IRIS newsletter

IRIS 2026-3

A publication
of the European Audiovisual Observatory

European Audiovisual Observatory

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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ISSN 2078-6158

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EDITORIAL

On 10 March 2026, the European Parliament adopted its long-awaited resolution on copyright and generative AI in the belief that, in order "to protect the creative sector in the EU, the use of copyrighted work by artificial intelligence requires transparency and fair remuneration", which would be currently lacking. In this line of thought, Denmark also approved its first extended collective license for text and data mining and the use of works by AI tools.

AI does indeed pose significant challenges to the enforcement of copyright, but these are not the only ones. The remarkable capabilities of GenAI carry significant risks, ranging from the creation of content that could potentially harm minors, to disinformation.

Regarding the former, the German Commission for the Protection of Minors in the Media (*Kommission für Jugendmedienschutz* - KJM) recently welcomed the opportunities offered by an AI-supported auto-identification procedures for age verification online.

Regarding the latter, the last few years have seen the stakes go up in the fight against disinformation. What was already a challenge has turned into a painstakingly difficult exercise, with gen-AI tools acting as a catalyst for the generation and spread of disinformation. Armenia recently joined the club of countries where new laws attempt to respond to this challenge, with the Armenian Parliament's recent approval of a bill to restrict the spread of harmful audiovisual information affecting citizens and preventing the dissemination of disinformation and the promotion of violence and hate speech.

Outside of the AI realm, advertising has also recently been a key topic in some regulatory decisions. In France, for example, Meta was ordered to implement measures to filter false advertising for online gambling using the "*Barrière*" trademark. In Hungary as well, the regulator fined both public and private broadcasters for breaching advertising rules ranging from surreptitious commercial communications to the volume of advertisements.

If you want to delve deeper into some of these topics, I warmly invite you to explore our latest reports on "*Enforcing rules on illegal content and disinformation online*", "*Platform regulation, disinformation and FIMI in Ukraine*" and "*Advertising of "junk food" in European and national law. Focus on self-regulation*".

Enjoy the read,

Maja Cappello, Editor

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INTERNATIONAL

COE: EUROPEAN COURT OF HUMAN RIGHTS

European Court of Human Rights: more violations of ECHR rights in the case of investigative journalist Khadija Ismayilova

Tarlach McGonagle
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In a judgment of 27 January 2026, the European Court of Human Rights (Third Section), found that the human rights of the investigative journalist, Khadija Ismayilova, had been violated by Azerbaijan under Articles 6, 7, 10 and 18 *juncto* 10 of the European Convention on Human Rights (ECHR). This is the fourth case and the fourth finding of violations of ECHR rights arising out of the same broad set of factual circumstances (see: *Khadija Ismayilova v. Azerbaijan*, IRIS 2019-3:1/1; *Khadija Ismayilova v. Azerbaijan (No. 2)*; and *Khadija Ismayilova v. Azerbaijan (No. 3)*, IRIS 2020-7:1/20).

The applicant is a well-known investigative journalist and civil society activist specialising in (alleged) corruption and business activities of public officials. She worked successively as a freelance journalist for the Baku bureau of the Azerbaijani service of Radio Free Europe/Radio Liberty, a non-profit international broadcasting corporation headquartered in Prague and financed by the US Congress; as (acting) head of the bureau on a fixed-term contract that was subsequently extended; and again as a freelance journalist after her contract was terminated.

During the applicant's period as head of the bureau, a colleague attempted to commit suicide. The applicant was prosecuted for allegedly having incited him to commit suicide. She was detained on remand and subsequently charged with additional criminal offences, such as high-level embezzlement, illegal entrepreneurship committed in order to generate a large amount of income, tax evasion and aggravated abuse of power. The applicant was acquitted of the charge of incitement to suicide, but convicted of the other offences. The applicant appealed, arguing that she had been wrongfully convicted of offences she had not committed. She argued that she had faced extensive harassment, including the criminal proceedings, because of her investigative work and with the aim of silencing her and punishing her for her publications exposing high-level corruption. She advanced numerous other arguments, including in respect of the "illegal entrepreneurship" being based on working without state accreditation (which applied to representatives of foreign media, whereas she worked in a freelance capacity during different periods). Furthermore, the accreditation of foreign journalists was not a precondition for engaging in journalism and domestic

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law did not provide for any criminal or other form of liability for not having obtained accreditation. While the applicant's case was still under appeal in the Supreme Court, the Criminal Code was amended to include a reference in parentheses to "tax registration" after "state registration".

After exhausting all domestic judicial remedies, the applicant lodged an application with the European Court of Human Rights, claiming violations of her rights under several articles of the Convention.

Article 7

In its assessment of whether Article 7 (No punishment without law) had been breached, the Court considered "whether the applicant's act, at the time when it was committed, constituted an offence defined with sufficient accessibility and foreseeability by domestic or international law". The Court held that the relevant Criminal Code and Media Law provisions "were extensively and unforeseeably construed to her detriment, in a manner which could not be said to have constituted a development consistent with the essence of the offence". It would therefore have been "difficult – if not impossible" for the applicant, who was a professional journalist and could seek appropriate legal advice, to have foreseen that the law would have been applied in such an arbitrary manner to her situation and that her work as a freelance journalist for national and foreign media without accreditation with the Ministry of Foreign Affairs could lead to a criminal sanction. The applicant's conviction for the offence of illegal entrepreneurship thus violated Article 7 ECHR.

Article 6

In respect of Article 6 (Right to a fair trial), the Court first positioned the present case in relation to the *Khadija Ismayilova (No. 2)* case, in which it found a violation of the applicant's rights under Articles 5, 6 and 18 *juncto* 5, ECHR. The Court found that in respect of both offences – illegal entrepreneurship and tax evasion – the applicant's objections were strong, pertinent and well founded and thus capable of influencing the outcome of the case, had those arguments been properly assessed by the judicial authorities in Azerbaijan. The domestic courts either did not (adequately) address those arguments, or "dismissed them in a very general, stereotypically worded manner". The Court consequently found that "the judicial examination of the applicant's case and the reasoning in the domestic courts' decisions were flawed with arbitrariness which was distinct from an incorrect legal classification or a similar error in the application of domestic criminal law". This "undermined the fairness of the criminal proceedings in such a fundamental way that it rendered other criminal procedure guarantees irrelevant", thus constituting a violation of Article 6, paragraph 1.

Article 10

The Court next turned its attention to Article 10. It noted that the applicant's conviction for "illegal entrepreneurship" amounted to an interference with her ability to exercise her right to freedom of expression as a journalist. Insofar as an accreditation requirement "seeks to regulate access to the profession or the

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terms under which journalistic work may lawfully be carried out", notwithstanding its administrative or economic nature, it amounts, in principle, to an interference with a journalist's ability to receive and impart information and ideas. The applicant's conviction for "illegal entrepreneurship" therefore "did not have a merely incidental impact on her journalistic activity" – it struck at the heart of her ability to freely exercise her profession.

The Court deemed it necessary to consider the sequence of events and wider circumstances of the present case; it paid detailed attention to the protracted harassment of the applicant and the attacks on her reputation that followed her investigative reporting into high-level corruption in Azerbaijan.

All in all, the Court considered that there was: "prima facie evidence of a causal link between the applicant's exercise of her freedom of expression and the criminal proceedings against her resulting in her conviction for illegal entrepreneurship and tax evasion".

The Court found that such prima facie evidence should shift the burden of proof to the government but that the government had "failed to show convincingly that the impugned measures bore no relation to the applicant's journalistic activities". The Court also found that the authorities initiated criminal proceedings against the applicant (which ultimately led to her conviction for illegal entrepreneurship and tax evasion) in "retaliation for her journalistic activity". The Court considered that the impugned interference with the applicant's freedom of expression was: "not only unlawful but also grossly arbitrary and incompatible with the principle of the rule of law, which is expressly mentioned in the Preamble to the Convention and is inherent in all its Articles".

It accordingly held – by four votes to three – that the applicant's right to freedom of expression had been violated.

Articles 18 and 10

As regards the alleged violation of Article 18 *juncto* 10, the Court emphasised that this was a different complaint to that in *Khadija Ismayilova (No. 2)*, which amounted to a violation of Article 18 *juncto* 5. The scope of the present complaint related not only to the pre-trial detention period (as in the earlier case), but to the entirety of the criminal proceedings against the applicant, and thus a continuation of the events examined in the earlier case. The Court considered that the contextual factors that were central in the earlier case remained relevant in the present case, such as:

"*the applicant's status as a prominent investigative journalist critical of the government, the use of coerced and false accusations leading to her arrest, the escalation of charges once prosecutorial misconduct risked exposure, the stigmatising public statements by high-ranking officials equating her work with* '*treason*'*, and the broader context of similar retaliatory prosecutions against civil society activists and human rights defenders*".

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All of these factors “pointed to an ulterior purpose behind the interference”, which was also present in the entirety of the proceedings, given the proceedings were “marred by a significant degree of arbitrariness” and the domestic courts’ failure to adequately examine the applicant’s arguments (see above).

The Court used strong words to emphasise the importance of the rule of law, under which “judicial review represents the ultimate safeguard for the fundamental rights of individuals and their protection from abuse of power”, including the executive branch of government. In light of “the role of a free press in a democratic society, prosecution of journalists or other government critics on spurious charges must attract the closest scrutiny of the courts”. It was a matter of “grave concern” for the Court that the national courts had failed to apply such scrutiny in the present case. The Court concluded that the totality of these circumstances:

“*indicates that the authorities’ actions were driven by improper reasons and that the actual purpose of the criminal proceedings against the applicant, which constituted the interference with her right to freedom of expression, was to silence and to punish her for her journalistic activities*”.

