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Publisher:

European Audiovisual Observatory
76, allée de la Robertsau
F-67000 STRASBOURG

Tel. : +33 (0) 3 90 21 60 00
E-mail: obs@obs.coe.int
www.obs.coe.int

Comments and Suggestions to: iris@obs.coe.int

Executive Director: Pauline Durand-Vialle

Maja Cappello, Editor • Amélie Lacourt, Justine Radel, Sophie Valais, Diego de la Vega, Deputy Editors (European Audiovisual Observatory)

Documentation/Press Contact: Alison Hindhaugh

Tel.: +33 (0)3 90 21 60 10

E-mail: alison.hindhaugh@coe.int

Proofreading of original texts and machine translations:

Linda Byrne • Aurélie Courtinat • Paul Green • Barbara Grokenberger • Catherine Koleda • Udo Lücke • Marco Polo Sarl • Erwin Rohwer • Sonja Schmidt • Nathalie Sturlèse • Ulrike Welsch • David Windsor

Web Design:

Coordination: Cyril Chaboisseau, European Audiovisual Observatory

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EDITORIAL

The FIFA World Cup is currently in full swing, stoking competitive spirits and birthing passions among new watchers. Luckily, the event is made as widely available as possible, due to the World Cup enjoying the status of "event of major importance", leading many matches to be available for viewing on free TV, much to the delight of football fans. However, piracy of football broadcasts continues to have a negative impact on rightsholders. In this context, the French media regulator, Arcom, recently adopted two model agreements that could form the basis of discussions with rights holders, search engine operators and intermediaries involved in blocking measures, with a view to facilitating coordinated action against the illegal broadcasting of sporting events and competitions.

Fighting piracy is always a complicated endeavour, requiring appropriate measures that take into consideration all rights involved. As an example, following a reference for a preliminary ruling, the French *Conseil d'État* held that the graduated response mechanism designed to combat online piracy of protected works did not comply with EU law, insofar as the decree to implement it did not provide adequate personal data protection.

The trusted flaggers system provided under the DSA may be relevant for detecting such illegal content. The European Commission recently released a study supporting the implementation of the trusted flaggers mechanism under the DSA.

Speaking of regulating content online, Ofcom has introduced a new set of crisis response measures that will be incorporated into its "Illegal Content Codes of Practice" and "Protection of Children Codes of Practice" under the Online Safety Act. These measures aim to strengthen how certain online platforms respond when exceptional events generate a rapid increase in illegal content or content harmful to children, particularly where online activity poses a threat to public safety.

Enjoy the read and the summer!

Maja Cappello, Editor

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INTERNATIONAL

COUNCIL OF EUROPE

European Court of Human Rights: *Tožičková v. Czech Republic*

Emma de Vries
Leiden University

On 5 September 2020, in one of several protests held that year, a group of environmental activists had protested at the Vršany coal mine in Czechia by occupying an excavator. They had been protesting against the continuous mining of coal and the government's lack of action to mitigate its adverse effects on the environment. Since public access to the mine had been prohibited, the police had intervened and apprehended the activists, who had refused to leave upon the police's request.

The applicant in the subsequent case before the European Court of Human Rights (ECtHR), Alexandra Tožičková, had been at the site to report on the protest, without participating in it herself. Her press badge had been visible on her clothing. The police had also ordered her to leave the premises, but she had refused to comply with this request, claiming that her role as a journalist meant that she should be allowed to remain on site. The police had therefore apprehended and detained her. She had been taken from the premises and held for two hours, during which time she had not been allowed to film further video footage. She had filed an administrative lawsuit, citing unlawful and disproportionate interference with her rights by the police.

The national proceedings

The Prague Municipal Court had upheld the applicant's claim that the restrictions on her right to freedom of expression had been disproportionate, considering that she had been identifiable as a journalist, had not posed a risk to the police or hindered its work, and had been reporting, in her capacity as a journalist, on matters of public concern. Nevertheless, the police's order had been legitimate and the applicant's refusal to follow it weighed heavier than the disproportionality of the police's interference with her rights. The Municipal Court had therefore concluded that the police had not acted unlawfully. Prohibiting the applicant from filming during her arrest had, however, been unlawful. The Supreme Administrative Court had upheld the Municipal Court's ruling, adding that the freedom of expression could not generally be interpreted as exempting journalists from obeying the law. The Constitutional Court had found the applicant's complaint against the Supreme Administrative Court's ruling manifestly unfounded. It had ruled that all relevant circumstances had been examined and weighed sufficiently, including the fact that the applicant had

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attended the protest in her capacity as a journalist.

The complaint in more detail and the assessment of the ECtHR

The applicant complained to the ECtHR about the way in which the police had treated her during and after the protest. She recognised that entering the mine had been unlawful, but stressed that the mine had not been in operation that day and that the security risks had therefore been low. In addition, she had not obstructed the police's work and the police had not been obliged to arrest and detain her when she had failed to comply with their request to vacate the mine. Moreover, and most importantly, she had acted in accordance with the law because she had been fulfilling her responsibilities as a journalist in accordance with the ethical principles of journalism. The authorities had not, in the applicant's view, taken due account of her role as a journalist. In particular, she believed that the police had wanted to remove her so they could intervene without a journalist present.

The ECtHR pointed out that Article 10 of the European Convention on Human Rights protected everyone's freedom of expression, especially that of journalists acting in their capacity as "public watchdogs" (e.g. *Magyar Helsinki Bizottság v. Hungary*), stating that journalists occupied a special position in democratic society. Journalists played a particularly important role in ensuring that the public could meaningfully exercise its right to receive and impart information. In view of this watchdog role, which helped to ensure that authorities were held accountable for their actions, as well as the fact that journalists were expected to act in accordance with the law (e.g. *Stoll v. Switzerland* & *Amaghlobeli and others v. Georgia*), any interference with their right to freedom of expression had to be closely scrutinised (e.g. *Pentikäinen v. Finland*).

The Court identified three measures taken by the police that might have constituted interference: ordering the applicant to leave the premises, removing her from the mine following her arrest, and preventing her from making video recordings during and after her arrest. The first and third of these measures had been considered unjustified by the national courts, which had accepted the police's right to remove the applicant from the premises. According to the ECtHR, however, the applicant's removal and detention had irreversibly prevented her from witnessing the events that had unfolded at the mine and gathering information necessary for her journalistic work. She had been prevented from filming during and after her arrest in order to stop her documenting the police's actions. Gathering information was, however, a necessary preparatory step in journalism and a vital aspect of journalistic freedom. Therefore, the applicant's rights had clearly been interfered with.

The main question was whether this interference had been necessary. The national courts had admitted that the applicant should not have been ordered to leave the premises in the first place. At the same time, they had held that her detention had nonetheless been justified because she had refused to comply with the order. The ECtHR took the view that, in making their assessments, the national courts had failed to strike a balance between the different interests

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concerned, i.e. the maintenance of public order on the one hand and the journalistic interests of the applicant and the public's right to receive information on the other. In fact, the applicant’s role as a journalist seemed to have added little weight in these assessments. It should have been clear to the police that she would have left the premises with the protesters, since she had been there in order to report on the protests. While these factors had played a role in the assessment of the proportionality of the police order, they had not been taken into account in the assessment of the arrest. The Court found that, since there had been no pressing social need for the applicant’s arrest, the interference had not been "necessary in a democratic society". The actions of the police had unduly hindered the applicant from fulfilling her role as a "public watchdog".

The Court therefore ruled that Article 10 of the European Convention on Human Rights had been violated.

Cour eurpéenne des droits de l'homme, Tožičková c. République tchèque, Requête n° 21512/23, 28 mai 2026

https://hudoc.echr.coe.int/?i=001-250212

European Court of Human Rights, Tožičková v. the Czech Republic, No. 21512/23, 28 May 2026

https://hudoc.echr.coe.int/?i=001-250212

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

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

European Court of Human Rights, Stoll v. Switzerland, No. 69698/01, 10 December 2007.

https://hudoc.echr.coe.int/eng?i=001-83870

European Court of Human Rights, Amaghlobeli and others v. Georgia, No. 41192/11, 20 August 2021

https://hudoc.echr.coe.int/?i=001-210015

European Court of Human Rights, Pentikäinen v. Finland, No. 11882/10, 20 October 2025

https://hudoc.echr.coe.int/?i=001-158279

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Recommendation on online safety and empowerment of users and content creators

Amélie Lacourt
European Audiovisual Observatory

On 8 April 2026, the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec(2026)4 on online safety and empowerment of users and content creators. This recommendation was developed by the Committee of Experts MSI-eSEC under the authority of the Steering Committee on Media and Information Society (*Comité directeur sur les médias et la société de l'information* - CDMSI).

The online environment is now one of the main ways in which people can exercise their right to freedom of expression, including the right to receive information. Digital technologies have also increased the range and diversity of information individuals and groups can access. Taking into account these contextual factors, the recommendation states that online safety should be understood as a component of an enabling online environment for everyone, including vulnerable or marginalised groups.

In the current context of digitalisation, the recommendation therefore seeks to address the growing challenge of reconciling freedom of expression online and the need to protect individuals from harms such as disinformation, harassment, manipulation, unfair moderation, and biased algorithms.

The recommendation is structured around a set of principles addressed to states, platforms and content creators, as well as for legal frameworks on online safety and user empowerment and their implementation and enforcement. For example, it promotes the accountability of online platforms, especially those with significant influence over the online information ecosystem.

However, while the recommendation acknowledges that states have a positive obligation to effectively address the risk of harm online, it also recognises that: " *content rules and the enforcement of liability of users and platforms cannot alone address the problem at scale and can result in selective and arbitrary enforcement. They also risk introducing or incentivising excessive or otherwise disproportionate content restrictions and content moderation practices and adversely affect human rights, especially freedom of expression and privacy.*"

The recommendation therefore seeks to address the issue at stake not only through such measures, but also through principles that aim to promote an enabling online environment for users and content creators. The recommendation therefore also provides measures for online user empowerment, highlighting the importance of "empowerment by design", to ensure users have easy-to-use tools to shape and personalise their platform experience.

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The recommendation is also accompanied by an explanatory memorandum, which provides insight into the aims and scope of its provisions.

