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EDITORIAL

With the summer fast approaching, many children and teenagers have their minds already set on the end of classes, longer days and more free time to enjoy the pleasures of life: holidays, sunshine and more time to see friends outside of school. However, parents might rather be thinking “more time wasted on their smartphones!”.

They would not be in the wrong for feeling slightly anxious at the thought of it. The European Commission recently concluded that Meta failed to prevent minors under 13 (the minimum age set under their terms and conditions) from accessing Instagram and Facebook, with all the risks it entails. It is indeed difficult to properly assess the age of platform users, some may say, and that is why the Commission also recently published its Recommendation on establishing a common framework for EU-wide Age Verification technologies. In general, the topic remains at the centre of discussions for regulators and legislators from many countries in and out of the European Union, as shown by the German state media authorities’ new report on youth protection and media literacy, and the UK Ofcom’s GBP 950 000 fine on an online suicide discussion forum. The protection of young people and the associated debates surrounding social media bans will be the focus of the *Observatory’s Presidency conference* in Oslo on 10 June.

Not everything in the past few weeks was related to the protection of minors though. There were some important developments in the copyright field, with a resolution of the Parliamentary Assembly of the Council of Europe supporting content creators against AI companies and a CJEU follow-up to the landmark *Pelham* case. Moreover, regulatory developments occurred in Germany regarding cooperation in the broadcasting sector, and in Italy with the adoption of a new Resolution governing the transmission of events of major interest. Additionally, a new court decision was made in Poland, to repeal the highest administrative penalty ever imposed for transmitting a programme promoting content contrary to the law and societal interest.

Enjoy the read!

Maja Cappello, Editor

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INTERNATIONAL

COUNCIL OF EUROPE

European Court of Human Rights: *Nederlandse Omroep Stichting and Others v. the Netherlands*

Emma de Vries
Leiden University

On 21 April 2026, the European Court of Human Rights (the Court) issued its judgments in the case of *Nederlandse Omroep Stichting and Others v. the Netherlands*, No. 20066/18. The applicants – *Nederlandse Omroep Stichting* (public broadcasting service), RTL (commercial broadcasting service), and *De Volkskrant* (newspaper) – complained about the refusal of the Minister of Justice and Security (the Minister) to provide access to documents relating to the government's handling of the downing of flight MH17. The case concerned Article 10 ECHR; the Court found no violation.

Background to the case

Malaysia Airlines' passenger flight MH17, on its way from Amsterdam to Kuala Lumpur, was struck by a Russian Surface-to-Air Missile (SAM) and crashed in Eastern Ukraine (Donetsk) on 17 July 2014 (Russia's responsibility for the crash was confirmed in the Court's judgment of 30 November 2022, convicting Russia of a host of human rights violations, including the downing of MH17). The Dutch authorities were heavily involved in the investigations that followed the crash. In light of these efforts, the Dutch National Crisis Management Structure was activated. The structure consisted of a Ministerial Crisis Management Committee (*Ministeriële Commissie Crisisbeheersing* – MCCb) and an Interministerial Crisis Management Committee (*Interdepartementale Commissie Crisisbeheersing* – ICCb).

The issue at hand

The applicants in the present case requested the disclosure of all MCCb and ICCb documents relating to the political and administrative handling of the MH17 disaster, including the minutes of MCCb and ICCb meetings. They did so on the basis of the Dutch Transparency of Public Administration Act (*Wet openbaarheid van bestuur* – theWob; the Wob has since been repealed and replaced with the Open Government Act, the *Wet open overheid*). They cited their role as journalists and social watchdogs and the public interest in the MH17 disaster as weighty reasons for the Minister to provide access to the requested documents.

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Restrictions (listed in the Wob) apply, so that the relevant authority may refuse to make public and/or redact specific documents if need be. The Minister agreed to publish some of these documents, sometimes in redacted form, but specifically refused to publish the minutes of the MCCb and ICCb deliberations (in total 255 documents were identified as relevant; access to 79 documents was initially denied). The reasons provided by the Minister, listed in sections 10 and 11 of the Wob, were: the security of the state, relations between the Netherlands and other states and international organisations, respect for personal privacy, the prevention of a disproportionate (in this case) disadvantage to the persons concerned (i.e. the people sitting on the MCCb and ICCb), and the protection of personal opinions expressed in the context of internal consultation. Safeguarding the proper functioning of the MCCb and ICCb and the coherence of policy were also central to the Minister's reasoning.

While the Central Netherlands Regional Court (*rechtbank Midden-Nederland*) ordered the Minister to take new decisions, the Administrative Jurisdiction Division of the Council of State (*Afdeling bestuursrechtspraak van de Raad van State* – the Division) ruled on appeal that the Minister was justified in withholding and/or redacting certain documents. The applicants had already relied on Article 10 ECHR in the national proceedings. The Division reasoned that the exceptions to full transparency allowed by the Wob should be assumed to align with Article 10, section 2, ECHR, and thus did not find a violation of that article. The applicants' role as journalists was of no significance to the Division's assessment, because the Wob already presupposes there is a public interest in government transparency, which encapsulates the interests the applicants cited. Only when "very special circumstances" apply might the applicants be granted special access to the requested information.

The Court's assessment in the present case

Several criteria apply when assessing whether a refusal to provide access to information constitutes an interference with freedom of expression as enshrined in Article 10: the purpose of the information request, the nature of the information sought, the role of the applicant, and whether the information was ready and available. Applying these criteria to the assessment of the admissibility of the present case, the Court recognised that the information request served as a preparatory step in journalistic activity, and so was instrumental to the applicants' exercise of their freedom of expression as journalists. The Court agreed with the applicants that the nature of the requested information was of great public interest. In addition, there was no reason to assume that disclosing the information would have constituted an unwarranted burden for the authorities. The Court thus found the case admissible. By extension, the refusal to disclose the requested documents constituted an interference with freedom of expression.

The applicants had several complaints. They problematised the lack of *in concreto* balancing, relying on sections 10 and 11 of the Wob; they took issue with fact that the Division assumed that the Wob as a general rule complies with Article 10, section 2; they held that the "very special circumstances" criterion was not foreseen by law and opposed the fact that the burden to prove the existence of

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"very special circumstances" was put on them; they argued that their position as journalists and social watchdogs was not sufficiently taken into account; they contended that their rights under Article 10 had become "theoretical and illusory"; and they complained, above all, that the interference had not been "necessary in a democratic society".

The Court did not, however, question the lawfulness of the refusals and recognised that the accompanying arguments provided by the Minister reflected various legitimate aims, that are either recognised in Article 10, section 2, or in earlier case law of the Court. The heart of the matter, therefore, was whether the interference was "necessary in a democratic society". The Court thus assessed whether there was a "pressing social need" to refuse access to the documents in question, whether the interference was "proportionate to the legitimate aim pursued", and whether the arguments provided by the Minister were "relevant and sufficient". Proportionality partially depends on the procedural safeguards that apply.

Like the Administrative Jurisdiction Division, the Court gave particular weight to the fact that a significant portion of the requested documents was eventually released. On the strength of the procedural safeguards, the Court commended the fact that both the Regional Court and the Division had examined versions of all unredacted documents to make their assessments. The Court also recognised that the restrictions provided for in the Wob are, as a general rule, in line with Article 10, section 2 of the ECHR. As regards the minutes of MCCb deliberations, the Court accepted the arguments provided by the Minister, that making the content of those deliberations public could hinder the coherence of policy, damage relations with other nations and the position of the persons involved, jeopardise the safety of people working in the disaster zone, and above all hinder the functioning of the MCCb since publication could negatively affect the openness of internal discussions. As regards the other documents, the Court appreciated that states are not able to provide as detailed information in matters concerning foreign affairs as they would otherwise. The applicants failed to demonstrate their particular interest in the requested documents. The Court ruled that the mere fact that a journalist requests information as a matter of general principle of openness is not in itself sufficient to oblige states to make certain information public in every event.

The Court concluded that the Minister had struck a fair balance between the interests involved. It thus found no violation of Article 10 ECHR.

European Court of Human Rights, Nederlandse Omroep Stichting and Others v. Netherlands, No. 20066/18, 21 April 2026

https://hudoc.echr.coe.int/?i=001-249690

European Court of Human Rights, The Netherlands and Ukraine v. Russia, Nos. 8019/16, 43800/14 and 28525/20, 22 November 2022

https://hudoc.echr.coe.int/?i=001-222891

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Raad van State, uitspraak 201702922/1/A3 en 201702923

https://www.raadvanstate.nl/uitspraken/@109099/201702922-1-a3/

Council of State, judgment 201702922/1/A3 and 201702923

European Court of Human Rights, Magyar Helsinki Bizottság v. Hungary, No. 18030/11, 8 November 2016

https://hudoc.echr.coe.int/eng?i=001-167828

European Court of Human Rights, Kenedi v. Hungary, No. 31475/05, 26 August 2009

https://hudoc.echr.coe.int/eng?i=001-92663

European Court of Human Rights, Saure v. Germany, No. 8819/16, 8 February 2023

https://hudoc.echr.coe.int/eng?i=001-220570

Sieć Obywatelska Watchdog Polska v. Poland, no. 10103/20, 21 June 2024.

https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-231616%22]}

European Court of Human Rights, Sieć Obywatelska Watchdog Polska v. Poland, No. 10103/20, 21 June 2024

https://hudoc.echr.coe.int/eng?i=001-231616

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PACE: Resolution on “Copyright enforcement in the artificial intelligence environment”

Amélie Lacourt
European Audiovisual Observatory

On 23 April 2026, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution on “Copyright enforcement in the artificial intelligence environment” based on a report by Mogens Jensen (Denmark, SOC).