The Court held – by four votes to three – that there had been a violation of Article 18 *juncto* Article 10.

Khadija Ismayilova v. Azerbaijan (No. 4), Nos. 71556/16 and 74112/17, 27 January 2026

https://hudoc.echr.coe.int/?i=001-248090

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COE: EUROPEAN COURT OF HUMAN RIGHTS

European Court of Human Rights: new judgment shows "the spirit of Lingens" lives on

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The European Court of Human Rights' judgment in *Pešić v. Serbia*, rendered on 13 January 2026, deals with the limits of permissible criticism of politicians under Article 10 of the European Convention on Human Rights (ECHR). The Court held unanimously that the applicant's right to freedom of expression had been violated after damages were awarded against her in civil proceedings arising out of her online criticism of a government minister.

The applicant was a former politician and a long-time political activist. In 2016, several buildings were demolished in the centre of Belgrade as part of a construction project. During the demolition operation, some unidentified individuals detained other individuals who were in the area and only released them afterwards. The detained individuals subsequently contacted the police, who failed to respond or to attend the scene. The Minister of the Interior defended the inaction of the police, citing their safety as an excuse. The applicant subsequently published an article on the website of a citizens' association in which she was highly critical of the minister's stance and – as she put it – his "stupidity". The minister initiated civil proceedings against the applicant, based on the alleged mental distress caused by an attack on his honour and reputation. The Belgrade High Court delivered a judgment in favour of the minister and awarded damages against the applicant. The High Court found that the applicant's remarks concerning the minister's "stupidity" exceeded the bounds of acceptable criticism and constituted a personal insult. The applicants' appeals were unsuccessful.

It has long been a matter of settled case-law that freedom of expression extends to criticism of politicians. In its seminal judgment, *Lingens v. Austria* (1986), the Court developed two important principles, the first being that:

"*[f]reedom of the press […] affords the public one of the best means of discovering and forming an opinion of the ideas and attitudes of political leaders. […] The limits of acceptable criticism are accordingly wider as regards a politician as such than as regards a private individual. Unlike the latter, the former inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large, and he must consequently display a greater degree of tolerance.*" (paragraph 42)

The second important principle in *Lingens* is that: "a careful distinction needs to be made between facts and value-judgments. The existence of facts can be

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demonstrated, whereas the truth of value-judgments is not susceptible of proof." (paragraph 46)

Surprisingly, *Lingens* is not cited by the Court in the present judgment, but these two principles are centrally present in its reasoning, for instance in paragraphs 49, 51 and 54. The Court also notes related principles from its early case law on these matters, again without referencing the older judgments. With regard to its finding that calling the minister "stupid" was an opinion or value judgement rather than a statement of fact, *Oberschlick v. Austria (No. 2)* (1997) (IRIS 1997-7:1/4), could be noted. In that case, the Court reached the same conclusion in a case where the applicant had called Jörg Haider, the then leader of the Austrian Freedom Party (*Freiheitliche Partei Österreichs* – FPÖ) party, an "idiot" ("*Trottel*"). Again, this judgment was not cited directly, but the precedent was followed. The Court does, however, reference some more recent judgments in which the time-honoured principles were applied.

One judgment that the Court did explicitly reference was *Axel Springer AG v. Germany* (IRIS 2012-3:1/1), as it noted and applied the criteria developed in that judgment for balancing the rights to private life and freedom of expression under Articles 8 and 10 ECHR, respectively:

(a) the contribution to a debate of general interest;

(b) how well known the person concerned is and what the subject of the report is;

(c) the conduct of the person concerned prior to publication of the article;

(d) how the information was obtained and how accurate it was;

(e) the content, form and consequences of the publication; and

(f) the severity of the sanction imposed.

This is a run-of-the-mill judgment regarding the scope of expressions that are critical of individual politicians; the Registry of the Court has designated it as a Level 3 judgment, indicating that it is of "low importance". Nevertheless, the judgment does show that 40 years on, "the spirit of Lingens" would appear to be very much alive today, notwithstanding some doubts about its endurance over the years (see: Gavin Millar, "Whither the spirit of Lingens?", 3 European Human Rights Law Review (2009), 277-288).

Pešić v. Serbia, No. 4545/21, 13 January 2026

https://hudoc.echr.coe.int/?i=001-247645

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EUROPEAN UNION

EU: EUROPEAN COMMISSION

Publication of guidelines relating to Article 18 of EMFA

Paola Bellissens
Media Law Expert

On 6 February, the European Commission published guidelines relating to Article 18 of the European Media Freedom Act (EMFA). This article introduces safeguards to protect content on online platforms, and professional journalism in particular, from unjustified removal. The guidelines follow a targeted consultation involving a range of stakeholders including media service providers, civil society organisations, fact-checking bodies, the regulatory authority and representatives of the providers of very large online platforms (VLOPs).

Within this framework, VLOPs are required to inform media service providers in advance when they are considering removing or restricting content, and must explain the reasons for their decision. They must also allow a period of 24 hours for the media concerned to respond or provide explanations before definitively deleting the content. The Commission's guidelines set out the procedures for implementing these guarantees.

To benefit from these protections, media service providers must submit a declaration attesting that they meet certain criteria, particularly in terms of editorial independence and journalistic liability. This declaration must be made using a specific functionality that VLOPs must put in place. This should enable professional media to be identified and the guarantees set out in the EMFA to be applied correctly. For example, it is recommended that this functionality should be clearly visible on the interface, so that service providers can easily find and access it. The guidelines also suggest that the functionality should take the form of a questionnaire consisting of a pre-compiled list of checkboxes. They also state that, in the event of doubt as to whether the media service provider is complying with what it has declared, VLOPs should consult the relevant national regulatory authority or body or the relevant co-regulatory or self-regulatory mechanism. The Commission's guidelines thus aim to facilitate the implementation of this functionality while helping to minimise the risk of potential abuse, in particular by media service providers that systematically engage in disinformation, information manipulation and interference, including those controlled by certain third countries.

Lignes directrices de la Commission relatives à la mise en œuvre de la fonctionnalité de déclaration par les fournisseurs de services de médias en application de l'article 18, paragraphe 1, du règlement (UE) 2024/1083 (Règlement européen sur la liberté des médias)

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(C/2026/901)

https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=OJ:C_202600901

Commission guidelines on the implementation of the declaration functionality for media service providers pursuant to Article 18(1) of Regulation (EU) 2024/1083 (EU Media Freedom Act) (C/2026/901)

https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:C_202600901

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EU: EUROPEAN PARLIAMENT

European Parliament resolution on copyright and generative AI

Amélie Lacourt
European Audiovisual Observatory

On 10 March 2026, the European Parliament adopted a long-awaited resolution on copyright and generative AI (Resolution 2025/2058(INI)), presenting opportunities and challenges regarding the use of copyrighted works by AI models and systems and how to ensure transparency and fair remuneration of rights holders. The report, led by MEP Axel Voss, was voted 460 in favour, to 71 against, with 88 abstentions.

In its Resolution, the Parliament addresses the increasing use of generative AI systems that rely massively on protected content, without authorisation from, or compensation for, the rights holders. This is presented as particularly concerning when such content is integrated into search engines or other digital services that enable the generation, often in real time and at marginal cost, of content that infringes original works and other protected subject matter on which the models were trained, or that was scraped. Concerned that these practices may result in the provision of products and services that directly and unfairly compete with those of rights holders, the Parliament has presented a set of recommendations.

In this regard, the resolution notably highlights the issue of licensing copyrighted material and calls for an additional legal framework to clarify licensing rules for generative AI and facilitate the establishment of voluntary collective licensing agreements. While acknowledging that voluntary licensing, whether individual or collective, underpins the success of the creative sectors, the Parliament also stresses that rights holders must remain free to set corresponding remuneration. It therefore calls on the European Commission to examine possible solutions for the immediate, fair and proportionate remuneration of past uses of copyright-protected works by providers of general-purpose AI models and systems, where a licensing market has not yet been established for content protected by copyright or related rights.

It should also be noted that the resolution insists that content fully generated by AI which does not meet the established criteria for copyright protection should remain ineligible for such protection and that the public domain status of such outputs should be clearly determined.

The resolution also emphasises the need to protect the news media sector, highlighting in particular the growing use of generative AI to aggregate or present news content and its far-reaching effects on access to and diversity of information. Rights holders from the press and news media sector, press publishers, journalists and news editors must have full control over the digital use

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of their content by AI systems and models, including for training purposes, inferencing, and retrieval-augmented generation. The report highlights that such control should be based on a robust and functioning possibility to exclude such use by AI systems and models, underpinned by full transparency and source documentation regarding the use of third-party content.

European Parliament resolution of 10 March 2026 on copyright and generative artificial intelligence – opportunities and challenges (2025/2058(INI))

https://www.europarl.europa.eu/doceo/document/TA-10-2026-0066_EN.html

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NATIONAL

ARMENIA

[AM] Parliament approves bill to restrict the spread of harmful audiovisual information

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On 13 February 2026, the National Assembly (parliament) of Armenia approved, in the first reading, a bill to restrict the spread of harmful audiovisual information affecting citizens, and to prevent dissemination of disinformation or promotion of violence and hate speech. The support for the bill to amend the relevant provisions of the 2020 Statute “On Audiovisual Media” was significant, with 58 deputies voting for, 26 against, and one abstention.

