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EDITORIAL

"Have you met Miss Norwood?" sounds like the title of a song by Rodgers and Hart, doesn't it? But the answer to that question can only be answered by a negative. Miss Norwood, or Tilly Norwood to be precise, is not a real person with whom you can shake hands, but just an AI-generated "actor". Is it the beginning of the end for serious thespians? Probably not, particularly in light of miss Norwood's "acting" skills. Nevertheless, this lovely AI-generated creature has caused a considerable stir in Hollywood and beyond.

Miss Norwood is just one of the most recent examples of AI's potential for disruption, but there are other examples closer to home. In Italy, the data protection authority has recently blocked ClothOff, a generative AI that creates false naked representations of real people, leading to the creation of sexually explicit content without the consent of those depicted. Access to such content also raises personality rights issues (same as Miss Norwood, by the way) but has also to be analysed in the wider context of the protection of minors online, which is a hotly debated topic nowadays. As an important example of this, the Luxembourgish media regulator has, for the first time, imposed a fine on the providers of an adult platform, for failing to implement adequate age verification measures in certain countries.

Meanwhile, influencers, while (still) mostly not AI-generated, remain at the heart of regulatory developments. The Spanish self-regulatory organisation Autocontrol has published a new code of conduct for influencers, while in central Europe, Slovenia’s new media law now sets out rules for content creators.

Last but not least, a Dutch court ordered Meta to give users the choice to view their feeds chronologically by default, reflecting a growing demand for transparency and user control in algorithmic environments.

Now, as regard Miss Norwood and the like, I'd rather keep on meeting Miss Streep and other great real-life actors, and I am sure you feel the same way!

Enjoy the read!

Maja Cappello, Editor

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INTERNATIONAL

COUNCIL OF EUROPE

COE: EUROPEAN COURT OF HUMAN RIGHTS

European Court of Human Rights: Violation of Big Tech's free speech rights by Russia

Tarlach McGonagle
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The European Court of Human Rights' judgment in the case, *Google LLC and Others v. Russia*, is the latest contribution to an emerging theme in its case-law: the right of online platforms to freedom of expression. In its judgment, delivered on 8 July 2025, the Court (Third Section) held that Russia had violated Google's rights under Article 10 of the European Convention on Human Rights (ECHR) due to penalisations by the Russian courts for allowing the dissemination of certain content via its platforms and for refusing to allow the dissemination of other content.

Background and facts

In December 2020, Russia introduced new administrative offences which gave the telecommunications regulator, *Roskomnadzor*, wide powers to impose heavy fines on online platforms for failure to comply with "notifications on restricting access to the information resource", i.e. take-down requests (TDRs). *Roskomnadzor* subsequently served numerous TDRs on Google, in respect of various types of political content on YouTube. Google complied with some TDRs, but refused to block, for example, Mr. Aleksey Navalnyy's YouTube channel and reporting on Russia's invasion of Ukraine by independent news outlets. Very high fines based on opaque calculations were imposed on Google for non-compliance. Google's appeals against the decisions and fines were all rejected.

Tsargrad is a Russian media group owned by a Russian businessman who was sanctioned by the EU, the US and Canada for his material support to Russian-backed separatists in Eastern Ukraine. In response to those sanctions, Google suspended Tsargrad TV's YouTube and Gmail accounts. Tsargrad challenged this decision before the courts, which ordered Google to restore the accounts and content, under pain of a daily fine, which would double every week until the order was complied with. Google refused to comply with the order, leading to rapidly escalating fines. In March 2022, a court bailiff seized Google Russia's corporate bank account to access funds to secure enforcement of Tsargrad's claims. The courts also found Google liable for non-compliance with the court order. Appeals against the decision were dismissed. The success of Tsargrad's claims prompted more than 20 repeat or "copycat" claims. Google Russia ultimately filed for

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bankruptcy in June 2022. Google Russia calculated that by September 2022, the accrued amount of penalties was over 16 trillion US dollars.

Preliminary issues

The Court first dispensed with some preliminary issues arising from the cessation of Russia's membership of the Council of Europe: cessation of membership does not release a state from its duty to cooperate with the ECHR bodies and the Court has jurisdiction to rule in the case as the alleged interference with the applicants' right to freedom of expression took place prior to 16 September 2022 (the date on which Russia ceased to be a party to the ECHR).

Substantive issues

Within the above set of facts, the Court discerned two main focuses: (i) the penalisation of Google for the content that it refused to remove and (ii) for the accounts of Tsargrad TV which it refused to reinstate.

First complaint: non-compliance with TDRs

The Court reaffirmed its earlier case-law recognising the contemporary importance of the Internet for freedom of expression, due to its capacity for storing and communicating vast amounts of information and its key role in enhancing access to news and in facilitating the dissemination of information generally. It recalled that platforms and their end users enjoy the right to freedom of expression and that YouTube can be seen as a "unique platform", due to its characteristics, accessibility and potential impact in enabling users' freedom of expression. As such, the Court considers that any measure compelling a platform operator to restrict certain content under threat of penalty amounts to an interference with the platform operator's right to freedom of expression.

Whereas the domestic courts in Russia seemed to consider national security, territorial integrity and public safety as the ostensible aims of the legislation under which the applicant company was penalised, the Strasbourg Court stressed that measures limiting the right to freedom of expression in pursuance of those legitimate aims must be applied with restraint and restrictively and only when necessary in a democratic society. The impugned measures applied to a broad range of content on YouTube (political expression, including criticism of the government; reporting on Russia's invasion of Ukraine by independent news outlets; and content supporting LGBTQ rights) in an indiscriminate way. The Court found it a tenuous argument that such content could genuinely threaten the ostensible public interests at issue. It noted that the domestic authorities did not even attempt to demonstrate how such content did – or could – harm the same interests.

All in all, the Court was not satisfied that the interference genuinely pursued any legitimate aims, but it nevertheless proceeded to examine whether the interference was necessary in a democratic society.

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The content that was subject to the TDRs included expressions of support for an imprisoned opposition figure (Mr. Navalnyy); calls for peaceful demonstrations; information on Russia's invasion of, and military attacks on, Ukraine. These are all "undoubtedly" matters of "significant public interest, particularly in the context of an armed conflict with profound implications for European and global security". Public debate on such matters is crucial in a democratic society and any restrictions on such debate must be subject to the Court's closest scrutiny.

None of the content amounted to hate speech or incitement to violence or discrimination against any group. The "sole basis" for requiring its removal was its capacity to inform public debate on matters which the authorities wished to suppress. The domestic courts did not make an assessment of the actual impact or reach of the impugned content, nor did they evaluate the (likely) harm caused. Instead, the national courts "proceeded on the presumption that any divergence from official narratives" – decreed by the national authorities – "inherently threatened national interests", without any substantiation.

The Court returned to the significance of the forum-providing role of YouTube, where "users can share diverse viewpoints on matters of public interest, including those that may not find expression in traditional media". It noted that when I nternet intermediaries manage content available on their platforms or play a curatorial or editorial role, including through the use of algorithms, their important function in facilitating and shaping public debate engenders duties of care and due diligence, which may also increase in proportion to the reach of the relevant expressive activity .

The Court found that penalising Google for hosting content that is critical of government policies or presenting alternative perspectives on the invasion of Ukraine – topics falling within the wide limits of permissible criticism of governments – "strikes at the very heart of the Internet's function as a means for the free exchange of ideas and information".

The heavy nature and large scale of the penalties were moreover liable to have a chilling effect on Google's willingness to host content that is critical of governmental policies, prompting fears of private censorship of content that does not favour the government.

The above factors led the Court to conclude that there had been a violation of Article 10 in respect of this complaint.

