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EDITORIAL

As you surely know, two US Court decisions have made the headlines by declaring major online platforms, Meta and Alphabet liable for the “addictive” design of their services.

In Europe, the protection of minors has long been a priority and remains a key concern, especially with the continued growth of social media, online platforms and VLOPs. In France, the AI and Digital Council (*Conseil de l’IA et du numérique*) has published recommendations to go further than age verification, in the context of ongoing discussions on the law protecting minors from the risks posed by social media use. At the European level, the Commission has reached preliminary findings that PornHub, Stripchat, XNXX and XVideos are not complying with their obligation to protect minors.

Talking about the public “addiction” to social media, influencers are one of their main beneficiaries and play a growing role in shaping consumer behaviour, which has prompted Poland to publish guidelines for their commercial activities. Also, the Spanish media regulator (*Comisión Nacional de los Mercados y la Competencia* - the CNMC) has sanctioned an audiovisual media service provider for making available a programme containing disguised advertising for a food brand, thereby clarifying the requirements for branded content in on-demand audiovisual services.

Having rules is a good thing, but ensuring that such principles are protected and implemented impartially requires media regulators that are independent. The Media Board has raised this issue in its Statement on developments concerning the Slovak regulator following the dismissal of its Chief Executive. For further insights, I invite you to consult our new *Mapping Report on the Independence of Media Regulatory Authorities*.

I warmly invite you to delve into this Newsletter and to join us for our *Newsletter webinar* on 29 April from 10:00 to 11:15, in which we will celebrate the publication of 10 000 articles since we started the IRIS Newsletter in 1995!

Enjoy the read!

Maja Cappello, Editor

European Audiovisual Observatory

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INTERNATIONAL

COUNCIL OF EUROPE

European Court of Human Rights: *Morawiec v. Poland*

Melinda Rucz
Institute for Information Law (IViR)

On 5 February 2026, the European Court of Human Rights (ECtHR) found that Poland violated Articles 6(1), 8 and 10 of the European Convention on Human Rights (ECHR) by lifting the immunity of Beata Morawiec, a judge at the Krakow Regional Court, and suspending her from office. At the heart of the case was a decision taken by the Polish Disciplinary Chamber of the Supreme Court (DCSC) against the applicant, who had been a vocal critic of the reorganisation of the Polish judiciary.

Background of the case

The applicant served as the President of the Judges' Association, Themis, an organisation that took an active role in the public debate surrounding the controversial judiciary reforms in Poland initiated in 2017. The organisation protested the reforms and openly criticised the then Minister of Justice. In November 2017, the applicant was dismissed from her position as President of the Krakow Regional Court. The applicant lodged and won a civil lawsuit against the state, following which the Minister of Justice was ordered to publish an apology to her.

In September 2020, the Internal Affairs Department of the State Prosecutor's Office petitioned the DCSC to waive the applicant's immunity in order to lodge a criminal case against her. The allegations included abuse of power by a public official, misappropriation of funds and bribery. Finding that there was a "reasonable suspicion" that the applicant had committed the offences, the DCSC lifted her immunity, suspended her from judicial duties and reduced her salary in October 2020. In June 2021, a second-instance decision taken by the DCSC overturned the first-instance decision, reinstated the applicant's immunity, paid back her withheld salary and lifted her suspension. The applicant brought a complaint to the ECtHR, arguing that her rights under Article 6(1) (right to a fair trial), Article 8 (right to private life), and Article 10 (right to freedom of expression) were violated by the DCSC.

Article 6(1)

First, the applicant argued that her right to fair trial, in particular her right to be heard by "an independent and impartial tribunal established by law", was violated

because the relevant decision was taken by a politically compromised body. The Court first addressed the admissibility of the case. With regard to exhaustion of domestic remedies, the Court found that although a constitutional complaint could have been possible, there was no genuine prospect for effective redress, as the Polish Constitutional Court "was essentially determined to preserve the new judicial appointment procedure". As for the victim status of the applicant, while the second-instance decision of the DCSC overturned the adverse consequences of the first-instance decision, such a favourable measure "is not, in principle, sufficient" to deprive the applicant of her victim status. Because the complaint concerned the independent status of the DCSC, the second-instance decision had no material consequences for this. Turning to the merits of the case, the Court cited its judgments in *Reczkowicz v. Poland*, *Juszczyszyn v. Poland* and *Tuleya v. Poland*, where it had already established that the DCSC was not an independent and impartial body. In light of this, the Court found a violation of Article 6(1).

Article 8

Second, the applicant argued that the DCSC's first-instance decision had undermined her reputation and had led to a hate campaign that had caused her permanent stress, in violation of her right to private life. The Court dismissed the exhaustion and victim status objections for similar reasons to those presented under the previous Article. With respect to the applicability of Article 8, the Court stressed that the applicant's "suspension deprived her of the opportunity to continue her judicial work and to inhabit a professional environment where she could pursue her goals of professional and personal development". In this light, the measures impacted her right to private life "to a very significant degree".

The Court then proceeded to analyse whether this interference was prescribed by law. Polish law stipulates that only a court order can authorise the lifting of a judge's immunity and her suspension. Referring back to its findings in relation to Article 6(1), the Court found that the DCSC could not be considered a "court" for the purposes of the ECtHR. Consequently, the interference was not based on a "law" that afforded sufficient safeguards against arbitrariness, and the interference with Article 8 was not justified.

Article 10

Last, the Court turned to assessing the applicant's claim regarding Article 10. The applicant argued that the DSCS's decision was retaliation for her public criticism of the judiciary reforms and her lawsuit against the Minister of Justice, and thus it violated her right to freedom of expression. The Court pointed out that the DCSC's decisions were not explicitly based on the applicant's public expressions. However, the Court insisted that the applicant's claim had to be assessed in light of the systematic overhaul of the judiciary. The fact that the DCSC's decision against the applicant was issued just a month apart from a very similar decision against another judge, underscored the need to consider the claim as part of a broader strategy to weaken judicial independence. Looking at the "sequence of events in their entirety", the Court found "prima facie evidence of a causal link between the applicant's exercise of her freedom of expression and the DCSC's

decision". Given the applicant's vocal role in the public debate surrounding judicial reforms, the DCSC's decision could be characterised as a "disguised sanction for the applicant's exercise of her freedom of expression".

The Court found that such an interference could not have been justified because it was not prescribed by law. It cited the same reasons as in the context of the Article 8 violation: the DCSC could not be considered a "court" and thus the decisions were not court-approved, as required by Polish law. Although the Court had already established the violation of Article 10, it still considered it "important" to examine the legitimacy of the interference. Reiterating its finding in *Żurek v. Poland*, the Court emphasised that judges not only have a freedom to comment on matters relating to the functioning of the judiciary, they also have a "corresponding duty to speak out in defence of the rule of law and judicial independence when those fundamental values come under threat". Taking into consideration the context of the case, the applicant's suspension and immunity removal could be understood as "a strategy aimed at intimidating (or even silencing) the applicant". As a silencing measure, the decision "undoubtedly had a 'chilling effect'" that not only discouraged the applicant, but also others from participating in public debate. As such, the interference could not have pursued a legitimate aim in the eyes of the Court.

Accordingly, the Court found in favour of the applicant, unanimously upholding all three claims.

Morawiec v. Poland, No. 46238/20, 5 February 2026

https://hudoc.echr.coe.int/?i=001-248208

Reczkowicz v. Poland, No. 43447/19, 22 July 2021

https://hudoc.echr.coe.int/eng?i=001-211127

Juszczyszyn v. Poland, No. 35599/20, 6 October 2022

https://hudoc.echr.coe.int/eng?i=001-219563

Tuleya v. Poland, Nos. 21181/19 and 51751/20, 6 July 2023

https://hudoc.echr.coe.int/eng?i=001-225672

Żurek v. Poland, No. 39650/18, 16 June 2022

https://hudoc.echr.coe.int/eng?i=001-217705

EUROPEAN UNION

Advocate General opinion in case of *Sky Österreich Fernsehen GmbH v. Verein für Konsumenteninformation*

Amélie Lacourt
European Audiovisual Observatory

On 26 February, Advocate General Szpunar delivered an opinion in the case of *Sky Österreich Fernsehen GmbH v. Verein für Konsumenteninformation* , analysing the concepts of “digital content” and “digital service”.

Sky Österreich Fernsehen GmbH (Sky), a private television company established in Austria, offers subscription-based streaming services, the content of which is accessible via a link or an app. Customers can watch programmes live, on demand, or download them for offline viewing once within 48 hours. When subscribing, users must consent, by clicking, to Sky beginning the contract before the 14-day withdrawal period expires, which means that they lose their right of withdrawal.

The consumer protection association (*Verein für Konsumenteninformation* - VKI) argued that the information provided to users when giving their consent is insufficient. It claimed in particular that streaming subscriptions constitute a “digital service”, meaning that only the full supply of the service renders the right of withdrawal void where the consumer has acknowledged that he or she will lose that right. However, Sky maintained that streaming services are “digital content” for which the right of withdrawal expires as soon as performance of the contract begins (see the exception to the right of withdrawal provided for in Article 16(m) of the Consumer Rights Directive 2011/83).

While the first instance Court dismissed VKI’s claim, the appellate court overturned it and classified streaming services as “digital services”. Sky then appealed to the Austrian Supreme Court (*Oberster Gerichtshof*), which referred a question to the Court of Justice of the European Union (CJEU), asking how to determine whether streaming services such as the one in question should be deemed “digital content” or “digital services” under the Consumer Rights Directive.

The Advocate General observes the definitions of both “digital service” and “digital content” contained in Article 2(11) and (16) of the Consumer Rights Directive. “Digital content” is data produced and supplied in digital form, while “digital service” is a service that lets the consumer create, process, store, or access data in digital form, or interact with such data. Because the literal interpretation does not allow the identification of a demarcation line between the supply of digital content and digital services, the Advocate General further carried out a systemic and a teleological interpretation. With regard to the former, the

aAdvocate General highlights several recitals from the Consumers Rights Directive, and emphasises the importance of the trader's involvement in distinguishing both concepts. Digital content involves a one-off or limited act of supply, whereas a digital service presupposes ongoing performance and trader engagement over time. From a teleological perspective, the Advocate General further clarifies that the withdrawal exception for digital content aims at protecting traders when the content is known and can be immediately consumed. By contrast, consumers need a right of withdrawal right to benefit from an appropriate period for reflection during which they can examine and test the goods acquired.

