Article 2(M) of Legislative Decree 9/2008 and Article 3 of the Regulations attached to Resolution No. 405/09/CONS"

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[IT] AGCOM Approves Guidelines and Code of Conduct for Influencers

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AGCOM – Italy's Communications Authority and designated Digital Services Coordinator – has formally adopted its Guidelines and Code of Conduct for Influencers. Given the relevance and innovative scope of the matter, AGCOM established a dedicated multi-stakeholder working group, involving representatives of the industry and institutional actors, to develop a shared framework. The draft text was subsequently submitted to a public consultation process at the end of 2024 (see IRIS 2025-1:1/18 and 2024-2:1/26).

The final Guidelines revise the initial version adopted in 2024, integrating market feedback and early findings from implementation in practice. Their primary aim is to ensure influencers' compliance with the Italian Consolidated Law on Audiovisual Media Services (TUSMA)—which transposes the EU Audiovisual Media Services Directive (AVMSD).

Specifically, the provisions directly applicable to influencers—and to the content they disseminate regardless of format or medium—cover:

- general principles of information and accuracy;

- compliance with copyright law;

- protection of fundamental rights, human dignity, and minors;

- safeguarding of sports values;

- rules on commercial communications, including teleshopping, sponsorship, and product placement;

- prohibition of surreptitious advertising.

These rules also incorporate the Digital Chart Regulation of the Italian Advertising Standards Authority, which ensures the recognizability of commercial communication online.

Accordingly, influencers must refrain from disseminating content that incites or glorifies criminal conduct, violates human dignity, endangers minors, or contains expressions promoting, legitimizing, or trivializing violence, hatred, or discrimination against individuals or groups on grounds listed in Article 21 of the EU Charter of Fundamental Rights—with particular attention paid to minorities and vulnerable communities.

AGCOM justified this regulatory extension on the basis that influencers are now de facto professional content creators who, under their editorial responsibility, produce and disseminate audiovisual material aimed at informing, entertaining,

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and educating large audiences on video-sharing platforms and social networks.

For the initial phase, AGCOM focused on provisions immediately applicable to relevant influencers, while avoiding unnecessary burdens. The technical working group will continue to operate, with the mandate to refine the criteria for identifying professional influencers, develop sector-specific standards, and promote best practices while discouraging potentially harmful conduct.

The second key measure concerns the Code of Conduct for Influencers, developed with contributions from industry representatives, brands, and influencer marketing intermediaries. Its purpose is to set out principles of transparency, recognizability, and accountability. The Code applies to professional actors whose services constitute an economic activity under Articles 56 and 57 TFEU, and who maintain a stable and substantial link with the Italian economy.

In this first implementation stage, the Code specifically targets relevant influencers, defined as those with either:

- at least 500,000 followers, or

- an average of one million monthly views on at least one social media or video-sharing platform.

These influencers will be included in a public register published on AGCOM's institutional website. They must be easily identifiable and comply with strict rules governing commercial communications, fundamental rights, the protection of minors, and intellectual property rights.

Compliance will be monitored through a dedicated supervisory mechanism. In the event of infringements, AGCOM will impose administrative fines to ensure effective enforcement of the framework.

Delibera 197/25/CONS "Modifiche alle linee guida di cui alla delibera n. 7/24/CONS e approvazione del codice di condotta rivolto agli influencer"

https://www.agcom.it/provvedimenti/delibera-197-25-cons

Resolution 197/25/CONS "Amendments to the guidelines referred to in Resolution No. 7/24/CONS and approval of the code of conduct for influencers"

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[IT] AGCOM amends the Regulation on the protection of copyright on electronic communications networks

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On 30 July 2025, following the conclusion of a public consultation, the Italian Communications Authority (AGCOM) approved amendments to its Regulation on the protection of copyright on electronic communications networks (the Regulation).

These amendments aim to strengthen the fight against illegal distribution of copyright-protected content online and align the Regulation with recent regulatory changes, including the EU Digital Services Act (DSA), Italian Law No. 93 of 2023 (Italian Antipiracy Law), and the Italian Audiovisual Media Services Code.

As a result, AGCOM was granted extensive new powers over service providers, as defined by the DSA.

Under the amended regulation, AGCOM may now order hosting providers established in other EU member states, whose websites are hosted on servers located outside Italy, to remove copyright-infringing or related rights-infringing content and implement measures to prevent further uploading, in accordance with DSA procedures. Additionally, when any such infringing content is hosted on servers outside Italy, AGCOM may order mere conduit providers and other service providers, as defined by the Italian Antipiracy Law, to disable access to the relevant website through sufficiently effective measures.

In any case, the most significant change concerns the extension of AGCOM's dynamic injunction powers. Under new Article 10, rights holders may request AGCOM to issue, on an expedited basis, dynamic injunctions (orders to block future domain names or IP addresses hosting infringing material upon notice) for audiovisual content transmitted live, first screenings of cinematographic and audiovisual works or entertainment programmes, audiovisual works featuring live sports events, or other similar intellectual works, sporting events, and events of social or great public interest.

AGCOM may issue the dynamic injunctions through Piracy Shield, the Italian technological platform designed to combat online piracy. When injunctions are issued through this platform, mere conduit providers and other service providers, as defined by the Italian Antipiracy Law must disable access to reported domain names and IP addresses within 30 minutes of notification by blocking Domain Name System (DNS) resolution of domain names and blocking network traffic routing to IP addresses primarily used for illegal activities. If the recipients of the notice are not involved in the accessibility of the illegal website or services, they will be required to take, no later than 30 minutes after notification of the disabling measure, all technical measures to prevent the visibility of illegal content. The

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Regulation also includes automatic redirection to informational pages and provides for appeal procedures within 10 days, though appeals do not suspend enforcement.