Council of Europe, CM/Rec(2026)4 - Recommendation of the Committee of Ministers to member states on online safety and empowerment of users and content creators, adopted on 8 April 2026

https://search.coe.int/cm?i=09125948802b41e8

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EUROPEAN UNION

CJEU: Member states cannot introduce blanket prohibitions on LGBTI+ content under the guise of child protection

Kinga Sorbán
University of Public Service

On 21 April 2026, the Court of Justice of the European Union (CJEU) delivered its judgment in Case C-769/22 (*European Commission v. Hungary*), ruling that various national legislative amendments enacted by Hungary in June 2021 – commonly referred to as part of its "child protection" package – violated several foundational EU values, internal market rules, and fundamental rights. Crucially, the judgment established for the first time a separate, standalone infringement of Article 2 of the Treaty on the European Union (TEU).

The case originated from an omnibus legislative package enacted by the Hungarian Parliament in June 2021. While initially drafted to increase penalties against child sexual abuse, last-minute amendments introduced strict limitations on the display, broadcast, publication, and distribution of content to minors. Specifically, the provisions prohibited or restricted the promotion or portrayal of gender identities that differ from the sex assigned at birth, sex reassignment, or homosexuality in audiovisual media, advertising, and school curricula.

In response, the European Commission initiated infringement proceedings against Hungary, arguing that the restrictive measures went beyond child protection and systematically targeted, stigmatised, and marginalised a minority group. Following an exchange of formal notices and a reasoned opinion, the Commission brought an action for failure to fulfil obligations before the CJEU in late 2022.

The case brought an unprecedented level of alignment across the Union: 15 member states and the European Parliament formally intervened in support of the Commission. It also marked a definitive milestone as the first time the European Commission sought to hold a member state accountable by relying directly on Article 2 TEU as a standalone ground in an infringement procedure, shifting the focus from narrow technical compliance to whether a national law is compatible with the foundational values upon which the European Union is built.

According to the Court's judgment, the Commission's action was "well founded in respect of all the pleas in law".

The Court found that the Hungarian law constituted a "coordinated package of discriminatory measures" which "manifestly and particularly seriously violates every single core value of the EU laid down in Article 2 TEU." While Article 2 TEU enumerates fundamental values – such as respect for human dignity, equality, the

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rule of law, and respect for human rights, including the rights of persons belonging to minorities – it does not explicitly detail a mechanism for direct enforcement outside the political scope of Article 7 TEU. The CJEU resolved this by confirming that these values constitute legally binding obligations enforceable under Article 258 TFEU. The judges emphasised that by linking non-heterosexual and non-cisgender identities en bloc with paedophilia and sexual crimes within the text and title of the legislation, the law was inherently suited to stigmatise these groups and incite hatred.

The Court held that the provisions restricted the cross-border freedom to provide and receive services. The CJEU recognised that under Article 24 of the Charter, member states retain a margin of appreciation to implement measures protecting the well-being of minors, which may justify restricting internal market freedoms. However, the Hungarian law went disproportionately further by introducing a blanket premise that any portrayal of homosexuality or gender reassignment is inherently harmful. This exclusion constituted direct discrimination, unlawfully restricting media service providers from developing and broadcasting diverse thematic content. Furthermore, the Court found a violation of the General Data Protection Regulation (GDPR), ruling that while expanding access to criminal registries for child protection purposes can be legitimate, the Hungarian legislation failed to define with sufficient precision who was authorised to access the data and on what exact grounds.

Consequently, the CJEU declared that Hungary had failed to fulfil its obligations under both primary and secondary EU law. Under Article 260 TFEU, Hungary is required to take the necessary measures to comply with the Court's judgment and bring its national legislation into conformity with EU law. While a judgment under Article 258 TFEU does not carry an automatic financial penalty, it legally obligates the member state under Article 260 TFEU to take immediate measures to comply. Should the government fail to comply swiftly, the Commission may initiate secondary proceedings under Article 260(2) TFEU to request the Court to impose lump-sum and daily penalty payments.

The broader implications of the ruling extend far beyond Hungary. The judgment reorganises the EU's fundamental rights architecture and its relationship with national constitutions. The CJEU has drawn a definitive legal boundary: member states must respect the core values and principles of the EU not only when implementing Union law, but also when enacting independent, purely domestic legislation. No member state may pass laws that undermine social pluralism or target specific social groups for exclusion.

CJEU, Commission v. Hungary, No. C-769/22, provisional text, 21 April 2026

https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62022CJ0769

Act LXXIX of 2021 on taking more severe action against paedophile offenders and amending certain Acts for the protection of children, Nemzeti Jogszabálytár, 8 july 2021

https://njt.jog.gov.hu/jogszabaly/2021-79-00-00.0#NR

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Act LXXIX of 2021 on taking more severe action against paedophile offenders and amending certain Acts for the protection of children, Magyar Közlöny 118, 23 June 2021, p. 4942

https://njt.jog.gov.hu/jogszabaly/en/2021-79-00-00

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European Commission publishes Code of Practice on Transparency of AI-Generated Content

Eric Munch
European Audiovisual Observatory

On 10 June 2026, the European Commission published the Code of Practice on Transparency of AI-Generated Content. The code, drawn up by independent experts, sets out practical steps to comply with the obligations stemming from the AI Act's Article 50, on transparency with regard to the marking and labelling of AI-generated content.

As indicated in the code itself, its overarching objective is to:

"*improve the functioning of the internal market, to promote the uptake of human-centric and trustworthy artificial intelligence and to support innovation pursuant to Article 1(1) AI Act, while ensuring a high level of protection of health, safety, and fundamental rights enshrined in the Charter, including democracy, the rule of law, and environmental protection, against harmful effects of AI in the Union* ."

The code is divided into two sections: section 1 on rules for the marking and detection of AI-generated and manipulated content applicable to providers of generative AI systems (Article 51(2) and (5) AI Act) and section 2 on rules for labelling deep fakes and AI-generated and manipulated published text applicable to deployers of AI systems (Article 50(4) and (5) AI Act).

Signatories to the code agree to a series of commitments:

Under section 1, with regard to the marking of AI-generated or manipulated content, they commit to implementing marking solutions and to making them non-removable to the best of their abilities. Signatories are also encouraged to go further than what is required with regard to the information contained in the metadata indicating whether the content is AI-generated or manipulated. Providers of AI systems capable of generating or manipulating content are also encouraged to provide an optional functionality in their interface allowing deployers and other users to directly apply a perceptible label to the content generated or manipulated.

Signatories commit to making available a detection solution to allow for the verification of whether content has been AI-generated or manipulated. Detection results will have to be presented in a way that is clear and easily comprehensible to natural persons. Additionally, they may include a forensic detection mechanism to detect such content, complying with privacy and security requirements. They are also encouraged to ensure that relevant information is provided to deployers and expert users to support them in making informed decisions on what marking and detection solutions they may use (including helping them to understand how to access detection solutions, how to perform detections, and how to interpret

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detection results). They are also encouraged to ensure that end-user literacy resources are provided.

In addition, they commit to implementing effective solutions, with effectiveness being conditioned on the results of the detections being understandable by natural persons. The solutions must also be reliable (able to accurately assess when content was AI-generated or manipulated), robust (able to perform well under various conditions) and interoperable (able to operate seamlessly across multiple systems, actors, contexts and technical implementations). Signatories are also encouraged to invest in scientific research and development and to cooperate with competent authorities and relevant stakeholders.

Signatories commit to documenting, implementing, and keeping up to date a compliance process that describes how they have implemented the different measures. They also commit to testing the compliance of their marking and detection solutions with the code prior to placing their generative AI system on the market. Signatories also commit to providing their personnel who have roles relevant to ensuring compliance with Article 50(2) and (5) and Article 4 of the AI Act with proper training. Finally, they also commit to cooperating with the market surveillance authorities under the AI Act.

Under section 2, signatories commit to implementing specific design specifications (use of icons or labels, possibly accompanied by an acronym) positioned so as to be immediately recognised and noticed under normal conditions, and directly embedded into the content (unless user interface overlay is possible). Audible disclosure can be used as an additional method. Signatories are encouraged to take part in a dedicated task force aimed at advancing the further development and usability of the EU icon as a minimum state-of-the-art implementation.

Signatories commit to putting in place or maintaining internal processes, awareness measures and review mechanisms as specified in the measures below and proportionate to their size and available resources.

In accordance with Article 50(4) AI Act, they also commit to implementing measures to disclose deep fakes that are part of “evidently artistic, creative, satirical, fictional or analogous work or programmes” in a way that does not hamper the display or enjoyment of the work, including its normal exploitation and use, while maintaining the utility and quality of the work.

Lastly, all signatories commit to establishing, adapting, or maintaining appropriate policies for human review or editorial control prior to publication and that a natural or legal person holds editorial responsibility for the publication. Signatories who are media service providers under Article 2(2) of the European Media Freedom Act (EMFA) may rely on the exception to the disclosure obligation in Article 50(4), subparagraph 2, AI Act by applying their existing review and editorial procedures and established professional standards, as appropriate.

Euopean Commission – Code of Practice on Transparency of AI-Generated Content

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https://digital-strategy.ec.europa.eu/en/policies/code-practice-ai-generated-content#1720699867912-0

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General Court partially annuls Meta’s designation as a gatekeeper under the DMA

Paola Bellissens
Media Law Expert

In September 2023, the European Commission designated Meta as a gatekeeper under the Digital Markets Act (DMA). This status, reserved for large platforms with a dominant position on digital marketplaces, imposes specific obligations on them in order to ensure fairer competition. It applies to three of Meta’s services: Facebook, Messenger and Marketplace. Meta accepted the designation for Facebook but challenged the other two before the General Court of the European Union, arguing that the Commission had misjudged the user thresholds and that these services did not constitute standalone "gateways" within the meaning of the law.

The General Court ruled on 3 June 2026, partially upholding Meta’s appeal. Regarding Messenger, it upheld the designation, since Meta’s messaging service operated autonomously. It had its own app, which could be used even without an active Facebook account, and far exceeded the relevant legal thresholds. The counting method adopted by the Commission was deemed valid. Meta therefore remains subject to the obligations of the DMA for this service.

As regards Marketplace, however, the General Court annulled the designation. The Commission had not sufficiently established that this classified ad service was an important gateway in its own right, notably because the identification of business users had become inadequate following changes made to the platform in 2023.

This is the first judgment to examine in depth the criteria for designating gatekeepers under the DMA. It confirms that each service must be analysed individually and that the Commission must substantiate its decisions. Meta has secured a partial victory, but remains subject to the European regulator’s scrutiny where its other services are concerned.