Second complaint: non-restoration of Tsargrad TV's YouTube and Gmail accounts

As to the second complaint: the Court recalled that the right to freedom of expression, as guaranteed by Article 10 ECHR, may also encompass a negative aspect, namely a right not to be compelled to express oneself. The holistic protection of freedom of expression comprises a right to express one's views and a right to remain silent. In the specifics of the present case, the Court found that the judicial decisions compelling YouTube to host specific content (thereby

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overriding its decision not to host Tsargrad TV's content), "backed by financial penalties, directly impacted Google LLC's right to determine what content it was prepared to host on its platform". Such a right falls under Article 10, notwithstanding that it is exercised in a commercial context.

The Court had "serious doubts" as to whether the "prescribed by law" criterion was met in the present case, but it proceeded to an assessment of the "necessary in a democratic society" criterion nevertheless.

The Court pointed to "certain objective inconsistencies" in the Russian authorities' approach to "the alleged protection of the right to freedom of expression"; "while purporting to defend freedom to receive information in Tsargrad's case, the Russian authorities were simultaneously demanding that the applicant companies remove content critical of government policies". The Court found that these inconsistencies cast doubt on whether there was a "genuine" pressing social need.

The Court was very critical of the "grossly disproportionate" penalties, describing them as "astronomical sums", bearing no relationship to any harm suffered by Tsargrad TV. It was also critical of how the penalties served as a model for copycat claims. The Court also alluded to "the bad faith in the enforcement proceedings". For all these reasons, the Court found a violation of Article 10.

The Court also found a breach of Article 6 – right to a fair trial – due to the Russian authorities' failure to provide adequate reasoning in the courts' decisions.

Concurring Opinion

Judge Pavli penned a Concurring Opinion, focusing on the rights and responsibilities of major online platform operators, and the need for the Court to further elaborate on the nature of their rights, duties and responsibilities under Article 10. Judge Pavli also focused on the possible future direction of the Court's "right of forum" doctrine. He asked whether the next steps of doctrinal development could lead to the recognition of a right to a forum and procedural safeguards for users. Amongst other points and reflections, Judge Pavli stated that for him, the interference with Google's right to freedom of expression had much to do with the failure of the domestic courts to engage in a meaningful assessment of the applicant companies' Article 10 rights and their failure to provide relevant and sufficient reasons in that respect. This was more persuasive, in his view, than the "certain objective inconsistencies in the authorities' approach to the alleged protection of freedom of expression", that held so much sway for the majority.

Google LLC and others v. Russia, no. 37027/22, 8 July 2025 ECLI:CE:ECHR:2025:0708JUD003702722

https://hudoc.echr.coe.int/eng?i=001-243982

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COE: PARLIAMENTARY ASSEMBLY

PACE: Opinion on Draft Council of Europe Convention on the Co-Production of Audiovisual Works in the Form of Series

Amélie Lacourt
European Audiovisual Observatory

On 2 October 2025, the Parliamentary Assembly of the Council of Europe (PACE) adopted an Opinion on the Draft Council of Europe Convention on the Co-Production of Audiovisual Works in the Form of Series.

PACE welcomed the finalisation of the draft Convention and commended its ambition to promote cross-border collaboration and cultural diversity, but considered that some issues required further consideration to enable the greatest number of member States to ratify the convention with confidence in its benefits, free from the fear of unintended consequences for their local ecosystems.

The Assembly recommended deleting Appendix III, which defines the independence criteria in the absence of national legislation, as these criteria could be considered as a "de facto supranational standard", and called for each signatory to adopt its own definition of "independent producer" before the convention entered into force in their countries.

Furthermore, the opinion urged the Committee of Ministers to carry out a market analysis and an impact assessment with full stakeholder participation before adopting the convention, and recommended removing or redrafting provisions on producer definitions, copyright, data sharing and licensing periods.

Draft Council of Europe convention on the Co-Production of Audiovisual Works in the Form of Series, PACE Opinion 309 (2025)

https://pace.coe.int/en/files/35695

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COE: PARLIAMENTARY ASSEMBLY

PACE: resolutions on the protection of journalists in Ukraine and Gaza

Amélie Lacourt
European Audiovisual Observatory

On 1 October 2025, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution entitled “Journalists matter: the need to step up efforts to liberate Ukrainian journalists held in captivity by the Russian Federation”.

Since the start of the full-scale war of aggression in February 2022, over 800 crimes against media and media personnel have been documented as committed by the Russian Federation, including the killing of over one hundred media workers. Moreover, at least 26 media professionals and journalists are being unlawfully deprived of their liberty and held as civilian detainees in the Russian Federation and in the temporarily occupied areas of Ukraine (as at1 October 2025).

In its Resolution 2618 (2025), the Parliamentary Assembly urged the liberation of Ukrainian journalists unlawfully detained by the Russian Federation. The Assembly observed that the journalists remaining in Russian captivity face “fabricated criminal charges, violation of basic rights, torture, and even death”, and demanded the “immediate release of all journalists detained in contravention of international law” as “journalists working in areas of armed conflict are civilians and are protected as such under international humanitarian law”. It also called for updated information on detainees’ whereabouts, and unhindered access for the International Committee of the Red Cross and the United Nations to places of detention.

Moreover, the Assembly demanded accountability and reinforced sanctions against Russian officials and detention facility heads responsible for violations. They also encouraged financial support for Ukrainian journalists and media outlets, and stronger international campaigning to highlight their plight.

Furthermore, the Assembly decided to establish an annual commemoration during its autumn session, named “Victory for Victoria” in memory of Ukrainian journalist Victoria Roshchyna, who died in Russian custody. This tribute is for all journalists who risk their lives to defend the right to truth and information.

On 2 October 2025, in a separate resolution adopted during an urgent debate on the humanitarian situation in Gaza, PACE paid particular attention to the protection of journalists. In Resolution 2623 (2025), PACE deplored “the exceptionally high number of journalists killed or injured in Gaza”, noting that journalists and media workers are civilians under international humanitarian law, and calling on all parties “to ensure their protection and the safe, unhindered

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access of all journalists to conflict areas". The Assembly called on Council of Europe member States to continue to exert pressure to grant immediate free and safe access of accredited international journalists and media workers to Gaza and facilitate the evacuation of Palestinian journalists and their families and provide them with psychological and material support for their immediate protection.

Journalists matter: the need to step up efforts to liberate Ukrainian journalists held in captivity by the Russian Federation, PACE Resolution 2618 (2025)

https://pace.coe.int/en/files/35656

Urgent call to put an end to the devastating humanitarian catastrophe and the killing of journalists in Gaza, PACE Resolution 2623 (2025)

https://pace.coe.int/en/files/35688

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EUROPEAN UNION

EU: EUROPEAN COMMISSION

European commission publishes 2025 edition of the European Media Industry Outlook

Eric Munch
European Audiovisual Observatory

On 4 September, the European commission published the 2025 edition of the European Media Industry Outlook. The report explores demand and supply trends in the audiovisual, video games, extended reality and news media sectors with the aim to analyse their potential impact in the EU media markets.

The report notes that even though linear services still holding slightly more than half of the revenues, the EU's audiovisual market faces major shifts in viewing habits as YouTube rivals subscription video on-demand (SVoD) watch time. Non-EU players dominate SVoD, with EU providers only representing 16% of the EU market. EU producers show resilience, achieving global hits and innovating through consolidation and digital transformation, in spite of fierce global competition and rapid AI-driven changes.

The report also touches upon video games, finding that the EU holds only 13% of global video games revenue and limited technological autonomy. Despite fragmentation and funding challenges, Europe boasts creative talent, strong startups, and innovative hubs. Its extended reality sector remains niche but excels in creative, industrial, and immersive applications.

The state of Europe's news media sector is also explored in the report, which concludes that it faces declining revenues, competition from digital platforms, and the impact of AI-generated content. Traditional income streams remain dominant but shrinking, while digital gains are relatively modest. Most outlets now embrace online formats, AI tools, and new revenue models.

