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EDITORIAL

The recently published 2026 Rule of Law Report highlights that reforms are under way in EU member states to align their national laws with the European Media Freedom Act (EMFA). For example, several countries are undertaking reforms to strengthen the independent functioning and financing of public service media. A prominent example featured in this newsletter is Hungary, where a few weeks ago its public broadcaster suspended its programmes for a few hours to air an apology message, pledging independence and renewed trust. This big gesture followed a broad structural reform of the public broadcasting service and amendments to the Media Act. Estonia is another example of this, with the recent amendment of its Public Broadcasting Act which now requires an expert majority on its Council.

One of the EMFA's main priorities is media pluralism. Indeed, audiences must be able to rely on media outlets, not only for their independence and good governance, but also for the integrity and diversity of the content they provide. In this regard, the French regulator recently found that the expression of different viewpoints had not been achieved on channel CNews and issued a formal notice in response to obvious and persistent imbalance.

At the same time, other founding principles of EU media law have recently been reaffirmed. The country-of-origin principle, for example, has been upheld twice. First, in a European Commission decision concerning a media service provider established in Luxembourg and targeting Hungarian audiences, and second, by the Court of Justice of the European Union in a case addressing the imposition of restrictions by France on services established in another member state.

But maybe the most talked-about issue these days is the introduction of the so-called social media bans (or delays) in several countries. The special panel of experts to develop a strong and practical European approach to keep children safe online set up by EC President von der Leyen has presented its final report, providing recommendations and inspiration on better protecting and empowering children, as well as on the age-appropriate use of social media and other digital services. The European Commission has also issued a formal opinion to France requiring amendments to its draft legislation banning access to social media for users under 15. The French Parliament and Senate subsequently approved the bill, which not only provides for a broad ban on social media for teenagers, but also a ban on mobile phones in secondary schools. In parallel, the European Parliament has adopted a resolution calling for a new strategy for media literacy and digital learning.

As you can see, there's lots going on and more coming your way when we return in September. In the meantime, I wish you a great summer.

Enjoy the read!

Maja Cappello, Editor

European Audiovisual Observatory

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INTERNATIONAL

COUNCIL OF EUROPE

COE: EUROPEAN COURT OF HUMAN RIGHTS

European Court of Human Rights: *Miladze v. Georgia*

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In its judgment in *Miladze v. Georgia*, delivered on 19 May 2026, the European Court of Human Rights examined the permissibility of an instance of verbal violence targeting public officials on social media under Article 10 of the European Convention on Human Rights (ECHR). A fine imposed by the Georgian courts for an expletive-ridden tirade on TikTok did not – the Court held unanimously – violate the applicant's right to freedom of expression.

The applicant, a food courier and activist, uploaded a short video to TikTok, protesting against changes in transport policy in the city of Tbilisi. He posted the video in public mode and without access restrictions. It went viral, achieving over 100 000 views and being shared 600 times. In the video, the applicant used "obscene language" directed at the mayor of Tbilisi, staff of Tbilisi City Hall and officials at the Ministry of the Interior. The applicant warned viewers at the start of his video that it would contain obscene language, this allowing them to stop or avoid watching it, should they so choose.

The applicant was subsequently convicted for using obscene language in a public place, pursuant to the Code of Administrative Offences. He was fined, but was not required to remove the video. Nor was his TikTok account restricted in any way as a result of the decision. Nevertheless, he felt his right to freedom of expression had been violated, so he appealed – unsuccessfully. He contended that a place of public gathering did not definitionally extend to online spaces or fora, but the national courts pointed to existing national case law in which the online dimension had indeed been considered as a public place in the sense of the code (i.e. spaces where public order can be affected). After exhausting all domestic remedies, the applicant took his case to Strasbourg.

The European Court of Human Rights dwelt on the nature of the language used, and in particular the repeated use of (variants of) a term that is particularly offensive in Georgia(n). It translated the term as "mother**cker" in an attempt to convey the vulgarity of the term in Georgian.

The Court was satisfied that the interference with the applicant's right to freedom of expression was prescribed by law and that it met the requirement of "quality of law". It accepted the national courts' explanations that it was established domestic judicial practice and a matter of common legal understanding that "'public space' encompassed cyberspace, including social media platforms". It was also satisfied that the interference pursued a legitimate aim in the sense of Article 10(2) ECHR, and that the reasons adduced by the Georgian authorities for the interference were relevant and sufficient.