The bill was drafted by the Ministry of High-Tech Industry. According to the Ministry, the current law primarily regulates the 26 television channels that have free-to-air broadcasting across the entire country. The proposed amendments intend to extend the same content restrictions to “network operators”, or specifically cable television companies.

A specific norm is additionally envisaged in the bill concerning foreign programmes that are accessible in the country through network operators. If content interfering with Armenia’s internal political life is detected by the audiovisual media regulator, the Television and Radio Commission is authorised to apply legal penalties against the network operator. If any legal action in this regard isinitiated, the operator must halt dissemination of the programme until a conclusive decision has been reached. In case of non-compliance, the operator itself will be held liable.

In addition, a new article details the grounds, criteria, and implementation procedures for the suspension and termination of 10-year-long licences of network operators.

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https://www.arlis.am/documentview.aspx?docid=145079

Statute on Audiovisual Media, Republic of Armenia, N ZR-395

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BELGIUM

[BE] Cooperation between Arcom and the CSA following launch of an advertising service aimed at Belgium by *France Télévisions*

Olivier Hermanns
European Audiovisual Observatory

Two regulatory authorities, one French and the other French-speaking Belgian, have reached an agreement on the procedure to be applied in the event of complaints relating to the Belgian versions of several French television services produced by the French public company *France Télévisions*.

The French audiovisual regulator (*Autorité de Régulation de la Communication Audiovisuelle et Numérique* - Arcom) is responsible for regulating the France 2, France 3 and France 5 services. A Belgian version of these three services has been launched, with commercial communications aimed at the Belgian marketplace. The *Conseil supérieur de l'audiovisuel* (CSA) is the authority responsible for regulating the audiovisual sector in the French-speaking community of Belgium.

Advertising breaks aimed at French-speaking Belgian viewers have been launched in the past, but these concerned private French television services. To our knowledge, this is the first time a public service broadcaster has launched channels targeting audiences in a member state other than the one in which it is established.

The memorandum of understanding, signed on 29 January 2026, is an illustration of the "fair and expeditious" cooperation that must be established, "with a view to achieving a mutually satisfactory solution", between regulatory authorities pursuant to Article 4(2)(1) sentence 2 of Directive 2010/13/EU (AVMS Directive).

In practical terms, the procedure for handling viewer complaintsstat begins with an exchange of information between the regulatory authorities. Each is informed of the substance of the complaint, which must be admissible. Each authority then analyses the case and issues an opinion, which must state whether or not there has been an infringement of its respective legislation on commercial communications and public service announcements.

If the CSA believes that *France Télévisions* has breached the French-speaking Belgian regulations, Arcom must "encourage" it to comply. Arcom's investigation procedure continues in accordance with French law.

If Arcom believes that *France Télévisions* has infringed French regulations, its investigation procedure continues in accordance with French law.

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In the event of an infringement of both French-speaking Belgian and French regulations, the two procedures are conducted in parallel. Consequently, Arcom will have to encourage *France Télévisions* to comply with the French-speaking Belgian regulations and will continue the investigation under French law.

It should be noted that *France Télévisions*, as a "publisher of external television services" targeting French-speaking Belgian viewers, will also be required to contribute to audiovisual production in the French-speaking community of Belgium.

Protocole d'accord entre l'Arcom et le CSA concernant la procédure relative au traitement des plaintes du 29 janvier 2026

https://www.csa.be/document/protocole-daccord-csa-et-arcom-procedure-de-plaintes-sur-les-decrochages-france-televisions/

Memorandum of Understanding between Arcom and the CSA concerning the complaints procedure of 29 January 2026

https://www.csa.be/document/protocole-daccord-csa-et-arcom-procedure-de-plaintes-sur-les-decrochages-france-televisions/

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CYPRUS

[CY] Publication of Cyprus country report on media literacy by the Radio Television and Digital Services Authority

Antigoni Themistokleous
Cyprus Radiotelevision and Digital Services Authority

Pursuant to Article 33a(2) of the Audiovisual Media Services Directive 2018/1808 (AVMSD) and to paragraph 5 of Article 30C of the Radio and Television Broadcasters Law 7(I)/1998 (as amended), the Radio Television and Digital Services Authority of Cyprus (RTDSA) has submitted to the European Commission its three-year country report on media literacy. It should be noted that the RTDSA has a statutory mandate to promote and develop media literacy skills in Cyprus. This report was also communicated to the Ministry of the Interior and the Ministry of Education, Sport and Youth of the Republic of Cyprus. The Cyprus country report was prepared according to the guidelines issued by the European Commission in February 2023 on the scope of member states' reports concerning measures for the promotion and development of media literacy skills. The corresponding template was used and the report covered the measures taken and the activities conducted between November 2022 and October 2025. The report is structured in six parts.

Part A outlines media literacy-related legislative measures and statutory obligations governing the audiovisual media sector in Cyprus, as well as the video-sharing platform (VSP) providers under Cypriot jurisdiction. It also refers to broader relevant policy measures, such as the initiative of the RTDSA to establish a Media Literacy Centre, where visitors will have the opportunity to have interactive experiences in media production. Part A concludes with an assessment of the appropriateness and effectiveness of media literacy measures implemented by VSP providers subject to the jurisdiction of Cyprus. This analysis suggests that existing measures implemented by VSPs are largely inadequate and of restricted effectiveness, as VSPs failed to provide user-centred media literacy strategies, user-friendly flagging, reporting, and complaints submission procedures along with clear and accessible terms and conditions, and community guidelines.

The second part of the report outlines the RTDSA's key collaborations in the field of media literacy. The Cyprus Pedagogical Institute constitutes a key actor and a partner with which the RTDSA engages in sustained collaboration. The Mediterranean Digital Media Observatory (MedDMO) is likewise a regular partner of the RTDSA in initiatives addressing the fight against various manifestations of information disorder. The RTDSA also cooperates with the AEI Audiovisual Forum in educating students and providing workshops on documentary film production.

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Part C of the report provides information on public financial support to media literacy-related activities. Although the RTDSA is self-funded and does not receive any state subsidy, public financial support of media literacy initiatives is allocated through the annual budgets of the RTDSA and the Cyprus Pedagogical Institute.

The fourth section of the report highlights the most prominent and impactful media literacy activities. Experiential workshops and public speeches remain among the leading and most successful activities; they have been used successfully for more than 12 years. During the reporting period, the range of thematic topics was further expanded, with clear emphasis on issues related to the use of the online environment and digital platforms, as well as promoting safe, secure, and trustworthy engagement in cyberspace.

Recognising the critical importance of vocational training, the RTDSA developed and delivered targeted training programmes for a range of professional groups. Journalists attended training sessions on fact-checking, information disorder, and verification methodologies. Media regulators and policy makers participated in training sessions on identifying and addressing manifestations of information disorder and on the effective use of fact-checking tools. They also attended a specialised 10-hour training programme on key thematic areas, such as the conceptual framework of media literacy, the digital footprint, and identity construction on social media and digital platforms.

Educators in primary and secondary education attended an online workshop addressing modern teaching approaches on media literacy. More than 500 participants engaged in reflective discussion. Furthermore, members of the Cyprus Police attended a two-day media literacy training session, aiming to strengthen both institutional engagement and the capacity of individual officers to interact responsibly and effectively with the media, thereby underpinning accurate public communication and public trust. Other media literacy activities include the publication of online quizzes on issues of ethical online behaviour and privacy protection, and the CINeEDUCATION programme focused on documentary production.

Part E of the report refers to evaluation measures for the activities that have been implemented. Although the RTDSA acknowledges the importance of such evaluation measures, it currently lacks formal impact-assessment mechanisms. In order to assess its activities, it relies on stakeholder-expressed interest in participation, while stating its intention to implement future evaluation measures.

The overview of the media literacy-related initiatives implemented in Cyprus during the reporting period highlights the progress achieved as well as the areas in which additional action is needed. It further reinforces the importance of coordinated efforts among stakeholders.

Media Literacy Country Report: Republic of Cyprus

https://rtdsa.org.cy/assets/uploads/pdfs/Media%20Literacy%20Report%20Cyprus%2011.2022-10.2025.pdf

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The Radio and Television Broadcasters Law 7(I)/1998 (as amended), Article 30C

https://crta.org.cy/en/assets/uploads/pdfs/FINAL%20CONSOLIDATED%20LAW%20up%20to%20Amendment%20197(I).2021-.pdf

The Cyprus Broadcasting Corporation Law, Chapter 300A (as amended), Article 18D

https://www.cylaw.org/cgi-bin/open.pl?file=nomoi/enop/ind/0_300/section-scc3485fad-382f-a933-1e8a-e3c98089726e.html

The Cyprus Broadcasting Corporation Law, Chapter 300A (as amended), Article 18D

https://www.cylaw.org/cgi-bin/open.pl?file=nomoi/enop/ind/0_300/section-scc3485fad-382f-a933-1e8a-e3c98089726e.html

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GERMANY

[DE] AGF publishes 2025 German TV and video review

Christina Meese
Institute of European Media Law

On 8 January 2026, AGF Videoforschung, a company that conducts impartial research in the German TV and video sector, focusing particularly on audience measurement, published its annual TV and video review for 2025. The review concludes that consumption of audiovisual content is characterised by an increasingly diverse media landscape and changing usage situations. While video content is increasingly spread across different distribution channels and providers, linear television remains a core component of the media market, especially for current, socially relevant and live content.