PACE states that current copyright laws in Europe are “neither clear-cut nor fit for purpose” as regards the training of artificial intelligence (AI) systems, and such a legal environment favours the interests of Big Tech companies while those of creators are marginalised.

In its resolution, PACE recognises the vital role that copyright law plays in supporting creative industries in Europe. These sectors are facing challenges posed by the rise of AI, in particular the use of copyrighted content without permission during AI training, and current legislation is inadequate to address these challenges. The Resolution calls for clear regulations to protect copyright holders, proposing a balance between innovation and the rights of creators. It includes a call for specific actions, including mandatory transparency from AI providers about the data used, fair remuneration for creators, and rules on labelling AI-generated content. Additionally, there is an emphasis on protecting the personality rights of citizens and the work of performing artists from deepfakes, and on promoting media and information literacy as a tool to ensure public understanding of AI.

Resolution 2654 (2026) of the Parliamentary Assembly of the Council of Europe, adopted on 23 April 2026

https://pace.coe.int/en/files/36006/html

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EUROPEAN UNION

"Stop Killing Videogames" Initiative discussed at the European Parliament

Eric Munch
European Audiovisual Observatory

A plenary debate was held in the European Parliament on 21 May 2026 with regard to the European Citizens' Initiative commonly referred to as « Stop Killing Games ». The initiative, also known as "Stop Destroying Videogames" (its official name in the EU process), is calling to require video game publishers that sell or license videogames to consumers in the European Union to leave said videogames in a playable state and prevent publishers from disabling access to them after the end of their commercial cycle. It was registered on 19 June 2024 and submitted to the European Commission on 26 January 2026, after having gathered 1,294,188 verified statements of support. The plenary debate follows a meeting between the initiative's organisers and European Commission's Executive Vice-President Henna Virkkunen and Commissioner Michael McGrath and a public hearing at the European Parliament on 16 April 2026. During the debate, several Members of the European Parliament linked the practice to planned obsolescence and hinted at the fact that the decision to shut down access to a video game appears to follow business concerns rather than a technological impossibility to leave videogames in a playable state.

The initiative came in response to growing concerns among the gaming community with regard to games becoming unplayable due to the server infrastructures they rely on being shutdown, a practice not affecting all games but a large proportion of them. While servers are key infrastructures for online games, single-player games are not entirely protected from this risk, due in part to a growing proportion of single-player games (or games including a single-player component) requiring constant internet connection for persistent online authentication, a form of digital rights management (DRM) meant to prevent copyright infringements. The shutdown of the servers of one particular game in 2024 triggered the creation of the initiative

"The Crew" was a 2014 racing game published by Ubisoft. The game relied on an always-on DRM, requiring constant internet connection to a server, even in single-player mode. Upon reaching the end of its commercial cycle, Ubisoft announced it would shut down the game's servers in 2024. Days after shutting down the servers, Ubisoft began revoking the licenses from players who had bought the game. Ubisoft's decision to revoke licenses meant that players were now unable to use the game, a situation which – while not entirely new – remains a relatively recent challenge, as publishers have no such power to remotely deactivate access to a game purchased physically (which remained the dominant format for years)

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and not requiring internet access.

The European Commission’s reply is due by 27 July 2026.

Youtube - Stop Killing Games EU Parliament Full Plenary Debate

https://www.youtube.com/watch?v=iBEn4ZjRzFg

European Citizens' Initiative - Stop Destroying Videogames

https://www.youtube.com/watch?v=iBEn4ZjRzFg

European Commission - Daily News 26/01/2026 - Commission to examine European Citizens' Initiative called ‘Stop Destroying Videogames'

https://ec.europa.eu/commission/presscorner/detail/en/mex_26_222

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CJEU: *Pelham II* and the notion of "pastiche"

Amélie Lacourt
European Audiovisual Observatory

On 14 April 2026, the Court of Justice of the European Union (CJEU) ruled on the *Pelham* case once again, this time to clarify the concept of “pastiche”. In 2019, the Court had already ruled on the electronic copying of a rhythm sequence sample from Kraftwerk’s track *Metall auf Metall* and its use by producer Moses Pelham in a continuous loop in the song *Nur mir*. After years of legal proceedings before the German courts, the CJEU had ruled that unauthorised sampling infringes the phonogram producer's reproduction rights, unless the fragment is incorporated into the new phonogram in a modified form unrecognisable to the ear (for more information on the 2019 case, see: IRIS 2019-8:1/2). Article 5(3)k of the Directive 2001/29 on the harmonisation of certain aspects of copyright and related rights in the information society (Infosoc Directive) allows for 'pastiche' to be treated as one of the exceptions to the reproduction and distribution rights. Since, the exception for 'pastiche' has been made mandatory by Article 17(7)b of the 2019 Directive on Copyright and related rights in the Digital Single Market (CDSM Directive), alongside parody and caricature.

However, the transposition of the Infosoc Directive into German law, in the form of Article 51a of the German Copyright Act (*Urheberrechtsgesetz* – UrhG) which entered into force on 7 June 2021, prompted a new debate on the notion of “pastiche” itself. The German Federal Court of Justice (Bundesgerichtshof) therefore referred questions on its interpretation to the CJEU. First, it questioned whether the pastiche exception had a “catch-all” nature, in other words whether it covers any artistic engagement with an existing work without it necessarily requiring an expression of humour, a stylistic imitation or a tribute.

Since the concept of pastiche is not defined by law, the CJEU calls for consideration of its usual meaning in everyday language, taking into account the context in which it occurs and the objectives pursued by the relevant provision. However, the Court also acknowledges that the term is rarely used in everyday language and has various meanings, including humorous or satirical imitation, stylistic imitation, paying tribute, expressing humour or criticism, or engaging in a stylistic exercise. The Court therefore considers the objective of Article 5(3)k of the Infosoc Directive, and establishes that the use of the three distinct concepts of “caricature”, “parody” and “pastiche” in the same article necessarily implies that each concept has its own meaning. Therefore, the concept of “pastiche” should not necessarily be considered as constituting an expression of humour or mockery, as this would render void the other notions of their meaning. It should also be kept in mind that the exception in Article 5(3)k is aimed at safeguarding a fair balance between copyright protection and the protection of the freedom of the arts and this should also be considered when interpreting the provision.

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The German court also sought to establish whether the user must intend to use a protected subject matter for the purpose of a pastiche, or whether it is sufficient for the pastiche to be objectively recognisable to someone who is familiar with the pre-existing work or protected subject matter and has the requisite intellectual understanding.

On this matter, the CJEU finds that this must be assessed objectively. It therefore considers it sufficient that the "pastiche" nature be recognisable to a person who is familiar with the existing work from which the elements have been borrowed.

Judgment of the Grand Chamber of the CJEU, C-590/23, Pelham II, 14 April 2026

https://infocuria.curia.europa.eu/tabs/document/C/2023/C-0590-23-00000000RP-01-P-01/ARRET/319188-EN-1-html

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European Commission publishes first review of the DMA

Eric Munch
European Audiovisual Observatory

On 28 April 2026, the European Commission published its first review of the Digital Markets Act (DMA). This first review is part of a legal requirement, mandated by the Regulation itself, to review the DMA every three years to ensure that it meets its objectives and remains effective in the evolving landscape of digital markets.

The review found that the DMA remains fit for purpose after two years of application. It found that the DMA notably provided Europeans with several valuable possibilities with regard to their digital use. It has provided them with the ability to transfer their data when switching between services and devices, to choose from different search engines and web browsers instead of default providers and to choose whether to allow gatekeepers to combine their personal data across services, preventing unauthorised profiling.

The review also found that, in addition to benefitting European users, the DMA helped businesses to compete, via enhanced interoperability of gatekeeper ecosystems but also thanks to the availability of alternative browsers, search engines, app stores and messaging apps. Cloud services and artificial intelligence will be key focus areas to reach the DMA's objective of making digital markets fairer and more contestable, as highlighted by a recently opened market investigation into cloud computing services and specification proceedings in the field of AI. The European Commission will also continue to make use of regulatory dialogues to anticipate new compliance challenges and discuss with gatekeepers any potential needs to adjust compliance plans as AI solutions evolve.

Feedback gathered by the European Commission highlighted the need for rigorous supervision and the continued enforcement of the DMA, to allow both users and businesses to make use of the opportunities it offers, thereby making Europe's digital markets fairer and more contestable, and fuelling choice and innovation in digital products and services.