It provides a series of assets it considers to be key to allow European media to regain competitiveness. They include placing audiences and users at the core of their strategy, further embracing technological solution, investing to finance technological development, usage and innovation, and better exploitation of intellectual property.

The 2025 European Media Industry Outlook report

https://op.europa.eu/en/publication-detail/-/publication/0104f736-8935-11f0-9af8-01aa75ed71a1/language-en

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NATIONAL

ARMENIA

[AM] CTR sanctions broadcaster for transmitting films without the necessary rights and failing to ensure Armenian-language accessibility

Anna Hovhanisyan
Commission on TV and Radio of Armenia

On 26 September 2025, the Commission on Television and Radio of the Republic of Armenia (CTR) adopted Decision No. 114-A, imposing administrative fines on broadcaster Dzagedzor TV LLC for repeated infringements of the Law of the Republic of Armenia on Audiovisual Media (Audiovisual Media Law). The broadcaster was found to have transmitted foreign films without documents certifying the right (authorisation of the holder of copyright or related rights) to broadcast them and to have failed to accompany foreign-language films with an Armenian translation, as required by the Audiovisual Media Law.

During a monitoring exercise conducted between 28 July and 1 August 2025, the CTR identified that Dzagedzor TV LLC had broadcast eight foreign-language films – Guns Up, The Unholy Trinity, A Complete Unknown, Karate Kid: Legends, M3GAN 2.0, Dangerous Animals, Mikaela, and Neighborhood Watch – without Armenian translation, dubbing or subtitling. The broadcaster also admitted that these films had been transmitted without any documents confirming the right to broadcast them. No further explanations or justifications were submitted during the administrative proceedings.

The CTR found that the broadcaster had violated Article 6(1) and (2) of the Audiovisual Media Law, which requires that audiovisual information be provided in Armenian (except as otherwise permitted by the Audiovisual Media Law) and that foreign-language programmes be accompanied by an appropriate Armenian translation (dubbing, voice-over or subtitles). It also held that the broadcaster had breached Article 10(3) of the Audiovisual Media Law, which permits the transmission of audiovisual programmes not owned by the broadcaster only if there are documents confirming the right to broadcast them.

Referring to the Law on Copyright and Related Rights (Articles 39(1) and 65(1)), the CTR reaffirmed that any use of protected works required prior authorisation from the rights-holder. In view of the evidence and the broadcaster's written acknowledgment, the CTR concluded that Dzagedzor TV LLC had unlawfully transmitted copyright-protected films in a foreign language without an Armenian translation.

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Since the same broadcaster had been warned for similar violations within the previous year, the CTR considered these acts repeated infringements under Articles 56(1) and 57(2), (14) and (31) of the Law on Audiovisual Media. Consequently, it imposed two administrative fines:

- 112 910 Armenian *dram* (AMD) for the repeated violation of Article 10(3); and

- AMD 600 000 for the repeated violation of Article 6(1)–(2).

The CTR emphasised that broadcasters bore editorial responsibility for ensuring compliance with copyright and language requirements and that repeated disregard of statutory obligations would attract progressively stricter sanctions.

ՀՀ հեռուստատեսության և ռադիոյի հանձնաժողովի 2025 թվականի սեպտեմբերի 26-ի թիվ 114-Ա որոշում

https://tvradio.am/wp-content/uploads/2025/09/114-Ա.pdf

Decision No. 114-A of 26 September 2025, Commission on Television and Radio of the Republic of Armenia

https://tvradio.am/wp-content/uploads/2025/09/114-Ա.pdf

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GERMANY

[DE] Commission on Concentration in the Media authorises RTL's takeover of Sky

Christina Meese
Institute of European Media Law

At its meeting on 9 September, the *Kommission zur Ermittlung der Konzentration im Medienbereich* (Commission on Concentration in the Media - KEK) approved, among other things, the acquisition of all shares in Sky Deutschland Fernsehen GmbH & Co. KG (Sky) and NBC Universal Global Networks Deutschland GmbH (NBCU) by RTL Deutschland GmbH (RTL). Although the takeover would give RTL a television audience share of around 23% in Germany and have further concentration-related consequences for related markets such as the video-on-demand, advertising and rights markets, the KEK did not identify any serious concerns with regard to the safeguarding of media pluralism. The *Medienstaatsvertrag* (state media treaty - MStV) only considers there to be a potential risk when audience shares are higher.

The KEK monitors media concentration and ensures pluralism in private television at national level on behalf of the state media authorities. Among other things, it assesses changes in shareholdings in order to determine whether they would give a television broadcaster a dominant influence over public opinion. It does this within the framework of the so-called audience share model. Article 60 MStV stipulates that any television broadcaster may provide any number of television services unless it would thereby gain a dominant influence over public opinion. This is presumed to be the case if (i) a broadcaster and its services have an annual average audience share of 30% or more, (ii) an undertaking has an audience share of at least 25% and also has a dominant position in a media-relevant related market, or (iii) an overall assessment of a broadcaster’s activities in television and media-relevant related markets shows that the influence on public opinion thereby achieved corresponds to that of an undertaking with a television audience share of 30%. The narrow limits that the *Bundesverwaltungsgericht* (Federal Administrative Court) has set for such an overall assessment must be observed.

However, according to the KEK’s assessments, these conditions were not met in the case of RTL’s takeover of Sky and NBCU. Sky is a pay-TV and streaming provider (SVoD) specialising in entertainment and sports content that provides a large number of its own channels and offers these as well as third-party channels via the Sky platforms. NBCU, which is itself wholly owned by Sky, broadcasts the 13th Street, SYFY and Universal TV channels for the German market. RTL is an entertainment company encompassing all media genres. It broadcasts a large number of traditional television channels and is active in the streaming, print, digital, radio and podcast sectors. During the assessment period on which the KEK’s investigation was based, the television channels of the aforementioned

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undertakings achieved a total audience share of 23.2%. Since RTL Television is, for plurality reasons, legally obliged to broadcast regional window programmes as well as provide airtime for independent third parties, a total of 5% must be deducted from its audience share in accordance with the MStV. The remaining audience share of 18.2% does not meet the MStV threshold for media concentration concerns in the television sector. The takeover and bundling of the RTL+, WOW and Sky Stream streaming platforms will make RTL the third-largest SVoD streaming provider in Germany behind Netflix and Amazon Prime Video. The merger between these powerful providers of free TV, pay TV and streaming services will also have an impact on media-relevant markets such as rights acquisition, customer loyalty and television advertising (which in Germany is primarily dominated by the duopoly of the RTL and ProSiebenSat.1 broadcasting groups). According to the case law of the Federal Administrative Court, however, a television audience share below 20% is generally not considered high enough to create a dominant influence over public opinion, even taking into account activities in related media-relevant markets. For this reason, the KEK was unable to include the effects of the merger outside linear television broadcasting in its assessment, since these lie outside the scope of the MStV's current review process (which does not yet take into account the European Media Freedom Act).

With regard to the merger's effects on the internal market, corresponding merger control proceedings are also pending before the European Commission. The Commission will have to examine the competition law implications of the takeover within a broader framework.

Pressemitteilung der KEK

https://www.kek-online.de/presse/pressemitteilungen/aktuelle-entscheidungen-der-kek-25/

KEK press release

https://www.kek-online.de/presse/pressemitteilungen/aktuelle-entscheidungen-der-kek-25/

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[DE] Constitutional complaint against new rbb state treaty rejected

Dr. Jörg Ukrow
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In its decision of 23 July 2025, which was published on 21 August 2025, the First Senate of the *Bundesverfassungsgericht* (Federal Constitutional Court) rejected a constitutional complaint filed by Rundfunk Berlin-Brandenburg (rbb) concerning the reformed *rbb-Staatsvertrag* (rbb state treaty).