AGF Videoforschung continuously tracks the use of video content in Germany on a quantitative basis and analyses the data collected. This is mainly done using an audio matching process in which 5 400 representatively selected German households are equipped with systems that continuously report on their television usage. In the audio matching process, sound signals on the television are captured as audio patterns, compared with audio patterns from TV channels that are continuously recorded on a server and thus assigned to programmes. AGF also uses router technology to measure streaming usage in households. In 2025, Amazon Prime Video was actively integrated into the AGF measurement system for the first time via server-to-server integration, meaning that Prime Video's ad-funded VOD content has been reported in AGF tools since November 2025.

These surveys, which cannot cover all areas of audiovisual content usage given the large number of online distribution channels, show that television consumption remained high in 2025, but declined slightly. On average, 55.5% of viewers aged 3 and over watched television every day, with an average viewing time of 158 minutes. Compared with the previous year (171 minutes), this represents a 7.7% drop in overall audience figures. Among 14 to 49-year-olds, the average viewing time was 67 minutes, compared with 79 minutes in 2024. In contrast, information-based programmes (news bulletins, magazine shows, documentaries and talk shows) accounted for around 36% of total linear TV consumption in 2025, slightly more than in previous years. The most popular programmes included *Tagesschau*, the ARD's daily evening news bulletin, while the news stories that attracted the largest TV audiences concerned the German parliamentary elections, events linked to the Trump administration and the death of the Pope. The most watched individual programmes included an edition of *Tagesschau* broadcast on the day of the Bundestag elections, two matches involving the German women's national football team at the European Championships and two episodes of ARD's crime series *Tatort*, although more 14 to 49-year-olds watched the Eurovision Song Contest and a TV debate on the Bundestag elections than the crime series.

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In light of the limited coverage of the TV and video review, it is also worth mentioning the survey-based platform study, which examines TV distribution channels and the results of which were published by AGF on 21 January 2026. The study reports that internet-based reception of TV content is continuing to grow, while use of traditional distribution channels (cable, terrestrial and satellite) is steadily declining. Connected TV is becoming standard. The use of YouTube and social media platforms is also increasing, with TV providers managing to hold their own on such platforms.

In contrast to linear television, the 2025 TV and video review states that the average viewing time per day for video streaming increased from 6 to 8 minutes overall, which corresponds to a rise of around 21%. According to AGF, such an increase can be seen in the 14 to 29, 30 to 49 and 50+ categories. However, it should be noted that the AGF figures only include certain streaming providers that are predominantly based in Germany (ARD, ZDF, RTL, ARD/ZDF, Sport1, Joyn, Sky, Axel Springer, DAZN, Amazon), but not international VOD providers such as Netflix, Disney+ or HBO max. The most streamed services were the ARD Mediathek (1 234 403 924 minutes), the ZDF Mediathek (1 016 266 506 minutes), RTL+ (747 704 649 minutes), Joyn (510 394 187 minutes) and Amazon Prime Video (268 665 632 minutes). The Amazon Prime figure is remarkable in that it only includes November 2025 onwards, while the other figures relate to the year as a whole.

TV- und Video-Bilanz 2025

https://www.agf.de/service/pressemitteilung/tv-und-video-bilanz-2025-nutzung-differenziert-sich-weiter-aus-lineares-fernsehen-bleibt-bei-bewaehrten-inhalten-ein-zentraler-bezugspunkt-228

TV and video review 2025

https://www.agf.de/service/pressemitteilung/tv-und-video-bilanz-2025-nutzung-differenziert-sich-weiter-aus-lineares-fernsehen-bleibt-bei-bewaehrten-inhalten-ein-zentraler-bezugspunkt-228

AGF-Plattformstudie 2025 II

https://www.agf.de/service/pressemitteilung/agf-plattformstudie-2025-ii-empfangswege-und-moderne-endgeraete-veraendern-den-zugang-zum-fernsehen-229

AGF platform study 2025 II

https://www.agf.de/service/pressemitteilung/agf-plattformstudie-2025-ii-empfangswege-und-moderne-endgeraete-veraendern-den-zugang-zum-fernsehen-229

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[DE] Federal Court of Justice upholds conviction of journalist for publishing investigation files

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In a ruling dated 31 July 2025 (no. 5 StR 78/25), the Federal Court of Justice (*Bundesgerichtshof* – BGH) dismissed a journalist's appeal against his conviction by the Regional Court of Berlin I (*Landgericht Berlin* I) on 18 October 2024 for publishing decisions from an investigation into members of the "*Letzte Generation* " group. The regional court's decision is now legally binding.

In August 2023, the accused journalist had published on the internet decisions issued by the investigating judge of the Munich District Court (*Amtsgericht München*) in an ongoing investigation against members of the "*Letzte Generation*" group suspected of forming a criminal organisation (Section 129 of the Criminal Code (*Strafgesetzbuch* – StGB)). The published decisions, which related to orders for telecommunications surveillance, searches and seizures, reflected the status of the investigation at the time the respective applications were filed. Although the defendant had redacted personal data of the accused, the documents had been published almost in their entirety.

The Berlin regional court convicted the defendant for publishing the decisions on a website operated by him, which amounted to unlawful disclosure of information about court proceedings. According to Section 353d(3) StGB, it was a criminal offence to publicly communicate official documents of criminal proceedings, in whole or in substantial part, before they had been discussed in public hearings or the proceedings had been concluded. Publication on the internet was covered by the provision. The defendant had been aware of this, but had acted with the aim of asking the Federal Constitutional Court (*Bundesverfassungsgericht* – BVerfG) to review the constitutionality of this rule, which he considered to be outdated.

In his appeal on the merits, the defendant essentially argued before the BGH that the criminal provision of Section 353d(3) StGB was unconstitutional because it violated Article 5 of the German Basic Law (*Grundgesetz* – GG) and Article 10 of the European Convention on Human Rights (ECHR).

The BGH disagreed. In the opinion of the 5th Criminal Senate (*5. Strafsenat*), the criminal provision represented a permissible, proportionate and strictly time-limited restriction of freedom of expression and freedom of the press. Article 10 ECHR did not guarantee the right to freedom of expression, including freedom of the press, without restriction; limits could be found in Article 10(2) ECHR. The criminal provision of Section 353d(3) StGB was a legal restriction within the meaning of Article 10(2) ECHR. The European Court of Human Rights had developed case-specific criteria for assessing national publication bans, particularly in connection with court proceedings. Decisive factors included the origin and content of the information, its contribution to a debate of general public interest, possible effects on the (criminal) proceedings in question and the

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proportionality of the sanction imposed. The BGH found that Section 353d(3) StGB complied with this margin of appreciation and was necessary within the meaning of Article 10(2) ECHR. The national legislature had already taken into account the requirements of Article 10 ECHR, Article 5(1) GG and the relevant case law when enacting it. Section 353d(3) StGB was narrowly defined: intentionally communicating to the public the wording of all or significant parts of official documents from criminal, administrative or disciplinary proceedings was only prohibited for a limited period of time. Reporting on the content remained permissible at all times, as did the reproduction of insignificant passages, ensuring that neither "secret justice" nor a reporting-free space was created. The provision thus interfered only moderately with the freedom of publication and did not establish a general publication ban. It was necessary within the meaning of Article 10(2) ECHR as it protected not only privacy rights but also, in particular, the impartiality of the parties to the proceedings and the functioning of the criminal justice system. There was no general or automatic ban on publication. Similar, equally cautious regulations, such as the French Press Act, had not been criticised by the European Court of Human Rights.

German criminal law provided sufficient mechanisms to take into account the weighing-up criteria developed by the European Court even in unusual situations. These included, in particular, an interpretation of the offence that conformed with the constitution or a teleological reduction in the case of abstract endangering offences. In this specific case, however, there was no reason to apply these corrective measures: a restriction was out of the question, as the documents in question had not previously been made public within the meaning of Section 353d(3) StGB.

The Senate also saw no reason to suspend the proceedings and initiate a judicial review. In particular, it pointed out that the BVerfG had repeatedly confirmed the constitutionality of the rule, even taking into account the freedom of the press and changes in the media. For example, the BVerfG had ruled in 1985 that the provision was compatible with fundamental rights as a general law within the meaning of Article 5(2) GG. It did not violate the requirement of legal certainty or the principle of equality. In particular, it was constitutionally unobjectionable that criminal liability was linked to an abstract threat and did not provide for a case-by-case consideration of fundamental rights in the offence.

This line was confirmed by the BVerfG in 2014 and 2024. The fact that Section 353d(3) StGB may have gaps in protection or could be circumvented did not make it unconstitutional, but reflected a desire to protect fundamental rights and the principle of legal certainty.

The defendant's appeal was therefore dismissed as unfounded.

Link zur Pressemitteilung des BGH zur Rechtskraft des Beschlusses vom 31.7.2025

https://www.bundesgerichtshof.de/SharedDocs/Pressemitteilungen/DE/2026/2026023.html

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Link to the BGH press release on the legal force of the decision of 31 July 2025

https://www.bundesgerichtshof.de/SharedDocs/Pressemitteilungen/DE/2026/2026023.html

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[DE] KJM approves AI-supported auto-identification age verification system

Christina Meese
Institute of European Media Law

In mid-January 2026, the Commission for the Protection of Minors in the Media (*Kommission für Jugendmedienschutz* - KJM) approved the use of an AI-powered auto-identification procedure as an age verification system and thus recognised it as an appropriate youth protection mechanism within the meaning of the German State Treaty on the Protection of Minors in the Media (*Jugendmedienschutz-Staatsvertrag* - JMStV). The mechanism, which combines an automated ID document check with a biometric facial scan and a subsequent AI-supported comparison with the extracted features, can therefore be used by online media to fulfil their legal obligations.