Arrêt, Meta Platforms, Inc. c. Commission Européenne, T-1078/23

https://infocuria.curia.europa.eu/tabs/jurisprudence?sort=DOC_DATE-DESC&searchTerm=%22T-1078%2F23%22&publishedId=T-1078%2F23

Judgment of the General Court, Meta Platforms, Inc. v. European Commission, Case T-1078/23

https://infocuria.curia.europa.eu/tabs/jurisprudence?sort=DOC_DATE-DESC&searchTerm=%22T-1078%2F23%22&publishedId=T-1078%2F23

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Media Board opinion on the acquisition of Ringier Hungary by Indamedia

Amélie Lacourt
European Audiovisual Observatory

Under Article 22 of the European Media Freedom Act (EMFA), member states must establish national rules for the assessment of media market concentrations that could have a significant impact on media pluralism and editorial independence. However, if an assessment or consultation on media market concentrations is not carried out, Article 23(1) of the EMFA requires the Media Board to draw up opinions where such media market concentration is likely to affect the functioning of the internal market for media services, either on its own initiative or at the request of the Commission.

On 31 October 2025, Indamedia Network Zrt., one of the largest players in the Hungarian media market, acquired sole ownership of Ringier Hungary Kft., including its print newspaper and online news portal, *Blikk*. In accordance with the EMFA, the Media Board issued an opinion on this situation.

In its opinion, the Media Board noted that this acquisition extended Indamedia's reach to audience segments to which it had previously had limited access, diversifying its activities across the print newspaper market and consolidating its dominant position in the online news portal space.

The Media Board also highlighted the fact that this acquisition took place in a context where the market was already characterised by significant ownership concentration, structural conditions limiting the viability of independent media and the narrowing of the space available for independent and foreign media operators. The Board further recognised the significant influence the Indamedia group is likely to have on the formation of public opinion, which could also affect audiences in the internal market, within the meaning of recital 67 of the EMFA.

The absence of any national-level assessment of the market concentration, in accordance with Articles 22(1) and 22(2) of the EMFA was put forward, especially given the sensitivity of the transaction and its proximity to a national election. The Board further noted that it was not aware of any specific commitments that had been made public or formally proposed to ensure the protection of media pluralism and editorial independence.

The Media Board concluded that the resulting media market concentration is likely to affect the functioning of the internal market for media services and poses risks to media pluralism and editorial independence. It further noted that safeguards for editorial independence are lacking in Hungarian legislation.

The chair of the Media Board further reported on this media concentration in a broader context:

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"This media market concentration cannot be understood in isolation. Rather, it takes place in the context of a market where media pluralism and media freedom are under increasing pressure. Such market dynamics compound the risks to pluralism and editorial independence which the concentration operation at issue presents."

Opinion of the Media Board pursuant to Article 23(1) of the European Media Freedom Act Concerning the acquisition of Ringier Hungary Kft. by Indamedia Network Zrt.

https://media-board.europa.eu/document/download/a99a9d6b-909f-4205-b364-f42e4bbc3365_en?filename=Media%20Board_Opinion_acquisition%20of%20Ringier%20Hungary%20Kft%20by%20Indamedia%20Network%20Zrt.pdf

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Publication of a study on trusted flaggers and Commission's draft guidelines

Justine Radel-Cormann
European Audiovisual Observatory

Article 22(1) of the Digital Services Act (DSA) requires providers of online platforms to take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers acting within their area of expertise are given priority and are processed and decided upon without undue delay. Those notices are meant to notify the online platforms of the presence on their service of specific items of information that the notifier considers to be illegal content (Article 16 DSA).

Article 22(2) DSA foresees the award by the Digital Services Coordinator of "trusted flagger" status to applicants with particular expertise in identifying illegal content.

On 29 May 2026, the European Commission released a study supporting the implementation of the trusted flaggers mechanism under the DSA.

The study found that similar tasks of notice submission were entrusted to voluntary trusted flaggers created by platforms themselves (very large online platforms) or non-profit organisations. These voluntary flaggers were often chosen on a reputational basis. The study identified 47 voluntary trusted flagger schemes (31 administered by online platforms, 12 by civil society and four by governmental organisations). Some of these voluntary trusted flagger schemes had a specific thematic focus, such as “hate speech, incitement to self-harm and violence”, “negative effects on civic discourse or elections”, “intellectual property infringements”, etc. The most commonly covered areas were IP infringement, cyber violence and protection of minors, and cyber violence against women. The study describes some voluntary trusted flagger schemes such as the “YouTube Priority Flagger Program”, managed by Google, which is open to organisations with expertise in any policy area. Meta manages the “Trusted Partner Programme”, which is also open to organisations with expertise in any policy area. Snapchat and JeuxVideo.com, meanwhile, operate the “Trusted Flagger Program” and “JeuxVideo.com trusted flaggers” respectively.

Also on 29 May 2026, the European Commission, in accordance with its obligation under Article 22(8) DSA, published guidelines on "Trusted flaggers" (Article 22(8) DSA). The guidelines aim to assist providers of online platforms and Digital Services Coordinators to apply Article 22 regarding the award, suspension and revocation of trusted flagger status, as well as provide interpretative guidance on trusted flaggers. Their publication was accompanied by the launch of a targeted consultation in which the European Commission is seeking feedback from relevant stakeholders. The deadline for submitting feedback is 10 July 2026.

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Study supporting the implementation of the trusted flaggers mechanism under the Digital Services Act

https://digital-strategy.ec.europa.eu/en/library/study-supporting-implementation-trusted-flaggers-mechanism-under-digital-services-act

Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services

https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng

Draft Commission guidelines on trusted flaggers

https://digital-strategy.ec.europa.eu/en/library/draft-commission-guidelines-trusted-flaggers

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NATIONAL

BELGIUM

[BE] EMFA implementation in the French Community of Belgium and extension of the remit of the Higher Audiovisual Council (CSA)

Olivier Hermanns
Conseil Supérieur de l'Audiovisuel Belge

The legislature of the French Community of Belgium, also commonly known as the Wallonia-Brussels Federation, has amended the Decree of 4 February 2021 on audiovisual media services and video-sharing services with a view to implementing Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act).

The amending decree was promulgated on 2 April 2026. Its main provision is to designate the Higher Audiovisual Council of the French Community (*Conseil supérieur de l'audiovisuel de la Communauté française* – CSA) as the authority with jurisdiction to monitor the application of the EMFA, insofar as matters fall within the remit of the French Community.

According to the preparatory documents for the amending decree, the CSA "shall, in particular, monitor the application of paragraphs 1, 2 and 3 of Article 5, Articles 18, 20, 22 and 24 [and] establish the database referred to in Article 6" of the EMFA.

The amending decree also introduces new procedural rules concerning media market concentrations (Article 22 EMFA), information requirements regarding political advertising (Article 6 EMFA) and the procedure for the appointment and dismissal of senior managers and directors of local public service media providers, i.e. local audiovisual media services (Article 5 EMFA). Finally, the CSA's participation in the work of the Media Board is formalised.

Décret du 2 avril 2026 modifiant le décret du 4 février 2021 relatif aux services de médias audiovisuels et aux services de partage de vidéos, Moniteur belge du 16 avril 2026, p. 21987

https://www.ejustice.just.fgov.be/eli/decret/2026/04/02/2026002835/justel

Decree of 2 April 2026 amending the Decree of 4 February 2021 on audiovisual media services and video-sharing services, Belgian Official Gazette of 16 April 2026, p. 21987

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https://www.ejustice.just.fgov.be/eli/decret/2026/04/02/2026002835/justel

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GERMANY

[DE] Federal Court of Justice: Freedom of expression only protected for deliberate statements of opinion

Sandra Schmitz-Berndt
Institute of European Media Law

In its judgement of 28 April 2026 (case no. VI ZR 113/25), the 6th Civil Division of the Federal Court of Justice (*Bundesgerichtshof* – BGH) ruled that, when assessing whether a written news article infringes a subject's general personality rights, conflicting interests protected by fundamental rights must be balanced as a matter of principle, taking into account all the circumstances of the individual case.

The court had to decide whether a report in the *taz* newspaper describing a lawyer, named in the report, as a "far-right extremist" infringed his general personality rights and thus gave rise to a claim for damages, including reimbursement of pre-trial legal costs. The newspaper's publisher had published an article on its website *taz.de* about various demonstrations against price rises in Germany. The article had stated, with regard to the claimant, that "many right-wing extremists" had taken part in the march, "including NPD members […] and […], a prominent lawyer for the Querdenken movement".

After the Kreuzberg District Court (*Amtsgericht Kreuzberg* – AG) had classified this as defamatory criticism and ordered the publisher to reimburse the lawyer's pre-trial legal costs, the Berlin II Regional Court (*Landgericht Berlin II* – LG) ruled that there was no entitlement to reimbursement of these costs. The reasoning given was that readers could understand the assessment and, where appropriate, form their own, possibly more favourable judgement if press articles disclosed the key facts on which an opinion detrimental to the person concerned was based. Consequently, general personality rights were less severely infringed than in cases where a disparaging opinion was disseminated without justification.

Central to the case was the balancing of the subject's general personality rights (Articles 1(1) and 2(1) of the Basic Law) against the freedom of expression of the press (Article 5(1) of the Basic Law). The BGH initially classified the statement at issue as a value judgement rather than an assertion of fact. The description as a "far-right extremist" also infringed the claimant's general personality rights, as it could undermine his public reputation, particularly as a lawyer. General personality rights relating to the protection of professional honour and social reputation were at stake here.

The BGHfound that the assessment by the appeal court – which had deemed the infringement of the claimant's general personality rights not to be unlawful because his interests did not outweigh the legitimate interests of the publisher – was flawed.

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Being labelled a "far-right extremist" could significantly infringe someone's personality rights, particularly with regard to the aforementioned professional honour and social reputation. When weighing up the conflicting interests, which was crucial in determining whether a statement was unlawful, all the circumstances of the individual case must be taken into account. This included, amongst other things, the content, form and effect of the statement. The BGH also attached particular importance to the subsequent correction of the article in question by the publisher. Following a cease-and-desist notice, the publisher had corrected the report and added: “An earlier version of this text contained a misleading phrase which could be interpreted as suggesting that we also regarded Markus Haintz as a member of the far right. We have clarified this phrase and are sorry for the error.” Whilst the correction does not directly affect the question of whether the original statement was unlawful, it could, however, give rise to doubt as to whether it was in fact intended to label the person concerned as a right-wing extremist, or whether he had merely appeared alongside such individuals. Due to possible punctuation errors and contradictory arguments put forward by the publisher during the proceedings, the BGH concluded that the correction, together with other circumstances, cast doubt on whether the statement in question was in fact intended in such a way that a reasonable reader would have to understand it as implying that the person concerned was a right-wing extremist. It could not be ruled out that the disputed wording was based on a factual error and had not been intended at all. Should such a mistake exist, this could tip the balance of fundamental rights in favour of the claimant’s personality rights and mean less importance should be attached to the publisher’s freedom of expression, since freedom of expression would merit less protection if the objective content of the statement was not at all intended by the author.