Review highlights Digital Markets Act remains fit for purpose and has positive impact

https://ec.europa.eu/commission/presscorner/detail/en/ip_26_914

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The Court of Justice clarifies the scope of the private copying exception under the InfoSoc Directive

Valentina Golunova
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On 16 April 2026, the Court of Justice of the European Union delivered its judgment in Case C-496/24 *Stichting de Thuiskopie*, which concerns the interpretation of Article 5(2)(b) of Directive 2001/29 of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (InfoSoc Directive). In this judgment, the Court of Justice clarified the scope of the private copying exception in relation to offline streaming copies provided in the context of an on-demand streaming service for musical or audiovisual works.

The request for a preliminary ruling was made by the Supreme Court of the Netherlands (*Hoge Raad der Nederlanden*) in the context of two domestic disputes which concerned a private copying fee claimed by two foundations -the *Stichting Onderhandelingen Thuiskopievergoeding* (SONT) and the *Stichting de Thuiskopie* (SdT) - from the producers of computer equipment HP and Dell in the context of offline streaming copies provided in connection with an on-demand internet streaming service. An offline streaming copy is a piece of content temporarily made available by the streaming service provider on a part of the user's memory and stored by means of an encryption method, which prevents the user from accessing it outside the streaming app.

The District Court of The Hague dismissed an action brought by HP and Dell against SdT and SONT in relation to the fee sought. However, the District Court's judgment was overruled by the Court of Appeal in The Hague, which considered that offline streaming copies could not be considered 'private copying' within the meaning of Article 5(2)(b) of Directive 2001/29 and Article 16c of the the Law on copyright (*Auteurswet*) and could not be covered by the relevant exception to the reproduction right. When SdT and SONT appealed against the Court of Appeal's judgement to the Supreme Court of the Netherlands, the latter decided to stay the proceedings and refer three questions to the CJEU relating to: (1) whether an offline streaming copy falls within the scope of Article 5(2)(b) of Directive 2001/29 in light of the requirements for the exceptions and limitations under Article 5(5) of that directive; (2) whether the objectives of Directive 2001/29 preclude the exclusion of offline streaming copies from private copying exception under domestic law; and (3) whether the manner in which the rightholders receive compensation is relevant.

The Court of Justice addressed the first two questions jointly, clarifying that making a protected work available by means of an offline streaming copy falls outside the scope of the private copying exception. The Court commenced its analysis by noting that the scope of the private copying

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exception under Article 5(2)(b) of Directive 2001/29 is limited solely to acts of reproduction within the meaning of Article 2 and excludes acts which fall within the scope of communication to the public under Article 3(1) of the same directive. In this regard, it first established that making a protected work available by means of an offline streaming copy must be regarded as communication of that work to the public, since any interested person can subscribe to a streaming platform and access an offline streaming copy at any place or time. However, should the referring court determine that the act in question constituted a reproduction, that court would have to ascertain whether the conditions laid down in Article 5(2)(b) of Directive 2001/29 are satisfied, namely that the reproduction must be made by a natural person for private use and for ends that are neither directly nor indirectly commercial. The Court of Justice stated that, in the context of a streaming service, an offline streaming copy cannot be regarded as having been made by the user themselves, since the source of the copy is held by the provider of that service. In addition, it found that a copy subject to such technological measures which preclude or restrict the acts not authorised by the rightholder within the meaning of Article 6(3) of Directive 2001/29 cannot, in principle, be classified as "private copying".

With respect to the third question, the Court of Justice determined that the application of the private copying exception is not affected by the fact that copying or using the work concerned for offline streaming was the subject of a payment to the copyright holder under a licence, provided that this copyright holder has not implemented any technological measures and has been unable to provide authorisation for such an act. As suggested by the referring court, copyright holders potentially receive remuneration by means of a license fee, in part calculated according to the number of times an offline streaming copy is played. In view of these circumstances, the Court established that authorising offline streaming copies falls within the scope of normal exploitation by the copyright holders. However, where natural persons have control over a copy of the protected work, any remuneration received by copyright holders in exchange for that authorised access has no basis, since the private copying exception under Article 5(2)(b) of Directive 2001/29 only covers fair compensation.

Court of Justice of the European Union, Stichting de Thuiskopie, Case C-496/24

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62024CJ0496

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The European Commission defines a common method for age verification technologies in the EU

Paola Bellissens
Media Law Expert

On 29 April, the Commission adopted a recommendation enabling all EU citizens to use anonymous tools to verify their age, while guaranteeing a high level of privacy and data protection.

The recommendation is based on a simple observation: age verification is becoming increasingly important in everyday life. The Commission places particular emphasis on the protection of minors from illegal or harmful content, cyberbullying, grooming, the risks of addiction and other problematic uses of digital services.

There are already several European rules protecting minors online, including the Digital Services Act (DSA), the action plan against cyberbullying and the strategy for a more child-friendly Internet. However, the European institution considers that there is a lack of a common technical tool that can reliably prove a person's age, without collecting more data than necessary.

The recommendation therefore sets out the measures to be put in place by member states to ensure that everyone has access to a reliable, privacy-friendly age verification system by 31 December 2026. It is therefore recommended that member states use the European age verification scheme, draw up implementation plans to ensure rapid adoption of solutions, cooperate and enter into dialogue with each other, and ensure compliance with all relevant cybersecurity standards. In addition, each member state will have to submit an implementation plan to the Commission by 30 June 2026.

To ensure proper implementation of age verification, the Commission has put in place an action plan for an age verification solution to better protect minors online. This allows users to prove that they meet the age conditions without disclosing their identity. To ensure that these solutions are widely adopted, the Commission wishes to create a European age verification scheme, i.e. a set of common rules for certifying service providers and solutions.

This is an important step towards more reliable, secure and harmonised age verification throughout the European Union.

Recommandation (UE) 2026/1035 de la Commission du 29 avril 2026 relative à l'établissement d'un cadre commun pour les technologies de vérification de l'âge à l'échelle de l'UE

https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=OJ:L_202601035

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Commission Recommendation (EU) 2026/1035 of 29 April 2026 on the establishment of a common EU framework for age verification technologies

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The European Commission has reached the preliminary conclusion that Meta is not complying with its obligations to prevent access to its platforms by minors under the age of thirteen

Paola Bellissens
Media Law Expert

On 29 April, the European Commission made a preliminary finding that the Meta platforms (Instagram and Facebook) were not complying with the Digital Services Act (DSA), as they were failing to take the necessary measures to prevent minors under the age of 13 from accessing their services. These conclusions follow a formal procedure opened by the Commission in May 2024. They are also based on the 2025 guidelines on the protection of minors under the DSA.

The minimum age for accessing Meta platforms is set at 13. However, despite the measures put in place, nothing really prevents a minor under the age of 13 from accessing Facebook or Instagram. In addition, no adequate mechanisms allow to quickly identify and revoke access once it has been granted. In practice, a teenager can simply give a false date of birth to use these social networks. In this case, there is no way of checking the accuracy of the year of birth entered. In addition, the mechanism for reporting minors under the age of 13 to the platforms remains ineffective.

This analysis is based on an incomplete risk assessment and highlights the likelihood that minors under the age of 13 will access Instagram and Facebook and be exposed to content and situations that are inappropriate for their age.

The Commission therefore considers that the two platforms must review their methods and strengthen their measures to prevent access by under-13s, identify them and block them from using these platforms. It also requires them to guarantee a high level of protection of the privacy and safety of minors.

Platforms can now consult the Commission's investigation files and respond in writing. They are invited to take the necessary measures to remedy these shortcomings. If the Commission's position is confirmed, it may find that there has been an infringement and impose a fine of up to 6% of Meta's annual worldwide turnover. The Commission may also impose periodic penalty payments to force the platform to comply.

La Commission conclut à titre préliminaire que Meta enfreint le Règlement sur les services numériques en n'empêchant pas les mineurs de moins de 13 ans d'utiliser Instagram et Facebook

https://ec.europa.eu/commission/presscorner/detail/en/ip_26_920

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The Commission's preliminary conclusion is that Meta is in breach of the Digital Services Act due to its failure to prevent minors under the age of 13 from using Instagram and Facebook.

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NATIONAL

ARMENIA

[AM] Parliament approves regulation of the use of AI in audiovisual media

Andrei Richter
Comenius University (Bratislava)

On 7 April 2026, the National Assembly (parliament) of Armenia adopted a bill to regulate “synthetic content” in audiovisual media. The 2020 Statute of the Republic of Armenia on Audiovisual Media (IRIS 2021-1:1/2) now contains the following definition of "synthetic content" in Article 3 under the heading “Main concepts used in the statute”:

“*audiovisual, audio or other information material or image, which has been fully or partially created or modified using generative artificial intelligence (hereinafter referred to as AI), machine learning or other digital technologies and may create in the consumer a perception of apparent inconsistency with reality or a delusion regarding its origin, authenticity or the speech, image, actions or appearances of the person represented therein*.”