According to the JMStV, certain content that is harmful to minors, such as pornography or other content that seriously jeopardises the development of children and young people, may only be distributed in telemedia if the provider ensures that only adults can access it through closed user groups. Technical systems that are intended to ensure that children and young people in a certain age group do not normally access such content can be submitted to the KJM, which analyses whether they fulfil the legal requirements by effectively guaranteeing age verification.

The "cidaas ID validator", developed by Widas ID GmbH, was approved by the KJM as an age verification solution. The tool, which can be integrated into websites or online applications, checks various identity documents such as ID cards in real time. It initially combines an automated ID document check with a biometric facial scan, which users can perform via video. It uses liveness detection to prevent the system being fooled by the presentation of a photo. As the check takes place without any interaction with another person, i.e. purely automatically, it can be carried out by users at any time and, according to the provider, takes no more than two minutes.

According to the criteria used by the KJM to evaluate age verification systems, at least the initial identification of users wishing to join a closed user group must generally take place through personal contact. In this context, "personal contact" is generally understood to mean a face-to-face check with the individuals present, including a comparison of official ID data. In this respect, however, the KJM recognises that a live video comparison can also meet these requirements.

Pressemitteilung Nr. 01/2026 der KJM

https://www.kjm-online.de/pressemitteilungen/kjm-bewertet-weitere-altersverifikationssysteme-positiv-2-2/

KJM press release no. 01/2026

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https://www.kjm-online.de/pressemitteilungen/kjm-bewertet-weitere-altersverifikationssysteme-positiv-2-2/

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DENMARK

[DK] First extended collective licence approval for text and data mining and the use of works by AI

Terese Foged
Legal expert

On 8 December 2025, the Danish Ministry of Culture granted its first approval of an extended collective licence for a collective management organisation concerning text and data mining and the use of works in AI tools.

Under section 11 b of the Danish Copyright Act, which corresponds to Article 4 of the Digital Service Market (DSM) Directive, anyone with lawful access to a work may extract and reproduce copies of the work for the purposes of text and data mining, provided that the rights holder has not expressly reserved the use of the work in an appropriate manner.

Several key rights holder organisations, including Koda and Danske Forlag (Danish Publishers), have recommended that their members reserve their rights (opt out) in relation to text and data mining. Major players such as DR (the Danish Broadcasting Corporation) and JP/Politikens Hus (newspapers) have also reserved their rights. Against this background, a significant number of Danish rights holders have, in practice, made use of the opt-out option in section 11 b.

Once rights holders have opted out of the text and data mining copyright exception, they may still license text and data mining uses of their works. Such licences may be individual or collective, and collective agreements may be accompanied by an extended collective licence, which entails a more far-reaching effect.

The 8 December 2025 approval of the collective management organisation Tekst & Node is the first approval of extended collective agreements concerning text and data mining and AI, or more generally the intersection between copyright and AI. This extended collective licence marks the beginning of the commercialisation of copyright in relation to AI.

The extended collective licence and the agreements offered by Tekst & Node are limited to the use of literary works in AI tools for internal use, specifically “for teaching purposes in primary schools or internal administrative use in educational institutions” and “internal use in, among other things, institutions and companies’ AI tools”. Accordingly, the extended collective licence and the agreements offered by Tekst & Node must be assumed to cover situations where the text and data mining copyright exception does not fully apply, in addition to covering text and data mining opt-outs.

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As follows from Article 12(3)(c) of the DSM Directive and the Danish Copyright Act, rights holders may opt out of this licensing mechanism. If so, this would constitute a double opt-out, namely an opt-out of the text and data mining copyright exception followed by an opt-out of the extended collective licensing mechanism.

However, there is a significant difference in the economic and control implications of not exercising the two types of opt-out. If opt-out is omitted in the text and data mining regime, users can perform text and data mining without having to meet specific conditions, such as reporting and payment of remuneration, because text and data mining falls within an exception to copyright. If opt-out is omitted in the extended collective licence scheme, however, the exploitation takes place under fixed contractual terms and against payment of remuneration, of which the rights holder is entitled to a share, because this is considered rights management under copyright law.

Tillægsaftale til Grund skoleaftale, Anvendelse af Kunstig Intelligens (AI) og Tillægsaftale til Arbejdspladslicens, Anvendelse af Kunstig Intelligens (AI)

https://kum.dk/fileadmin/_kum/2_Kulturomraader/Ophavsret/Aftalelicensgodkendelser/Generelle/Tekst___Node_-_OHL____50__stk._4__jf.____50__stk_2.pdf

Danish Ministry of Culture approval of Tekst & Node for extended collective licence

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SPAIN

[ES] The audiovisual sector in Spain advances in accessibility

Azahara Cañedo & Marta Rodriguez Castro

As the body responsible for overseeing the implementation of audiovisual accessibility measures regulated by Spanish legislation, the National Commission on Markets and Competition (*Comisión Nacional de los Mercados y la Competencia* - CNMC) has published a report on the plans developed by nationwide audiovisual service providers for the 2023-2025 triennium. The report, which will be submitted to the European Commission in compliance with the Audiovisual Media Services Directive, highlights the fact that the Spanish audiovisual sector has made significant progress in ensuring accessibility compared with previous years, both quantitatively and qualitatively.

The report, which compiles data based on the accessibility requirements set out in the 2022 General Law on Audiovisual Communication and applicable since 9 July 2023, indicates that subtitling is the most widely implemented accessibility service in Spanish audiovisual media. With an average of 92.5% of hours subtitled on free-to-air television – reaching 98.9% among public broadcasters – these figures represent the highest recorded to date. Meanwhile, most on-demand audiovisual service providers have surpassed the 30% subtitling threshold required by law. By contrast, the linear conditional-access providers under supervision have not implemented measures, citing technical and format-related difficulties.

Regarding audio description, the legal obligations have led to a significant improvement in service provision during the period analysed for free-to-air television. Despite the legal requirement of a minimum of 15 hours per week of audio description for public broadcasters and five hours for private broadcasters, the actual figures reached 33 and 14 hours per week, respectively. Positive results were also achieved in the broadcasting of sign language content: for the first time since records began, all linear free-to-air television operators complied with the minimum regulatory requirement established by law – 15 hours for public providers and five hours for private providers. In contrast, neither the conditional-access linear providers nor the on-demand service providers implemented audio description, and the amount of sign language content broadcast by these providers was practically non-existent.

As for accessible web and mobile content, most providers have implemented measures to align with international standards. Compliance is also being achieved in the labelling of accessibility features, as well as the inclusion of subtitling, audio description, and sign language in commercial communications for medicinal products and institutional messages. Several providers have also reported

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launching accessible training programmes, adapting educational content, and organising special events to promote inclusion.

Looking ahead to the next triennium, the improvement plans reported by audiovisual service providers continue the work already undertaken, with a priority focus on service quality, technological innovation and the integration of accessibility across all areas of the audiovisual sector. However, the CNMC report notes that technical and quality challenges persist.

Report on accessibility plans developed by audiovisual communication service providers at the national level

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FRANCE

[FR] Arcom imposes two sanctions totalling EUR 100 000 on CNews for discriminatory comments and failure to control airtime

Amélie Blocman
Légipresse

In two decisions issued on 5 February 2026, the French audiovisual regulator (*Autorité de Régulation de la Communication Audiovisuelle et Numérique* – Arcom) ruled on two disputed sequences of the programme "*L'Heure des Pros 2 Eté*", broadcast on CNews on 8 and 12 August 2025.

During the programme shown on 12 August 2025, a female columnist made comments associating all Palestinians with the perpetrators of the terrorist attacks of 7 October, describing them as "savages" and "appalling bloodthirsty people", and attributing extremely serious acts to all Palestinians without distinction. These comments, which, although repeated, were neither questioned nor contradicted by anyone present on the set, were deemed likely to encourage viewers to discriminate against Palestinians on the basis of their origin, regardless of the columnist's actual intention, which could not be deduced from the remarks she had made. As a result, the broadcaster had breached the stipulations of its licence of 27 November 2019, under which it must not encourage discriminatory behaviour.

During the same programme, the guest also denounced the presence in Paris airports of a "large number" of baggage handlers "very marked [...] physically by the Muslim religion", and made comments targeting Muslims working as baggage handlers as a whole on account of their religion, accusing them of worrying behaviour that posed a risk to passengers. Such stigmatisation, which was not moderated or challenged in any way by the people present on the set, was also deemed likely to encourage discriminatory behaviour, contrary to the provisions of the channel's licence.

Arcom also noted that, since the disputed comments had not been tempered or moderated by the people present on set, the broadcaster had failed in its obligation to control the airwaves, as stipulated in its licence. In view of all these breaches, a EUR 75 000 fine was imposed on the channel's publisher, pursuant to Articles 42-1 and 42-2 of the Act of 30 September 1986.

In its second decision of the same day, Arcom examined a sequence from the programme "*L'Heure des Pros 2 Eté*" broadcast on 8 August 2025, concerning a decision handed down by the Constitutional Council (*Conseil Constitutionnel*) the previous day. Under the latter decision, Article 1 of the law designed to extend the maximum duration of administrative detention of illegal foreign nationals to 180 or even 210 days had been declared unconstitutional.