The challenged provisions of the treaty concern the regionality and organisation of rbb as a multi-state broadcaster under federal responsibility.

rbb is a public broadcaster jointly established by the federal states of Berlin and Brandenburg. It complained to the Federal Constitutional Court that its freedom of broadcasting under Article 5(1) sentence 2 of the *Grundgesetz* (Basic Law - GG) had been infringed by various provisions of the state treaty establishing rbb, which had been amended in 2023. The aim of the new state treaty was to learn lessons from the failures at rbb that had come to light in 2022 and to counteract structural deficits through an effective compliance system and maximum transparency. It also aimed to strengthen rbb's regional presence through appropriate distribution of resources and locations.

In particular, rbb challenged provisions under which:

1. in addition to the directorate, which was already responsible for managing rbb, a board of directors was appointed as a second management body. This board of directors consisted of the directorate and two directors. Its responsibilities, defined with reference to the overall responsibility of the directorate, included matters of considerable importance and the resolution of disagreements affecting multiple parts of the business. The independent management of the different parts of the business by the directors was described with reference to the overall responsibility of the directorate and the deliberations of the board of directors;

2. rbb was obliged to establish regional studios and regional offices in cities in Brandenburg;

3. rbb was obliged to present each of the two states separately in the state television programming for Berlin and Brandenburg by means of a regional split of total daily airtime lasting at least 60 minutes, and to provide an additional management level for state programming that reported directly to the director of programming.

The *Bundesverfassungsgericht* did not consider these provisions to be an infringement of broadcasting freedom. It held that the legislature was not constitutionally prescribed a specific structural model for organising the management of public broadcasters. Rather, it was granted freedom of organisation as long as the functionality of broadcasting was not jeopardised. The

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organisation of rbb's management, with its overlapping responsibilities, did not jeopardise its ability to function and fulfil its tasks. The distribution of responsibilities between the bodies appointed to manage rbb enabled mutual control that ensured the fulfilment of its tasks. The weakening of a directorate acting alone by reducing its powers, which was criticised by rbb, did not necessarily restrict its ability to function, but initially just resulted in a different decision-making structure. In principle, the broadcasting legislature was free to establish co-operative decision-making processes, which provided the opportunity to balance any opposing points of view, and mutual control. The directorate's right to object to the decisions of the board of directors served to prevent decisions that it considered unacceptable in light of its overall responsibility.

According to the court, the establishment of a limited minimum number of locations for regional organisational units also did not raise any constitutional concerns related to the implementation of broadcasting freedom guarantees. It ensured rbb would have a nationwide presence, promoted regional diversity of programming and was appropriate to rbb's status as a multi-state broadcaster. The production of regional programmes took into account the recipients' resulting special identification and information needs. The protection of media pluralism at regional level was also an objective expressly recognised in Article 11(2) of the EU Charter of Fundamental Rights.

The establishment of an additional management level for the state television channels in Berlin and Brandenburg also did not violate rbb's broadcasting freedom. There was no evidence that this would impede management and thus jeopardise rbb's ability to function, nor that it would result in state influence on employees who organised and designed its programmes.

Finally, the requirement that at least 60 minutes of total daily airtime should comprise separate programmes for each state did not infringe rbb's broadcasting freedom. Although broadcasters' freedom of programming did entitle them to determine the required time and scope of their programmes, the minimum duration stipulated in the state treaty was compatible with freedom of programming as the core of broadcasting freedom. The minimum time that must be devoted to state-specific topics was rather limited in relation to overall airtime, while journalistic freedom of content was maintained. This rule gave rbb ample scope to devote more time to such programmes. State influence was limited to ensuring a minimum quota of regional programmes, which was a basic principle and thus a legitimate legislative concern within the framework of the federal cooperative community of responsibility.

Pressemitteilung des Bundesverfassungsgerichts

https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/DE/2025/bvg25-075.html

Press release of the Federal Constitutional Court

https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/DE/2025/bvg25-075.html

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Beschluss - 1 BvR 2578/24 -

https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2025/07/rs20250723_1bvr257824.html?nn=68080

Decision 1 BvR 2578/24 -

https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2025/07/rs20250723_1bvr257824.html?nn=68080

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[DE]Rhineland-Palatinate state media law amended

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On 11 September 2025, the *Landtag* (state parliament) of Rhineland-Palatinate debated the amendment to the *Landesmediengesetz* (state media law) at first reading. The bill was introduced by the three governing parliamentary groups of the SPD, Alliance 90/The Greens and the FDP as well as the CDU as the opposition group. It aims to comprehensively modernise the state media law, strengthen the diversity of Rhineland-Palatinate's media landscape and promote editorial independence.

Under the bill, press publishers will have greater opportunities to own shares in broadcasting companies, media funding will become the responsibility of the Rhineland-Palatinate media authority and clear guidelines will be created for the use of FM frequencies when they become available. At the same time, minimum standards for diversity of opinion and editorial responsibility are laid down for programmes with particular influence on the formation of public opinion. The amendment also contains new regulations on transparency and advertising labelling, and extends the law's scope of application to digital developments and the use of AI in media production.

The bill also strengthens the position of the Rhineland-Palatinate media authority, not least in the teaching of media literacy skills. The media authority can carry out its own projects and participate in third-party initiatives aimed at promoting the media literacy skills of citizens and offering a wide range of resources to teach them how to use media services competently and critically. To this end, the media authority will not only support open channels, but also, with assistance from the state, local authorities and other partners, establish media participation venues as publicly accessible meeting spaces and educational centres in various municipalities in Rhineland-Palatinate. Under the amendment, the media authority will also promote innovative digital media projects intended for publication in the areas of audio and audiovisual works such as content for broadcast-like telemedia, series, films, videos and games, including debut and newcomer productions. In addition to its supervisory tasks, the media authority will establish and operate a media library that includes content from open channels and other non-commercial organisations, particularly from the areas of local government, sport, culture, education, science and society. This is also intended to contribute to the preservation of Rhineland-Palatinate's audiovisual heritage and audiovisual evidence of its history.

The amendments are expected to come into force on 1 January 2026.

Entwurf eines Landesgesetzes zur Änderung des rheinland-pfälzischen Landesmediengesetzes

https://dokumente.landtag.rlp.de/landtag/drucksachen/12856-18.pdf

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Draft state law amending the Rhineland-Palatinate state media act

https://dokumente.landtag.rlp.de/landtag/drucksachen/12856-18.pdf

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SPAIN

[ES] New code of conduct for influencers by Autocontrol

Diego de la Vega
European Audiovisual Observatory

Autocontrol, the Spanish organisation that promotes self-regulation in the advertising industry, has made certain amendments to the code of conduct on advertising through influencers, which came into force in October 2025. This update is part of the commitment of Law No.13/2022, of 7 July, on Audiovisual Communication (LGCA), to self-regulation and co-regulation codes, and continues a long tradition of self-regulation in the advertising sector in Spain.

Although the Code of Conduct on advertising through influencers follows the lines of the previous 2021 code, which it replaces, Autocontrol has introduced certain new features to adapt the existing text to the new realities of the advertising market. The code has been updated with contributions from the Monitoring Committee for the Protocol for the Promotion of Self-Regulation in Digital Media Advertising, as well as from other institutions that have worked together with Autocontrol to refine the new text as much as possible.

The new text aims to clarify the rules on commercial communications made by influencers and, in particular, to ensure that the public can identify them clearly and adequately. Furthermore, work has been done to strengthen guarantees for users in relation to content created by influencers. To this end, it should be noted that in Spain, the activity of influencers or ‘users of special relevance’ is regulated by Article 94.2 of the LGCA, which considers them to be users who use video-sharing services through a platform, whose service involves an economic activity and is aimed at a significant part of the general public - requirements that are defined in a specific royal decree of 2024. In this regard, Spain is one of the members of the European Union that has decided to expressly legislate on the activity of influencers.