The statute also includes a new norm (Article 9.1) which requires mandatory labelling of synthetic content. Depending on the circumstances, the audiovisual media service providers shall ensure the following “clear, audible or visible and readable markings”: 1) “Created by AI” – in the case of content created or modified in whole or in part using AI or other technologies based on machine learning, or 2) “Subjected to digital processing” – in the case of content completely or partially modified using other digital technologies.

The amendments provide for the frequency and placing of the relevant synthetic content marking for different types of audiovisual materials. Non-compliance with the new regulation will result in a monetary fine of three hundred times the established minimum monthly earnings (Article 57, paragraph 30.1 of the statute).

The amendments were signed into law by the President of Armenia, as well as being officially published on 18 April. They came into force on 28 April 2026.

«ՏԵՍԱԼՍՈՂԱԿԱՆ ՄԵԴԻԱՅԻ ՄԱՍԻՆ» ՕՐԵՆՔՈՒՄ ԼՐԱՑՈՒՄՆԵՐ ԿԱՏԱՐԵԼՈՒ ՄԱՍԻՆ

https://www.irtek.am/views/act.aspx?aid=160395

Amendments to the Statute on Audiovisual Media, Statute of the Republic of Armenia, 18 April 2026, HO-134-N

© European Audiovisual Observatory (Council of Europe) 2026

[AM] Restrictions on harmful programmes enforced

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On 16 April 2026, the National Assembly (parliament) of Armenia adopted a law to expand and detail the notion of “abuse of audiovisual broadcasts”, especially in the event of their dissemination by “network operators”. The support for the bill to amend the relevant provisions of the 2020 Statute “On Audiovisual Media” was significant, with 58 deputies voting for, three against, and 15 who abstained in the final second vote (for more background information, see IRIS 2021-1:1/2 and IRIS 2026-3:1/2).

As per Article 3 of the Statute “On Audiovisual Media”, a network operator is “a natural or legal person which owns, under the right of ownership or other right, a cable or other network (except for cases when limited frequency resource is used) and ensures the technical operation of the given infrastructure”.

The new statute significantly amends Article 9 (“Prohibition of misuse of audiovisual programmes”) of the Statute “On Audiovisual Media”. The major changes include detailing the types of programmes that are prohibited, specifically those that “call for acts prohibited by the law” and specifically prohibiting war propaganda, “propaganda inciting violence and cruelty”, and the “dissemination of information inciting national or racial or sexual or religious hatred, as well as instilling, encouraging or justifying discrimination on the basis of age or disability or other personal or social characteristics”.

In addition, Article 9 now contains a ban on the “dissemination of content that interferes with the internal political life of the Republic of Armenia in foreign audiovisual programmes”. The Television and Radio Commission, an independent national media regulator, must establish the specific criteria for identifying information that encourages or justifies such actions.

Certain provisions of Article 49 (“Activities of persons that possess a licence to act as a network operator”), were added to the requirements related to the retransmission of programmes of foreign origin. These operators shall, in advance of such activity, submit a specific notification to the regulator in the same way that other distributors of audiovisual programming must do (as prescribed in Article 54). They shall also cease retransmission within 24 hours after being notified by the media regulator of the initiation of administrative proceedings regarding the apparent violation of the provisions of Article 9. The penalty for non-compliance with the requirement is the imposition of a fine in the amount of five hundred times the established minimum wage and shall entail the cancellation of the approval of the prior notification granted to the network operator.

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The revised Article 57 (“Fines”) streamlines and simplifies the current system of imposing and calculating the administrative fines on audiovisual media actors. A new article, 58.1, has been added to provide for the reasons for the suspension and termination of the network operator’s permits ("Licences").

On 17 April the amendments were signed into law by the President of Armenia, and officially published the next day. They came into force on 28 April 2026. The specific criteria for identifying prohibited information shall be developed by the regulator within four months.

«ՏԵՍԱԼՍՈՂԱԿԱՆ ՄԵԴԻԱՅԻ ՄԱՍԻՆ» ՕՐԵՆՔՈՒՄ ՓՈՓՈԽՈՒԹՅՈՒՆՆԵՐ ԵՎ ԼՐԱՑՈՒՄՆԵՐ ԿԱՏԱՐԵԼՈՒ ՄԱՍԻՆ

https://www.irtek.am/views/act.aspx?aid=160395

Implementation of amendments and additions to the Statute “On Audiovisual Media”, Statute of the Republic of Armenia, 17 April 2026, No. HO-133-N

ՏԵՍԱԼՍՈՂԱԿԱՆ ՄԵԴԻԱՅԻ ՄԱՍԻՆ

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

Statute on Audiovisual Media, Republic of Armenia, No. ZR-395

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GERMANY

[DE] Broadcasting Commission adopts resolution on facilitating cooperation in the broadcasting sector

Sandra Schmitz-Berndt
Institute of European Media Law

On 4 March 2026, in view of the growing market power of global platforms, the Broadcasting Commission of the federal states *(Rundfunkkommission der Länder*) published a resolution on facilitating cooperation in the broadcasting sector. The resolution reflects the fact that advancing digitalisation and changes in media use are creating the need for German broadcasting regulations to be reformed. With the Seventh Interstate Treaty on the Amendment of Interstate Treaties on Media Law - Reform of Public Service Broadcasting (*Siebte Staatsvertrag zur Änderung medienrechtlicher Staatsverträge – Reform des öffentlich-rechtlichen Rundfunks*), which came into force on 1 December 2025, the federal states have already started reforming public service broadcasting. A central element of this is coordination and cooperation between broadcasters to ensure quality, efficiency and diversity in the long term. This includes cooperation between public and private broadcasters designed to strengthen their competitiveness against global competitors.

In its resolution, the Broadcasting Commission points out that the (federal) legislator is required to create the necessary framework under antitrust law for such forms of cooperation. It therefore calls for the implementation of the provisions of the federal government's coalition agreement to create an exemption under competition law for public service broadcasters through an amendment to the Act against Restraints of Competition (*Gesetz gegen Wettbewerbsbeschränkungen* – GWB) and to facilitate cooperation between private media companies.

The Broadcasting Commission also expresses support for the idea of enshrining in German competition law the antitrust exception for undertakings entrusted with services of general economic interest provided for in Article 106(2) of the Treaty on the Functioning of the European Union (TFEU). The aim is to increase legal certainty for public broadcasters – in particular with regard to their cooperation obligations provided for in the Seventh Interstate Treaty – and to harmonise European and national antitrust law. In this regard, the Broadcasting Commission also proposes the introduction of a new paragraph 1a in Article 185 GWB to regulate the application of the GWB to "undertakings entrusted with services of general economic interest under state law". It would adopt the wording of Article 106(2) TFEU in its description of the undertakings covered.

In addition to this new provision, the Broadcasting Commission also sees the need for broadcasters as a whole to be exempted from the ban on cartels enshrined in Article 1 GWB. Such an exemption already exists in Article 30(2)(b) GWB for the press sector, enabling press publishers to enter into otherwise unauthorised

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cooperation agreements and thus strengthen inter-media competition. It is suggested that the procedural privilege of Article 30(2)(b) sentence 3 GWB also be adopted for this purpose; this states that press publishers are entitled to a decision by the competent antitrust authority upon application if, in the case of an agreement on publishing cooperation, the conditions for a prohibition under Article 101(1) TFEU are not met according to the information held by the antitrust authority and the applicants have a significant legal and economic interest in such a decision. This would also cover cooperation with and between private broadcasters and press publishers that are not entrusted with services of general economic interest within the meaning of Article 106(2) TFEU in the future. However, the special characteristics of public service broadcasters should also be taken into account. In this context, it is emphasised that cooperation must serve to fulfil their constitutional mandate. This mandate is understood to mean guaranteeing the essential basic provision of diverse programme content to the public. Public service broadcasters should offer programmes that are not subject to market constraints. The Broadcasting Commission therefore concludes by pointing out that purely commercial activities of public service broadcasters must not be covered by the exemption.

Link zum Beschluss der Rundfunkkommission

https://rundfunkkommission.rlp.de/fileadmin/rundfunkkommission/Dokumente/Beschluesse/2026-03-05_RFK_TOP_2_GWB_Novelle.pdf

Link to the decision of the Broadcasting Commission resolution

https://rundfunkkommission.rlp.de/fileadmin/rundfunkkommission/Dokumente/Beschluesse/2026-03-05_RFK_TOP_2_GWB_Novelle.pdf

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[DE] Media authorities' 2026 youth protection and media literacy report published

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On 13 March 2026, the state media authorities (*Medienanstalten*) published their new 2026 youth protection and media literacy report, entitled "#FollowMe!? Social Media, Influencing und Responsability". The report brings together the latest scientific findings and legal assessments, as well as practical projects from across Germany. As its title suggests, social media and influencers form the core themes of the report. This is due to the fact that, according to the 2025 "Youth, information and media" study (*Jugend, Information, Medien* - JIM), social media is not only perceived as entertainment for young people, but also as a source of information and a forum for social debate, while users are also exposed to advertising and a number of risks. In this environment, influencers shape opinions, lifestyles and political attitudes through their proximity to users.