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During this sequence, a guest criticised the decision and said that "millions of Algerians" "present major risks", since they "can pull out a knife in a metro, a train station, in the street, anywhere, or get into a car and drive into a crowd", thus suggesting that the presence in France of Algerian nationals residing there, targeted as a whole on account of their origin and nationality, posed a major risk to public safety. Such comments were likely to encourage hate speech and discriminatory behaviour. Moreover, nobody present on the set had questioned or contradicted them. Arcom therefore considered that this sequence constituted a breach by the broadcaster of the provisions of Article 15 of the Act of 30 September 1986 on the one hand, and of the stipulations of the channel's licence on the other.

The guest corrected her remarks three days later on a social network and the following day in the press. She also clarified during the "*Punchline Eté*" programme broadcast on CNews the following week that she had meant "thousands" rather than "millions", while confirming her comments in all other respects. In this case, Arcom considered that this correction had no impact on the nature of the breaches committed by the broadcaster. In view of these particular circumstances, a EUR 25 000 fine was imposed on the broadcaster.

Décision n° 2026-51 du 5 février 2026 portant sanction à l'encontre de la Société d'exploitation d'un service d'information (SESI), JORF du 11 février

https://www.legifrance.gouv.fr/download/pdf?id=n5SLrBjIMj3967HQK52oKsi7r4krTcTFGBOHLma5N3I=

Decision no. 2026-51 of 5 February 2026 imposing a penalty on the Société d'exploitation d'un service d'information (SESI), OJ of 11 February.

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[FR] Council of State validates Arcom's reorganisation of channel numbering

Amélie Blocman
Légipresse

In 2024, following a call for tenders for the allocation of terrestrial television services, some channels did not have their licences renewed (C8 and NRJ12), a number of new channels were authorised (including T18 and NOVO19) and Canal+ ceased broadcasting on DTT.

Through decision no. 2025-01 of 9 January 2025, the French audiovisual regulator (*Autorité de Régulation de la Communication Audiovisuelle et Numérique* – Arcom) changed the allocation of "logical numbers" to terrestrial television services broadcast in mainland France in order to improve the clarity of the offering for viewers. The companies Jeunesse TV, Paris Première, M6 Génération and Métropole Télévision requested the annulment of this decision on the grounds of abuse of power.

The Council of State (*Conseil d'Etat*) pointed out that, under the second paragraph of Article 3-1 of the Act of 30 September 1986, Arcom "allocates a logical number to terrestrial audiovisual communication services, taking into account the public interest, respect for the pluralism of information and fairness between broadcasters, and may, to this end, create service blocks based on their programming."

By reallocating service numbers, Arcom had sought, in the interests of viewers and broadcasters, to limit number changes for services not directly affected by these developments and to group certain services onto similar numbers due to their programming. For example, it had grouped news channels into a single block.

In addition, the allocation of number 4 to the France 4 channel (instead of the previous number 14) had been intended to ensure that, as the contested decision stated, "for the sake of clarity and in the public interest, the France 2, France 3, France 4 and France 5 services follow each other logically". Contrary to the applicant companies' claims, the provisions of Article 3-1 of the Act of 30 September 1986, which addressed the possibility of creating blocks based on service programming, did not prevent Arcom from basing its decision on the clarity of the offerings for viewers and the coherence and complementarity provided for in Article 2 of the Decree of 23 June 2009 establishing the specifications for France Télévisions and its channels when allocating numbers 2 to 5 in this way.

Lastly, the Council of State ruled that the provisions of Article 3-1 of the Act of 30 September 1986 did not, in principle, prevent Arcom, which was responsible for ensuring fairness among broadcasters, from drawing lots to allocate channel numbers. In this case, Arcom had chosen to reserve numbers 18 and 19, which

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had become vacant, for the two new channels CMI TV, which had subsequently become T18, and OFTV in order to "minimise the number of channel number changes" and "limit the effects of these changes on viewers' habits", and had drawn lots between these two new channels to determine the allocation of numbers 18 and 19. The Council of State ruled that Arcom's decision was not unlawful because it had decided not to make any broader changes to the previously allocated numbers.

The application was therefore dismissed.

Conseil Etat, 25 février2026, n° 502416, Métropole Télévision et a.

http://www.conseil-etat.fr/fr/arianeweb/CE/decision/2026-02-25/502416

Council of State, 25 February 2026, no. 502416, Métropole Télévision et al.

http://www.conseil-etat.fr/fr/arianeweb/CE/decision/2026-02-25/502416

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[FR] Meta ordered to implement filtering measures for false advertising for online gambling using the "Barrière" trademark

Amélie Blocman
Légipresse

The *Barrière* group brought an action before the criminal court after it observed that a large number of advertisements (more than 2 400) were being diffused on Meta's Facebook and Instagram networks, reproducing its EU semi-figurative and word marks without its authorisation in order to promote an online casino games application, which is illegal in France. Some of the advertisements showed the front of its casinos. The judge at the Paris judicial court ordered Meta to implement measures to filter out false advertising reproducing the group's trademarks, and to retain data essential for identifying the associated account holders. In a summary order, the judge declared that Meta was not entitled to apply for the order to be declared null and void and withdrawn. The company appealed.

Meta argued that there were no circumstances in this case that justified departing from the principle of adversarial proceedings, and that mere urgency was not a sufficient reason to resort to a petition-based procedure. The court pointed out that, pursuant to Article L.716-4-6 of the French Intellectual Property Code, urgency alone could justify the absence of adversarial proceedings. Meta did not dispute that it was already aware of the unlawful activities, having been informed of them in December by the national gambling authority (*Autorité Nationale des Jeux*), leaving *Barrière* and consumers exposed to the risk of further large-scale fraud through new false advertisements. At the time of the referral, illegal advertising was still being carried out despite the warnings as part of a massive campaign likely to cause irreparable damage both to the brands (reputational damage, association with an illegal activity) and to consumers. In the court's view, this situation justified a waiver of the principle of adversarial proceedings under Article L.716-4-6 of the French Intellectual Property Code. Meta's request for revocation on this count was therefore rejected.

The court then noted that Meta was an "intermediary" within the meaning of Article L.716-4-6 of the Intellectual Property Code and Directive 2004/48/EC (IPRED). Indeed, its services were used by infringers, which meant that Meta could be ordered to stop or prevent infringements regardless of its possible liability and without it being necessary to decide whether it was a host or a publisher.

To challenge the legality of the injunction, Meta invoked Article 15 of the e-Commerce Directive and Article 8 of the Digital Services Act relating to the prohibition of a general monitoring obligation for platforms. The court noted that "gambling activities" were excluded from the scope of the e-Commerce Directive. Such activities included advertising for gambling services, which was only one of the practical ways in which they were organised and operated. Consequently, it

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held that the aforementioned provisions were not applicable to the dispute. The prohibition of a general monitoring obligation could not therefore be invoked by Meta in this context.

The court upheld the injunctions issued against Meta, which were not limited to removing the disputed advertisements, but also required it to take measures to prevent their reappearance, in particular through filtering, provided such measures were targeted, proportionate and clearly defined. The order was confirmed in its entirety.

Paris, pôle 5 – ch. 1, 28 janvier 2026, n°24/12568 - Meta Platforms Ireland Limited c/ Groupe Lucien Barrière

https://www.courdecassation.fr/decision/697db1e7cdc6046d475d3c30

Paris appeal court, division 5, chamber 1, 28 January 2026, no. 24/12568 - Meta Platforms Ireland Limited v Groupe Lucien Barrière

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UNITED KINGDOM

[GB] Ofcom escalates Online Safety Act enforcement with new fines over age-assurance failures on adult websites

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The UK's communications regulator, Ofcom, has intensified enforcement of the Online Safety Act 2023 (OSA) by imposing two additional financial penalties on operators of adult websites that failed to implement legally required age-assurance measures. The decisions, issued in February 2026 against Kick Online Entertainment S.A. (Kick) and 8579 LLC, follow earlier enforcement action against AVS Group and other providers (see IRIS 2026-1:1/25) and demonstrate that the regulator has moved decisively from oversight of compliance programmes to active sanctioning. Notably, the GBP 1.35 million penalty imposed on 8579 LLC represents the largest fine yet under this part of the OSA regime, signalling a tightening approach to enforcement of the Act's child-protection duties.

Both cases arise from Ofcom's enforcement programme launched in January 2025 to oversee compliance with statutory age-assurance requirements for services hosting pornographic material online. That programme initially targeted services publishing their own explicit content before expanding in July 2025 to cover platforms allowing user-generated pornographic material (classified as Part 3 services under the legislation). Under section 12 of the OSA, such providers must ensure that children are prevented from encountering pornographic content by deploying "highly effective" age-assurance mechanisms.

The two investigations share several core features. In each case, Ofcom concluded that the provider had failed to implement age-assurance measures that met the statutory standards during the relevant period. Both providers were therefore found to have breached section 12. In addition, each case involved a separate infringement of section 102(8) of the Act, which obliges regulated services to respond to statutory information requests issued by Ofcom during an investigation. The regulator determined that both companies had failed to respond within the required timeframe.

The enforcement measures adopted also follow a consistent pattern. Ofcom imposed financial penalties for the substantive breach of the age-assurance duty alongside additional fines for the procedural failure to provide requested information. In both cases, the regulator also issued compliance directions requiring the providers to disclose the full list of adult websites they operate. The decisions further introduced daily financial penalties that would apply if the providers failed to comply with those directions within the specified timeframe. This combination of sanctions reflects Ofcom's use of both substantive and

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information-gathering powers under the OSA.