In addition to disabling content, providers must also provide information about compliance with AGCOM orders under DSA requirements, with specific sanctions for non-compliance with reporting obligations.

In any case, rights holders reporting through Piracy Shield must exercise “utmost diligence and rigour” and avoid reporting resources with high overblocking risk. AGCOM may suspend platform accreditation for non-compliance with platform requirements and conditions. The Regulation also provides mechanisms for resource reactivation after six months and allows authorised subjects to request the unblocking of resources no longer used for illegal activities.

Delibera 680/13/CONS “Regolamento in materia di tutela del diritto d'autore sulle reti di comunicazione elettronica e procedure attuative ai sensi del decreto legislativo 9 aprile 2003, n. 70”

https://www.agcom.it/provvedimenti/delibera-680-13-cons

AGCOM Resolution No. 680/13/CONS laying down the “Regulation on the Protection of Copyright on Electronic Communications Networks and Procedures for the Implementation thereof pursuant to Legislative Decree No. 70 of 9 April 2003”

Allegato A, Delibera 680/13/CONS “Regolamento in materia di tutela del diritto d'autore sulle reti di comunicazione elettronica”

https://www.agcom.it/sites/default/files/migration/attachment/Allegato%2012-12-2013.pdf

Annex A to AGCOM Resolution No. 680/13/CONS laying down the “Regulation on the Protection of Copyright on Electronic Communications Networks”

Delibera 209/25/CONS “Modifiche al regolamento in materia di tutela del diritto d’autore sulle reti di comunicazione elettronica e procedure attuative ai sensi del decreto legislativo 9 aprile 2003, n. 70 di cui alla delibera N. 680/13/CONS”

https://www.agcom.it/provvedimenti/delibera-209-25-cons

AGCOM Resolution No. 209/25/CONS laying down the “Amendments to the Regulation on the Protection of Copyright on Electronic Communications Networks and Procedures for the Implementation thereof pursuant to Legislative Decree No. 70 of 9 April 2003, as set forth in Resolution No. 680/13/CONS”

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Allegato B, Delibera 209/25/CONS "Il testo coordinato del regolamento in materia di tutela del diritto d'autore sulle reti di comunicazione elettronica e procedure attuative ai sensi del decreto legislativo 9 aprile 2003, n. 70 di cui alla delibera N. 680/13/CONS"

https://www.agcom.it/sites/default/files/media/allegato/2025/DeliberaCLEAN.pdf

Annex B to AGCOM Resolution No. 209/25/CONS laying down "The Coordinated Version of the Regulation on the Protection of Copyright on Electronic Communications Networks and Procedures for the Implementation thereof pursuant to Legislative Decree No. 70 of April 9, 2003, as set forth in Resolution No. 680/13/CONS"

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UKRAINE

[UA] Policy on the national memory adopted

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On 21 August 2025, President Volodymyr Zelensky signed the Law on the Principles of State Policy on the National Memory of the Ukrainian People, which had earlier been adopted by the *Verkhovna Rada* (Parliament). The law entered into force on 30 August.

The document concerns Ukraine's information policy. One of the directions of the policy is to popularise the history of Ukraine, including promoting the creation of informational products to restore and preserve national memory (Art. 7, para 1).

One of the international aspects of the policy is an obligation of the State to organise informational and other events that popularise worldwide the role of the Ukrainian people in the fight against totalitarianism and defence of human rights and freedoms (Art. 22 para 4).

The document introduces several new legal concepts (Art. 1). In particular, it officially denotes the armed conflict that started on 19 February 2014 as the "War for the Independence of Ukraine". The law now also refers to "Ruscism" (Russia + fascism) defined as "a type of totalitarian ideology and practices that underlie the Russian Nazi totalitarian regime, established in the aggressor state, and are based on the traditions of Russian chauvinism and imperialism, the practices of communist and national socialist (Nazi) totalitarian regimes".

Another new legal notion is that of "historical anti-Ukrainian propaganda" – "dissemination of knowingly false information about the history of Ukraine for the purpose of publicly glorifying or justifying imperialism and totalitarianism, responsible political regimes, for a public denial of crimes against the Ukrainian people, influencing public opinion in Ukraine or in other states to deny the subjectivity of Ukraine and the constitutional rights of the Ukrainian people".

The law stipulates the relevant role of *Derzhkomteleradio* (State Committee on Television and Radio of Ukraine), the national executive body in charge of implementation of the national policy in the sphere of media and information. In particular, it shall implement measures to prevent internal and foreign cultural and informational interference that undermines the principles of national information security or impedes the implementation of the national memory policy (Art. 15, para 5).

The Law defines the Ukrainian National Remembrance Institute "as a central executive body with special status", which ensures its proper funding and effective operation. The National Remembrance Institute will, in particular, provide interpretative statements on this and earlier laws of Ukraine, such as the

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Law “on the ban on the propaganda of the Russian Nazi totalitarian regime, of the armed aggression of the Russian Federation as a terrorist state against Ukraine, of the symbols of the military invasion of the Russian Nazi totalitarian regime in Ukraine”, and the Law “on condemnation of the Communist and Nazi totalitarian regimes in Ukraine and banning of propaganda of their symbols”. The opinions it formulates are binding for all public authorities (Art. 14, para 1).

Про засади державної політики національної пам'яті Українського народу, 30 August 2025, No. 4579-IX

https://zakon.rada.gov.ua/laws/show/4579-20#Text

Law of Ukraine “On the principles of the state policy on the national memory of the Ukrainian people”

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