The report focuses on five central findings: 1. the information shift with growing influencer power; 2. platform logics and the attention economy; 3. regulation, law enforcement and youth media protection as a structural issue; 4. media literacy skills and regulation only work together; and 5. networked structures increase the impact and reach of protective measures.

The structures and framework conditions of influencing, including algorithmic control mechanisms and economic models, are analysed in the report, while regulatory approaches in the area of youth media protection and media education are identified. Central aspects include political influencers, health and family formats as well as issues related to platform regulation, age verification and possible social media restrictions.

As regards youth media protection, in addition to legal requirements, the report presents strategies to prevent extremism and the expert opinion of the Commission for the Protection of Minors in the Media (*Kommission für Jugendmedienschutz* – KJM) on the labelling of edited social media photos (including those edited by AI). The risks of family influencing are also examined from the perspective of child protection.

The report also describes examples and tried-and-tested approaches from the media education field aimed at strengthening media literacy skills and reflective use of social media, as well as initiatives to strengthen parents' media literacy skills.

The report is aimed at political, supervisory, educational and scientific stakeholders, as well as interested members of the public, and aims to provide a basis for evaluating current developments in the field of social media and influencing, which also relate to the regulatory tasks of the state media authorities under EU and national media law.

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Link zur PM der Landesmedienanstalten

https://www.die-medienanstalten.de/pressemitteilungen/vielleicht-ist-social-media-nicht-kaputt/

P ress release of the state media authorities

https://www.die-medienanstalten.de/pressemitteilungen/vielleicht-ist-social-media-nicht-kaputt/

Link zum Jugendschutz- und Medienkompetenzbericht 2026

https://www.die-medienanstalten.de//fileadmin/user_upload/die_medienanstalten/Aufgaben/Medienkompetenz/JuMeKo_Bericht/Jugendschutz_und_Medienkompetenzbericht_2026.pdf

2026 youth protection and media literacy report

https://www.die-medienanstalten.de//fileadmin/user_upload/die_medienanstalten/Aufgaben/Medienkompetenz/JuMeKo_Bericht/Jugendschutz_und_Medienkompetenzbericht_2026.pdf

Link zur JIM-Studie 2025

https://mpfs.de/app/uploads/2025/11/JIM_2025_PDF_barrierearm.pdf

JIM-Studie 2025

https://mpfs.de/app/uploads/2025/11/JIM_2025_PDF_barrierearm.pdf

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[DE] NLM lodges complaint about reporting by Spiegel TV

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On 11 March 2026, the Lower Saxony state media authority (*Niedersächsische Landesmedienanstalt* – NLM) lodged a complaint concerning a breach of journalistic due diligence by the broadcaster dctp Entwicklungsgesellschaft für TV-Programm mbH. The complaint concerned an edition of the Spiegel TV television programme in which people had been portrayed without their identity being sufficiently concealed.

The report in question, entitled "*Tatort Hauptstadt: Ramme, Rausch und Randale*", was broadcast on 18 August 2025 as part of a third-party window by the private television broadcaster RTL Television GmbH (RTL). Since its annual average audience share exceeds 10%, RTL is obliged to grant broadcasting time to independent third parties in the form of a so-called window programme in accordance with Article 60(5) of the Interstate Media Treaty (*Medienstaatsvertrag* – MStV) for the purpose of ensuring diversity. The programme showed Berlin police officers in their everyday work, with several people's identity clearly visible.

According to Article 6(1) sentence 1 MStV, reporting and information programmes must comply with accepted journalistic principles. This includes magazine programmes and documentaries. In addition to independence and objectivity, the principles of journalistic reporting particularly include respect for the privacy of people affected. Individuals should only be identifiable if effective consent has been obtained in accordance with Article 22 of the German Art Copyright Act (*Kunsturhebergesetz* – KUG) or if there is an overriding general public interest under Articles 23 and 24 KUG. In the opinion of the NLM, these conditions were not met in the present case. A violation of journalistic principles is neither an administrative offence nor a crime. However, violations by private broadcasters, as was the case here, may be the subject of a complaint by the competent state media authority. Once a broadcaster has been licensed, the state media authority is responsible for continuously monitoring its compliance with general programming principles. The NLM awards licences for window programmes that form part of RTL's programme schedule in accordance with Article 65(4) sentence 1 MStV for a term of five years. The licence requirements are based on Articles 52 *et seq.* MStV and the Lower Saxony Media Act (*Niedersächsische Mediengesetz*). The NLM is the competent media authority in this case.

The broadcaster dctp Entwicklungsgesellschaft für TV-Programm mbH may lodge an appeal with the Hanover Administrative Court (*Verwaltungsgericht Hannover*) within one month of notification of the decision.

Link zur PM der NLM

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https://www.nlm.de/fileadmin/dateien/PM/2026/Nr._03_NLM_beanstandet_Versto%C3%9F_gegen_journalistische_Sorgfaltspflichten.pdf

NLM press release

https://www.nlm.de/fileadmin/dateien/PM/2026/Nr._03_NLM_beanstandet_Versto%C3%9F_gegen_journalistische_Sorgfaltspflichten.pdf

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SPAIN

[ES] Supreme Court confirms exclusion of FC Barcelona and Real Madrid from audiovisual rights body was unlawful

Helena Suárez
ECIJA

On 10 April 2026, the Spanish Supreme Court upheld the nullity of LaLiga's decision to exclude FC Barcelona and Real Madrid from the deliberations of the Audiovisual Rights Control Body, the body responsible for supervising key aspects of the collective marketing of professional football broadcasting rights under Royal Decree-Law 5/2015. The dispute arose from meetings held on 1 March, 12 April and 19 May 2022, in which the two clubs were prevented from taking part in deliberations and votes on the basis of an alleged conflict of interest linked to their support for the Super League project.

Under Royal Decree-Law 5/2015, clubs participating in professional competitions assign their relevant audiovisual rights for collective exploitation. This model seeks to combine central marketing, redistribution of revenues and regulatory oversight. Within that structure, the Audiovisual Rights Control Body performs an important supervisory function in relation to issues such as tender procedures, compliance with statutory obligations and the distribution of revenue generated by the sale of rights.

The litigation was brought by FC Barcelona and Real Madrid after the clubs were excluded from discussion of certain agenda items in the Control Body. Lower courts had already found that the exclusion measures were unlawful. In particular, they considered both the substantive justification for the alleged conflict of interest and the procedure used to decide the recusal of the clubs. The Supreme Court did not reopen every aspect of that assessment in detail, but it allowed the lower ruling to stand.

In this context, the Supreme Court endorsed the lower courts' view that the participation of eligible clubs in the Control Body cannot be treated as a discretionary matter left entirely to internal governance preferences. Because the collective sale system is imposed by statute and has direct economic consequences for participating clubs, access to the body entrusted with oversight cannot be restricted without a sufficiently solid legal basis and appropriate procedural guarantees.

The ruling therefore treats participation in the Control Body as a statutory entitlement connected to the compulsory transfer of rights into a centralised marketing system. The exclusion of clubs from deliberation is not simply an internal organisational issue. It may affect the validity of decisions adopted by the

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body, particularly where those decisions concern commercially sensitive matters such as packaging, tender design, oversight of implementation or the allocation of revenue resulting from the collective exploitation of rights.

The Court also confirmed the relevance of neutrality in the handling of conflicts of interest. A key point in the case was that the assessment of the alleged conflict could not properly be made by the same authority that had promoted the recusal of the clubs. Even if there were arguments in favour of examining a possible conflict, the procedure still had to respect minimum guarantees of impartiality. In that respect, the judgment underlines that procedural safeguards are not secondary formalities, but elements capable of determining the lawfulness of decisions affecting the commercialisation of audiovisual rights.

The judgment may have consequences beyond the immediate dispute between LaLiga and the two clubs. By linking procedural fairness inside the Control Body to the legality of decisions taken under the centralised rights regime, the ruling may influence how future tenders, compliance decisions and internal governance measures are designed and reviewed.

- **Validity of commercial decisions**: if a governance body is improperly constituted, or if relevant stakeholders are excluded without due process, decisions on the tendering, packaging or allocation of rights may become vulnerable to challenge. This is particularly important in a market in which commercial arrangements are complex and often extend across several seasons.

- **Legal certaint**y: the ruling highlights the importance of procedural safeguards in a sector based on long-term and high-value audiovisual rights agreements. Broadcasters and other market participants generally require predictability not only in the tender rules themselves, but also in the governance processes behind them.

- **Role of key clubs**: the judgment indicates that clubs with major economic weight in the system cannot be excluded from supervisory structures without sufficient legal justification. This does not create an unlimited veto, but it does confirm that the participation rights of those subject to the statutory regime must be taken seriously.

- **Broader regulatory context**: the emphasis on neutrality, procedural guarantees and the limits of internal discretion is consistent with wider scrutiny of how concentrated commercial and governance powers are exercised in sports media markets. In Spain, questions about the scope of LaLiga’s powers under Royal Decree-Law 5/2015 have also appeared in competition and regulatory discussions concerning the marketing of rights.