More specifically, the Kick Online investigation concerned the adult website *motherless.com*. Ofcom concluded that the platform had not deployed age-assurance measures capable of preventing children from accessing pornographic content for several months following the expansion of the enforcement programme to Part 3 services. After the regulator issued a provisional decision during the investigation, Kick introduced an age-assurance system that Ofcom considered capable of meeting the statutory standard.

In its final confirmation decision, Ofcom imposed a GBP 800 000 penalty for the section 12 breach and fined the company an additional GBP 30 000 for the section 102(8) violation (failure to respond in time to a statutory information request). In addition, the provider was required to supply Ofcom with a complete list of all pornographic websites it operates, with a daily penalty of GBP 200 applying if it fails to provide the information within the deadline.

A separate enforcement decision concerned 8579 LLC, which operated several adult websites, including *crazyporn.xxx*, *hoes.tube* and *love4porn.com*. Similarly, Ofcom found that the company had failed to implement effective age-assurance safeguards on these services for a period following the July 2025 expansion of the enforcement programme. Regarding another platform operated by the company, *justpornflix.com*, the regulator determined that the absence of compliant age-assurance measures remained ongoing at the time of the decision.

In light of the breaches identified, Ofcom imposed a GBP 1.35 million fine for the section 12 contravention, representing the largest penalty imposed so far under the OSA's age-assurance enforcement framework. The regulator also ordered the provider to implement compliant age-assurance measures on justpornflix.com. A daily penalty of GBP 1 000 will apply until the service complies or the enforcement period expires.

As in the Kick case, Ofcom also determined that the provider had breached section 102(8). A further GBP 50 000 penalty was imposed for that infringement. The company must also provide Ofcom with a full list of all sites it operates, with a daily penalty of GBP 250 applying if it fails to do so.

The Kick and 8579 LLC decisions illustrate how Ofcom is now applying the enforcement tools available under the OSA across multiple providers operating adult websites accessible in the UK. Both cases involve the same core statutory duties (i.e., preventing children from encountering pornographic material and responding to regulatory information requests) but they also reveal differences in scale and outcome. The investigation into Kick concerned a single principal service and concluded after the operator had introduced compliant age-assurance measures, resulting in a lower financial penalty. By contrast, the case against 8579 LLC involved multiple platforms and an ongoing compliance failure, which was reflected in a larger fine and stronger corrective directions.

Ofcom fines porn company £1.35m for not having age checks

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https://www.ofcom.org.uk/online-safety/protecting-children/ofcom-fines-porn-company-1.35-million-for-not-having-age-checks

Ofcom fines porn company £800,000 for failing to introduce age checks

https://www.ofcom.org.uk/online-safety/protecting-children/Ofcom-fines-porn-company-800k-for-failing-to-introduce-age-checks

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HUNGARY

[HU] The Media Council Fines TV2 for Content Classification and Human Dignity Violations

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Between January and February 2026, the Media Council of the National Media and Infocommunications Authority (*Nemzeti Média és Hírközlési Hatóság* - NMHH) issued two decisions regarding the commercial broadcaster TV2 Zrt., imposing fines totalling approximately 20 million Hungarian *forints* (HUF) (EUR 52 700). The cases involve a breach of age-rating provisions in a music talent show and a violation of human dignity during a current affairs programme. In both instances, the Media Council also levied personal fines against the media service provider's senior executive due to the nature of the infringements.

In a decision published on 22 January 2026, the Media Council imposed a fine of HUF 16.9 million (approximately EUR 44 530) on TV2 Zrt. for incorrectly classifying the first two episodes of the eighth season of its music talent show, *Megasztár* (Megastar).

The episodes, which aired in September 2025, were broadcast with a "12 and older" rating (Category III). However, following an investigation into the content – which included themes of sexuality and violence – the Council determined that a "16 and older" rating (Category IV) was required. By using the lower age rating, the broadcaster failed to comply with the mandatory late-night time slot requirements (after 9 p.m.) associated with more mature content. In addition to the corporate fine, a personal penalty of HUF 475 000 (approximately EUR 1 250) was levied against the media service provider's senior executive due to the repeated nature of the classification errors.

On 12 February 2026, the Media Council issued a second decision fining TV2 Zrt. HUF 3 million (approximately EUR 7 900) for violating legal provisions regarding respect for human dignity. The infringement occurred during the current affairs programme *Napló* (Diary) on 13 July 2025, in its preview on 12 July 2025. The programme focused on tragic bus accidents involving multiple fatalities. However, the broadcaster integrated a prize contest into the segment, asking viewers to vote on the question: "*Do you think the driver is to blame for every bus accident?*" The Media Council found that linking a prize draw to a discussion of fatal tragedies was incompatible with the constitutional values of a democratic public and the fundamental right to human dignity. As a result, the broadcaster was ordered to pay the fine and publish a formal statement regarding the violation. The senior executive was also fined HUF 25 000 (approximately EUR 66) for this specific breach.

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Megasztár decision: A Médiatanács 30/2026. (I. 20.) számú döntése

https://nmhh.hu/cikk/257150/A_Mediatanacs_302026_I_20_szamu_dontese

Megasztár decision: Decision No. 30/2026 (I. 20) of the Media Council

TV2 Napló decision: A Médiatanács 59/2026. (II. 10.) számú döntése

https://nmhh.hu/cikk/257625/A_Mediatanacs_592026_II_10_szamu_dontese

TV2 Napló decision: Decision No. 59/2026 (II. 10.) of the Media Council

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[HU] Media Council fines public and private broadcasters for breaching advertising rules

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University of Public Service

In late January 2026, the Media Council of the National Media and Infocommunications Authority (*Nemzeti Média és Hírközlési Hatóság* - NMHH) issued several decisions regarding non-compliance with advertising regulations by both private and public service media providers. The administrative body penalised ATV Zrt., *Hír TV Zrt*., and the public service broadcaster *Duna Médiaszolgáltató Nonprofit Zrt.* for various violations, ranging from surreptitious commercial communication to the volume of advertisements.

As part of its supervisory activities, the NMHH conducted a monitoring exercise for the third quarter of 2025 which revealed that the public service broadcaster, *Duna Médiaszolgáltató Nonprofit Zrt*., violated advertising volume regulations a total of 15 times across its M1, M4 Sport, and M5 channels. These breaches specifically concerned legal requirements for the loudness of advertisements, television shopping segments, and programme previews, as well as the acoustic signals used to indicate their broadcast. Consequently, in a decision published on 29 January 2026, the Media Council imposed a total fine of 1.05 million Hungarian *forints* (HUF) (approximately EUR 2 770) on the public broadcaster.

Similarly, Hír TV was found to have violated the legal provisions on the volume of advertisements on three separate occasions during the same period. The Media Council imposed a total fine of HUF 120 000 (approximately EUR 315) on *Hír TV Zrt*.

In a decision published on 22 January 2026, the Council found that ATV Zrt. violated the prohibition on surreptitious commercial communication. During an episode of *ATV Híradó* aired on 10 October 2025, a segment entitled "From Olympic champions to Tankcsapda, everyone is celebrating the country's favourite hot dog" featured information with significant promotional value. The Council determined the segment was designed to raise interest in a specific corporate group's products and services without being identified as advertising. For this violation, the broadcaster was fined HUF 125 000 (approximately EUR 330).

HírTV decision: A Médiatanács 40/2026. (I. 27.) számú döntése

https://nmhh.hu/cikk/257302/A_Mediatanacs_402026_I_27_szamu_dontese

HírTV decision: Decision No. 40/2026 (I. 27.) of the Media Council

ATV decision: A Médiatanács 31/2026. (I. 20.) számú döntése

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https://nmhh.hu/cikk/257151/A_Mediatanacs_312026_I_20_szamu_dontese

ATV decision: Decision No. 31/2026 (I. 20.) of the Media Council

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NETHERLANDS

[NL] The Netherlands Authority for Consumers and Markets launches an investigation into Roblox under the Digital Services Act

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On 30 January 2026, the Netherlands Authority for Consumers and Markets (*Autoriteit Consument en Markt* - ACM) launched an investigation into Roblox, an online game platform and game creation system, in relation to possible risks faced by minors on this platform in the EU. In its investigation, ACM will assess whether the game platform complies with Article 28 of the Digital Services Act (DSA), which requires providers of online platforms accessible to minors to put in place appropriate and proportionate measures to ensure a high level of privacy, safety and security of minors, on their service.

Roblox has approximately 150 million daily active users globally, most of whom are children. However, there are widespread concerns about the safety of its young audience, which include exposure to illegal or harmful content, grooming, and unfair commercial practices. Although Roblox claims to have introduced safeguards aimed at enhancing child protection, such as an age-verification system and parental controls, the effectiveness of these safeguards remains questionable. The ACM has received reports regarding the risks faced by underage users of Roblox and obtained information from the platform as part of a preliminary investigation. Based on its findings, the ACM considers there to be sufficient grounds to launch a formal investigation.

The ACM has been officially designated as the Digital Services Coordinator (DSC) for the Netherlands (see IRIS 2025-3:1/14). In this capacity, it is responsible for the effective and consistent supervision and enforcement of the DSA with regard to providers of intermediary services whose main establishment or legal representative is located in the Netherlands. If the ACM’s investigation shows that Roblox has violated its obligations under the DSA, it is authorised to impose an effective and proportionate penalty, such as a binding instruction or a fine.