Since the lower court had not issued sufficient findings on this point, the BGH quashed the decision and referred the case back to the appeal court for further investigation. The appeal court must, in particular, clarify whether the author had in fact intended the disputed statement in this form. If the lawyer's rights had been breached, it would also be necessary to examine whether his appointment of a solicitor had been necessary and appropriate.

The decision underlines the importance of a careful, case-by-case balancing between personality rights and freedom of expression in the context of evaluative statements in the media, including consideration of possible errors of interpretation.

Link zum Urteil des BGH

https://www.bundesgerichtshof.de/SharedDocs/Entscheidungen/DE/Zivilsenate/VI_ZS/2025/VI_ZR_113-25.pdf?__blob=publicationFile&v=1?__blob=publicationFile&v=1

Link to the Federal Court of Justice ruling

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[DE] Media regulators publish 2025 accessibility monitoring report

Sandra Schmitz-Berndt
Institute of European Media Law

On 5 May 2026, the German media regulatory authorities (*Mediananstalt)* published their report on accessibility in the private television and streaming sectors. Under Section 7 of the State Media Treaty (*Medienstaatsvertrag*), and in accordance with Article 7 of the EU Audiovisual Media Services Directive, nationally licensed, privately owned television broadcasters and providers of television-like telemedia must report every three years on the accessibility of their services and publish action plans setting out measures to improve it. Furthermore, the implementation of the European Accessibility Act has also obliged access service providers – including platforms, user interfaces and media intermediaries – to take accessibility into account and provide the media regulators with relevant information. As in the past, the media regulators will continue to conduct the accessibility survey annually in order to compare and monitor developments. Although participation was voluntary in 2025, 146 of the 211 private providers that were contacted took part, meaning that more than 69% of nationally licensed broadcasters were covered.

The monitoring report devotes separate sections to the RTL Deutschland and ProSiebenSat.1 broadcasting groups, while two further sections examine the accessibility of other private broadcasters and streaming providers.

RTL Deutschland increased the subtitling rate for its linear programmes in 2025 to an average of 26.6%. Programmes with particularly high audience figures, such as shows, docu-soaps, series, feature films and sports broadcasts, were subtitled. Increased use of AI for subtitling is expected in the future. Audio description was offered for selected programmes, but sign language and plain language were not. The RTL+ streaming service also significantly improved its subtitling rate from 10% to 18%. Within the broadcasting group, VOX and RTL Zwei achieved particularly high subtitling rates, while Super RTL and Nitro recorded lower but stable figures.

ProSiebenSat.1 further increased the accessibility of its free-to-air TV and streaming services in 2025. The average subtitling rate for the channels Sat.1, ProSieben, Kabel Eins, sixx and ProSieben Maxx rose from 41% to 45.9% compared with the previous year, with ProSieben achieving a subtitling rate of 53% and placing greater emphasis on audio description, sign language and deaf performers, including in major entertainment programmes such as *Germany's Next Topmodel* or *The Masked Singer*. Programmes featuring audio description, sign language and plain language were expanded across the broadcaster group as a whole. The Joyn streaming platform underwent further technical development to improve accessibility. Furthermore, since 2025, Joyn has been offering additional live streams with sign language and audio description.

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The expansion of accessible media services continues to be driven primarily by the major broadcasting groups, while smaller providers are making significantly less progress. Of 123 small broadcasters, around 55% offer subtitles and around 10% provide audio description. Subtitling of content on platforms such as YouTube or Twitch is particularly common, mostly thanks to automated subtitling. However, services differ not only according to the size of the provider, but also, where smaller providers are concerned, according to the sector: news channels such as WELT sometimes offer full subtitling as well as sign language interpreters, while other channels have only low coverage rates or still need to overcome technical challenges. For example, Disney Channel provided subtitles for only 4% of its linear programming and Nickelodeon does not offer any accessible content. Individual providers in the sports, documentary and entertainment sectors are gradually expanding their accessible services and increasingly relying on AI-assisted subtitling as well as technical improvements to their streaming and online services.

Pure streaming providers also further expanded their accessible services in 2025. As mentioned above regarding the RTL Group, RTL+ increased its subtitling rate to 18% and offers audio description directly in the player or via an app. Also as outlined above, Joyn expanded its offering to include live streams with sign language, audio description and, in some cases, plain language, as well as technical improvements to accessibility. Amazon Prime Video achieved a very high subtitling rate of 99% and added features such as audio description, adjustable dialogue volume and warnings for visual effects known to trigger photosensitive epilepsy.

The media regulators emphasise that accessibility in the private media sector is becoming increasingly important overall and that there are good examples of accessible entertainment formats, while at the same time stressing that these developments should be further expanded. They justify this by pointing out that accessibility cannot be achieved through one-off measures, but only through long-term strategies and structural integration within media companies.

Link zur Pressemitteilung der Medienanstalten

https://www.die-medienanstalten.de/pressemitteilungen/barrierefreiheit-im-privatfernsehen-monitoring-der-medienanstalten-zeigt-messbare-fortschritte/

Link to the media authorities' press release

https://www.die-medienanstalten.de/pressemitteilungen/barrierefreiheit-im-privatfernsehen-monitoring-der-medienanstalten-zeigt-messbare-fortschritte/

Link zum Monitoring-Bericht Barrierefreiheit 2025

https://www.die-medienanstalten.de/barrierefreiheit/monitoring25/

Link to the 2025 accessibility monitoring report

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SPAIN

[ES] CNMC reminds Spanish influencers of their obligations regarding advertising on social media

Maria Bustamante
-

The National Commission for Markets and Competition (*Comisión Nacional de los Mercados y la Competencia* – CNMC), the authority responsible for ensuring that audiovisual media service providers comply with the obligations set out in the General Law on Audiovisual Communication (*Ley General de Comunicación Audiovisual*), has issued formal notices to five influencers for breaching the rules on the identification of commercial communications on social media.

The decisions relate to several posts shared on Instagram and TikTok by Sofia Suescun, Tamara Gorro, Peldanyos, Samy Spain and Lola Lolita, and follow complaints lodged by the Association of Communication Users (*Asociación de Usuarios de la Comunicación* – AUC).

The cases relate to videos promoting various products and services, including a bank card, food supplements, clothing, restaurants and audiovisual content, without a clear indication of their commercial nature. In several cases, the content creators had used labels such as "*ad*", referred to their role as brand ambassadors or resorted to the commercial tagging tools provided by the platforms. However, the CNMC considered that these methods did not provide a sufficiently clear identification when the label did not appear prominently within the video itself.

In this regard, the authority reiterated the position it set out in its agreement of 4 June 2025, according to which the identification of a commercial communication must be integrated directly into the video using explicit terms such as "*publicidad*" or "*publi*" so users can immediately recognise its commercial nature.

One of the decisions also clarifies the very concept of commercial communication. In the case concerning Lola Lolita, the influencer and brand in question had argued that the post did not constitute advertising, as no remuneration or contractual agreement had been involved. The CNMC nevertheless considered that the content had contributed to the promotion of the brand and should, for that reason, be classified as a commercial communication. Under the relevant Spanish and European case law, the existence of an advertising purpose did not necessarily depend on a financial payment.

The CNMC also took the opportunity during these proceedings to reiterate that influencers are subject to the sector-specific rules applicable to certain types of advertising. In the case involving Sofia Suescun, the authority found that a post relating to a food supplement had contained health claims not authorised under European Union law. It also emphasised that the specific restrictions governing

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the advertising of health products also applied to content creators, in particular the ban on using testimonials from famous people to promote such products.

As the posts in question had been published before the June 2025 agreement had come into force, the CNMC chose not to initiate sanctioning procedures and merely ordered the influencers concerned to comply with their obligations in future.

These decisions reflect the Spanish regulator's growing focus on influencers' advertising practices and its commitment to ensuring that promotional content is clearly identified on digital platforms. They also confirm that content creators are required to comply not only with the general rules on advertising transparency, but also with the sector-specific regulations applicable to the products or services they promote.

La CNMC requiere a cinco influencers por no identificar correctamente la publicidad en sus vídeos

https://www.cnmc.es/index.php/prensa/requerimientos-influencer-20260603

CNMC issues formal notices to five influencers for failing to correctly label advertising in their videos

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[ES] Co-regulation agreement establishes unified age-rating system for audiovisual content

Helena Suárez
ECIJA

In June 2026, Spain formalised a co-regulation agreement for the age classification of audiovisual programmes and content, marking a key milestone in the implementation of the General Audiovisual Communication Law (*Ley* 13/2022 *General de Comunica*ción *Audiovisual* – LGCA). The agreement was signed by the National Commission on Markets and Competition (*Comisión Nacional de los Mercados y la Competencia* - CNMC), the Ministry for Digital Transformation and Civil Service, and a broad range of stakeholders representing the Spanish audiovisual ecosystem.

The initiative aims to reinforce the protection of minors and improve the information available to users, reflecting both the evolution of audiovisual consumption patterns and the regulatory objectives set out in the revised Audiovisual Media Services Directive (Directive (EU) 2018/1808).

The LGCA significantly modernised Spain's audiovisual regulatory framework, particularly in relation to the protection of minors. Articles 97 and 98 impose core obligations on audiovisual service providers, including the provision of clear information on potentially harmful content through visual descriptors and the implementation of parental control or access restriction mechanisms.

In addition, Article 98 establishes the obligation for certain providers, notably linear television operators, to participate in co-regulation schemes agreed with the CNMC. This obligation forms part of a broader legislative approach that promotes co-regulation and codes of conduct (Articles 12, 14 and 15 LGCA) as complementary tools to traditional regulatory enforcement.

Prior to the LGCA, the protection of minors relied mainly on the 2004 self-regulatory Code on Television Content and Children. While relevant in a linear broadcasting context, that framework proved insufficient in the digital environment, characterised by on-demand services and platform-based content distribution.

The co-regulation agreement is the result of a process spanning more than two years, involving extensive stakeholder consultation and inter-institutional coordination. The CNMC conducted two public consultations, in 2024 and again in October-November 2025, engaging audiovisual providers, platforms, consumer organisations, child protection bodies and civil society.