The opinion rejects the idea that this classification would let consumers abuse the system by briefly subscribing to watch premium content and then cancelling. It points out that EU law already requires the consumer to pay a proportionate amount for what has been supplied up to withdrawal, which is meant to protect the trader.

Advocate General Szpunar concludes his Opinion by proposing to interpret Article 2(11) and (16) and Article 16 (m) of the Consumer Rights Directive as meaning that "a streaming service, in the context of which the content made available to the consumer is stored on a server which customers may access via a hypertext link or an app in order to view it live, on demand or offline after downloading it, does not constitute an offer of 'digital content'". A consumer's 14-day withdrawal right does not therefore disappear once performance begins.

Opinion of Advocate General Szpunar, Sky Österreich Fernsehen GmbH v. Verein für Konsumenteninformation, Case C-234/25

https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62025CC0234

European Commission finds that *Pornhub*, *Stripchat*, *XNXX* and *XVideos* are not complying with their obligation to protect minors

Paola Bellissens
Media Law Expert

On 26 March 2026, in its preliminary findings, the European Commission found that *Pornhub*, *Stripchat*, *XNXX* and *XVideos* had not complied with the Digital Services Act (DSA) for two main reasons. These preliminary findings are part of formal proceedings launched against the four platforms on 27 May 2025.

Firstly, the Commission noted that the four platforms had not carried out a sufficiently thorough assessment of the risks that their services posed to minors accessing them. It argued, for example, that the platforms attached more importance to commercial concerns than to the societal risks to minors.

Secondly, it noted that the four platforms had not implemented any measures to prevent minors from accessing their content and had therefore failed to protect the rights and wellbeing of minors. Simply stating in their terms of use that the services were intended for adults was not enough. In this case, minors could access content with a single click. The Commission therefore considered that self-declaration was not a sufficient measure.

The platforms will now be able to examine the documents contained in the investigation files, reply in writing to the Commission's various findings and, finally, take the necessary measures to remedy the breaches identified. The European Board for Digital Services will also be consulted. If it confirms the Commission's point of view, a non-compliance decision may be adopted. This could result in the platforms being fined up to 6% of their annual worldwide turnover.

La Commission conclut à titre préliminaire que PornHub, Stripchat, XNXX et XVideos enfreignent le Règlement sur les services numériques en ce qu'ils permettent aux mineurs d'accéder à leurs services

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjr_8b2vNuTAxXOU6QEHTYtEUEQFnoECAwQAQ&url=https%3A%2F%2Feuropa.eu%2Fnewsroom%2Fecpc-failover%2Fpdf%2Fip-26-722_fr.pdf&usg=AOvVaw19O2Rhd6gDASuHgNzDJMMs&opi=89978449

Commission preliminarily finds PornHub, Stripchat, XNXX and XVideos in breach of the Digital Services Act for allowing minors to access their services

https://europa.eu/newsroom/ecpc-failover/pdf/ip-26-722_en.pdf

Media Board statement on developments concerning the Slovak Council for Media Services

Amélie Lacourt
European Audiovisual Observatory

The European Board for Media Services (the Media Board) was created under the European Media Freedom Act, replacing the European Regulators Group for Audiovisual Media Services (ERGA), initially established under the Audiovisual Media Services Directive (AVMSD). The Media Board enhances cooperation by bringing together national media regulatory authorities. Together, they support and advise the European Commission to ensure the effective application of media law at EU level and strengthen founding principles, including media freedom, pluralism, transparency and better cooperation.

Following its inaugural plenary meeting on 10 February 2025, the Media Board issued its first statement on 13 March 2026, addressing the latest developments regarding the Slovak media regulator, the Council for Media Services. In light of the dismissal of the Chief Executive of the Slovak regulator, who also served as a member of the Media Board and the European Board for Digital Services, the Media Board decided to raise certain aspects pertaining to this decision, which raise concerns as to their compatibility with AVMSD and DSA requirements. These include the sudden introduction of a dismissal proposal, the narrow vote that followed, and indications of potential structural changes affecting internal safeguards. In its statement, the Media Board notes the EU legal framework safeguarding the independence of media regulators, which includes Article 30(5) AVMSD, Article 9 EMFA and Article 50 DSA.

Based on these elements, the Media Board has called on the European Commission to look into the situation in Slovakia and encouraged it “to give particular consideration to the proper and effective application of the relevant provisions of the abovementioned laws on the independence of national regulatory authorities”.

Statement of the Media Board on developments concerning the Slovak Council for Media Services

https://media-board.europa.eu/news-0/statement-media-board-developments-concerning-slovak-council-media-services-2026-03-13_en

NATIONAL

BELGIUM

[BE] Netflix's challenge to the new system of contributions to audiovisual production in French-speaking Belgium: partial rejection of pleas by the Constitutional Court and reference to the CJEU for a preliminary ruling

Olivier Hermanns
European Audiovisual Observatory

On 26 March 2026, the Belgian Constitutional Court handed down ruling no. 36/2026 on the action for annulment brought by the Dutch company Netflix International BV (Netflix) against the new system of contributions to audiovisual production in French-speaking Belgium. This contribution is made either in the form of investment in co-production, pre-purchasing of audiovisual works or commissioning of programmes, or in the form of a payment to the Film and Audiovisual Centre of the French-speaking Community of Belgium (*Centre du Cinéma et de l'Audiovisuel de la Communauté française de Belgique* – CCA).

This new system was introduced by a decree of the French-speaking Community of 7 December 2023 "amending the decree of 4 February 2021 on audiovisual media services and video-sharing services". As permitted by Article 13(2) of Directive 2010/13/EU (AVMS Directive), it also applies to providers of non-linear television services who are established on the territory of an EU member state other than Belgium. The new system came into force on 1 January 2024, although there is a transitional period with several intermediate stages until the definitive rates come into force on 1 January 2027.

The rates themselves are progressive, increasing as turnover grows. At the end of the transitional period, the maximum rate applicable may reach 9.5% of a service provider's turnover, if that turnover is equal to or greater than €150 million. Prior to the 2023 reform, the maximum rate was 2.2% of turnover. For providers of "external television services" such as Netflix, turnover only takes into account "revenues from the French-speaking Community marketplace".

In general terms, Netflix challenged the constitutionality of the new audiovisual contribution regime and asked the Constitutional Court to refer various questions to the Court of Justice of the European Union (CJEU) for a preliminary ruling. The Constitutional Court rejected most of these requests on the grounds that the interpretation of the provisions of EU law left no room for reasonable doubt on these points. It referred to various CJEU judgments, including the *Unión de Televisiones Comerciales Asociadas* (UTECA) judgment of 5 March 2009 (C-222/07, ECLI:EU:C:2009:124). Having already rejected a number of the applicant's

arguments, the Constitutional Court decided to refer five questions to the CJEU for a preliminary ruling, before ruling on the merits of the case.

The first two questions concern the way in which the acquisition of broadcasting rights for European works that have already been produced should be taken into account as a direct investment. The third question relates to the fact that the division between investment in European works (65%) and investment in French-speaking Belgian audiovisual works (35%) is not applied when the provider chooses to make an audiovisual contribution in the form of a financial payment to a public body such as the CCA. The fourth question concerns the fact that the targeted member state does not take into account the financial contribution to which an on-demand media service provider targeting audiences on its territory would be subject in another member state. This is an interesting point because Article 13(3) of the AVMS Directive obliges the member state of establishment, if it imposes an audiovisual contribution, to take account of any financial contributions imposed by the member states targeted by the services. The CJEU is therefore asked whether, conversely and in order to avoid the risk of double taxation for audiovisual media service providers, the targeted member state must also take account of the financial contributions imposed by other member states on those providers. Finally, the fifth question seeks to ascertain whether, if the Constitutional Court were to annul one of the contested provisions of the decree of the French-speaking Community, EU law would preclude the effects of that provision from being maintained, either definitively or provisionally.

On the other hand, the Constitutional Court considered that the interpretation of the provisions of EU law left no room for reasonable doubt and that, consequently, the plea was unfounded:

- as to the compatibility of aspects of the investment and financing obligation with Article 3(1) and (2) of Directive 2000/31/EC (e-Commerce Directive). The Constitutional Court rejected this request, particularly in light of CJEU ruling C-366/24 of 18 December 2025;

- as to the interpretation of the concept of "European works" referred to in Article 13(2) of the AVMS Directive;

- as to the proportionate and non-discriminatory nature of the Belgian legislation at issue. If the service provider chose to contribute in the form of investments, at least 35% of the minimum contribution must be invested in the co-production or pre-purchase of audiovisual works of French-speaking Belgian origin. The Constitutional Court noted that, in this scenario, the final rate of such investment amounted to 3.3%, a rate that "cannot be considered disproportionate to the legislative body's objective of promoting cultural and linguistic diversity". The Court calculated that "the rate of investment in European works within the meaning of Article 13(2) of Directive 2010/13/EU thus amounts to 6.2%, which cannot be regarded as disproportionate either"; and

- as to the nature of the audiovisual contribution obligation, which did not constitute state aid.

Cour constitutionnelle, arrêt n° 36/2026 du 26 mars 2026

https://fr.const-court.be/public/f/2026/2026-036f.pdf

Constitutional Court, ruling no. 36/2026 of 26 March 2026

https://fr.const-court.be/public/f/2026/2026-036f.pdf

SWITZERLAND

[CH] Popular initiative to halve SRG funding clearly rejected

Franz Zeller
Federal Office of Justice, FOJ

The eagerly awaited referendum on the future financing of the Swiss Broadcasting Corporation (SRG) ended with a clear result: Swiss voters rejected the federal popular initiative "200 francs is enough! (SRG initiative)" in March with almost 62% of votes against. The "halving initiative", which was submitted in the summer of 2023, called for the radio and television licence fee for households to be reduced from the current CHF 335 to CHF 200 and for businesses to be exempted from the fee altogether.