Apart from the legal definition, the self-regulation code offers an approximate definition of what can be understood as an influencer: "a natural or legal person acting on their own behalf or through a virtual entity, a content creator with sufficient influence on digital platforms (such as Facebook, Instagram, TikTok, Twitch, YouTube, or X, among others)". The Code also indicates that influencers may appear under different names such as bloggers, vloggers, YouTubers, Instagrammers, TikTokers and/or streamers.

Based on this definition, the code focuses on regulatory compliance in commercial communications through ethical standards, enforcement rules and recommendations on how to warn users of the presence of advertising content on each social network, updating the list of platforms on which commercial

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communications by influencers take place.

Noteworthy in the update of the code is the reinforcement of the commitment to responsibility of the associated members, as well as the fact that the advertising nature of content may be determined after assessing evidence drawn from the characteristics of the mention or content itself, or from the circumstances in which the advertising content is carried out.

In addition to the code, Autocontrol has also launched the “Basic Training Certificate for Influencers” on advertising regulations, which seeks greater transparency so that advertising content is more easily identifiable. This certificate is part of the European AdEthics Programme developed by the European Advertising Standards Alliance (EASA) and is supported by numerous institutions in the advertising field. In addition, the certificate has a programme of collaborating companies in which various companies and institutions that aim to promote the dissemination of the certificate also participate.

The new code has been in force since 1 October 2025.

Código de Conducta de publicidad a través de influencers

https://www.autocontrol.es/app/uploads/codigo-de-conducta-de-publicidad-a-traves-de-influencers-2025.pdf

Code of Conduct for Advertising through Influencers

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FRANCE

[FR] *Conseil d'Etat* upholds €50 000 fine imposed on CNews for misrepresenting a survey on insecurity in France

Amélie Blocman
Légipresse

The company responsible for the CNews television channel is seeking the annulment of a decision by the *Autorité de régulation de la communication audiovisuelle et numérique* (the French audiovisual regulator – ARCOM). Under the decision, the company was fined €50 000 following a sequence lasting approximately three minutes, broadcast on 26 September 2022 during the programme Face à l'info, relating to the results of an online survey of the world's safest cities carried out by the *Numbéo* website, which publishes summaries based on data supplied solely by its users. The survey was presented in graphical form as a table of the world's safest countries, placing France 27th out of 29, notably behind all the European countries evaluated and Mexico. The presenter of the programme described these results without indicating how they had been obtained or expressing any reservations about the methodology behind them, and deduced that France had been "downgraded" and was "plunging in terms of insecurity". The floor was then given to the speakers in the studio, all of whom deplored the high level of insecurity in France and the upsurge in violent acts, one referring to the alleged fear of many people that their "hands will be cut off", and another to the rape of women by Sudanese migrants. Another speaker felt that "all this" was "the symptom of a general breakdown of insecurity that is becoming a political and social norm". None of them expressed any reservations about the reliability of the survey, with one speaker even pointing out that France's 27th position was found in "countless international rankings" and that this did not reflect a feeling but a reality.

The *Conseil d'État* (Council of State) ruled that, since this survey clearly lacked any probative value, the programme had wrongly presented the resulting rankings as credible, and all the speakers on the programme had referred to France's alleged "downgrading", ARCOM was legally entitled to consider that the broadcaster had breached its obligation of honesty and rigour in the presentation and processing of information and the expression of different points of view on controversial issues within the meaning of Article 2-3-7 of its licence and Article 1 of the decision of the *Conseil Supérieur de l'Audiovisuel* (ARCOM's predecessor as the French audiovisual regulator – CSA) of 18 April 2018 on the honesty and independence of information and programmes. This was despite the fact that certain reservations about the survey had reportedly been expressed in other programmes on the same channel, and that the results of the survey had, at the time of the broadcast, been commented on in the press. In view of these factors, ARCOM was also able to sanction the applicant without disproportionately infringing the freedom of expression protected by Article 10 of the European

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Convention on Human Rights.

Under the terms of Article 42-2 of the Law of 30 September 1986, “The amount of the financial penalty must be commensurate with the seriousness of the breaches committed and the benefits derived from the breach, but may not exceed 3% of the turnover excluding tax generated during the last complete financial year, calculated over a twelve-month period.” Given the nature of the breaches identified by ARCOM, the sensitivity of the subject matter and the fact that the programme in question had been broadcast during prime time, the fine of €50 000, or approximately 0.11% of the channel’s pre-tax turnover, should not be considered excessive.

CE, 21 juillet 2025, n° 492834, Société d'exploitation d'un service d'information (SESI)

http://www.conseil-etat.fr/fr/arianeweb/CE/decision/2025-07-21/492834

Conseil d'Etat, 21 July 2025, no. 492834, Société d'exploitation d'un service d'information (SESI)

http://www.conseil-etat.fr/fr/arianeweb/CE/decision/2025-07-21/492834

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[FR] Online platforms: connection threshold triggering the obligation to temporarily retain illegal content

Amélie Blocman
Légipresse

Decree 2025-768 of 4 August 2025, issued for the application of Article VI of Law No. 2004-575 of 21 June 2004 on confidence in the digital economy, as amended by Article 48 of the "SREN" Law 2024-449 of 21 May 2024, repeals Decree No. 2022-32 of 14 January 2022 on the setting of a connection threshold above which online platform operators must contribute to the fight against the public dissemination of illegal content.

The new decree confirms the number of connections (10 million unique visitors per month from French territory, calculated on the basis of the last calendar year), above which online platform operators must contribute to the fight against the dissemination of hate content. As such, they are subject to specific obligations; designation of a single point of contact; implementation of warning systems; informing the audience of the resources implemented to combat the dissemination of hate content, in particular removal procedures, and obligations to cooperate with the judicial authorities. Compliance with these obligations is monitored by ARCOM, which may issue formal notice to operators who fail to comply with their legal obligations and, if necessary, impose a penalty of up to €20 million or 6% of total annual worldwide turnover for the previous financial year.

Décret 2025-768 du 4 août 2025, JO du 6 août 2025

https://www.legifrance.gouv.fr/download/pdf?id=G4eiXSIMaZyGAvKo6YyX_xD-20XFtDEHKJ4-bzXY1sc=

Decree 2025-768 of 4 August 2025, OJ of 6 August 2025

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[FR] Report of the parliamentary committee of enquiry into the psychological effects of TikTok

Amélie Blocman
Légipresse

A report on the psychological effects of TikTok on minors, written by the National Assembly's committee of enquiry, has been published. In its report, the committee, chaired by Arthur Delaporte with Laure Miller as rapporteur, expresses concern about the harmful effects of the Chinese social network on the mental health of minors, noting that content moderation does not meet the requirements of the DSA.

In the light of these findings, the rapporteurs put forward 43 proposals, including banning under-15s from social networks (excluding messaging services), introducing a digital curfew from 10 p.m. to 8 a.m., making "digital negligence" an offence to supplement Article 227-17 of the Criminal Code in order to punish parents who fail to comply, banning "monetised lives" for minors, and reclassifying virtual gifts as gambling subject to regulation by the French Gaming Authority. The MEPs also suggest increasing the resources of the *Autorité de régulation de la communication audiovisuelle et numérique* (the French audiovisual regulator – ARCOM) so that it can fully assume its role of supervising digital platforms under the DSA.

The report also proposes that the Law of 21 June 2004 on confidence in the digital economy (LCEN) be amended to require hosting service providers to help combat the dissemination of "suicide-related propaganda or advertising" (Article 223-14 of the Criminal Code). TikTok's algorithmic targeting brings young people into contact with themes linked to their psychological vulnerability.

Noting that advertising remains the primary source of revenue for the various platforms, the committee proposes amending the *Code de la santé publique* (public health code) to require health-related information to be included in advertising for online social networking services.

At European level, the report calls for stricter application of the DSA, stiffer penalties (up to 6% of global turnover), transparency in algorithms and a change in the legal status of platforms. Lastly, it recommends introducing an algorithmic pluralism obligation into European Union law, inspired by the principle of media pluralism.