Regional audiovisual authorities were also actively involved, reflecting the decentralised distribution of competences in Spain. This collaborative process is consistent with the co-regulatory model envisaged in the LGCA, which seeks to combine public oversight with industry participation.

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The agreement establishes a unified system of age ratings and content descriptors applicable across multiple audiovisual services, including linear television, on-demand platforms and certain online content providers

The system combines age classification categories with standardised descriptors identifying potentially sensitive elements such as violence, inappropriate language, sexual content, gambling references or dangerous behaviour.

Its key features include:

- a harmonised classification system, ensuring consistency across television channels, streaming platforms and digital services;

- cross-platform application, covering both traditional audiovisual services and newer forms of content distribution;

- the inclusion of high-impact content creators and influencers (*Usuarios de especial relevancia* – UERs), extending classification obligations to those meeting certain audience and revenue thresholds. The inclusion of UERs marks a significant expansion of the regulatory perimeter, aligning with the LGCA's objective of ensuring regulatory equivalence across different content distribution models.

- improved usability of parental controls, facilitated by consistent labelling and descriptors across services.

The agreement establishes a hybrid implementation model combining mandatory adherence and progressive territorial rollout.

For audiovisual service providers operating at national level, participation in the co-regulation scheme is mandatory. The CNMC may initiate sanctioning proceedings against providers, including UERs, that fail to join from the day following the signing of the agreement.

At regional level, the system is implemented progressively. Once an autonomous community adheres to the agreement, providers under its supervision (primarily regional and local broadcasters) may join the scheme. At the time of signature, authorities in Catalonia, Andalusia, the Valencian Community, Castilla-La Mancha and Navarra had already acceded.

The governance structure reflects the co-regulatory nature of the framework. The CNMC acts as the central supervisory authority, while industry organisations and self-regulatory bodies, including AUTOCONTROL, contribute to implementation, guidance and dispute resolution.

In addition, the system provides for a public complaints mechanism enabling users to report potential inaccuracies in age ratings or misuse of descriptors, thereby enhancing accountability.

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The agreement reflects a dual institutional architecture combining regulatory oversight by the CNMC with policy coordination at ministerial level. The participation of both the CNMC President and the Secretary of State for Digitalisation and Artificial Intelligence at the signing ceremony highlights the alignment between regulatory enforcement and broader digital policy objectives.

More broadly, the framework illustrates the Spanish approach to co-regulation as a governance model involving public authorities, industry stakeholders and civil society organisations.

The agreement marks Spain's transition from a voluntary self-regulatory model to a structured co-regulatory framework with enforcement mechanisms. It fills the regulatory gap that existed following the entry into force of the LGCA in 2022, during which transitional classification categories remained in use.

Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual (LGCA)

https://www.boe.es/buscar/act.php?id=BOE-A-2022-11311

Law 13/2022 of 7 July, the General Law on Audiovisual Communication (LGCA)

Acuerdo de corregulación para la calificación de programas y contenidos audiovisuales (CNMC, Ministerio para la Transformación Digital y sector audiovisual, 2026)

https://www.cnmc.es/prensa/acuerdo-corregulacion-audiovisual-20260611

Co-regulatory agreement on the classification of audiovisual programmes and content (CNMC, Ministry for Digital Transformation and the Audiovisual Sector, 2026)

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FRANCE

[FR] Committee of inquiry proposes stricter duty of discretion for presenters and producers, and the appointment of public broadcasting executives by the President of the Republic

Amélie Blocman
Légipresse

After six months of work and heated debate, the report on the “neutrality, operation and funding of public service broadcasting” was adopted by the parliamentary committee of inquiry. In the report, MP Charles Alloncle, the rapporteur, offers a critical assessment of the impartiality and funding of public service broadcasting, setting out 70 recommendations aimed at “reforming, reducing costs and improving oversight of public service broadcasting”. Meanwhile, the committee chair, Jérémie Patrier-Leitus, presented 40 counter-proposals.

Among the rapporteur’s key recommendations is the requirement that the duty of neutrality set out in Article 1 of the Act of 24 August 2021 be effectively applied to employees of public broadcasters, including on social media. To this end, channel managers, in consultation with the French audiovisual regulator (*Autorité de régulation de la communication audiovisuelle et numérique* – Arcom), should establish a binding code of conduct to govern their employees’ public statements, along with a graduated system of disciplinary sanctions. The report goes on to propose the introduction of a stricter duty of discretion, in particular for presenters, programme hosts, producers and "key editorial decision-makers"; the appointment of public service broadcasting executives by the President of the Republic; the inclusion of an explicit definition, within the Act of 30 September 1986, of the concept of impartiality applicable to public service broadcasting; the merger of France 2 and France 5 to create a major general-interest channel, and of Franceinfo and France 24 to create a national and international French-language channel; the closure of France 4, Le Mouv’ and Slash; that LCP-AN and Public Sénat be subject to the obligations of the 1986 Act and Arcom control; the transfer of responsibility for public broadcasting from the general directorate of media and cultural industries (*Direction générale des médias et des industries culturelles* - DGMIC) to a new general secretariat for public broadcasting, attached to the general secretariat of the government and reporting to the prime minister; finally, the halving of the maximum flat-rate allowance for journalists and its restriction to taxpayers whose income is below the median wage.

In a press release, France Télévisions responded point by point to the recommendations in order to defend the existing arrangements. It disputed some of the rapporteur's analysis and considered that some of his proposals failed to take account of how the sector operated and the applicable legal framework. Three weeks after submitting his report, Charles Alloncle tabled a bill “to prevent

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conflicts of interest in national broadcasting companies", which sets out legislative provisions based on the conclusions of his report. The text consists of a single article amending the Act of 30 September 1986, under which the High Authority for Transparency in Public Life (*Haute Autorité pour la transparence de la vie publique* - HATVP) will oversee former public broadcasting executives moving to production companies. During the committee of inquiry hearings, the MP had criticised the lack of transparency and the existence of conflicts of interest in the awarding of France Télévisions contracts to production companies.

Rapport fait au nom de la commission d'enquête sur la neutralité, le fonctionnement et le financement de l'audiovisuel public et proposition de loi visant à prévenir les conflits d'intérêts dans les sociétés nationales de programme déposée le 12 mai 2026 à l'Assemblée nationale

https://www.assemblee-nationale.fr/dyn/17/textes/l17b2791_proposition-loi

Report drawn up on behalf of the committee of inquiry into the neutrality, operation and funding of public service broadcasting, and draft bill aimed at preventing conflicts of interest within national broadcasting organisations, tabled in the National Assembly on 12 May 2026.

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[FR] Graduated response mechanism designed to combat online piracy of protected works infringes European Union law

Amélie Blocman
Légipresse

Four organisations asked the Council of State (*Conseil d'Etat*) to repeal Decree No. 2010-236 of 5 March 2010 on the automatic processing of personal data, implemented pursuant to Article L. 331-23 of the Intellectual Property Code as part of the graduated response mechanism to combat the online piracy of protected works. The decree authorises the French audiovisual regulator (*Autorité de régulation de la communication audiovisuelle et numérique* – Arcom) to access certain data, in particular the IP address used to illegally download works and the civil identity of the person concerned, which electronic communication operators are required to retain.

The Council of State referred to the Court of Justice of the European Union (CJEU) three questions for a preliminary ruling concerning the regime applicable to civil identity data associated with an IP address and the procedural safeguards required before the administrative authority responsible for copyright protection is allowed to access such data. On 30 April 2024, the CJEU explained that a member state could require internet service providers to retain civil identity data and corresponding IP addresses on a generalised basis, including for the purpose of combating non-serious criminal offences. However, in such cases, the data in question had to be retained separately in order to avoid the risk of serious interference with individuals' privacy through cross-referencing with other retained data. Furthermore, however serious the offence, if a national public authority was authorised to access the identity data of individuals suspected of committing offences, it should not be able to draw precise conclusions about the private lives of internet users. Consequently, if the public authority had already, on two occasions, linked the identity data of the same subscriber with information on the content of works that he was alleged to have pirated, it could not link such data for a third time without prior authorisation from a court or an independent administrative body.

In the light of these considerations, the Council of State found that the Decree of 5 March 2010 failed to comply with European Union law insofar as, on the one hand, for the purposes of combating criminal offences in general, it did not limit the data recorded to that retained by electronic communication operators under conditions meeting the requirements set out above; and, on the other hand, the provisions of Article 4(1) thereof allowed Arcom members and authorised officials to directly access the identity data of a person who, despite having been the subject of two recommendations pursuant to Article L. 331-20 of the Intellectual Property Code, had, for the third time, committed acts likely to constitute a breach of the obligation laid down in Article L. 336-3 of the Code.

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The prime minister was therefore ordered to repeal the provisions of the Decree of 5 March 2010.

Pending the possible adoption of a new decree, the Council of State specified that, in the case of non-serious criminal offences, Arcom could only ask operators to identify a subscriber on the basis of their IP address if it was established that such personal data had been retained in accordance with the conditions laid down by the CJEU.

If serious criminal offences were reported to it under Articles L. 335-2, L. 335-3 or L. 335-4 of the Intellectual Property Code (the offence of counterfeiting), Arcom could request such identification from electronic communication operators without having to verify that the data had been retained in accordance with EU law. Finally, regardless of the seriousness of the offence, Arcom could continue to cross-reference data on the content of works with the personal details of internet users for the sole purpose of sending them the first or second of the two successive recommendations provided for in Article L. 331-20 of the Intellectual Property Code.

Conseil d'État, 10e et 9e ch. réun., 30 avril 2026, n° 433539, La Quadrature du net

https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2026-04-30/433539

Council of State, joint session of the 10th and 9th chambers, 30 April 2026, No. 433539, La Quadrature du Net

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[FR] Sports piracy: Arcom publishes model agreements designed to improve communication between rights holders and technical intermediaries

Amélie Blocman
Légipresse

In the event of serious and repeated infringements of audiovisual exploitation rights and neighbouring rights relating to sports events or competitions committed by online public communication services whose main objective, or one of whose main objectives, is the unauthorised broadcasting of such competitions, Article L. 333-10 of the French Sports Code provides sports rights holders (leagues, federations, television channels) with a fast-track procedure before the president of the judicial court. The judge, ruling in summary proceedings or under the expedited procedure on the merits, may order blocking and delisting measures and, more broadly, any proportionate measures to prevent access to unlawful content, including for websites not yet known at the time of the decision, for up to 12 months. At the same time, the French audiovisual regulator (*Autorité de régulation de la communication audiovisuelle et numérique* – Arcom) remains responsible for continuously updating the list of sites to be blocked in order to keep pace with the evolution of pirate sites and their so-called "mirror" sites.