In 2018, the Swiss electorate rejected the popular initiative "Say yes to the abolition of radio and television licence fees (abolition of Billag fees)" with 71.6% of votes against. It wanted to completely abolish public funding of the SRG as well as private local radio stations and regional television. Although the "halving initiative" didn't go as far, it would have had serious consequences according to the Federal Council (Swiss Government): from 2029, the SRG, Switzerland's most important public service broadcaster, would have received only around half of the current amount from the levies.

By downsizing the SRG and reducing its journalistic services, the initiative aimed to strengthen the entrepreneurial freedom of private providers. Initial polls had predicted a close vote in favour of the initiative, which was primarily launched by the conservative Swiss People's Party (SVP). However, the referendum on 8 March 2026 produced a clear result: the initiative was rejected by 61.95% of the vote. Voter turnout was 55.80%. According to a follow-up survey, around 77% of SVP supporters voted in favour of the proposed constitutional amendment, while supporters of the other major parties clearly rejected it. The popular initiative did not find a majority among young people either: the 18-34 age group rejected it with 61% of votes against and those aged 35-49 with 58% against. The majority of voters on a low income (up to CHF 4 000) were also against the initiative (56% of no votes).

In the run-up to the referendum, the Federal Council decided to gradually reduce the annual levies for households as part of a counterproject in 2024: in 2027, the levies will fall to CHF 312 and in 2029 to CHF 300. In addition to households, the Federal Council is also easing the burden on businesses: from 2027, the national government will exempt 80% of VAT-liable businesses from the levies. In so doing, the Federal Council is forcing the SRG to make savings.

In addition, the Federal Council wants to reformulate the SRG's mandate when the next licence is granted. According to the Federal Council's proposal, the SRG will

have to focus its offering more strongly on information, education and culture as well as on the audience's new usage habits. Its online offering should focus more strongly on audio and video content. The SRG's current licence runs until the end of 2028.

Medienmitteilung der Schweizer Regierung (Bundesrat) vom 19.06.2024: „Bundesrat lehnt SRG-Initiative ab und schlägt stattdessen Abgabesenkung auf 300 Franken vor“ [deutschsprachig]

https://www.news.admin.ch/de/nsb?id=101502

Press release by the Federal Council, published on 19 June 2024: "Federal Council rejects SRG SSR initiative and proposes reducing fee to CHF 300 instead"

https://www.news.admin.ch/en/nsb?id=101502

Datenbank des Instituts für Politikwissenschaft der Universität Bern zur Volksabstimmung

https://swissvotes.ch/vote/683.00

Initiative "200 francs is enough!" (fees for public broadcasting)

https://swissvotes.ch/vote/683.00

GERMANY

[DE] Cologne Higher Regional Court confirms ban on integration of ARD media library into private offerings

Sandra Schmitz-Berndt
Institute of European Media Law

In its judgment of 27 February 2026, the Cologne Higher Regional Court (*Oberlandesgericht Köln* – OLG Köln) (Case No. 6 U 75/25), ruled that a private streaming provider may not integrate the media library of the state broadcasters that make up the German Association of Public Service Broadcasters (*Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland* – ARD) into its offering without permission.

Since at least 31 January 2025, the defendant's streaming platform had included, among other things, a visually prominent section entitled "ARD *Mediathek*" (ARD media library) under the heading "*Mediatheken*" (media libraries). The "ARD Mediathek" section contained an offering compiled by the defendant itself, which was modelled on the ARD media library, contained a large number of videos from the ARD media library and was constantly adapted to the stock of videos stored in the ARD media library. Videos were not opened within the ARD media library by means of what the defendant referred to as "embedding", but in the defendant's player.

The legal dispute concerns the admissibility of the defendant's use of the ARD media library and thus, according to the court, questions relating to the rights of database producers, the German Interstate Media Treaty (*Medienstaatsvertrag* – MStV), trademark law and ancillary copyright protection under competition law. In its decision, the OLG Köln extended the ban previously issued by the Regional Court of Cologne (*Landgericht Köln* – LG Köln) (Case No. 14 O 82/25).

In addition to the injunctive relief already granted by the LG Köln in respect of an infringement of the ancillary copyright to which the plaintiffs were entitled as database producers, the OLG Köln granted a further claim in relation to the use of metadata. The ARD media library is a database protected under Section 87a of the German Copyright Act (*Urhebergesetz* – UrhG), the creation and operation of which would fall under the rights of database producers even if it were only a collection of links or a type of electronic programme guide. In view of ECJ case law, according to which the use of a database as a source of information may be permissible, for example by linking, searching or processing its content, the OLG Köln ruled that accessing data for the purpose of comparing it with a competing database or creating a "clone" offering was not covered. Taking over essential parts of a competitor's media library, in particular linking videos and taking over metadata, also infringed the rights of the database producer regardless of whether the content was freely accessible, technical protection measures existed and the database was publicly funded. With regard to extending the injunctive

relief to metadata contained in the media library, the OLG Köln stated that the plaintiffs had demonstrated repeated and systematic reproduction of metadata belonging to the videos stored in the media library.

Furthermore, following their appeal, the plaintiffs were granted injunctive relief with regard to the marketing of the ARD media library and its content-related and technical changes due to infringements of Section 80(1)(1) and (3) of the Interstate Media Treaty (*Medienstaatsvertrag* – MStV). The OLG stated that the aforementioned provisions should be considered as protective laws that protected the editorial and technical integrity as well as the marketing sovereignty of the providers of broadcast-like telemedia. Unlike the LG Köln, the OLG Köln had no concerns that the application of Section 80(1)(1) and (3) MStV, which protected marketing sovereignty, would lead to the undermining of the principles of copyright.

In addition, the granting of injunctive relief based on trademark law by the LG Köln was upheld by the OLG Köln. The use of the designations "ARD Mediathek", "Das Erste" and the suffix "/ard" in the post-domain path should be considered as use as a trademark likely to lead to misrepresentation of origin and confusion. It was undisputed that the signs "ARD" and "Das Erste" were widely recognised and comprehensively protected as company logos and trademarks.

Finally, the LG Köln's judgment was amended with regard to the applicants' claims under unfair competition law, which had been dismissed. The OLG Köln upheld a supplementary claim for injunctive relief under competition law pursuant to Sections 8(1), 3(1) and 4(3)(a) of the German Act against Unfair Competition (*Gesetz gegen den unlauteren Wettbewerb* – UWG) due to avoidable (indirect) misrepresentation of origin. This was based on the fact that the imitation of the ARD media library by the streaming provider was likely to deceive users about its operational origin and thus about the fact that it was the original product. The parallel assertion of unfair competition claims in addition to copyright and trademark claims was permissible.

In summary, the defendant was therefore prohibited in the preliminary injunction proceedings from reproducing, publicly displaying, marketing, altering the content of or technically modifying essential parts of the ARD media library (including metadata) and from using the protected signs and trademarks in the course of trade.

Link zur Pressemitteilung des OLG Köln

https://www.olg-koeln.nrw.de/behoerde/presse/004_zt_letzte-pm_archiv_zwangs/001_letzte_pressemitteilung/index.php

Link to the press release of the Cologne Higher Regional Court

https://www.olg-koeln.nrw.de/behoerde/presse/004_zt_letzte-pm_archiv_zwangs/001_letzte_pressemitteilung/index.php

Link zum Urteil des OLG Köln

https://nrwe.justiz.nrw.de/olgs/koeln/j2026/6_U_75_25_Urteil_20260227.html

Link to the judgment of the Cologne Higher Regional Court

https://nrwe.justiz.nrw.de/olgs/koeln/j2026/6_U_75_25_Urteil_20260227.html

[DE] KEF recommends significantly lower licence fee increase

Sandra Schmitz-Berndt
Institute of European Media Law

In its 25th report, which was presented and submitted to the Chairman of the Broadcasting Commission (*Rundfunkkommission*) of the federal states on 20 February 2026, the Commission for Determining the Financial Requirements of Broadcasters (*Kommission zur Ermittlung des Finanzbedarfs der Rundfunkanstalten* – KEF) recommended only a small increase in the German public broadcasting licence fee from the current EUR 18.36 to EUR 18.64 per month.

The licence fee is determined in accordance with the Interstate Broadcasting Financing Treaty (*Rundfunkfinanzierungsstaatsvertrag* – RFinStV) and can only be changed with the approval of all 16 state parliaments. To this end, the KEF reports to the state governments every two years on the financial situation of the state broadcasters that make up the German Association of Public Service Broadcasters (*Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland* – ARD), *Zweites Deutsches Fernsehen* (ZDF) and *Deutschlandradio*. The KEF alternately prepares licence fee reports containing recommendations on the level of the licence fee for the following four years and interim reports that examine its forecasts and documents any changes. The procedure for determining the level of the licence fee comprises three stages. First, the broadcasters report their financial requirements to the KEF on a regular basis (first stage). The KEF then reviews the reported financial requirements in accordance with the principles of efficiency and economy (second stage). Based on this, the KEF submits a proposal to the Broadcasting Commission. In accordance with Section 7(2) RFinStV, the KEF's proposal forms the basis for the final decision of the state governments and state parliaments to amend the Interstate Treaty accordingly (third stage).

In its 24th report, published in 2024, the KEF had recommended increasing the licence fee to EUR 18.94 from 1 January 2025. However, the federal states had refused to ratify this, partly due to high reserves at ARD, ZDF and Deutschlandradio as well as pending public service broadcasting reforms. As a result, the previous level of EUR 18.36 per month had remained in place. In November 2024, ARD and ZDF lodged a constitutional complaint with the Federal Constitutional Court (*Bundesverfassungsgericht*, Case No. 1 BvR 2524/24 and others) against the inaction of the federal states, and these proceedings are still pending.

In its 25th report, which is more than 360 pages long, the KEF recommended an increase of only EUR 0.28 from 1 January 2027 instead of the EUR 0.58 recommended in its previous report, which would have applied to the entire period from 2025 to 2028. The report takes into account the influence of various factors on the licence fee calculation over the last two years, including

geopolitical and domestic political developments, migration, the impact of the Special Fund for Infrastructure and Climate Neutrality (*Sondervermögen für Infrastruktur und Klimaneutralität*) as well as changes in the housing market and capital market interest rates. The significantly lower increase is due to the fact that the KEF is forecasting much higher revenues until 2028 due to more newly registered housing and higher income, which had not been foreseeable in the previous report. However, it is also making reductions totalling EUR 1.275 billion to the notified financial requirements. For the 2025-28 period, it predicts total funding-relevant expenditure of EUR 42.01 billion, an increase of EUR 3.5 billion or an average of 2.2% per year compared with the 2021-24 period.