When presenting his conclusions, the committee chairman announced that he had referred the matter to the Paris public prosecutor on the grounds that the lives of TikTok users were in danger.

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Rapport de la commission d'enquête de l'Assemblée nationale sur les effets psychologiques de TikTok sur les mineurs, publié le 11 septembre 2025

https://www.assemblee-nationale.fr/dyn/actualites-accueil-hub/effets-psychologiques-de-tiktok-sur-les-mineurs-presentation-du-rapport-d-enquete

Report by the National Assembly's committee of enquiry into the psychological effects of TikTok on minors, published on 11 September 2025

https://www.assemblee-nationale.fr/dyn/actualites-accueil-hub/effets-psychologiques-de-tiktok-sur-les-mineurs-presentation-du-rapport-d-enquete

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GEORGIA

[GE] National regulator issues warning to broadcasters

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On 9 October 2025, the Communications Commission (ComCom), the national media regulator of Georgia, reported that it had issued a written warning to the television broadcasters Formula and Formula Multimedia for violating the Law on Broadcasting and ordered them to cease receiving funding from a foreign legal entity.

ComCom found that, in the second quarter of 2025, Formula Multimedia LLC had received 1 336 675 Georgian lari (GEL), or about €425 000, from a legal entity registered in Cyprus, Infinity CV Group CY Ltd. In turn, Formula Multimedia had paid GEL 463 000 (€147 000) to the Formula news outlet during the same period, .

In its statement, ComCom reported that, from the statistical reporting forms submitted to it by Formula and Formula Multimedia, it was clear that the sum received by Formula from Formula Multimedia was a loan. The payment received by Formula Multimedia from Infinity CV Group CY Ltd. also represented a loan. The forms also showed that Formula Multimedia had no significant income apart from the funds it received from this foreign legal entity.

On 1 April 2025, the amendments to the Law on Broadcasting entered into force (see IRIS 2025-3:1/7). In particular, they ban broadcasters from receiving direct or indirect funding from foreign entities with the exception of income from commercials (but not social advertising), teleshopping, sponsorship or product placement. Foreign entities are also forbidden from funding the preparation or transmission of broadcasts in Georgia.

Given that the broadcasters received the foreign funding after the amendment had entered into force, the Communications Commission warned Formula and Formula Multimedia in writing and ordered them to cease receiving funding from Infinity CV Group CY Ltd.

Earlier this year, ComCom also found Formula, as well as TV Pirveli, in violation of the Law on Broadcasting. On that occasion also, it did not fine the companies involved. The broadcasters had used terms alleging that the current authorities, various officials and institutions were illegitimate and politically biased, such as “illegitimate parliament,” “a regime”, “so-called chairman of the parliament,” “oligarch's deputy,” “regime's city court,” “regime representative,” etc.

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ComCom-მა „ფორმულა“, „ფორმულა მულტიმედია“ და რადიოები გააფრთხილა და უცხოური ძალისგან დაფინანსების შეწყვეტა დაავალ

https://comcom.ge/ge/yvela-siaxle/comcom-ma-formula-formula-multimedia-da-radioebi-gaafrtxila-da-ucxouri-dzalisgan-dafinansebis-shewyveta-daavala.page

ComCom warns Formula, Formula Multimedia and radio broadcasters, and orders them to cease receiving funding from foreign legal entities

https://comcom.ge/ge/yvela-siaxle/comcom-ma-formula-formula-multimedia-da-radioebi-gaafrtxila-da-ucxouri-dzalisgan-dafinansebis-shewyveta-daavala.page

კოალიცია: მოვუწოდებთ ComCom-ს, იყოს დამოუკიდებელი, თავისუფალი სიტყვის დამცველი

https://formulanews.ge/News/127172

ComCom finds Formula and TV Pirveli in violation of law, but does not fine them

https://formulanews.ge/News/127172

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ITALY

[IT] The Italian Data Protection Authority blocks ClothOff

Laura Liguori & Chiara Ciapparelli
Portolano Cavallo

On 1 October 2025, the Italian *Garante per la Protezione dei Dati Personali (*Data Protection Authority - the Authority) adopted an urgent order against the company AI/Robotics Venture Strategy 3 Ltd., based in the British Virgin Islands, declaring unlawful the processing of personal data that the company carried out through its website ClothOff and immediately limiting the processing of personal data for Italian users.

ClothOff offers a generative AI service that allows users to digitally remove clothing from photos depicting people: users upload images of people and receive their fake nude versions. The service offers various editing options, such as pose changes and face swapping, creating sexually explicit content without consent from those pictured.

The Authority found that this service seriously threatens the fundamental rights and human dignity of data subjects, also violating the EU General Data Protection Regulation (GDPR). It identified three main violations:

First, the company failed to adopt effective measures to prevent minors from using the service or stop users from uploading photos of children.

Second, the company violated the GDPR's principles on lawfulness, fairness and accountability by failing to implement proper technical and organisational measures for collecting and processing personal data, including biometric data of the people shown in the uploaded images.

Third, the watermark meant to show the AI-generated nature of the pictures was found inadequate by the Authority: according to the latter, the word "Fake" has such opacity as to be barely visible, making it easily removable. This violates the GDPR's principles of fairness and accountability. Interestingly, the decision also mentions Recitals 133 and 134 of the EU Artificial Intelligence Act, which refer to Article 50 of the regulation, under which providers of AI systems must indicate that content is AI-generated. However, these provisions of the AI Act are not yet in force and the powers to sanction violations of the AI Act have been provided to the Italian Cybersecurity Agency according to the new Italian AI law. This approach shows the close intersection between the GDPR and the AI Act and the Authority's interest in generative AI-related matters.

In conclusion, the Authority's order sets another precedent in applying the GDPR to high-risk generative AI services, requiring companies to implement safeguards proportional to the risks they create.

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Provvedimento n. 574 del 1° ottobre 2025 del Garante per la Protezione dei Dati Personali [doc. web n. 10174164]

https://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/10174164

Italian Data Protection Authority, Order No. 574 of 1 October 2025 [doc. web n. 10174164]

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LUXEMBOURG

[LU] LiveJasmin service providers fined €20,000

Amélie Lacourt
European Audiovisual Observatory

The decision issued on 7 August 2025 by the Luxembourg Independent Audiovisual Authority (ALIA) follows a self-referral concerning the LiveJasmin video-sharing platform. In the course of its investigation, the ALIA assessed the compliance of the age-verification measures implemented by the providers JWS Americas S.à r.l. and JWS International S.à r.l. with Article 28 *septies* of the amended Law of 27 July 1991 on Electronic Media, transposing article 28 *ter* of the Directive on audiovisual media services.

LiveJasmin offers its users access to sexually explicit content reserved for adults, mainly in the form of live webcam communications. To access this content, users must purchase credits, which are offered in a range of price packages. Although the videos are blurred before payment, some suggestive information remains visible.

Following a dialogue with the providers, ALIA deemed the solutions put in place by the latter to be insufficient: methods based solely on the users' self-declaration, generic messages indicating that access is restricted to adults, systems based exclusively on the use of a bank card, and identification systems based on public information. ALIA recommends the implementation of solutions based on the analysis of official identity documents and/or biometric technologies, such as those provided by Yoti or Incode.

Given the lack of an effective verification solution, the provider points out that there is no consensus, at either international or European level, on a verification method deemed to be "highly effective". However, within two weeks, ALIA requested details of the actual implementation of this solution, as well as the moderation criteria applied to freely accessible content.

The providers then indicated that they had adopted a "global" approach, applicable by default in all jurisdictions, except where stricter legal obligations impose specific measures. These age-verification solutions have therefore been fully deployed only in countries where legal obligations have been identified.