In October 2025, the Dutch Ministry of the Interior and Kingdom Relations commenced a Children’s Rights Impact Assessment of Roblox to determine whether it is suitable and safe for a younger audience. The inquiry was initiated following questions from the children’s news channel *NOS Jeugdjournaal*, which related to concerns regarding the availability of harmful, violent and sexual games to underage users of the platform. Currently, Roblox is also facing legal scrutiny in many jurisdictions, both within and outside the EU, including Spain, France, the United States, and Australia.

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In July 2025, the European Commission published guidelines on measures to ensure a high level of privacy, safety and security for minors online, setting out a non-exhaustive list of proportionate and appropriate measures to protect children from a wide range of online risks (see IRIS 2025-8:1/6). While not binding, the guidelines serve as a reference point in evaluating online platforms' compliance with Article 28 DSA and can inform enforcement actions at the domestic level.

ACM start onderzoek naar Roblox in verband met risico's minderjarigen

https://www.acm.nl/en/publications/acm-launches-investigation-roblox-connection-risks-minors-are-facing

ACM launches investigation into Roblox in connection with risks to minors

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PORTUGAL

[PT] Portugal to ban social networks for children under 16

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The ruling party in Portugal wants to prevent teenagers under 16 from freely accessing social networks. A law proposal was debated and approved at the Parliament last February. The bill will now go to committee for detailed debate.

With the votes of the majority of the parties (except the far-right and Christian parties), the bill states that children aged 13 or older would only be able to access social networks with the express and verified consent of their parents or legal guardians.

Creating a new account for children under the age of 13 would not be possible and, according to the bill, access for those aged between 13 and 16 would require a mechanism, such as a Digital Mobile Key linked to their identity card, “that allows the minor to be identified, while only displaying his/her age.”

Access restrictions would cover social networks such as Instagram, Facebook, and TikTok. Online video games and gambling sites are also included in the restrictions. WhatsApp, a popular platform for communication between parents and their children, would not be included in the range of limited networks.

The platforms would have to ensure safe use, meaning that networks accessible by minors aged between 13 and 16 would have to guarantee that they “have certain features to prevent exposure to violence, age-appropriate sexual content, addictive games, manipulated videos, and manipulated images”. Also, platforms should include features that allow parents to control usage time and monitor potentially dangerous interactions.

The bill also bans autoplay features, infinite scroll mechanisms, gamification designed to prolong use, non-essential notifications, systems for creating fake images or videos and loot boxes or equivalent mechanisms on accounts belonging to children under the age of 16.

The national regulatory authority (*Autoridade Nacional de Comunicações*) and the Portuguese data protection authority (*Comissão Nacional de Protecção de Dados*) would ensure compliance with the measures and impose significant fines (up to EUR 2 million) or up to 2% of the networks' annual global revenues) for harmful actions against children.

This initiative is supported by scientific studies and reports from international organizations that raise several concerns over the well-being of children and adolescents who regularly use social networks. It also follows cases of other

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European countries which have limitations on the use of social networks, and the recent example of the Australian Online Safety Amendment (Social Media Minimum Age) Act 2024.

Bill to limit access to social networks

https://shorturl.at/xoh7F

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RUSSIAN FEDERATION

[RU] Federal Law No. 324-FZ extends "traditional values" restrictions to online audiovisual content

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Independent expert

Federal Law No. 324-FZ of 31 July 2025 came into force on 1 March 2026. It prohibits the distribution of audiovisual works containing materials that "discredit traditional Russian spiritual and moral values and/or propagandise the rejection thereof" (*дискредитирующие традиционные российские духовно-нравственные ценности и (или) пропагандирующие их отрицание*). The law amends Federal Law No. 149-FZ of 27 July 2006 ("On Information") and Federal Law No. 126-FZ of 22 August 1996 ("On State Support for Cinematography"), adding this as grounds for refusing or revoking a distribution certificate (*прокатное удостоверение*) and empowering the Ministry of Culture to issue formal conclusions (*заключения*) on online content. Audiovisual platforms and social networks must cease distribution of flagged works at the behest of Roskomnadzor (the media regulator).

The law does not define "traditional values". It relies on Presidential Decree No. 809 of 9 November 2022, which enumerates 17 values including patriotism, strong family, and the unity of the peoples of Russia. The HSE Centre for Religion and Law warned in August 2025 that the absence of specific interpretations creates "a risk of subjective and potentially arbitrary decisions".

Two Ministry of Culture orders implement the law. Order No. 2110 (18 November 2025), incorporating the new approach into distribution certificate procedures and granting the ministry power to unilaterally amend previously issued certificates. Order No. 2503 (29 December 2025) establishes a complaint procedure for online content: any person may file a complaint with a direct link to the work; an expert council (*экспертный совет*) reviews it within 20 working days; a positive conclusion is forwarded to Roskomnadzor, whereupon the platform has 24 hours to remove the content. As of March 2026, the expert council had not yet been constituted with named members.

It is worth noting that Gazprom-Media, a Russian media holding company, has invested several hundred million roubles in an AI content-screening system ("Predicto"), deployed on Premier and Rutube to flag non-compliant content, including references to drugs and alcohol (Forbes Russia, January 2026).

Since Federal Law No. 324-FZ came into force, the ministry refused a certificate for the film *Nuremberg* (James Vanderbilt, 2025) on 4 March 2026, invoking non-compliance under Order No. 2110. However, this pattern predates the law: Alexander Sokurov's *Fairy Tale* was already denied a certificate in October 2023

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and the Yakut thriller *Ayta* had its certificate revoked in September 2023 for "destructive information contradicting the principles of unity of the peoples [sic] of Russia".

Before the federal law came into force, Russian platforms undertook extensive pre-emptive content modifications. Documented cases include: the cropping of drug-use scenes from *Anora* (Palme d'Or 2024) by TNT; the deletion of Volodymyr Zelensky from scenes from a domestic series by Amediateka; and the deletion of nudity and a suicide reference from Mikhalkov's *Burnt by the Sun* (1994) by IVI and Viju. No provision of Russian law requires platform operators to notify rights holders when licensed content is modified for compliance. European producers and distributors with content on Russian platforms therefore have no formal notification mechanism.

Law No. 324-FZ therefore completes a three-tier system of control: state funding exceeding RUB 40 billion (~EUR 420 million annually); the distribution of certificates; and post-release complaint-driven enforcement.

Russia remained among France's top three cinema markets in 2024, with an estimated 3.7 million admissions, according to Unifrance. No EU sanctions prohibit film exports to Russia. Any European co-production circulating in Russia can now be flagged under Order No. 2503 and the unilateral amendment power in Order No. 2110 means previously issued distribution certificates provide no guaranteed protection.

Федеральный закон № 324-ФЗ от 31 июля 2025 года

https://publication.pravo.gov.ru/document/0001202507310070

Federal Law No. 324-FZ of 31 July 2025

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UKRAINE

[UA] National regulator explains registration of video-sharing platforms

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On 5 January 2025, the National Council on Television and Radio (NCTR), the independent media regulator in Ukraine, issued explanations and clarifications regarding the registration by the NCTR of certain media services that do not use radio frequencies.

The NCTR specifically referred to the formula of paragraph 38 of part 1 of Article 1 (Definitions of notions) of the 2022 Statute "On the Media" which defines a "video-sharing platform" as a platform

"*a separate part of which or an integral functionality of which is the distribution to a general audience for informational, entertainment or educational purposes of programmes and/or user-generated videos, over which the video-sharing platform provider does not exercise editorial control (editorial responsibility), if such distribution takes place via electronic communications networks and is organised by such a provider, including using automatic means or algorithms, in particular with regard to display, marking (tagging) and ordering of the playback sequence*".

The NCTR focuses on the registration of individual accounts (channels) on services such as YouTube, Tik Tok and Twitch. If the account holder distributes programmes under editorial control (clause 42 of part 1 of Article 1 of the Statute "On the Media") and their activities have the characteristics of audiovisual media (linear or non-linear television or radio broadcasting), they are obliged to register with the NCTR as an entity that broadcasts without using the radio spectrum, or as an entity in the field of audiovisual media on demand.

Entities that regularly distribute audiovisual content on platforms under editorial control and under a permanent name but do not have the characteristics of audiovisual media have the right, if there are appropriate grounds, to voluntarily register as entities in the field of online media (clause 30 of part 1 of Article 1, clause 36 of part 1 of Article 1, part 3 of Article 16 of the Statute "On the Media").

If, for example, a person distributes user-generated content (clause 24 of part 1 of Article 1 of the Statute) about their personal life in a "non-systematic" way, or videos that do not have the characteristics of programme features and do not have call signs/logos or a permanent name, and if that person reposts materials of other account holders, informs about the activities of a legal entity, etc., then they do not act as a media entity and such dissemination of information does not fall within the scope of the Statute "On the Media" (Article 2).

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In February 2026, the NCTR began registering such channels as non-linear media services, starting with a first batch of 13 channels.

Реєстрація суб'єктів у сфері медіа, які мовлять без РЧС: роз'яснення Національної ради.

https://webportal.nrada.gov.ua/reyestratsiyi-sub-yektiv-u-sferi-media-yaki-movlyat-bez-rchs-roz-yasnennya-natsionalnoyi-rady/

Registration of media subjects that broadcast without using the radio spectrum: Explanations by the National Council. 5 January 2026

Закон України Про меді

https://zakon.rada.gov.ua/laws/show/en/2849-20/print

Statute of Ukraine "On the Media", 13 December 2022, No. 2849-IX

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