The number of delisting orders issued by the courts against search engines, as well as those notified by Arcom at the request of rights holders, has increased significantly in recent years. In 2025, 1 845 of 6 496 blocked services were delisted.

Domain name resolution services (alternative DNS) and virtual private network (VPN) providers are used by internet users to circumvent blocking measures implemented by internet service providers (ISPs). In response to this phenomenon, 81% of blocking requests sent to ISPs were also sent to alternative DNS providers in 2025, amounting to 5 263 requests. As regards VPN providers, the first court rulings were handed down in May 2025, since when Arcom has requested the blocking of 598 domain names from such providers, following referrals from rights holders.

Arcom recommends that rights holders and any intermediary implementing measures ordered under Article L. 333-10 enter into discussions with a view to concluding agreements that would reflect their shared commitment to combating the unlawful broadcasting of sports events and competitions as effectively as possible. In this context, Arcom has adopted two model agreements to serve as a basis for such discussions. One is intended for rights holders and search engine operators; the other for rights holders and intermediaries implementing blocking measures to prevent access to unlawful online public communication services such as domain name resolution services and virtual private network providers.

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These model agreements are intended to facilitate pre-litigation and litigation procedures. They also define the types of measures that may be implemented by intermediaries in order, on the one hand, to prevent search engine operators from listing unlawful online public communication services whose main purpose, or one of whose main purposes, is the unauthorised broadcasting of sports competitions or events, and, on the other, to prevent access to those same services. They also set out the procedures for transmitting the identification details of the services in question to the various intermediaries.

On 29 June, the National Assembly will examine the draft bill on the organisation, management and funding of professional sport, which provides, in particular, for the amendment of Article L. 333-10 of the Sports Code to enable Arcom to block access in real time to illegal broadcast sources during the live broadcast of sports events.

Décision n° 2026-228 du 6 mai 2026 relative à la recommandation accompagnant la publication de modèles d'accord prévus à l'article L. 333-10 du Code du sport, JO du 22 mai 2026

https://www.legifrance.gouv.fr/download/pdf?id=UGuHPAUpkGwHU--DYeafYNudOSyaNtxWZ5n8O4uImO0=

Decision No. 2026-228 of 6 May 2026 concerning the recommendation accompanying the publication of model agreements provided for in Article L. 333-10 of the Sports Code, Journal officiel, 22 May 2026

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UNITED KINGDOM

[GB] Ofcom introduces crisis response measures under the Online Safety Act codes

Alexandros K. Antoniou
University of Essex

On 9 June 2026, Ofcom, the UK's communications regulator, confirmed a new set of crisis response measures that will be incorporated into its Illegal Content Codes of Practice and Protection of Children Codes of Practice under the Online Safety Act 2023 (OSA). The measures form part of Ofcom's wider implementation of the OSA and are designed to strengthen how certain online platforms respond when exceptional events generate a rapid increase in illegal content or content harmful to children, particularly where online activity poses a threat to public safety.

Ofcom has adopted a specific definition of a crisis, described as:

"*an extraordinary situation in which there is a serious threat to public safety in the UK which is highly likely to have resulted (in whole or in part) from a significant increase in relevant illegal content and/or content harmful to children on a service; and/or have caused, or cause, a significant increase in relevant illegal content and/or content harmful to children on the service*" (paragraph 3.18 of the Crisis response protocol).

The regulator's case is that online services can play a role in the dissemination of unlawful material rapidly and at scale, including content encouraging hatred, threats or violence, with potential consequences extending beyond the online environment. These new measures are intended for situations where standard moderation systems may be insufficient. Ofcom pointed, in particular, to evidence from previous incidents, including public disorder after the 2024 Southport attacks, where online content was identified as a likely factor in the rapid escalation of hostility and violence.

The new provisions emerged from a consultation on additional safety measures and will complement existing duties relating to illegal content and content harmful to children. Although providers remain free to adopt alternative approaches, compliance with the codes provides a recognised route to meeting the OSA duties. At the centre of this package of measures sits a recommendation that certain user-to-user services establish an internal crisis response protocol. The protocol should enable providers to identify when a crisis is occurring or likely to occur and promptly activate appropriate mitigation measures. It should include crisis indicators, monitoring arrangements, escalation pathways, deployment of senior personnel and operational responses aimed at managing elevated risks. Providers are also expected to maintain a structured process for reviewing their response once a crisis has ended.

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The crisis protocol model is designed to remain flexible: Ofcom does not mandate fixed moderation methods but gives providers examples they may adapt to their service's size, structure and risk profile. The framework is also notable for its emphasis on preparedness rather than emergency intervention by the regulator. It does not create a mechanism through which Ofcom can formally declare a crisis. Instead, providers themselves are expected to assess developments affecting their services and determine when activation of their protocols is required. Providers should, however, take account of any public statement notice issued following a direction from the Secretary of State under section 175 of the OSA when assessing whether crisis conditions may exist.

Another significant element concerns coordination with law enforcement. Certain larger services will be expected to maintain a dedicated communication channel through which police and other authorities can share crisis-related information. Reflecting a broader emphasis on information-sharing and operational coordination, this measure is intended to facilitate faster responses where illegal content is spreading during a crisis.

The measures apply only to particular categories of user-to-user services. They are directed primarily at large services assessed as presenting medium levels of risk in relation to specified harms, together with services of any size assessed as high risk. Separate provisions cover services likely to be accessed by children. The harms in scope include terrorism-related content, hate content, harassment, threats and abuse, foreign interference, and certain forms of violent content affecting children. Ofcom declined to extend the framework to broader categories such as misinformation, public-health emergencies or environmental crises where these fall outside the statutory duties established by the OSA.

The regulator also addressed concerns raised during consultation regarding freedom of expression and privacy. Specifically, Ofcom emphasised that the measures concern organisational processes rather than mandatory content-removal rules. It acknowledged that providers may face difficult decisions when balancing speed and accuracy during a crisis and recognised the possibility of increased moderation errors. Ofcom concluded that the framework remains proportionate in light of the public safety risks it seeks to address and compatible with existing privacy and data protection obligations.

The amendments will now proceed through the parliamentary process before being incorporated into the relevant codes. Once in force, they will add a new preparedness dimension to the UK's online safety framework, requiring certain services to maintain contingency arrangements for periods of heightened risk alongside their existing moderation systems.

Ofcom statement: "Crisis response protocol" and draft consolidated version" Illegal content - Codes of Practice for user-to-user services"

https://www.ofcom.org.uk/online-safety/illegal-and-harmful-content/statement-crisis-response-protocol

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GEORGIA

[GE] TV company under criminal investigation

Andrei Richter
Comenius University (Bratislava)

On 16 June 2026, the Investigation Department of the Tbilisi Prosecutor's Office launched an investigation under Part 1 of Article 373 of the Criminal Code of Georgia for false reporting. In a public statement on its official Facebook page, the Prosecution Service of Georgia said that the basis for initiating the investigation was a statement by lawyers representing the interests of film director George Khaindrava. It is in relation to information disseminated, in January 2026, by the broadcaster, Formula TV, regarding the possible commission of a crime by him. Citing an anonymous source, the broadcaster alleged that the film director had assisted citizens of India and Pakistan to migrate into Georgia, under the pretext that they were actors selected for the film production in exchange for a certain amount of money, and in agreement with the State Security Service.

This particular provision of Article 373 ("False denunciation"), last amended in 2006, provides that "False denunciation of the commission of a crime shall be punished by a fine or community service from one hundred and eighty to two hundred and forty hours or with corrective labour from one to two years or with imprisonment for up to four years."

Reportedly, in the ongoing civil defamation case, brought by Khaindrava, Formula TV has refused to disclose the confidential source of information.

These developments come on top of the administrative penalty imposed on the broadcaster by the national media regulator, ComCom, in May 2026. The regulator found that the breaches of the broadcasting law related to obligations of broadcasters, such as due accuracy, fairness and impartiality. The fine of 2 500 Georgian *Lari* (about Euro 830), imposed on the broadcaster, was the first such penalty issued under the April 2025 amendments to the broadcasting law (*IRIS* 2025-3:1/7). This measure followed earlier verbal warnings issued to several broadcasters, including Formula TV, over similar alleged breaches and came amid a recent pledge by ComCom to enforce content-regulation laws more proactively (*IRIS* 2025-9:1/9).

Criminal Code of Georgia, No. 2287- რს, 22 July 1999

https://matsne.gov.ge/en/document/view/16426?publication=289

Law of Georgia On broadcasting, No. 780- რს, 23 December 2004

https://matsne.gov.ge/en/document/view/32866?publication=81

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ComCom Fines Formula TV GEL 2,500 for Violating the Law on Broadcasting, 21 May 2026

https://www.comcom.ge/en/yvela-siaxle/comcom-fines-formula-tv-gel-2500-for-violating-the-law-on-broadcasting.page

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HUNGARY

[HU] Hungarian Constitutional Court strengthens constitutional scrutiny of election-related media coverage cases

Kinga Sorbán
University of Public Service

In three decisions delivered in March and April 2026, the Hungarian Constitutional Court further developed its jurisprudence on the relationship between freedom of expression, electoral fairness and the constitutional role of public service media during election campaigns, particularly regarding social media platforms operated by public service media organisations. The cases arose from judicial review proceedings before the *Kúria* (the Supreme Court of Hungary) concerning decisions of the National Election Commission (*Nemzeti Választási Bizottság* - NVB) and focused on the application of the principle of equal opportunities among political contestants.

In all three cases, the Constitutional Court ruled in favour of the petitioners, namely the public service media organisations challenging the *Kúria*'s judgments. Although the court did not decide whether the contested coverage violated the principle of equal opportunities, it found that the election authorities and the *Kúria* had failed to provide constitutionally adequate reasoning. As a practical consequence, the decisions may make it more difficult for election law bodies and courts to rely on general concepts of media imbalance when assessing campaign-related communication disseminated through public service media outlets and their associated online platforms.

A recurring theme throughout the judgments is that public service media carry constitutional responsibilities that extend beyond traditional broadcasting environments and encompass digital communication channels as well. At the same time, the Constitutional Court repeatedly emphasised that restrictions imposed on media actors in the name of electoral fairness require a clear legal basis, precise justification and careful constitutional scrutiny. In each case, the court found that these requirements had not been met.

The judgments are particularly noteworthy in light of broader European debates concerning platform governance, media pluralism and democratic safeguards in the online environment, including discussions surrounding the Digital Services Act (DSA) and the European Media Freedom Act (EMFA).