The ruling suggests that the governance of collective audiovisual rights systems is not merely an internal matter of private association law, but a legal issue capable of affecting the stability of rights commercialisation. Where participation in a collective system is compulsory and the resulting decisions have substantial commercial effects, courts may be willing to examine whether decision-making

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structures and recusal mechanisms comply with basic standards of legality and impartiality.

The judgment also points to the need for governance mechanisms that protect participation rights and ensure independent decision-making in conflict situations. For collective audiovisual rights bodies, this may mean greater attention to recusal procedures, clearer internal rules and a sharper distinction between the promotion of a measure and the authority deciding whether that measure should apply.

Tribunal Supremo, STS 547/2026, 10 de Abril de 2026

https://vlex.es/vid/1117695527

Supreme Court, STS 547/2026, 10 April 2026

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FRANCE

[FR] Refusal to classify an animated film without dialogue as an "original French-language work"

Amélie Blocman
Légipresse

A production company sought the annulment, on the grounds of ultra vires, of a decision in which the French audiovisual regulator (*Autorité de régulation de la communication audiovisuelle et numérique* – Arcom) had refused to classify the animated film *Mon ami robot* as an original French-language work. This classification directly affects the ability of television service providers (and, by extension, certain on-demand audiovisual media services under French jurisdiction) to include the work in their broadcast quotas and investment obligations.

The Council of State (*Conseil d'Etat*) pointed out that the Decree of 17 January 1990 required the original version of a film to be wholly or mainly in French or a regional language used in France in order to qualify as an original French-language work. In this case, although the film had been co-produced by French companies, it was an adaptation, in the form of an animated film, without dialogue but without changing its linguistic environment, of a graphic novel written in English. Produced by a Spanish-speaking artistic team, it had not been originally conceived, written or produced in French. Accordingly, Arcom had correctly refused to classify the film as a French-language original, regardless of the extent of its distribution in France, the favourable opinion of the President of the National Centre for Cinema and the Moving Image (*Centre national du cinéma et de l'image animée*) and similar precedents, since the provisions of Article 6-1 of the Decree of 17 January 1990, under which such an opinion should be taken into account, did not mean that opinion was binding.

Conseil d'Etat, 15 mai 2026, n° 502249, Société Noodles Production

https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2026-05-15/502249

Council of State, 15 May 2026, no. 502249, Société Noodles Production

https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2026-05-15/502249

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UNITED KINGDOM

[GB] Ofcom escalates Online Safety Act enforcement with GBP 950 000 suicide forum fine

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Ofcom, the UK's communications regulator, has imposed a GBP 950 000 penalty on the provider of an online suicide discussion forum for continuing failures under the Online Safety Act 2023 (OSA). The decision marks a further expansion of the OSA enforcement beyond pornography and age-assurance obligations (see IRIS 2026-1:1/25, IRIS 2026-3:1/10 and IRIS 2026-4:1/3) into the Act's illegal-content duties concerning content that may encourage or assist suicide. Ofcom has not named the forum or provider because of the nature of the service. The regulator says the forum had been cited in connection with more than 130 UK deaths and appeared in multiple coroners' reports. It is also preparing a court application for business disruption measures, including a possible UK access block.

The decision concerns a platform on which users may upload, share or generate material such as posts, comments, messages, images or videos (a "user-to-user service" under the OSA). Ofcom determined that the forum falls within the Act because it can be accessed in the UK, including by registered UK users without a VPN or similar tool. The regulator concluded that the service retained sufficient UK links and that user-generated content on the platform posed a material risk of significant harm to individuals in the UK. The provider therefore remains subject to the Act's illegal-content duties, despite being outside the UK.

Ofcom's findings did not rest merely on the presence of discussion concerning suicide, but on content considered capable of amounting to unlawful encouragement or assistance of suicide under UK law. In particular, under UK law, intentionally encouraging or assisting the suicide, or attempted suicide, of another person is a criminal offence. Ofcom's decision focuses on content likely to fall within that category, including instructional material describing suicide methods and responses encouraging users to take their own lives. The regulator considered evidence from the Mental Health Foundation, the Molly Rose Foundation and Samaritans. It found that illegal suicide content was present throughout, including method guides and detailed threads. Ofcom also relied on evidence that some material had been pinned or reposted by the provider itself, reinforcing the regulator's conclusion that the provider was aware of the presence of illegal suicide content on the service.

The confirmation decision, issued under section 132 of the Act, identifies failures across the illegal-content architecture of the online safety regime. Ofcom found that the provider had not carried out a suitable and sufficient illegal-content risk assessment, contrary to section 9(2). It also found ongoing breaches of section 10: the provider had not used proportionate measures to prevent users

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encountering priority illegal content; had not operated systems and processes to minimise the time such content remained available or to remove illegal content swiftly once aware of it; and had not explained in its terms how users would be protected.

The decision also addresses reporting and complaints. Specifically, Ofcom found that the service did not provide easy mechanisms for users and affected persons to report content they considered illegal, contrary to the Act's reporting and complaints duties. It further found failures under section 21, including the absence of an accessible complaints procedure and insufficient terms explaining how complaints would be handled and resolved. The provider must adopt relevant measures from Ofcom's Illegal Content Codes of Practice for user-to-user services, or suitable alternatives.

The GBP 950 000 penalty is a single financial sanction covering those contraventions. Ofcom described the breaches as "serious and deliberate" and said the amount reflected the grave nature of the failings, the risk of harm to people in the UK and the size of the provider. The regulator has also directed the provider to take compliance steps (imposing a timeframe of ten working days), including completing a suitable risk assessment, introducing moderation and takedown processes, updating terms of service, and establishing complaints arrangements.

A central feature of the investigation was the provider's attempted restriction of UK access. During the investigation it introduced a geo-block for users with UK IP addresses on two mirrored URLs and later removed landing-page wording promoting ways to bypass the block. Ofcom nevertheless found that the restrictions were not consistently effective. Evidence supplied by Samaritans (a major registered charity dedicated to suicide prevention) showed that a third "mirror site" was directly accessible from the UK. That site was later taken offline, but registered UK users could still access the service without a VPN. Those facts meant the service retained UK links and remained within the Act.

The regulator's next step may be to seek business disruption measures through the courts if the provider does not comply. This may involve requiring payment providers or advertisers to withdraw services, or internet service providers to block UK access. Under the statutory enforcement framework, criminal proceedings cannot be pursued where a financial penalty has already been imposed in relation to the same contraventions.

Ofcom's decision illustrates the territorial reach of the OSA and highlights the widening scope of enforcement activity beyond pornography and age-assurance obligations into broader illegal-content duties. It also emphasises that the OSA is increasingly employed by the regulator not only to penalise unlawful content exposure, but also to scrutinise whether platforms maintain operational systems capable of identifying, reporting and removing illegal material.

Investigation into an online suicide discussion forum and its compliance with duties to protect its users from illegal content

https://www.ofcom.org.uk/online-safety/illegal-and-harmful-content/investigation-

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into-an-online-suicide-discussion-forum-and-its-compliance-with-duties-to-protect-its-users-from-illegal-content

Ofcom fines online suicide forum GBP 950 000

https://www.ofcom.org.uk/online-safety/illegal-and-harmful-content/ofcom-fines-online-suicide-forum-950000

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[GB] Report on copyright and artificial intelligence presented to UK Parliament

Julian Wilkins
Wordley Partnership

On 18 March 2026 the government published its Report on Copyright and Artificial Intelligence (the Report), which follows a consultation that ran from 17 December 2024 to 25 February 2025. Under section 136 of the Data (Use and Access) Act 2025 (the Act), the Secretary of State for DSIT and DCMS must, before the end of the period of nine months starting from the day on which the Act was passed (19 June 2025), prepare and publish a report on the use of copyright works in the development of Artificial Intelligence (AI) systems, and present this report to parliament.

The consultation received 11 520 responses from a broad range of stakeholders, including creators, rights holders, and AI developers, giving their views as to how copyright law should be adapted to take account of AI, including machine learning.

The Report does not set out reforms to the law but highlights the overall findings of the consultation. The Report concludes that the government is limited about introducing new laws without further investigation and that international approaches to AI and the fast-developing AI technology would make it premature to introduce legislation at this time. With this in mind, the government will continue to monitor issues concerning AI in the context of copyright law particularly from the perspectives of creative industries.

Within the Report there was no indication that an exception to copyright law to enable text and data mining (TDM) should be introduced. The Report indicates that the government believes that IP rights holders should be "fairly remunerated" for the value they add to the AI supply chain but, for now, there will be no new copyright exception for AI training. In the consultation, the government had preferred a broad TDM exception with IP rights holders being able to opt out. While this was opposed by the creative industries, some responses to the consultation also suggested implementing a broad TDM exception. For example, by including a "focused exception" to copyright that would support commercial science and research (an extension of the existing non-commercial research exception), or a public interest exception that would permit AI tools to use copyright content for the purposes of detecting harm. However, the Report stated that any exception would only apply to material that had been lawfully acquired and accessed (i.e. not pirated). The Report finally suggested that if such an exception were to be made in law it could include a statutory remuneration model for rights holders.