According to the KEF's assessment, the new Interstate Treaty on Reform (*Reformstaatsvertrag*), which is intended to make public service broadcasters more digital, lean and modern, could not have influenced the calculation of requirements, as it had only come into force on 1 December 2025, after the financial requirements had been notified. Accordingly, the KEF does not expect the reforms to have any significant financial impact until 2029, partly due to long-term licensing agreements, production orders and employee contracts, as well as structural reforms and staff reduction programmes that have already been factored into the licence fee calculation.

Link zum 25. KEF-Bericht

https://kef-online.de/fileadmin/kef/Dateien/Berichte/25._KEF-Bericht.pdf

Link to the 25th KEF report

https://kef-online.de/fileadmin/kef/Dateien/Berichte/25._KEF-Bericht.pdf

Link zur Pressemitteilung der KEF

https://kef-online.de/presse/detail/kef-empfiehlt-deutlich-geringere-anhebung-des-rundfunkbeitrags

Link to the KEF press release

https://kef-online.de/presse/detail/kef-empfiehlt-deutlich-geringere-anhebung-des-rundfunkbeitrags

Link zur Zusatzinformation zur Pressemitteilung der KEF

https://kef-online.de/fileadmin/kef/Dateien/Pressemitteilungen/25._KEF-Bericht_Zusatzinformation_zur_PM.pdf

Link to additional information on the KEF press release

https://kef-online.de/fileadmin/kef/Dateien/Pressemitteilungen/25._KEF-Bericht_Zusatzinformation_zur_PM.pdf

[DE] Kingdom of Morocco denied injunctive relief against German media companies due to Pegasus reporting

Sandra Schmitz-Berndt
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In response to an appeal by the Kingdom of Morocco against various German media companies, the Federal Court of Justice (*Bundesgerichtshof* – BGH) ruled on 24 February 2026 (Case Nos. VI ZR 415/23 and VI ZR 416/23) that a foreign state was not entitled to legal recourse against domestic media in relation to freedom of expression and thus confirmed the decisions of Hamburg's lower courts.

The Kingdom of Morocco had filed a lawsuit against the operators of the *ZEIT ONLINE* news portal and the publisher of the *Süddeutsche Zeitung* daily newspaper, including its online portal, seeking an injunction against allegations that they had published. In July 2021, the media companies concerned had published several articles alleging that various countries, including the plaintiff, were using the Pegasus surveillance software to spy on high-ranking politicians, lawyers and journalists. Morocco had been accused of spying on the French president in particular. Morocco denied being a customer of the producer of the surveillance software, claiming that it had neither acquired nor used the software and that its social respect and national honour had been seriously infringed by the reporting. Regarding the legal questions underlying the facts of the case, it made no difference whether the statements had been merely disseminated in text form or via audiovisual media.

In its rulings, the BGH explained in detail that the Kingdom of Morocco had no legal claim to an injunction against the contested allegations. In principle, a claim for injunctive relief could arise from Section 1004(1) sentence 2 of the German Civil Code (*Bürgerliches Gesetzbuch* – BGB) by analogy, or Section 823(1) BGB, according to which the holder of an absolutely protected legal position could defend himself against infringements. The legal positions protected by Section 823(1) BGB included the personal rights described in Articles 1(1) and 2(1) of the German Basic Law (*Grundgesetz* – GG), which comprehensively protected an individual's dignity and freedom. The BGH found – as the lower courts had done – that a state had no "personal" honour or general personal rights.

The court also held that an absolutely protected legal position could not be derived from the principle of state honour enshrined in international law. A state's reputation could not be treated as another right within the meaning of Section 823(1) BGB, even taking into account the principle of interpreting law in a manner favourable to international law and the mandate to apply law as stipulated in the Basic Law with regard to general rules of international law. The court explained that no general rule of international law could be found in international state practice, the case law of international and national courts or international legal doctrine entitling a state to demand that private individuals from another state

refrain from making statements that damaged its reputation. Likewise, the court thought there was no obligation under international law for states to exert comprehensive influence on private individuals under their jurisdiction in order to protect the reputation of other states. With regard to the plaintiff's submissions, the BGH found that the reference in the recitals to Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (*Strategic lawsuits against public participation*, OJ L 2024/1069, 16.4.2024) to the fact that abusive lawsuits could also originate from state organs did not prove that there was widespread state practice in the EU Member States entitling states to assert injunctive claims against foreign private individuals to protect their reputation.

Neither had there been an infringement of a protective provision of criminal law on which a claim for injunctive relief could be based. A foreign state did not enjoy protection under the provisions of Sections 185 *et seq*. of the German Criminal Code (*Strafgesetzbuch* – StGB), which protected general personal rights based on the guarantee of human dignity and free development of the personality as well as the honour of natural and legal persons under private law. A foreign state also did not benefit from the extension of the protection of honour under criminal law to authorities or other bodies that performed public administration tasks under Section 194(3) sentence 2 StGB. This provision only guaranteed such protection for the national sphere of sovereignty, as was suggested by the history, purpose and systematic position of the provision in the Criminal Code.

In the court's opinion, a claim for injunctive relief could also not be derived from the special provisions of the Criminal Code on "offences against foreign states" (Sections 102 to 104a of the Criminal Code), since the corresponding offences had not been committed. For example, there had been no attack on organs or representatives of the plaintiff in Germany.

Finally, the BGH also denied a claim for injunctive relief based on defamation of a foreign state or the infringement of a foreign state's reputation. Section 90a StGB only criminalised the defamation of the German state and its symbols. Similarly, the scope of anti-constitutional defamation of state organs under Section 90b StGB only extended to German constitutional organs.

The BGH did not consider a referral to the Federal Constitutional Court (*Bundesverfassungsgericht*) to be necessary. Such a referral would only be necessary if there were serious doubts as to whether a general rule of international law was part of federal law and established direct rights and obligations for individuals. However, this question did not arise, as it was clear that there was no rule of international law that allowed a state to demand that private individuals from another state refrain from making statements that damaged its reputation or obliged other states to exert influence on their citizens in order to protect the reputation of foreign states.

Link zur Pressemitteilung des BGH

https://www.bundesgerichtshof.de/SharedDocs/Pressemitteilungen/DE/2026/2026036.html

Link to the press release of the Federal Court of Justice

https://www.bundesgerichtshof.de/SharedDocs/Pressemitteilungen/DE/2026/2026036.html

Link zur Entscheidung des BGH in Bezug auf ZEIT ONLINE (Az. VI ZR 415/23)

https://www.bundesgerichtshof.de/SharedDocs/Entscheidungen/DE/Zivilsenate/VI_ZS/2023/VI_ZR_415-23.pdf;jsessionid=A85B05CC0B652074D14C3E1140783260.internet011?__blob=publicationFile&v=5

Link to the decision of the Federal Court of Justice in relation to ZEIT ONLINE (case VI ZR 415/23)

https://www.bundesgerichtshof.de/SharedDocs/Entscheidungen/DE/Zivilsenate/VI_ZS/2023/VI_ZR_415-23.pdf;jsessionid=A85B05CC0B652074D14C3E1140783260.internet011?__blob=publicationFile&v=5

Link zu Entscheidung des BGH in Bezug auf Süddeutsche Zeitung (Az. VI ZR 416/23)

https://www.bundesgerichtshof.de/SharedDocs/Entscheidungen/DE/Zivilsenate/VI_ZS/2023/VI_ZR_416-23.pdf;jsessionid=A85B05CC0B652074D14C3E1140783260.internet011?__blob=publicationFile&v=7

Link to the decision of the Federal Court of Justice in relation to Süddeutsche Zeitung (case VI ZR 416/23)

https://www.bundesgerichtshof.de/SharedDocs/Entscheidungen/DE/Zivilsenate/VI_ZS/2023/VI_ZR_416-23.pdf;jsessionid=A85B05CC0B652074D14C3E1140783260.internet011?__blob=publicationFile&v=7

DENMARK

[DK] Radio and Television Board approves new digital public service offering

Terese Foged
Legal expert

On 26 March 2026, the Radio and Television Board, the Danish media regulatory authority, approved a proposal for the Danish Broadcasting Corporation (DR) to develop a new weather app in collaboration with the Danish Meteorological Institute (DMI). The approval followed a so-called value test, which is required whenever the DR wishes to launch new digital public service offerings.

The planned app will bring together:

- the DMI’s meteorological data and weather forecasts,

- severe weather warnings, and

- the DR’s journalistic content on weather and climate.

The idea is to provide the public with a single, comprehensive platform for raw weather data, explanations and social context.

The objectives include:

- faster and more widespread warnings in the event of extreme weather,

- easier access to reliable weather information, and

- better journalistic coverage of climate and weather phenomena.

The DR’s weather app had to be approved because, whenever the DR wishes to launch a new service (such as an app), it must undergo a public service value test, which assesses two things:

- public service value: whether the service meets democratic, social or cultural needs;

- impact on competition: whether it could harm private operators in the market.

There were particular concerns from media and tech players, according to which the DR could gain a competitive advantage through its collaboration with the DMI, and users might perceive the app as the "official" weather channel.

However, the board concluded that, overall, the public service value outweighs the potential negative effects on competition, partly because the DMI’s data

remains freely available to all. In addition, the market for weather apps has relatively low barriers to entry.

The approval issued by the Radio and Television Board allows the DR to develop the app in collaboration with the DMI. It is expected to be launched around 2027, provided development proceeds according to plan.