In Decision No. 1125/2026 (III. 23.), delivered on 13 March 2026, the Constitutional Court annulled the *Kúria*'s judgment Kvk.I.39.021/2026/7. The case concerned content published on the Facebook page operated by the public service media institutions MTVA and *Duna Médiaszolgáltató* during the

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parliamentary election campaign. The complainant argued that the page disproportionately highlighted the activities of governing party politicians, thereby violating the electoral principle of equal opportunities. The NVB rejected the complaint, and the *Kúria* upheld that decision on the ground that the Facebook page did not qualify as a media service and therefore fell outside the election law standards previously developed for public service broadcasters.

The Constitutional Court disagreed with this formal approach. It held that the constitutional responsibilities of public service media cannot depend exclusively on the legal classification of the communication channel. Where content is produced and disseminated by public service media institutions, constitutional scrutiny remains necessary even when communication takes place through social media platforms rather than traditional broadcasting services. Accordingly, the public service character of the media organisation remains relevant even where the platform itself is not classified as a statutory media service.

A few days later, in Decision No. 1147/2026 (III. 24.) AB, the Constitutional Court reviewed the *Kúria*'s judgment Kvk.V.39.043/2026/6. The case concerned election period coverage across several public service media outlets. The NVB found that the M1 news channel had predominantly featured politicians and experts associated with the governing Fidesz–KDNP parties in its *Híradó* programme. It further held that the principle of equal opportunities had been violated through content published on the hirado.hu news portal and on the portal's Facebook page, where content originating from governing party politicians was overwhelmingly represented. The public service media organisations sought judicial review, but the *Kúria* upheld the commission's findings.

The Constitutional Court annulled the judgment. While the *Kúria* accepted that election law principles could apply both to traditional public service broadcasting and to editorially managed online communication, the Constitutional Court considered that the judgment had not sufficiently justified the constitutional basis and scope of the obligations applied. The court also stressed that public service media are not required to provide identical levels of coverage to all political actors and that election law review cannot replace media authority supervision under the Media Act.

The third case, Decision No. 1157/2026 (IV. 8.) AB, arose from content published on the Facebook page of *Kossuth Rá dió* during the parliamentary election campaign. The NVB found that the page was capable of influencing voters and that the public service media organisations operating it were jointly responsible for its content in election proceedings. At the same time, both the NVB and the *Kúria* accepted that the Facebook page did not constitute a media service under the Media Act and was therefore not subject to the statutory requirement of balanced coverage. Nevertheless, following an earlier Constitutional Court ruling in the same dispute, the *Kúria* concluded that the operators had violated the principle of equal opportunities by predominantly reporting on activities and statements associated with the governing Fidesz–KDNP parties on a single day of the campaign and prohibited similar conduct in the future.

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The court accepted that the Facebook page fell outside media service regulation but examined whether election law obligations could nevertheless be imposed on it. The court held that, once the *Kúria* had chosen to derive restrictions from the electoral principle of equal opportunities rather than from media law, it was required to provide a particularly detailed constitutional justification. It also emphasised that key concepts relied upon by the *Kúria,* such as “public media”, “democratic public opinion” and “one-sidedness”, were not defined in any applicable legal source.

The court found that the *Kúria* had failed to explain adequately why its assessment focused on a single day of content, how concepts such as “one-sidedness” and “disproportionate representation” should be defined, or why the restriction satisfied constitutional proportionality requirements. The Constitutional Court therefore set aside the judgment without taking a final position on whether the contested media coverage violated the principle of equal opportunities.

Taken together, the judgments confirm that public service media activity on social media platforms remains subject to constitutional scrutiny, while restrictions based on the electoral principle of equal opportunities require a clear legal basis and detailed constitutional justification.

Constitutional Court Decision No. 1157/2026. (IV. 1.)

https://hunconcourt.hu/datasheet/?id=0D9A35B67B631A56C1258DC70061A1AF

A határozat száma 1147/2026. (III. 24.) AB határozat

https://alkotmanybirosag.hu/ugyadatlap/?id=EDBCF740E90F74C5C1258DBF00619DFA

Constitutional Court Decision No. 1147/2026. (III. 24.), 24 March 2026

https://hunconcourt.hu/datasheet/?id=EDBCF740E90F74C5C1258DBF00619DFA

A határozat száma 1125/2026. (III. 23.) AB határozat

https://alkotmanybirosag.hu/ugyadatlap/?id=EF397889C3671010C1258DB40061D823

Constitutional Court Decision No. 1125/2026. (III. 23.), 23 March 2026

https://hunconcourt.hu/datasheet/?id=EF397889C3671010C1258DB40061D823

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LITHUANIA

[LT] Amendments to Lithuanian National Radio and Television Law (Law No. XV-981) enter into force

Sergei Bondarev
Independent expert

On 2 June 2026, the Lithuanian Parliament (*Seimas*) adopted Law No. XV-981 amending the Law on Lithuanian National Radio and Television (LRT), the country's public service broadcaster. President Gitanas Nausėda signed the new law on 12 June and it entered into force the following day, with parts of it deferred until 1 January 2027 and 1 January 2028. Passed by 77 votes to one after the opposition had left the chamber, the text had been prepared by a cross-party working group convened after widespread public protests in December 2025.

The law changes the way LRT is governed and, in particular, the process for the removal of its director general before the end of their term of office. It enlarges the LRT Council from 12 to 15 members, shortens their terms from six years to four and limits them to two terms each. It also creates a five-member executive board, which will be appointed from 2028. It sets out possible grounds for the premature dismissal of the director general and changes the associated voting procedure: where an open ballot had previously been mandatory, the Council may now choose to vote in secret. During the drafting process, the national anti-corruption body, the "special investigation service", had warned that this change would weaken transparency.

Eight of the Council's 15 members are appointed by the political authorities – four by the President and four by the *Seimas* – and the remaining seven by professional and civil-society organisations. The new grounds for premature dismissal and the option to apply them through a secret ballot therefore rest with a Council in which the majority of members are appointed by political bodies. The two-thirds majority required to remove the director general is retained.

These amendments were adopted while they were still under examination by the European institutions. The European Commission had asked Lithuania, under Article 5 of the European Media Freedom Act (EMFA) (Regulation (EU) 2024/1083), how it would safeguard the independence that the EMFA required of public service media. On 22 January 2026, by 385 votes to 165 with 35 abstentions, the European Parliament adopted a resolution (P10_TA(2026)0024) invoking the EMFA, especially Articles 5 and 21; it asked the Commission to monitor the reform, assess its compatibility with the EMFA, and use all available tools – including infringement proceedings under Article 258 of the Treaty on the Functioning of the European Union – should it find non-compliance. The Venice Commission of the Council of Europe gave two opinions, in March and May 2026, recommending that any new grounds for dismissal apply only to directors general

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appointed after the law took effect; the law as adopted contains no such limitation, and therefore applies to the serving director general, Monika Garbačiauskaitė-Budrienė.

Article 5 of the Europeann Media Freedom Act, applicable since 8 August 2025, requires that the management of public service media providers be appointed and dismissed under procedures laid down in advance, and that early dismissal be exceptional, justified and open to judicial review. The Commission's assessment of whether the new Lithuanian law meets this standard is pending, while the provisions creating the executive board will take effect on 1 January 2028.

Istatymas Nr. XV-981 dėl lietuvos respublikos nacionalinės radijos ir televizijos įstatymo nr. i-1571 pakeitimo

https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/2dacd33260c911f1aa9cfebedf36d56d

Law No. XV-981 amending Law No. I-1571 of the Republic of Lithuania on National Radio and Television

European Commission request under Article 5 EMFA (VP Virkkunen)

https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/2dacd33260c911f1aa9cfebedf36d56d

European Parliament resolution of 22 January 2026, P10_TA(2026)0024 (procedure 2026/2568(RSP))

https://www.europarl.europa.eu/doceo/document/TA-10-2026-0024_EN.html

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POLAND

[PL] National Broadcasting Council submits annual report on its activities and information on key issues concerning radio and television broadcasting

Agnieszka Grzesiok-Horosz
University of Silesia in Katowice

As required under Article 12 of the Polish Broadcasting Act, by the end of May in each calendar year, the national regulator – the National Broadcasting Council (*Krajowa Rada Radiofonii i Telewizji* – KRRiT) – submits to the lower house of parliament (*Sejm*), the senate and the President of the Republic an annual report on its activities in the preceding calendar year and information on key issues concerning radio and television broadcasting.

The report on KRRiT's 2025 activities is divided into eight sections corresponding to particular responsibilities and tasks imposed by the 1992 Broadcasting Act.

In 2025, KRRiT fulfilled its duty to uphold freedom of speech and journalistic standards by evaluating media coverage of the presidential election campaign and monitoring news broadcasts during the emergency situation involving Russian drones over Poland in September. In addition, from September to November, KRRiT monitored TVP Info and TVP3, observing a lack of conformity with the standards of impartiality in current affairs programmes on TVP, which has been put into liquidation. According to KRRiT, the media's lack of objectivity has led to a crisis of trust, as evidenced by the numerous complaints received from viewers and listeners. The report also describes KRRiT's enforcement and compliance activities concerning the legislation on advertising, sponsorship and product placement, as well as the promotion of Polish-language works and European productions.

KRRiT highlighted programmes that prompted reactions from viewers. In 2025, 18 088 complaints were submitted to KRRiT, which led it to initiate 379 investigation procedures. Most complaints related to news broadcasts and current affairs programmes in the context of the above-mentioned lack of objectivity, the protection of minors, vulgar language, hate speech and inappropriate commercial communications, including disguised advertising and an excessive number of commercial breaks. A total of 167 decisions imposing financial penalties were issued, totalling nearly 5 million Polish *Zloty* (PLN). The report for 2025 also raises the question of KRRiT's cooperation with its foreign counterparts, including the first case where a regulator from another country carried out an investigation procedure and imposed a penalty on a broadcaster acting under a licence granted in that country and addressing its programme to recipients in Poland.

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Moreover, the report contains information about the licences granted. In 2025, among others, 8 new licences were granted for satellite broadcast, as well as 20 licence renewals, and 18 licences for programmes broadcast over a cable network. As regards radio broadcasting, 6 new local licences were granted, as well as 14 licence renewals for a 10-year period.

The report further highlights the creation of the Internet Content Creators Division, responsible, among other things, for supervising influencers, countering "patostreaming", disinformation and harmful content, and for cooperation with platforms.