The government's current approach is to develop best practice around the transparency of training inputs, which it sees as a prerequisite for both rights

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enforcement and a functioning licensing market. The government aims to test commercial models for licensing as part of the "Creative Content Exchange" announced last year, and an operational pilot platform should be ready by summer 2026.

The government further indicated its preferred approach of removing copyright protection for wholly computer-generated works with no human author, while retaining protection for AI-assisted works where a human has contributed creatively. It says that this is consistent with the principle that copyright "should incentivise and protect human creativity". This approach was widely supported by most of the contributors to the Report.

The Report also addressed the issue of digital replicas, namely AI-generated imitations of a person's voice or likeness, identifying the inadequacy of existing copyright and performers' rights provisions. The government intends to explore options to combat the risks of impersonation for both artists and the public who may be misled by AI-generated imitations, including, for example, the option of creating a new "personality right". The Report acknowledged that more well-known artists may be able to protect their voice or likeness in the UK via the tort of passing off or registering trademarks, but for lesser-known artists and the general public, this will be insufficient due to a lack of public awareness and the absence of commonly identifiable characteristics compared to those of a well-known performer.

Other issues considered in the Report included greater transparency as to how AI developers train their learning models, including the content and data they use. The Report advocates promoting clarity and enforcement for rights holders, without disproportionate effects on AI development or deployment in the UK. The government will work with the industry and experts to develop best practice and inform any future potential legislation.

Labelling content to show whether AI was used may help protect against disinformation and harmful deepfakes. Currently, there are no obligations in the UK for AI-generated content to be labelled, but many services already include labelling technology, and several countries have introduced labelling rules. The government would continue to monitor international best practice to help develop appropriate rules.

Finally, the Report identified the need for the effective enforcement of rights, ensuring that any new rights are accessible to all rights holders and proportionate. It also recommended working with various parties, including law enforcement and the judiciary, to help ensure the UK enforcement framework remained fit for purpose.

Report on copyright and artificial intelligence

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https://www.gov.uk/government/publications/report-and-impact-assessment-on-copyright-and-artificial-intelligence/report-on-copyright-and-artificial-intelligence#section-a-report-on-copyright-and-artificial-intelligence

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HUNGARY

[HU] Court of Justice of the European Union: Rejection of Klubrádió's frequency license renewal application ruled unlawful

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On 26 February 2026, the Court of Justice of the European Union (CJEU) delivered its judgment in Case C-92/23 concerning the infringement proceedings initiated by the European Commission against Hungary regarding the refusal to renew Klubrádió's broadcasting contract. The Court found that Hungarian authorities breached EU law by refusing to extend the service provider's frequency usage rights based on discriminatory and disproportionate conditions.

Klubrádió is a Hungarian commercial radio station that has been broadcasting its programmes on various radio frequencies since 1999. In 2014, the service provider entered into an administrative contract with the Media Council of the National Media and Infocommunications Authority (NMHH) for the use of the Budapest FM 92.9 MHz frequency. The agreement was concluded for a period of seven years, on the condition that the station could request the renewal of the usage rights for an additional five years prior to the expiration date.

By Decision No 830/2020 (IX.8) of 8 September 2020, the Media Council of the NMHH rejected the automatic renewal of Klubrádió's Budapest 92.9 MHz frequency licence, citing grounds for exclusion set out in the Hungarian Media Act. According to statutory regulations, the authority's decision only entailed the exclusion of automatic renewal; the service provider retained the opportunity to regain the frequency through a newly announced public tender.

The NMHH based the exclusion on repeated infringements, which included administrative and technical omissions, such as a network connection established without authorisation in 2014, and several instances in 2016 where the provider failed to meet its monthly data reporting obligations regarding programming quotas.

According to Klubrádió's argument, the refusal of the automatic renewal was a disproportionate and excessive legal consequence relative to the minor errors committed. Klubrádió later submitted applications for the call for tenders concerning the provision of media services on the frequency 92.9 MHz.

By Decision No 180/2021 (III.10.) of 10 March 2021, the Media Council found that Klubrádió's submitted application for the call for tenders was invalid on substantive grounds.

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The media service provider exhausted all domestic legal remedies: on 28 September 2021, the Supreme Court of Hungary, the Curia (Judgment No. Kf.VI.37.108/2021/11) found the authority's procedure to be lawful, emphasising that the Media Council had no discretionary power when statutory grounds for exclusion were present. Subsequently, in February 2022, the Constitutional Court also rejected the station’s complaint, ruling that the withdrawal of the frequency did not violate the principle of freedom of the press.

In parallel, the European Commission initiated infringement proceedings, as it held the view that the Hungarian procedure violated the provisions of the European Electronic Communications Code (EECC – Directive (EU) 2018/1972).

In the reasoning of its judgment, the CJEU emphasised that, under Directive (EU) 2018/1972, the granting and renewal of radio spectrum usage rights must in all cases be based on objective, transparent, non-discriminatory, and proportionate criteria. The Court established that the provision of the Hungarian Media Act - which automatically excludes the renewal of rights without any discretion, even in cases of minor, purely formal infringements that had already been sanctioned or remedied - severely violates the EU principle of proportionality.

The Court’s reasoning also extended to the subsequent tender procedure: according to the decision, the invalidation of the tender based on financial indicators (such as equity status or cost coverage) that were not clearly stated in the tender specifications was contrary to the principles of transparency and proportionality. Furthermore, the CJEU recorded that the authority violated the principle of good administration due to significant delays in decision-making and the failure to issue the tender in a timely manner. Finally, the Court ruled that the administrative decisions based on alleged inaccuracies - since they effectively made the station's operation impossible - constituted an unjustified restriction on the freedom of expression and information guaranteed by Article 11 of the Charter of Fundamental Rights.

Although the judgment obliges the Member State to terminate the unlawful situation, the frequency is not automatically returned to the provider. Based on the final judgment, the opportunity opens for Klubrádió to seek a retrial before Hungarian courts and to initiate a claim for damages caused by the breach of EU law. Meanwhile, the European Commission may - should the Member State fail to comply with the judgment - initiate further proceedings for the imposition of financial sanctions.

Judgment of the Court in Case C-92/23 | Commission v Hungary (Right to provide media services on a radio frequency)

https://infocuria.curia.europa.eu/tabs/jurisprudence?sort=DOC_DATE-DESC&searchTerm=%22C-92%2F23%22&publishedId=C-92%2F23

Final judgement in the Klubrádió frequency tender case

https://kuria-birosag.hu/en/press/final-judgment-klubradio-frequency-tender-case

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ITALY

[IT] AGCOM adopts new regulatory framework on events of major importance for society

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The Italian Communications Authority (AGCOM) adopted Resolution No. 102/26/CONS of 29 April 2026, establishing the updated regulatory framework governing the transmission of events deemed to be of major importance for society.

Following the transposition into Italian law of Directive (EU) 2018/1808, the Italian legislature entrusted the Ministry of Enterprises and Made in Italy (MIMIT), acting in consultation with AGCOM, with the competence to adopt the list of events of major importance for society and events of social or significant public interest.

At the same time, AGCOM was entrusted with the task of identifying the appropriate measures to ensure that media service providers do not exercise the exclusive rights acquired in relation to events included in the MIMIT list in such a way as to deprive a substantial proportion of the public in another member state of the European Union of the possibility of following events considered by that state to be of major importance for society and for which that state ensures free-to-air coverage, whether live or deferred, in whole or in part.

On 8 October, MIMIT approved the new list, thereby updating and significantly extending the previous framework adopted by AGCOM in 2012 (see IRIS 2012-5:1/29).

Through Resolution No. 102/26/CONS, AGCOM consequently established the new regime under which broadcasting rights relating to sporting and cultural events included in the list approved by MIMIT must be exercised in a manner ensuring free-to-air access to at least 80% of the Italian population.

The measure is intended to enhance public access to events considered to be of particular social relevance, while reinforcing the principles of media pluralism, the right to information and audience protection.

In addition to traditionally protected sporting events of major national and international significance, including the Olympic and Paralympic Games, official matches of the Italian national football team, semi-finals and finals of European club competitions involving Italian teams, the Giro d’Italia, motor racing events held in Italy and major world championship finals, the updated list now encompasses a broader range of sporting disciplines. These include selected rugby, cycling, athletics, swimming, gymnastics, fencing, skating and skiing events, as well as leading national and international tennis competitions,

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including Grand Slam tournaments and ATP Masters 1000 events.

The revised list also extends to major cultural and musical events, including the Festival di Sanremo, the final evening of the Eurovision Song Contest, opening performances at Teatro alla Scala and Teatro di San Carlo, and the New Year's Concert at Teatro La Fenice.

A further significant aspect of the resolution concerns the obligations imposed on pay media service providers holding the relevant broadcasting rights. Such operators are required to publish, sufficiently in advance, an offer for the assignment of those rights on fair, reasonable and non-discriminatory terms, with the aim of facilitating wider public access to the events included in the list.