Afgørelse vedr. Radio- og tv-nævnets værditest af DR's nye vejrapp

https://slks.dk/fileadmin/user_upload/SLKS/Omraader/Medier/Public_service_ny_-_tilgaengelig/Vaerditest/Afgoerelse_vedr._godkendelse_af_DR-vejrapp_26.03.2026.pdf

Decision regarding the Radio and Television Board's content review of the DR's new weather app

SPAIN

[ES] The CNMC clarifies identification requirements for branded content in on-demand audiovisual programmes

Helena Suárez
ECIJA

On 12 February 2026, the Spanish National Commission for Markets and Competition (*Comisión Nacional de los Mercados y la Competencia* – CNMC) adopted a decision concerning the identification of commercial communications in on-demand audiovisual services. The regulator imposed a sanction on a national audiovisual media service provider for making available a programme containing disguised advertising, in breach of Article 122.3 of the General Audiovisual Communication Act (*Ley General de Comunicación Audiovisual* – LGCA).

The case concerned a non-linear audiovisual programme addressing menopause and women's health issues, which was offered through a video-on-demand platform. According to the information displayed in the catalogue, the programme was "offered by" a food brand whose products are marketed in relation to cholesterol reduction. The programme remained available between July 2024 and May 2025.

Following a period of preliminary investigation, the CNMC requested and reviewed a recording of the programme. During this assessment, the regulator identified multiple references to the sponsoring brand throughout the programme, including verbal mentions, visual elements linked to the brand's identity and references to a study conducted by the brand. The programme adopted an informational and educational tone and did not include explicit purchase recommendations.

Article 122.3 LGCA prohibits surreptitious audiovisual commercial communications. This provision defines such communication as the verbal or visual presentation of goods, services, names, trademarks or activities with an intentional promotional purpose that may mislead the public as to the nature of the presentation. The provision transposes the corresponding prohibition contained in Article 9(1)(a) of Directive 2010/13/EU, as amended by Directive (EU) 2018/1808 (Audiovisual Media Services Directive – AVMSD).

Under Article 158.15 LGCA, infringement of this prohibition is classified as a serious administrative offence. Articles 9 and 155 LGCA confer supervisory and sanctioning powers on the CNMC with respect to national audiovisual media service providers, including providers of on-demand audiovisual media services. In line with the technology-neutral approach of the AVMSD, the same rules apply irrespective of whether content is disseminated through linear broadcasting or on-demand services.

The CNMC examined whether the programme constituted disguised advertising and whether the commercial nature of the content had been sufficiently identified. The media service provider argued that transparency was ensured through generic labels displayed on the programme page, indicating that the content was sponsored and offered by the brand. It further argued that the programme should be regarded as informational, as it did not explicitly promote the purchase of any product or highlight specific commercial benefits.

The CNMC rejected these arguments. It noted that the references relied upon by the provider were displayed outside the audiovisual content itself and were not sufficiently clear or prominent to ensure that viewers were aware, throughout the viewing experience, that they were consuming advertising content. In particular, the programme included no explicit in-content indication identifying it as advertising.

Referring to Article 136.1 LGCA, the regulator recalled that a legible on-screen indication must be displayed whenever the characteristics of the commercial communication may give rise to confusion as to its nature. In the present case, the CNMC considered that such confusion existed, given the integration of brand references into the programme's editorial narrative.

In assessing the existence of a promotional purpose, the CNMC conducted a contextual analysis of the programme as a whole. The decision highlights a combination of elements, including repeated verbal references to the brand and to a study promoted by it, the visual presence of the brand's logo, the use of colours and decorative elements associated with the brand's advertising, the thematic focus on cholesterol and cardiovascular risks linked to the promoted product category, and the participation of a contributor who had previously appeared in advertising campaigns for the same brand.

Taken together, these elements were considered to demonstrate a promotional intent. Although the programme also contained informational content, the CNMC concluded that the commercial communication was embedded within the editorial content in a manner that was not immediately recognisable to viewers.

The decision includes observations relevant to the use of branded content formats in audiovisual services. While acknowledging that such formats are widely used and not prohibited as such, the CNMC emphasised that they remain fully subject to the rules governing commercial communications laid down in the LGCA and the AVMSD.

According to the regulator, when branded content is integrated into programming in a way that may mislead viewers as to its commercial nature, clear identification is required. The on-demand character of the service does not reduce or modify this obligation. The CNMC confirmed that the transparency and recognisability requirements applicable to linear audiovisual media services also apply to non-linear services.

Following the proposal for resolution, the audiovisual media service provider acknowledged responsibility for the infringement and opted for early payment of

the fine, in accordance with Article 85 of the Spanish Administrative Procedure Act. As a result, the proposed sanction was reduced by 40%.

FRANCE

[FR] CNews given formal notice over editorial treatment of book on Crépol tragedy

Amélie Blocman
Légipresse

Arcom received a referral in connection with the CNews broadcast in March 2025 of around twenty sequences devoted to the book *Une nuit en France*, relating to the tragedy that took place in Crépol in November 2023, during which a teenager was killed at a party. A judicial investigation is still underway into the homicide and attempted homicide by an organised gang. Some politicians and the media put forward the hypothesis of an anti-white racist crime, an interpretation criticised in the book, which led to the contentious sequences in which the book was described as a "rewrite" or as "revisionist".

Arcom notes that most of the broadcasts relayed a single interpretation of the facts, centred on the theory of a racist crime, presented in an unambiguous and peremptory manner. With regard to the handling of an ongoing judicial procedure, comments asserting a racist motive were made on numerous occasions, without appropriate safeguards, in disregard of the requirements of moderation, rigour and honesty, as well as the presentation of the different possible theories , as set out in the decision of 18 April 2018 and the channel's broadcasting licence.

In addition, these comments were not moderated on air, which constitutes a breach of the obligation to control the airwaves.

Arcom is therefore giving formal notice to the CNews broadcaster to comply with its obligations.

Décision 2026-91 du 25 février 2026, JORF du 4 mars 2026

https://www.legifrance.gouv.fr/download/pdf?id=3dskKaR_OtlEWzq-ZlC2iaHbHPaWjv9haYLqXueaRB4=

Decision 2026-91 of 25 February 2026, JORF of 4 March 2026

[FR] Protection of minors online: AI and Digital Council recommendations to go further than age control

Amélie Blocman
Légipresse

At a time when the draft law aimed at protecting minors from the risks associated with using social networks is soon due to be examined by the joint committee, a note from the AI and Digital Council (*Conseil de l'IA et du numérique* - CIANum), published on 30 March, looks more specifically at the age control system that has been the subject of debate in parliament.

It looks at the many risks to which minors are exposed on social networks, as well as current/planned regulations and their limitations. In this respect, the Council notes an international movement to regulate digital services in order to improve the protection of minors online. In Australia, for example, a ban on minors' access to social networks has been in force since December 2025, via the Online Safety Amendment (Social Media Minimum Age) Act 2024, which has prohibited 10 platforms from accepting users under the age of 16, leading to the deletion of millions of accounts. Other countries (United Kingdom, China, etc.) are using alternatives such as device-level age verification, mandatory disconnection times, secure digital interfaces, etc.

The European Commission recently validated France's jurisdiction to ban social networking sites for under-15s, while specifying that it was up to the European body to impose additional obligations on very large platforms. The European Union is also experimenting with several methods of age verification, while leaving member states some leeway in defining the age threshold.

However, according to the AI Council, "age verification will not be enough to address all the pitfalls, or to guarantee a peaceful digital life for all users". Indeed, many blind spots remain: the growing use of generative AI, better consideration of the fundamental rights of minors, structural changes to mitigate the effects of the platform business model based on the attention economy, etc.

Rather than simply regulating by age, the AI Council is advocating a thorough rethink of the framework for digital services, and is making a series of recommendations along these lines. It calls for the creation of a European standard for the protection of minors online, the opening up of platform functionalities, the enshrinement of a right to parameterisation and greater transparency in algorithms.

Given the inadequacy of the "technically neutral role" criterion adopted by the Law on Confidence in the Digital Economy, the CIANum calls for a rethink of the dichotomy between host and publisher. The Digital Services Act (DSA), without formally creating a third status, distinguishes online platforms from very large platforms and very large search engines as hosts, imposing on them a more stringent liability regime, particularly in terms of moderation. Rethinking the

status of these players would make it possible to move towards a system of shared liability – for example in the event of the dissemination of illegal content. According to the CIANum, such a reform can only be considered at the European level. The revision of the DSA scheduled for 2027 could be the right time to introduce such a change.

The note also calls for consideration to be given to the multiple uses of digital services, in particular those relating to generative AI. In this respect, the CIANum will lead the "Generative AI and vulnerabilities" commission, whose initial conclusions will be made public by the end of May 2026. The final report will be submitted in September 2026.

Finally, in view of the wide range of digital tools and the many risks to which minors are exposed, the CIANum's report recommends strengthening and structuring digital, media and information literacy.

Protection des mineurs en ligne par le contrôle de l'âge : comment aller plus loin ? Note du Conseil de l'IA et du numérique, mars 2026.

https://www.conseil-ia-numerique.fr/files/users/user18317/Protection%20des%20mineurs%20en%20ligne%20par%20le%20contr%C3%B4le%20de%20l'age_Comment%20aller%20plus%20loin.pdf

Protection of minors online through age control: how can we go further? Note from the AI and Digital Council, March 2026.

[FR] Rejection of request for an injunction against Arcom for failure of CNews and Europe 1 to respect pluralism

Amélie Blocman
Légipresse

A number of academics, radio listeners and TV viewers, as well as candidates in the municipal elections, asked the interim relief judge of the Council of State (*Conseil d'État*) to order the French audiovisual regulator (*Autorité de Régulation de la Communication Audiovisuelle et Numérique* – Arcom) to use its powers of investigation and sanction against the services CNews and Europe 1 for failure to comply with its decision no. 2024-15 of 17 July 2024 concerning respect for the principle of pluralism of schools of thought and opinion. They argued that Arcom's failure to use its statutory powers to ensure that the services in question complied with their obligations, despite the extent of the breaches observed, constituted a serious and manifestly unlawful breach of the pluralism of schools of thought and opinion referred to in Article 3-1 of the Act of 30 September 1986, Article 13(1) of which requires broadcasters to respect such pluralism in their programming.

The interim relief judge pointed out that, under the special procedure provided for in Article L. 521-2 of the Code of Administrative Justice (*Code de la justice administrative*), he could only order emergency measures if he thought they were likely to safeguard, within a period of 48 hours, a fundamental freedom that was being seriously and manifestly infringed. In any case, he could only intervene under the conditions of particular urgency provided for by this provision if the situation at issue allowed the necessary protection measures to be taken usefully and very quickly.