According to ALIA, in accordance with the country-of-origin principle, Luxembourg has jurisdiction to ensure compliance with legal obligations relating to the protection of minors throughout the European Union. The failure to deploy appropriate measures in certain member states thus constitutes a manifest, serious and grave infringement of paragraphs 1 and 3(f) of Article 28 *septies* of the Electronic Media Act.

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In view of the efforts made by the providers and the concrete undertakings given to comply with the Electronic Media Act by 30 September 2025 at the latest, ALIA has decided to impose a joint and several fine of €20 000 on JWS Americas S.à r.l. and JWS International S.à r.l. for their joint participation in the alleged infringements.

Décision DEC024/2025 – A001/2025 du 7 août 2025 du Conseil d'administration de l'Autorité luxembourgeoise indépendante de l'audiovisuel concernant une autosaisine à l'encontre de la plateforme de partage de vidéos Livejasmin

https://alia.public.lu/wp-content/uploads/2025/10/D024-2025_A001-2025-JWS_LiveJasmin_ECsite.AC_.pdf

Decision DEC024/2025 - A001/2025 of 7 August 2025 of the Board of Directors of the Luxembourg Independent Audiovisual Authority concerning a self-initiation against the video-sharing platform Livejasmin

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MOLDOVA

[MD] Sweeping changes in the Audiovisual Code

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Comenius University (Bratislava)

A 46-page-long set of sweeping amendments to the Audiovisual Media Services Code (AVMSC) of the Republic of Moldova, previously adopted by the national parliament, was officially published and came into force (with some exceptions) on 21 August 2025.

Among the definitions that were amended, is, once again (see IRIS 2023-9:1/14) the definition of disinformation. It now closely follows the definition provided by the 2018 EU Action Plan against Disinformation. A new definition – "hate speech" – now follows and expands the wording of the Recommendation of the Committee of Ministers of the Council of Europe to member states on combating hate speech (CM/Rec(2022)16). It is now considered to be "all types of expression that incite, promote, spread or justify hatred, violence or discrimination against a person or a group of persons, or that denigrates or harms their honour and dignity by reason of their personal characteristics or their real or perceived status, such as race, colour, ethnic, national or social origin, citizenship, sex, gender, language, religion or religious beliefs, political opinions, disability, sexual orientation, gender identity, health status, age, marital status, migrant or asylum status" (Article 1 of the AVMSC).

In Moldova the "broadcasting of audiovisual programmes that constitute hate speech, disinformation, propaganda of military aggression, extremist content, terrorist content or that pose a threat to national security is prohibited" (Article 17, paragraph 3 of the AVMSC). In the spirit of the EU Digital Services Act, the national media regulator, the Audiovisual Council (CA), shall certify persons and legal entities with a new status of "trusted flaggers" on illegal audiovisual content on online platforms. The regulator is now obligated to encourage "the development and implementation of professional co-regulation and self-regulation mechanisms" (Article 13, paragraph 16). It also establishes the need for the CA to cooperate, under certain circumstances, with the European Board for Media Services (Article 17-1).

The AVMSC encompasses a new principle for audiovisual communications (Article 8, paragraph 3) that prohibits "any interference of any kind in the content, form or methods of creation and presentation of audiovisual programmes and other elements of audiovisual media services by any person or public authority". It imposes an obligation on the state to "respect the effective editorial independence and the independence of audiovisual media service providers in the exercise of their professional activities. The state shall not intervene in or influence the editorial policy and editorial decisions of audiovisual media service

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providers." The amended AVMSC (Article 9) details issues of protection of journalistic sources and of confidential communications similarly to Article 4 of the European Media Freedom Act (EMFA).

It makes it clearer that media service providers must "ensure", in reporting on a fact or event, that the information is verified and presented impartially and in good faith (Article 13, paragraph 1b). In addition, the new obligations are introduced "to respect the principles of fairness, balance and impartiality" and "to avoid any form of discrimination" (Article 13, paragraphs 1c and d).

The provisions of the AVMSC on the public service broadcaster are enforced with stronger provisions on its financial sustainability and institutional autonomy (Articles 31 and 34). The amendments concern also the name, number and qualifications of members, procedures and activity in relation to the Supervisory Board and the Director-General of the national public broadcaster (Articles 37, 43 and 46).

Regulation of the activity of the CA is also modified (in Articles 75-76 and 80) to enforce its transparency, sustainability and efficiency.

The amendments introduce a new chapter in the AVMSC (VIII-1) on regulation of the video-sharing platform providers located in the jurisdiction of the Republic of Moldova. They mostly concern the protection of minors and transparency of the platforms under Moldovan jurisdiction.

With regard to advertising, audiovisual media service providers shall now comply with the requirements on reducing the exposure of minors to the promotion of foods and beverages high in fat, salt or sugar (HFSS products) (Article 15, paragraph 7-1).

Law No. 221 of 10 July 2025 on amendments to the Audiovisual Media Services Code of the Republic of Moldova No. 174/2018. Published: 21 August 2025 in the Official Gazette No. 441-444 Article 604

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NETHERLANDS

[NL] Dutch court orders Meta to ensure Dutch users' right to set a chronological feed as their default

Valentina Golunova
Maastricht University

On 2 October 2025, the District Court of Amsterdam issued a ruling in the summary proceedings (*kort geding*) brought against Meta by digital rights organisation Bits of Freedom. The court found that Meta had violated the Digital Services Act (DSA) by failing to preserve the user's choice of a chronological feed and ordered it to ensure that Dutch users could retain a non-algorithmic recommender system when reopening the app or website or navigating to other sections thereof.

Under the DSA, all providers of online platforms must ensure the transparency of their recommender systems and the accessibility of any functionality enabling users to select and modify the relative order of information presented. Moreover, all very large online platforms and search engines must provide at least one option that is not based on profiling for each of their recommender systems. While Meta provides an option for a chronological feed, it is not prominently displayed and is automatically reset to a profiled feed populated with algorithmic recommendations after the user closes the app.

In April 2025, Bits of Freedom, alongside other European NGOs, filed a complaint with Ireland's Digital Services Coordinator, *Coimisiún na Meán*, alleging that Meta was in breach of the DSA by preventing users from setting a non-profiled feed as the default experience on its platforms. The organisation demanded that Meta respect its users' choice of a chronological feed and chronological comments under posts. After Meta refused to comply with Bits of Freedom's demands, and subsequent bilateral consultations did not lead to an amicable resolution of the dispute, Bits of Freedom initiated summary proceedings before the District Court of Amsterdam. It sought a provisionally enforceable order requiring Meta, *inter alia*, to refrain from interfering with the user settings on the Facebook and Instagram websites and apps, to enable users to select and modify their preferred option, and to make a profiling-free recommender system directly and easily accessible.

With regard to the substance of the claims, the court first established that Meta had failed to comply with Article 27 DSA by not making the setting for a non-profiled recommender system directly and easily accessible on the Android app, the reels section of Instagram, and the homepage and reels section of Facebook. The court further found that Meta's failure to retain users' choice of a non-algorithmic feed constituted a "dark pattern" under Article 25 DSA, since requiring users to reselect their preferred recommender system after reopening the app or website resulted in choice fatigue and infringed their autonomy. In view of these

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conclusions, the court ordered Meta to make the user's choice of a feed permanent within two weeks of the ruling, even when the user accessed other sections within the platform or reopened the relevant app or website. It also recommended that Meta make the choice of a non-profiled feed directly and easily accessible on the Instagram homepage of the Android app, the Instagram reels section, and the Facebook homepage and reels section. The relevant order and recommendation only concern the provision of Facebook and Instagram to users in the Netherlands. If Meta fails to comply, it will face a fine of €100 000 per day, up to a maximum total of €5 000 000.

District Court of Amsterdam, judgment of 2 October 2025, ECLI:NL:RBAMS:2025:7253

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SLOVENIA

[SI] New Law on Media adopted by Parliament

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COMMSOL

On 2 September 2025, the Slovenian Assembly adopted the long-awaited Law on Media.