The resolution also establishes the applicable enforcement and sanctions framework in the event of non-compliance, pursuant to the Italian legislation implementing Directive (EU) 2018/1808 on audiovisual media services, as incorporated into the Italian Consolidated Text on Audiovisual Media Services (TUSMA). In particular, infringements may give rise to administrative fines ranging from EUR 100 000 to EUR 5 000 000, or up to 1% of the undertaking's annual turnover where such a percentage exceeds EUR 5 000 000.

Lastly, the measure regulates dispute resolution procedures applicable where disputes arise between media service providers concerning the transmission of events included in the list, including disputes relating to technical transmission arrangements and the conditions governing the assignment of broadcasting rights. In such cases, the procedural framework set out in the regulation governing disputes between operators shall apply.

Delibera n. 102/26/cons provvedimento recante le disposizioni attuative dell'articolo 33 del d. lgs. 8 novembre 2021, n. 208, relative alla lista degli eventi di particolare rilevanza per la società di cui è assicurata la diffusione su palinsesti in chiaro

https://www.agcom.it/sites/default/files/provvedimenti/delibera/2026/102_26_CONS.pdf

Resolution No. 102/26/CONS, measure setting out the implementing provisions of Article 33 of Legislative Decree No. 208 of 8 November 2021, concerning the list of events of particular significance to society, the broadcast of which is guaranteed on free-to-air channels

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NETHERLANDS

[NL] The Amsterdam District Court issued an immediate ban on Grok-generated sexual deepfakes in the Netherlands

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On 26 March 2026, the District Court of Amsterdam (*Rechtbank Amsterdam*) issued a ruling to immediately stop the social media platform X and X.AI, providers of the generative AI chatbot Grok, from generating and distributing deepfake sexual images of (underage) persons residing in the Netherlands. The ruling was delivered in summary proceedings initiated by the expertise centre for online abuse Offlimits, supported by the Netherlands Victim Support Fund (*Slachtofferhulp Nederland*).

In late 2025, X introduced a feature allowing users to use Grok to edit images posted on the platform. The new functionality led to the mass generation and dissemination of deepfake sexualised images, including those featuring children. The outrage around Grok prompted the European Commission to open a formal investigation against X under the Digital Services Act (DSA). In February 2026, Offlimits filed summary proceedings, seeking to prohibit X from generating and distributing images of undressed (existing) persons without their consent, at least insofar as persons residing in the Netherlands are concerned, and from producing, distributing, offering, publicly displaying or possessing child sexual abuse material (CSAM) within the meaning of Dutch law. In opposing Offlimits' claims, X and X.AI alleged that they had implemented technical safeguards that restrict users' ability to use Grok to generate illegal content, including input filters which reject specific classes of sensitive requests, particularly those related to CSAM.

In its ruling, the court established that it had jurisdiction to rule on the present dispute, since X.AI is the data controller within the meaning of the General Data Protection Regulation (GDPR) with regard to the processing of personal data of individuals residing in the Netherlands. It also found that Offlimits had standing to bring a legal action to protect similar interests of other persons. With regard to the substance of Offlimits' claims, the court noted that X and X.AI had failed to demonstrate that the measures they had taken to prevent the generation of sexualised imagery featuring existing persons in violation of the GDPR and the Dutch Criminal Code were actually effective. Offlimits presented evidence in the form of screenshots, which revealed that it was still possible to generate content based on a photo of an existing person, in a sexualised context, even after X.AI had allegedly introduced additional safeguards. Although prompts are inserted by third parties, both X and X.AI must prevent unlawful outputs produced by Grok. By not implementing sufficient safeguards precluding the generation of non-consensual deepfake nude images, the defendants were found to be contributing

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to illegal online behaviour. In light of the justified doubt about the effectiveness of the measures taken by the defendants, the court confirmed that Offlimits had a sufficient urgent interest in obtaining a summary decision. It issued a ban on the generation and distribution of sexual images where the functionality is used to undress Dutch residents, either partially or entirely, without their explicit consent, and on the manufacture, distribution, offering, exposure or possession of CSAM in the Netherlands. Furthermore, the court prohibited X from offering Grok's functionality as part of its platform as long as Grok can still be exploited to generate illicit content. Both X and X.AI must confirm in writing to Offlimits how they have complied with the ruling. If Grok fails to comply, a penalty of EUR 100 000 per day will be imposed, capped at EUR 10 000 000.

Rechtbank Amsterdam, C/13/783613 / KG ZA 26-120 EAM/JD, 26 maart 2026

https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBAMS:2026:3106

District Court of Amsterdam, C/13/783613 / KG ZA 26-120 EAM/JD, 26 March 2026

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POLAND

[PL] Repeal of the highest administrative penalty in the history of Polish media

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The Circuit Court in Warsaw, Commercial Court, in its judgment of 27 March 2026 set aside in its entirety the decision of the former Chairman of the National Broadcasting Council (KRRiT), Maciej Świrski, of 4 March 2024. This decision had found a violation by the Company TVN SA of the provisions of the Broadcasting Act and imposed a financial penalty of PLN 550 000 on the broadcaster. This was the highest administrative penalty in the history of Polish media. In the opinion of KRRiT, the broadcaster had transmitted a programme promoting content contrary to the law and societal interest, offending the religious feelings of Catholics and misinforming the public.

It should be noted that the case concerned a programme from the *Czarno na białym* (In Black and White) series, entitled *Bielmo. Franciszkańska 3*, broadcast on 6 March 2023. KRRiT received an unprecedented number of viewer complaints (over 6 058 with almost 40 000 signatures) about blasphemies and violations of the cult of memory of the deceased John Paul II and Cardinal Adam Stefan Sapieha, as well as incitement of hatred towards the Catholic Church. In the complaints submitted to KRRiT, it was argued that the authors of the programme had resorted to lies, slander and manipulation, and had failed to assess the historical sources used in the broadcast. In the evidentiary procedure, three expert opinions were adduced according to which the materials did not live up to the criteria of a reportage or standards of journalistic ethics when it came to in-depth research or verification of sources, and the narrative was subordinated to the main thesis, which misled the public about paedophilia cases among Polish clergy and the role played in those events by Cardinals Karol Wojtyła (John Paul II) and Adam Stefan Sapieha.

The Chairman of KRRiT found a violation of Article 18(1) and (2) of the Broadcasting Act, which was a basis for initiating *ex officio* the proceedings for the imposition of a penalty on the broadcaster under Article 53(1) of the Broadcasting Act.

Under Article 18(1) of the Broadcasting Act, broadcasts or other transmissions may not promote activities contrary to the law, or attitudes or opinions contrary to societal interest. In the opinion of KRRiT, the programme *Bielmo. Franciszkańska 3* was transmitted in violation of the provisions of press law and the Broadcasting Act as it did not give effect to the rights of citizens to reliable information; it presented the discussed phenomena untruthfully and inconsistently, and manipulated the facts. The facts were presented in a biased manner and incompletely (selectively), and the journalists did not show the

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required level of due diligence and journalistic integrity when gathering and making use of the press materials. In the opinion of KRRiT, the programme also violated Articles 23 and 24 of the Civil Code (by objectively infringing personal interests) and Article 212 of the Criminal Code, as the programme was slanderous to the persons covered. Under Article18 (2) of the Broadcasting Act, programmes and other transmissions should respect the religious beliefs of the recipients, and especially the Christian system of values.

KRRiT considered disinformation activities as the promotion of attitudes contrary to societal interest, false information being used to denigrate objects of worship and activities being undertaken without due respect to the viewers' religious beliefs.

The amount of the penalty imposed ty the Chairman of KRRiT, acting as single member body, was justified by the seriousness of the violation of the obligation to provide reliable, true information obtained according to the standards of professional art and with due respect to the recipients' religious feelings. KRRiT took into account the high number of protests relating to the protection of interests infringed by the programme and the number of persons involved in the protests, as well as the special respect enjoyed, in Polish society, by John Paul II. The amount of the penalty was also affected by such factors as previous imposition of fines on the broadcaster (34 such situations in total since 1997) as well as the very good and stable financial position of TVN.

However, KRRiT's decision had not become final as a result of the appeal filed by the broadcaster itself with the Circuit Court in Warsaw, Commercial Court, on 10 April 2024.

The judgment in the case was delivered on 27 March 2026. In the oral justification of the decision, the court held that the programme *Bielmo. Franciszkańska 3* could not be held responsible for promoting attitudes contrary to the law or for violating the Christian system of values. In the opinion of the court, the broadcast of material about the past of Karol Wojtyła was not an assault on the Church, John Paul II or Christian values, and coverage by journalistic materials of such socially important topics as the protection of minors against trusted institutions, such as churches and religious associations, is a foundation of democracy. The Circuit Court did not share the opinion about the lack of journalistic integrity and due diligence, and, in the opinion of the court, the reportage was based on diverse sources, including multiple witness testimonies, analysis of documents and records.

KRRiT declared its intention to appeal the matter. Taking into account that the judgment of the court of first instance was delivered three years after the programme's transmission, a long court battle can be expected in the case, touching upon such fundamental questions, from the point of view of the press, as freedom of expression and the right to express one's opinions, enshrined in the European Convention on Human Rights and the Constitution of the Republic of Poland.

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