To justify the urgency, the applicants pointed to the seriousness of the infringement and the fact that the election campaign for the municipal elections on 15 and 22 March was currently underway. However, in the opinion of the interim relief judge, such factors did not justify his intervention under Article L. 521-2 of the Code of Administrative Justice. He therefore rejected the application.

Conseil d'État (réf.), 10 mars 2026, n° 513377, C. B. et a.

https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2026-03-10/513377

Council of State (interim relief judge), 10 March 2026, no. 513377, C. B. et al.

https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2026-03-10/513377

UNITED KINGDOM

[GB] Ofcom fines online discussion platform 4chan for breach of the Online Safety Act

Julian Wilkins
Wordley Partnership

On 19 March 2026, Ofcom determined that the online discussion platform 4chan had failed to comply with section 12 of the Online Safety Act 2023 (the Act) by not using effective age assurance systems to prevent children from encountering pornographic content. In addition to the penalty imposed, if matters were not corrected by 1 April 2026, a daily penalty of GBP 500 would be imposed, for a maximum of 60 days, starting from the day after the compliance deadline.

In addition, Ofcom determined that 4chan had failed, and continued to fail, to comply with its duty under section 9(2) of the Act to carry out a suitable and sufficient illegal content risk assessment in respect of *4chan.org*. Ofcom fined 4chan GBP 50 000 for this breach. 4chan had to implement a suitable illegal content risk assessment by 2 April 2026, otherwise a daily penalty of GBP 200 per day would be imposed for continued non-compliance, for a maximum of 60 days, starting with the day after the requirements deadline.

4chan was also fined GBP 20 000 for breaching section 10(5) of the Act by not explaining in its terms of service how it protects people from criminal content. 4chan had to implement highly effective age assurance by 2 April 2026 or be fined a daily penalty of GBP 100.

The penalties were imposed pursuant to section 137 of the Act. Ofcom further indicated that the purpose of the Act is to protect people in the UK and does not require platforms to restrict what people can see in other countries. Prior to making its decision, Ofcom had investigated the following breaches, namely failure to respond to a statutory information request; failure to prevent children from encountering pornographic content using highly effective age assurance; failure to complete and keep a record of a suitable and sufficient illegal content risk assessment; and non-compliance with safety duties about illegal content.

Subsequently, on 25 March 2026 Ofcom and the UK data protection regulator, the Information Commissioner’s Office (ICO), published a joint statement outlining the obligations of online services under the Online Safety Act and the Data (Use and Access) Act 2025 (DUA) regarding age assurance obligations when services were likely to be accessed by children. The DUA came into effect on 19 June 2025, amending the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 (DPA) and the Privacy and Electronic Communications Regulations (PECR). The statement also took account of other guidance from the regulators such as Ofcom’s Age Assurance and Children’s Access Statement

published on 16 January 2025. It therefore summarises key aspects of existing Ofcom and ICO age assurance policies (including ICO's Children's Code and Ofcom's Protection of Children Codes) in a practical way to help ensure compliance with online safety and data protection obligations.

Based on this joint statement, if there is a likelihood that a child will access the service, the provider must have a highly effective age assurance process in place. If access is not permitted below a minimum age, there should be an effective age gate to prevent access and unlawful processing under the UK GDPR. Self-declaration by the person accessing the service is not sufficient for determining access based on age. Subsequently, sufficient data must be provided to determine whether the person meets the minimum age requirements. Any data processing needs to be necessary, proportionate to the risks and to comply with data protection laws.

Furthermore, ICO and Ofcom expect methods and systems to be accurate and robust, thereby preventing attempts to gain access through circumvention. Neither regulator expects a party to attempt to use age assurance methods that are technically unfeasible or that introduce risks to rights and freedoms which outweigh the intended benefits. For example, under section 61 and Part 5 of the Act, the publisher or provider of a user-to-user service that may have harmful or pornographic content, must use highly effective age assurance measures to prevent children from accessing it.

Where a content provider provides a service suitable for children or children above a certain age, then the obligation is to ensure that the experience is age-appropriate according to ICO's Children's Code and Ofcom's Protection of Children Codes (collectively referred to as the Codes).

The statement provides further practical examples of how the various legislation, regulations and codes of practice operate in the provision of user-to-user pornography service, including large social media sites setting a minimum age of 13 to be able to access content.

Digital regulation cooperation Forum, Joint statement by ICO and Ofcom on age assurance, 25 March 2026

https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2026/03/joint-statement-from-ico-and-ofcom-on-age-assurance/

Ofcom, Confirmation Decision: Investigation into 4chan Community Support LLC's failure to comply with an illegal content risk assessment duty, an illegal content safety duty and children's safety duties, 21 April 2026

https://www.ofcom.org.uk/siteassets/resources/documents/enforcement/2026/4chan-confirmation-decision.pdf?v=416126

ITALY

[IT] AGCOM issues FAQs on influencer regulation to enhance transparency and user protection

Francesco Di Giorgi
Autorità per le garanzie nelle comunicazioni (AGCOM)

The Italian Communications Authority (*Autorità per le garanzie nelle comunicazioni* - AGCOM) has published a new set of Frequently Asked Questions (FAQs) aimed at strengthening the effectiveness of the Guidelines and Code of Conduct for influencers adopted by Resolution No. 197/25/CONS. The document focuses in particular on three key areas: transparency of commercial communications, protection of minors, and user protection (see IRIS 2025-8:1/22, 2025-1:1/18 and 2024-2:1/26).

Although not legally binding, the FAQs constitute an important interpretative tool, providing practical guidance consistent with the existing regulatory framework and contributing to greater legal certainty.

One of the main clarifications provided is the definition of “relevant influencers” as individuals who produce content for the public in exchange for remuneration (monetary or in-kind) and who reach specific thresholds in terms of followers or views. These actors are, in practice, assimilated to editorial operators and are therefore subject to responsibilities comparable to those applicable to audiovisual media services, both linear and on-demand.

With regard to commercial communications, the FAQs reiterate that sponsored content must be clearly identifiable. Hidden advertising is prohibited, and labels such as “adv” or “sponsored” must be visible and appropriate to the format used (e.g. posts, videos, stories), in order to ensure a clear distinction between editorial and promotional content.

The document also reinforces the principle of editorial responsibility, clarifying that influencers are fully responsible for the content they disseminate. Consequently, misleading or unfair communications are prohibited, as well as content infringing fundamental rights, human dignity, or the principle of non-discrimination. Content inciting hatred, violence, or illegal behaviour is likewise expressly prohibited.

Particular emphasis is placed on the protection of minors. Content must not impair the physical, mental, or moral development of young audiences. The FAQs also underline a strengthened principle of social responsibility, especially in relation to sensitive content and commercial communications targeting minors.

The FAQs further address the establishment of a public register of relevant influencers. Registration will be mandatory once certain thresholds are exceeded, with the aim of enhancing transparency and traceability within the sector. The

Authority plans to publish this register on its institutional website by the end of 2026.

Finally, the document outlines AGCOM's supervisory and enforcement powers. In the event of infringements, the Authority may adopt corrective measures and impose administrative sanctions. The system also relies on reporting mechanisms, allowing both users and market operators to signal non-compliant practices.

Overall, the FAQs contribute to clarifying the regulatory framework applicable to influencer marketing in Italy, as part of a broader process aimed at strengthening transparency in digital commercial communications and enhancing user protection.

Influencer – Linee guida, Codice di condotta e FAQ

https://www.agcom.it/influencer-linee-guida-codice-di-condotta-e-faq

[IT] Protection of minors and age verification: AGCOM issues the first orders to block pornographic websites

Francesco Di Giorgi
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In Italy, the strengthening of online child protection through effective age verification tools has now become a reality. The Italian Communications Authority (AGCOM) has adopted its first two measures, ordering providers of mere conduit services to block access from Italy to the pornographic websites *www.giochipremium.com* and *www.entai-ita.net*, operated by the Italian company Onlab S.R.L.S.

These measures represent the first concrete implementation of Article 13-bis of Decree-Law No. 123 of 15 September 2023 (the so-called "Caivano Decree"), which requires websites and video-sharing platforms disseminating pornographic content in Italy to verify that users are over eighteen years of age, in order to prevent minors from accessing such content (see IRIS 2025-5:1/22; 2024-4:1/6; 2024-9:1/10).

The implementation of this provision, AGCOM, following a dedicated public consultation and prior notification to the European Commission in accordance with the TRIS Directive (EU) 2015/1535, adopted Resolution No. 96/25/CONS. This resolution sets out the technical and procedural requirements that providers of pornographic content must implement for age verification, ensuring a level of security proportionate to the risks involved and compliance with the principle of data minimisation.

As provided by this resolution, on 31 October 2025 AGCOM published a continuously updated list of entities that disseminate or host pornographic content accessible from Italy, including the above-mentioned services. During its supervisory activities concerning the proper application of Article 13-bis of the Caivano Decree, AGCOM established the absence of age verification mechanisms, in breach of Resolution No. 96/25/CONS. The Authority therefore formally notified the infringements and ordered Onlab S.R.L.S. to comply within 20 days. Following the company’s failure to comply, AGCOM ordered operators (Resolutions Nos. 73/26/CONS and 74/26/CONS) to disable access to the websites through DNS blocking, until compliance with the Authority’s order is restored.

By orders issued on 16 April 2026, the Regional Administrative Court (*TAR Lazio*) rejected the appeals brought against these measures, confirming the lawfulness of AGCOM’s actions as a legitimate exercise of its powers aimed at protecting the best interests of the child.

Similarly, several companies (Tecom Ltd, Technius Limited, Hammy Media Ltd, and Aylo Freesites Ltd) challenged before the Italian administrative courts both the above-mentioned list and Resolution No. 96/25/CONS. In four judgments

delivered on 7 April 2026, the TAR dismissed the main arguments raised, recognising, within the framework of both national and EU law, the legitimacy of AGCOM's regulatory intervention with respect to entities established in other member states, such as the Cypriot applicants.