On 13 May, KRRiT adopted a resolution on the adoption of the report and its provision to the *Sejm*, the senate and the President of the Republic of Poland. The report has also been submitted to the prime minister, which is not expressly required by the applicable legislation. The *Sejm* and the senate will either accept or reject the report. In the event of its rejection by both the *Sejm* and the senate, the term of office of all KRRiT members will terminate unless the report is approved by the President of the Republic, which is what has happened in the last two years. It should be noted that since the entry into force of the Broadcasting Act in 1993, this procedure has only ended with the termination of KRRiT's term of office once, in 2011.

The second document adopted by KRRiT on 13 May 2026 is "The information on basic problems in radio and television broadcasting in 2025", which summarises the most important phenomena and challenges relating to the operation of the media market in Poland.

KRRiT highlights attempts to weaken its constitutional role and the problems faced by public service media, in particular by being put into liquidation, the difficult financial situation and the decline in viewership. KRRiT also points to an uncertain future for local branches of TVP which are in liquidation and their programme boards.

The high and non-competitive costs of terrestrial broadcasting, including licence fees, fees for frequency use and terrestrial signal transmission are also put forward as barriers to the development of the terrestrial television market in Poland. Moreover, emphasis is put on the decline of television audiences. In contrast, the video-on-demand (VOD) market is considered as a highly competitive segment of the digital media sector. There are also prospects for the development of Free Ad-Supported Television (FAST) programmes in the Polish market.

The Information Note will also be submitted to the *Sejm* and the senate, and to the President of the Republic of Poland and the prime minister.

Sprawozdanie z działalności i Informacja za 2025 rok

https://www.gov.pl/web/krrit/sprawozdanie-z-dzialalnosci-i-informacja-za-2025-rok

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Annual report and financial statements for 2025

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PORTUGAL

[PT] Portugal establishes ANACOM as the national digital service coordinator

Elsa Costa e Silva
Universidade do Minho

The Portuguese parliament has finalised the implementation of the Digital Services Act, designating the National Authority for Communication (*Autoridade Nacional de Comunicações* **-** ANACOM) as the Portuguese Digital Service Coordinator. Law No. 12-A/2026, of 15 April, has also established, as other coordinators, the Media Regulatory Agency (*Entidade reguladora para a comunicacao social* - ERC) and the National Commission for Data Protection (*Comissão Nacional de Proteção de Dado* - CNDP).

ANACOM is now the national authority that supervises the compliance of the platforms established in Portuguese territory, and will be the contact point for the European Commission. The national coordinator will be assisted by a consultative committee, composed of members of the scientific community and civil society (including consumer protection or business associations) to be nominated by the government.

The Media Regulatory Agency will be responsible for supervising issues related to commercial communications and minors. Thus, in addition to assessing the transparency of advertising and commercial communications and the functioning of recommendation systems, ERC will also analyse whether platforms communicate in a way that is understandable to children and whether they have taken measures to protect their online privacy and safety.

As for the National Commission of Data Protection, its responsibilities include supervising matters relating to the protection of personal data in the context of the requirements of the Regulation.

Lei N.º12-A/2026, de 15 de abril 2026

https://diariodarepublica.pt/dr/detalhe/lei/12-a-2026-1086140524

Law n.º12-A/2026, of 15 April 2026

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ROMANIA

[RO] Romanian National Audiovisual Council publishes guidelines regarding the name and identifying features of on-demand audiovisual media services provided via electronic communications networks and online platforms

Alexandru Ciornei
Media Law Expert

On 21 April 2026, the Romanian National Audiovisual Council (*Consiliul National al Audiovizualului*) published a set of guidelines on the name and identifying features of on-demand audiovisual media services provided via electronic communications networks and online platforms.

Under Romanian Audiovisual Law no. 504/2002, an on-demand audiovisual media service is defined as an audiovisual media service based on a catalogue of programmes selected and made available by a media service provider, in which programmes are viewed at the individual request of a user and at a time chosen by the user.

In contrast, a television broadcasting service is defined as a linear audiovisual media service provided by a broadcaster, in which programmes are transmitted in a continuous sequence, with predetermined content and scheduling, for the simultaneous viewing or listening of programmes, based on a schedule and under specific identifying features of the broadcaster.

Pursuant to Article 3(2) of Law no. 504/2002, all audiovisual media services have an obligation to foster free thinking and to ensure that the public is informed in an objective manner through the accurate presentation of facts and events.

The guidelines aim to inform on-demand audiovisual media service providers how they should meet their obligations under Article 3(2) so as not to confuse the public in regard to the type of audiovisual content being transmitted, by ensuring a clear distinction between their own identifying features and the identifying features of television broadcasting services.

They require on-demand audiovisual media service providers to uphold various rules applicable to audiovisual programmes compiled in a catalogue provided via electronic communications networks and online platforms.

Firstly, the audiovisual programmes concerned must use a name and visual identity that clearly reflect the non-linear nature of the service and do not create confusion with a television broadcasting service.

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Secondly, on-demand audiovisual media service providers must ensure that identifying elements specific to television broadcasting services (such as names, visual formats, presentation elements, symbols and identification marks) are not used by unregulated entities or by any natural or legal persons who carry out public communication activities in the online environment without complying with the applicable legal framework, where such use is likely to mislead the public as to the status, nature, legal regime or legitimacy of the respective entity. Additionally, such identifying elements should not be used by on-demand audiovisual services if their purpose or effect is to create in the public's perception the false impression that their respective content originates from an authorised television programme service, a lawful audiovisual media service provider or an entity subject to the control and obligations laid down by law.

Moreover, on-demand audiovisual media services should not use presentation formats that reproduce or imitate the basic format and structure of programmes specific to a television broadcasting service.

Lastly, on-screen text, including lower thirds, titles or information displayed in crawl format, must be drafted and presented in such a way as not to mislead the public in regard to the nature of the service, the character of the audiovisual content or the manner in which it is accessed.

Exclusively in the case of online platforms, both on-demand audiovisual media service providers and users who take over and distribute short sequences from on-demand audiovisual programmes (such as clips, fragments or excerpts) must ensure that these sequences :

(i) are clearly identified as excerpts from an on-demand audiovisual media service, so that users do not confuse them with sequences from television broadcasting services,

(ii) include visible references to the source and to the means of accessing the full programme, and

(iii) do not mislead the public as to the character, nature or content of the audiovisual programme, by complying with all the rules applicable to the format of on-demand audiovisual programmes.

Instruction No. 1 of 21 April 2026 regarding the name and identifying elements of on-demand audiovisual media services provided through electronic communications networks and online platforms

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RUSSIAN FEDERATION

[RU] Ministry of Culture refuses and withdraws film distribution certificates

Sergei Bondarev
Independent expert

Since Federal Law No. 324-FZ came into force on 1 March 2026, the Russian Ministry of Culture, the federal authority that licenses theatrical distribution, has intensified the refusal process for distribution certificates, required for any national and foreign releases to be shown commercially or in public in the Russian Federation. It has also withdrawn certificates already issued. The precedent of *Nuremberg* by James Vanderbilt, denied its 19 March release by the Ministry of Culture, was followed by *Leaving North Korea*, directed by Frederik Sølberg and reported as a Danish–South Korean co-production: the 30 April release did not proceed.

Both refusals rested on the same provision: sub-point "z" of point 19 of the Procedure for issuing distribution certificates (Ministry of Culture Order No. 942 of 21 May 2024), which allows refusal "in other cases determined by federal laws". That residual clause incorporates the grounds set out in Article 5.1, part 4, of Federal Law No. 126-FZ of 22 August 1996 on state support for cinematography

– material breaching anti-terrorism or anti-extremism law, pornography or violence, and, since the entry into force of Federal Law No. 324-FZ, content that discredits "traditional values" (see IRIS 2026-3). Although this "traditional values" ground had just been added to the same article, the ministry did not invoke any of the listed grounds. It merely cited the residual clause, and did not identify which federal law the films were held to contravene. The clause had been used before the reform – in October 2025 the Ministry had refused a certificate to Jafar Panahi's *It Was Just an Accident*, winner of the 2025 Cannes Palme d'Or.

These measures form part of a wider tightening of access for foreign cinema in the country. A bill introduced in the State Duma on 12 March 2026 added an express ground to the same Article 5.1 for refusing foreign films found to demean "the dignity of the Russian person", and later the same month the president pressed the government to prepare quotas for foreign films in cinemas.

The ministry has also begun withdrawing certificates already granted, a power introduced by the same 2025 reform. Reading the register, the news outlet Verstka (considered "undesirable" by the authorities) found at least seven titles, including films by Xavier Dolan and Céline Sciamma, withdrawn after 1 March 2026 by orders that were not published and with no ground recorded.

The same machinery has reached filmmakers tied to European audiovisual production. On 27 March 2026 the Ministry of Justice entered Pavel Talankin – co-

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director, with the Denmark-based filmmaker David Borenstein, of *Mr Nobody Against Putin*, winner of the 2026 Academy Award and BAFTA for best documentary – in its register of "foreign agents", maintained under Federal Law No. 255-FZ of 14 July 2022. A Denmark-Czech co-production carried by public-service broadcasters in several member states, the film is built from footage Talankin filmed in his own school in the Urals, documenting the patriotic-military mobilisation of Russian schooling after February 2022; a court in Chelyabinsk had banned its distribution in Russia the day before. The register cited his dissemination of "inaccurate information" about the authorities' decisions and his opposition to the "special military operation" in Ukraine. On 24 April 2026 it also added the directors Yuri Mamin, who emigrated to the United States in 2019, and Yuri Teplyakov, granted political asylum in France in 2022, on similar grounds.

Whether the act is the refusal of a foreign release, the withdrawal of a certificate, or the designation of a filmmaker, the published record identifies no specific federal law applied.

Министерство культуры России аннулировало лицензии на прокат семи фильмов в течение трёх месяцев после вступления в силу закона «О кинематографии и традиционных ценностях» 29 марта 2026 года

https://verstka.media/minkultury-otozvalo-prokatnye-udostovereniya-u-semi-filmov

Russia's Ministry of Culture revokes distribution licenses for seven films within three months of the "Traditional Values" Cinema Law taking effect, 29 March 2026

Russian Ministry of Culture Denies Distribution Licence to Documentary Leaving North Korea, 23 April 2026

https://www.interfax.ru/culture/1085593

Russian Ministry of Culture Denies Distribution Licence to Documentary Leaving North Korea, 23 April 2026

Реестр иностранных агентов Министерства юстиции (Таланкин, 27 марта 2026 г.; Мамин, Тепляков, 24 апреля 2026 г.)

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