A draft media law was published for consultation on 12 December 2023 (see IRIS 2024-2:1/9). Following this, the hearing of the draft in the National Assembly was planned to take place in September or October 2024 (according to the European Commission's 2024 Rule of Law Report on Slovenia). The government approved the new Law on Media on 31 December 2024 and submitted it to the National Assembly for consideration. The proposal was removed from its final reading in Parliament in May 2025 while the legislative procedure was ongoing (according to the European Commission 2025's Rule of Law Report on Slovenia). This was due to the Assembly requiring that additional consideration be given to the comments that were submitted after the second reading of the bill in the National Assembly.

Overall, the final Law on Media is substantially the same as the December 2023 draft, with some changes.

The Law implements several areas of the European Media Freedom Act and aims to protect freedom of expression and the independence of the media. It regulates the editorial and journalistic autonomy of the media and the protection of sources of information. The law prohibits the installation of intrusive surveillance software on any device used by media professionals, unless such a measure is applied on the basis of a court decision (Article 6).

Article 12 defines "public interest in the field of media" while Article 13 deals with the financial support for the media. The funds shall be used, *inter alia*, for: the creation of programme content in the public interest (funded with 1% of the contribution to RTV Slovenia); the activity of programmes with the status of special importance (funded with 3% of the contribution to RTV Slovenia); the creation and dissemination of programming content (by representative disability organisations) intended for people with disabilities. In addition, funds can be used for financial support for the digital transition of print media (Article 16), and financial support for digital media (Article 17).

Strict exclusion criteria are included regarding access to support funding: media which already receive the majority of their finances from public funds will not be eligible for this kind of aid, nor will outlets owned by local communities or political parties. To qualify, an outlet would need to have at least three staff members, full-time or freelance. In addition, applicants should have fulfilled legal, financial

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and contractual obligations. Applicants are also restricted where they have been found to be in violation of the prohibitions of incitement discrimination, violence and war, as well as inciting hatred and intolerance, and those media outlets found to have violations with regard to employment rights will also be restricted with regard to applying for funds. On 1 October 2025, the Ministry of Culture published Draft Regulation for public consultation (until 12 October) that specifies, in more detail, the conditions and criteria for granting state aid to the media.

In relation to media concentration, the Agency of the Republic of Slovenia for the Protection of Competition (AVK) will be responsible for assessing concentrations in the media market.

Regarding the Media Register, the Ministry of Culture will continue to manage this and it will include data such as the name of the media outlet, the publisher, and data on the owner and financing. The register will also include the names and surnames of all direct or indirect owners of the publisher, if these owners are natural persons, or the company name and registered office of all direct or indirect owners of the publisher, if these are legal entities.

The register will now include details on public funds received by the publisher including funds received from state advertising, and the total annual amount of advertising revenue received by the publisher from public entities or from third countries.

The new law also regulates the activities of influencers, defined as creators of online content who publish on online platforms or video-sharing platforms, including podcasts and whose purpose is to influence society, public opinion or the personal opinion of individuals and the public through their posts, and whose posts may also have an economic interest in order to monetize the content. Influencers are individuals who periodically publish content and have a minimum of 10,000 users (subscribers, followers, etc.). Influencers are not required to register but they are subject to rules on the disclosure of conflicts of interest, the prohibition of incitement to violence or hatred and incitement to commit terrorist crimes, the protection of minors, and rules on audiovisual commercial communications.

In addition, the Law introduces the regulation of media content created by artificial intelligence (AI), requiring that content that has used generative AI be labelled appropriately. The media are required to inform audiences about the ways in which they use generative AI.

Law on Media

Draft regulation - Decree on the detailed determination of conditions and criteria for granting state aid to the media

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UKRAINE

[UA] Decision of the media regulator about hate speech against LGBTIQ+

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The Law of Ukraine “On the Media” contains a list of content restrictions in the media. These include the prohibition of disseminating statements that incite hatred, hostility, discrimination, and oppression of individuals or groups “based on ethnic or social origin, citizenship, nationality, race, religion and beliefs, age, gender, sexual orientation, gender identity, disability, or other characteristics.” The dissemination of such statements is considered a significant and serious violation that requires a response from the National Council of Ukraine on Television and Radio Broadcasting.

In July 2025, the National Council recorded a publication on the website of the NGO "Civic Movement 'All Together!'" titled “LGBT Flags Are More Important Than Ramps: Between Accessibility and Profanation,” expressing a negative attitude towards the LGBTQ+ community in Ukraine, as a result of official monitoring of media activities. Despite the fact that the NGO’s website is not a registered entity in the field of online media, the Law “On the Media” also applies to it.

The NGO’s publication was accompanied by an image. This image consisted of two parts showing two men sitting in wheelchairs. One of the men is dressed in a military uniform, and has a woman sitting on his shoulders holding an LGBT+ (rainbow) flag. The second man has an "individual with a disability" symbol on his clothing and is carrying a young man on his shoulders, who is also holding an LGBT+ (rainbow) flag.

As stated in the National Council's decision (Decision No. 1623 of 24 July, 2025), the image is provocative and offensive, as it combines sensitive topics for Ukrainian society: military uniforms, wheelchairs and the LGBTQ+ community. According to the National Council, its dissemination indicated a provocative intent to discredit certain groups and incite social hostility, thereby undermining trust in the Security and Defense Forces of Ukraine. The National Council found that combining images of vulnerable social groups negatively stereotypes and stigmatizes this community, provokes violence, and incites hatred, hostility, and cruelty against individuals or groups based on sexual orientation.

It was also found that, in the context of the war in Ukraine, such content may aim to lower the morale of citizens and military personnel. Such content is incompatible with democratic values such as tolerance, social harmony, and the absence of discrimination.

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According to the National Council, disseminating any stereotypes, stigmas, or prejudices against citizens of Ukraine based on sexual orientation violates the articles of the Constitution of Ukraine, which states that all citizens of Ukraine are free and equal in their dignity and rights. According to the Law “On the Media,” in the case of gross violations by an unregistered entity in the field of online media, a response measure in the form of a fine is applied.

In its decision, the National Council concluded that the materials of the NGO “Civic Movement 'All Together!" contained all the signs of hate speech. Therefore, the National Council identified a gross violation of the law and imposed a fine of 88,000 UAH (approximately 1,795 euros) on the NGO..

In turn, the NGO emphasised that such a decision is historic and sets a dangerous precedent. In their opinion, this is the first case in Ukrainian history where an organisation is penalised and fined for its Christian views and beliefs.

It should be noted that several complaints regarding discrimination based on sexual orientation were submitted to the National Council in 2025. In January 2025, a complaint was submitted to the National Council regarding the publication of the article “LGBT Movement and Pedophilia: Historical Connection,” which was posted on a website belonging to the NGO "Civic Movement 'All Together!'". The complainant alleged that the article incited hatred based on sexual orientation.

Additionally, in February 2025, the National Council received a further complaint regarding the publication of the article “More and More Printing Houses in Ukraine Refuse to Print LGBT Products” on the same website. The complainant claimed that the article violated the law. The article in question informed that a Ukrainian printing house refused to fulfill an order from the NGO “LGBT Military” to print products on the grounds of internal corporate rules of the printing house, one of which is the promotion of family values. The article was presented as a positive example on a national scale in combatting “LGBT propaganda,” as indicated by the title of the publication. Following a media investigation in May 2025, it received a fine of 40,000 UAH (approximately 816 euros).

Decision of the National Council of Ukraine on Television and Radio Broadcasting "On the results of an unscheduled on-site inspection of an unregistered entity in the field of online media, the NGO "Civil Movement "All Together!", Kyiv" No. 1057

Decision of the National Council of Ukraine on Television and Radio Broadcasting "On the results of considering the issue of a possible gross violation by an unregistered entity in the field of online media, NGO "CIVIL MOVEMENT "ALL TOGETHER!", Kyiv No. 1623

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