The court held that such intervention pursues a fundamental objective, namely the protection of minors, falling within the scope of Article 3(4) of the E-Commerce Directive 2000/31/EC, pending the adoption of a fully operational European technical solution for age verification, which remains under development and thus has not yet led to full harmonisation at EU level. Accordingly, the court emphasised that AGCOM exercised a form of technical regulatory discretion in specifying the national legislative framework, in a manner fully consistent with the Digital Services Act. In particular, the Authority introduced a national regime imposing additional obligations beyond those of the country of origin, subject to a "review clause" whereby such measures will be superseded once a European solution is adopted. The regulatory framework was also deemed technologically neutral, as it does not prescribe a specific technical model for age verification but instead establishes general principles and requirements, including proportionality, data minimisation, security, storage limitation, and transparency, with which age assurance systems must comply.

With specific regard to platforms established in other member states, and thus to the application of the derogation mechanism under Article 3(4) of the E-Commerce Directive, the TAR found that AGCOM correctly introduced a system for identifying addressees through a list, thereby avoiding the generalised nature of the measures.

The court also rejected claims concerning the alleged lack of substantive grounds for the derogation, affirming that the protection of minors clearly falls within public policy considerations, given its connection to the protection of human dignity.

Further complaints relating to alleged violations of the TRIS Directive, the principles of legality and statutory reservation, and data protection rules were likewise dismissed. The court held that AGCOM had exercised purely technical and implementing discretion, aimed at making the legislative provision operational, while respecting principles of proportionality, minimisation, security, and transparency.

Finally, from a procedural EU law perspective, the TAR upheld the complaint concerning the failure to comply with the derogation procedure from the country-of-origin principle (Article 3(4)(b) of the E-Commerce Directive) in relation to services established in other member states. The court clarified that, in such cases, AGCOM must first activate either the ordinary procedure under Article 3(4), which requires prior communication to the member state of establishment and notification to the Commission, or the urgent procedure under Article 3(5), which allows immediate action subject to subsequent notification.

Delibera 73/26/CONS "Provvedimento ai sensi dell'articolo 13-bis, comma 5, del decreto-legge 15 settembre 2023, n. 123 convertito con modificazioni dalla legge 13 novembre 2023, n. 159 Servizio www.giochipremium.com"

https://www.agcom.it/provvedimenti/delibera-73-26-cons

Resolution 73/26/CONS « Measures pursuant to Article 13-bis, paragraph 5, of Decree-Law No. 123 of 15 September 2023, converted with amendments by Law No. 159 of 13 November 2023 – www.giochipremium.com service »

Delibera 74/26/CONS "provvedimento ai sensi dell'articolo 13-bis, comma 5, del decreto-legge 15 settembre 2023, n. 123 convertito con modificazioni dalla legge 13 novembre 2023, n. 159 servizio www.hentai-ita.net"

https://www.agcom.it/provvedimenti/delibera-74-26-cons

Resolution 74/26/CONS « Measures pursuant to Article 13-bis, paragraph 5, of Decree-Law No. 123 of 15 September 2023, converted with amendments by Law No. 159 of 13 November 2023; service: www.hentai-ita.net »

LATVIA

[LV] Supreme Court confirms broad powers of media regulator to restrict retransmission of Gazprom-Media channels

Sergei Bondarev
Independent expert

On 27 March 2026, the Senate of the Supreme Court of Latvia (*Augstākās tiesas Senāta Administratīvo lietu*), in case SKA-98/2026 (A420178222), ruled that the National Electronic Mass Media Council (*Nacionālā elektronisko plašsaziņas līdzekļu padome* – NEPLP) possesses broad powers and considerable freedom of action to restrict television channels whose ownership chains connect to sanctioned entities, even where the governing statute at the material time did not provide an explicit authorisation covering the specific circumstances.

The underlying NEPLP decision No. 126/1-2 of 7 March 2022, adopted 11 days after the Russian Federation's full-scale invasion of Ukraine and published in *Latvijas Vēstnesis* (OP No. 2022/48.5) on 9 March 2022, removed 18 television programmes owned by Gazprom-Media Holding or its subsidiary Red Media from the list of channels permitted for retransmission in Latvia. Three additional NTV-branded channels were removed by NEPLP decision No. 128/1-2 of 10 March 2022. None of the 18 channels carried news or current affairs programming; the list covered entertainment, comedy, film, sports, music and children's content. The NEPLP's stated legal basis was threefold: the ultimate parent Gazprombank was on the US Treasury's Office of Foreign Assets Control's (OFAC) sanctions list; retransmission was not in Latvia's national interest; and Latvian distributors faced sanctions-violation exposure through payments flowing to Gazprombank-affiliated companies.

On 29 April 2022, the Administrative District Court granted interim relief and found the decision prima facie unlawful, holding that OFAC sanctions alone were not a sufficient basis under Latvian law. On 16 June 2022, the Administrative Regional Court partially upheld the challenge on the merits, finding that the NEPLP had exceeded its authority, because the owners' inclusion on foreign sanctions lists was not a recognised legal basis under the Electronic Mass Media Law then in force.

The senate reversed the regional court's judgment and remanded the case for fresh examination. The court held that the legislature had conferred on the NEPLP broad powers and considerable discretion to ensure compliance with the Constitution (*Satversme*) and with regulatory acts; that in exceptional circumstances related to Russia these powers acquire special significance and may be exercised even where the specific legal norm does not precisely provide for such action; and that, although United States OFAC sanctions are not directly

enforceable in Latvia, the NEPLP may, in the public interest, take into account the purposes of such sanctions and the need to promote their achievement. The regional court, the senate found, had interpreted the NEPLP's powers unjustifiably narrowly.

The reasoning proceeds on ownership structure, sanctions exposure and geopolitical context, and does not distinguish between entertainment and news programming. The case, however, is not final: on remand the regional court must re-examine admissibility (the NEPLP re-adopted the bans on 17 June 2022 under amendments to the Electronic Mass Media Law passed by the Parliament (*Saeima*) and in force since 31 May 2022) and proportionality. At EU level, the criteria adopted by the European Board for Media Services at its fourth plenary (Barcelona, 10 December 2025) under Article 17(4) of Regulation (EU) 2024/1083 (European Media Freedom Act) set out the procedure national regulators should follow when seeking coordinated measures against third-country media services. A separate NEPLP cassation appeal concerning the TV Rain licence-cancellation matter was accepted for preliminary review by the senate on 19 August 2025; cassation proceedings had not yet been formally initiated and no SKA-case number had been published on *at.gov.lv* as of 17 April 2026.

Elektronisko plašsaziņas līdzekļu likums

https://likumi.lv/ta/id/214039

Electronic Mass Media Law

https://likumi.lv/ta/en/id/214039

Starptautisko un Latvijas Republikas nacionālo sankciju likums

https://likumi.lv/ta/id/280278

International and National Sanctions Law of the Republic of Latvia

https://likumi.lv/ta/en/id/280278

Grozījumi Elektronisko plašsaziņas līdzekļu likumā

https://likumi.lv/ta/id/332596

Amendments to the Electronic Mass Media Law

https://likumi.lv/ta/id/332596

Regulation (EU) 2024/1083 establishing a common framework for media services in the internal market (European Media Freedom Act)

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

Judgment of the Administrative Case Department of the Senate of the Supreme Court in Case No. SKA-98/2026 (A420178222)

NEPLP lēmums Nr. 126/1-2, 2022. gada 7. marts, par astoņpadsmit televīzijas programmu (THT-Comedy, THT4 International, TNT, TNT Music, FRIDAY International, KHL TV kanāls, KHL HDTV kanāls, Kinopremjera, Kinosvidanije, Muzhskoje kino, Lya-minor TV, Avto Plus, Nostalgija, Zhivi!, Who's Who, Malysh-TV, Russian Night, Zee Russia) no Latvijā retranslējamo audio un audiovizuālo programmu saraksta

NEPLP decision No. 126/1-2, 7 March 2022, on the exclusion of eighteen television programmes (THT-Comedy, THT4 International, TNT, TNT Music, FRIDAY International, KHL TV channel, KHL HDTV channel, Kinopremjera, Kinosvidanije, Muzhskoje kino, Lya-minor TV, Avto Plus, Nostalgija, Zhivi!, Kto jest' kto, Malysh-TV, Russkaja noch, Zee Russia) from the list of audio and audiovisual programmes retransmitted in Latvia

https://www.vestnesis.lv/op/2022/48.5

MOLDOVA

[MD] New legal protections for journalists in the Republic of Moldova come into force

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Since 14 February, journalists in the Republic of Moldova have benefitted from a strengthened legal framework aimed at protecting them from intimidation, violence, pressure and interference in the exercise of their professional duties. Amendments to the Criminal Code and the Contravention Code, adopted through Law No. 252/2025, have introduced new sanctions and clarified liability for acts directed against journalists and media institutions.

The amendments have introduced a revised version of Article 180¹ of the Criminal Code, which explicitly criminalises the intentional obstruction of the activity of the media or of a journalist in connection with their professional work. The provision defines obstruction to include, among other acts, the use of physical violence or threats of violence, damage to journalistic equipment, and interference carried out through information systems, such as online attacks, unauthorised access or other forms of digital sabotage.

Under the new provision, such conduct may be punished by a fine ranging from 550 to 850 conventional units (MDL 27 500 to MDL 42 500), 150 to 200 hours of unpaid community service, or imprisonment for up to three years. The explicit inclusion of interference carried out through digital means reflects the increasing prevalence of online pressure and attacks against journalists.

The law also provides for aggravating circumstances. Where the obstruction of journalistic activity is committed by two or more persons, against several journalists, through abuse of an official position, or during a public gathering, such as a rally, protest or demonstration, the offence may be punished with a fine of between 750 and 1 150 conventional units (MDL 37 500 to MDL 57 500), 180 to 240 hours of community service, or imprisonment for a period of one to five years, with the possibility of a ban on holding certain positions for up to five years.

The amended provision also expressly covers situations in which a journalist is pressured to disclose a confidential source, thereby reinforcing the legal protection of journalistic source confidentiality, a key safeguard of press freedom.

In more serious cases, where the act involves death threats or results in moderate bodily injury or damage to health, the applicable penalties increase. The offence may be punished by imprisonment for a period of three to six years, a fine ranging from 1 000 to 1 500 conventional units (MDL 50 000 to MDL 75 000), or a

ban on holding certain positions for up to five years.

Alongside the criminal law amendments, the Contravention Code introduces two new administrative offences. The first concerns insulting a journalist, defined as the intentional humiliation of the honour, dignity or professional reputation of a journalist while performing their duties. This offence is punishable by a fine ranging from MDL 500 to MDL 1 500.The second concerns unjustified interference in the activity of a journalist or newsroom which does not reach the threshold of a criminal offence. Such conduct may result in an administrative fine ranging from MDL 1 500 to MDL 3 000 and is intended to address forms of pressure or obstruction that affect the exercise of journalistic activity without constituting a criminal act.

The entry into force of these amendments represents an important step toward strengthening the legal safeguards protecting journalists and media activity in the Republic of Moldova. At the same time, the effectiveness of these provisions will depend on their consistent and effective application in practice.

Codul penal al republicii Moldova,Nr. 985 din 18-04-2002

https://www.legis.md/cautare/getResults?doc_id=152643&lang=ro

Criminal Code of the Republic of Moldova, No. 985, 18 April 2002

POLAND

[PL] The National Broadcasting Council publishes a new guide for influencers

Agnieszka Grzesiok-Horosz
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On 26 February 2026, the Polish the National Broadcasting Council (*Krajowa Rada Radiofonii i Telewizji* – KRRiT) held a conference entitled “Influencers 2026 – responsibility in the light of Internet coverage”. The subject discussed was the liability of nearly 800 000 digital content creators operating in Poland, who are significant participants in the media market. The first thematic panel featured experts in the Internet industry, creators and organisations dealing with fact-checking and media education. The second part of the conference concerned regulatory challenges and certain aspects of "sharenting", namely the posting of photos, videos or information on their child on social media.

One of KRRiT’s missions is to plan educational activities addressed at influencers. One of these activities resulted in the publication of the guide entitled “Responsibility, transparency, credibility – the new guide for influencers” prepared by the Internet Content Creators Division of the Multimedia Department, which had a premiere at the 26 February conference. The guide explains the obligations of online creators offering content on audiovisual media services on demand (VOD). It specifies in detail on whom particular obligations have been imposed. These are online content creators conducting business activities and publicly sharing audiovisual programmes (videos) on platforms such as YouTube, Instagram, TikTok or Facebook with a content catalogue, whereby viewers can decide what and when they want to watch (on demand). The guide indicates the benefits of registration and also the consequences of a failure to register, such as initiating administrative proceedings and a financial penalty of up to PLN 180 000.

The guide explains the obligations of influencers in a simple way. Obligations notably include ensuring easy, direct and permanent access to basic information about the VOD provider, including: name, address, jurisdictional body, and lists of channels/videos that can be viewed.

The guide also provides information about the classification and labelling of certain content. The Polish Broadcasting Act implementing Directive 2018/1808 prohibits content harmful to the physical, mental or moral development of minors, and requires classification and labelling of content aimed at specific age groups. Category I involves no age restrictions, the content is suitable for all, including children. Category II is for younger teenagers, aged twelve or over. Category III – sixteen plus – includes content for older teenagers. Category IV is only suitable for adults (over eighteen) and therefore requires adding a letter rating: P for violent content (“*przemoc*” in Polish), S for sex, W for vulgar language, and N for drugs (“

narkotyki" in Polish), and a key symbol or the number 18. A copy of materials, programmes and commercial communications must be kept by influencers for at least 28 days after they have been removed or rendered unavailable.

Advertisements for cigarettes, alcohol, gambling, psychotropic substances and intoxicants are prohibited under Polish law. As far as other products are concerned, the guide explains methods of clear labelling for advertisements and other commercial communications.

The guide also reminds influencers that a report on the fulfilment of statutory duties for the previous year must be sent to KRRiT by the end of March each year. In January 2026 KRRiT prepared a form for such reports. Influencers qualifying as VOD providers are required to provide certain information, namely: the name of the service, full name of the VOD provider, names of partners, addresses and contact details, including email addresses and the website address. The guide also provides that a copy of the tax return with information on annual revenues and related costs must be submitted annually to KRRiT within 15 days from the date of submission of the return to the tax office.

Influencers are also obliged to protect minors, promote European programmes, and to ensure accessibility of content for persons with disabilities, which does not apply to services with fewer than two million users.

An important part of KRRiT's guide relates to "good practices". KRRiT is aware of safe "sharenting" rules in social media. Also the labelling of advertisements should be clear and legible. Influencers may use hashtags and descriptions such as *#partnership*, *#sponsoredcontent*, *#selfpromotion*, providing information about commercial content.

The guide under review follows a first edition published in November 2025 by the Internet Content Creators Division of KRRiT, for online creators.

Such initiatives of the Polish regulator are intended to disseminate knowledge more widely and increase the responsibility of content creators, as well as to improve transparency and communication standards on the Internet.

Influencers 2026 – responsibility in the light of Internet coverage

Przewodnik dla twórców treści internetowych

https://www.gov.pl/web/krrit-en/guideforonlinecontent2025

Guide for online content creators

RUSSIAN FEDERATION

[RU] Ministry of Culture publishes procedure for complaint-based content checks under Federal Law 324-FZ

Sergei Bondarev
Independent expert

On 9 February 2026, the Ministry of Culture of the Russian Federation published Order No. 2503 of 29 December 2025 (Ministry of Justice registration No. 85277), establishing the procedure by which the ministry issues conclusions on films lacking a distribution certificate (*prokatnoe udostoverenie*) but suspected of containing material discrediting traditional Russian spiritual-moral values. The order implements Federal Law No. 324-FZ of 31 July 2025, which was the subject of a previous IRIS contribution (IRIS 2026-3:1/4). It came into force on 1 March 2026 and remains effective until 1 September 2030.

The procedure is complaint triggered. Any person may submit a complaint in free form; the order requires a direct link to the audiovisual work. It does not specify whether the complainant must provide a name or other identifying information – a regulatory silence on identification rather than an express authorisation of anonymous complaints. Complaints concerning works of less than 420 minutes in duration must be processed within 20 working days; longer works within 30 working days. The 420-minute threshold captures television series distributed on streaming platforms in addition to feature films.

Substantive assessment is carried out by a special expert council established by the ministry, with decisions being advisory in nature. The ministry may also consult scientific and educational organisations and representatives of the professional cultural community. An expert council for film evaluation has existed since Government Decree No. 2533 of 30 December 2022; as of 17 April 2026, no publicly available list of appointments specifically for the Order 2503 review mechanism had yet been published.

Where the ministry issues a formal conclusion that a work contains material discrediting traditional values, that conclusion is forwarded to the federal media and communications regulator (*Roskomnadzor*). Platforms and social networks must then cease distribution of the work within 24 hours. The obligation is administrative, no court order is required. Non-compliance with the takedown obligation is sanctioned under Article 13.41 of the Code of Administrative Offences (non-compliance with orders restricting access to information). Legislative amendments introducing penalty tiers specific to films discrediting traditional values were pending before the State Duma (the lower house of the Federal Assembly) as of April 2026.

No complaints are publicly reported to have been filed under the Order 2503 procedure since 1 March 2026. However, the first certificate denial following the entry into force of Federal Law 324-FZ was issued in a decision of 4 March 2026 refusing a distribution certificate to the film Nuremberg (2025). This decision was adopted under the pre-existing certificate-issuance procedure established by Order No. 942 of 21 May 2024, invoking subparagraph "z" (3) of paragraph 19, rather than under the complaint mechanism of Order No. 2503.

Order of the Ministry of Culture of the Russian Federation No. 2503 of 29 December 2025 "On the approval of the Procedure and cases for issuing conclusions on the presence, in films lacking a distribution certificate, of materials discrediting traditional Russian spiritual-moral values" (registered with the Ministry of Justice under No. 85277, published on pravo.gov.ru on 9 February 2026, document 00012026020900

Federal Law No. 324-FZ of 31 July 2025 "On amendments to the Federal Law 'On state support of cinematography of the Russian Federation'"

Order of the Ministry of Culture of the Russian Federation No. 942 of 21 May 2024 (procedure for issuing, refusing and revoking film distribution certificates; invoked in the Nuremberg distribution certificate denial of 4 March 2026)

Government Decree of the Russian Federation No. 2533 of 30 December 2022 (establishing the Ministry of Culture expert council for film evaluation)

http://publication.pravo.gov.ru/Document/View/0001202212310023

UKRAINE

[UA]: Regulator expands the list of prohibited audiovisual service providers

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On 26 March the National Council on Television and Radio Broadcasting (NCTRB), the independent media regulator in Ukraine, adopted the decision to expand the List of audiovisual media services on demand and audiovisual services of service providers of the Russian Federation, a state considered by the Ukrainian Parliament to be an aggressor state.

The List has been compiled by the media regulator since 2023, in line with Articles 90 and 123 of the statute On the Media, which entered into force the same year. These articles establish the oversight and control powers of the NCTRB and the defining features of programmes provided by the aggressor state.

The basis for the addition of the nine services to the List was the determination, established during monitoring by the regulator, that they fully or predominantly tend to serve the territory and the audience of the aggressor state. In particular, the following factors were identified:

- use of Russian as the default interface language;

- provision of access to foreign linear media, the distribution of which is restricted in the territory of Ukraine;

- distribution of programmes involving individuals included on the list of persons posing a threat to national security;

- placement and demonstration of feature films prohibited for screening in Ukraine; and

- transmission of commercials aimed at the audience of the aggressor state and promoting Russian goods and services;

The media regulator has informed the National Commission on telecom and postal services (NKEK) of its decision so that operators cease providing access to the newly listed websites.

The List of prohibited audiovisual online services currently consists of 70 services with numerous links to internet websites associated with Russia. In all cases the tendency to mainly serve the territory and the audience of the aggressor state was a factor.

Перелік аудіовізуальних медіа-сервісів на замовлення та сервісів провайдерів аудіовізуальних сервісів держави-агресора

https://webportal.nrada.gov.ua/perelik-servisiv-derzhavy-agresora/#perelik

List of audiovisual media services on demand and audiovisual services of service providers of the aggressor state

A publication
of the European Audiovisual Observatory

European Audiovisual Observatory

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