The Court recalled that the right to freedom of expression includes statements that may "offend, shock or disturb", and that a person's reputation is also protected under the ECHR. With references to existing case law, the Court further recalled that:

- offensive expression may not be protected if it "amounts to wanton denigration", e.g. when its sole purpose is to insult;

- the use of vulgar phrases is not of itself decisive as such language could serve stylistic purposes and style and form are protected under Article 10; and

- "[s]atire is also a form of artistic expression and social commentary which, by its inherent features of exaggeration and distortion of reality, naturally aims to provoke and agitate" and as such, it is protected under Article 10.

For cases involving expressive activity on social media, the Court uses the following criteria for its examination: the content and context of the impugned statements, their reach and impact, the reasoning of the national courts and the proportionality of the sanction. The Court reiterated that targeted and degrading (verbal) attacks on identifiable individuals may not enjoy protection and that civil servants must moreover "enjoy public confidence in conditions free of undue perturbation" in order to carry out their tasks.

In its lengthy consideration of the "most extreme form of colloquial swearing, which is linguistically regarded as a form of violent speech in Georgia", the Court deferred to the judgment of the Georgian authorities – due to their direct and continuous contact with the "vital forces" of their country. The Court could not see:

"*any indication that the highly obscene language used by the applicant served any stylistic, rhetorical or literary purposes [...] that could justify the choice of such coarse, aggressive and deliberately abrasive language, devoid of any intent or expressive value*".

The video largely comprised "extremely crude and sexually explicit verbal attacks"; "large segments of the video contained no argument or criticism but rather sustained verbal aggression devoid of informational value".

As for the medium used, the Court described TikTok as "a platform characterised by rapid algorithmic amplification and particularly high youth engagement". The applicant did not restrict the accessibility of the video, which facilitated its wide dissemination. Interestingly, despite a few references to minors' use of TikTok generally, there was no mention of the impugned video having specifically been watched by minors.

In light of the above considerations (which are neatly summarised in paragraph 78 of the judgment), the Court held unanimously that the applicant’s right to freedom of expression had not been violated.

European Court of Human Rights, Miladze v. Georgia, Application No. 41585/23, 19 May 2026

https://hudoc.echr.coe.int/?i=001-250113

COE: EUROPEAN COURT OF HUMAN RIGHTS

European Court of Human Rights: Karchava v. Georgia

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The European Court of Human Rights held that Georgia violated Article 10 of the European Convention on Human Rights by arresting a lone protester after he refused to comply with police orders to refrain from setting up a protest tent on a public square in Batumi. The Court found unanimously that domestic courts failed to provide relevant and sufficient reasons for the interference with the protester’s right to freedom of expression.

Facts of the case

The applicant, a children’s mental health specialist, planned to stage a solo demonstration to protest the lack of free lunches in public schools in Georgia. In the context of the protest, he would set up a tent in a public square in the vicinity of the Constitutional Court of Georgia and go on a hunger strike. On 26 December 2022, he notified the Batumi City Hall, stressing his plans for a peaceful and non-disruptive demonstration.

On 28 December 2022, while the applicant was setting up his tent, the police repeatedly approached him and instructed him to relocate to another venue. After the applicant refused to comply, he was forcibly removed from the site and arrested for the administrative offence of disobeying lawful police orders.

The police cited three reasons for his arrest: (1) the protest would have taken place very close to the building of the Constitutional Court, (2) the protest would have taken place in the vicinity of a public statue, (3) the protest would have taken place in an area that would be used for New Year’s Eve celebrations where fireworks may be used. Domestic courts found the applicant guilty of this administrative offence and, in the light of the absence of any previous convictions, imposed a verbal reprimand.

The Court’s judgment

The applicant brought the case to the European Court of Human Rights, arguing that his removal from the protest site, his arrest and his subsequent conviction for the administrative offence infringed on his right to freedom of expression (Article 10) and on his right to freedom of peaceful assembly (Article 11). The Court noted that since the subject matter of the case concerned a solo protest, Article 10 could be considered the *lex specialis* applicable to the case. But since "the guarantees under Article 10 and 11 often complement one another", the Court’s examination of the interference with Article 10 would be informed by the general principles developed in its jurisprudence on Article 11.

The Court recalled that the right to freedom of expression also includes the freedom to express ideas through conduct, including through protest activities. While it is important for demonstrators to comply with applicable laws, any restriction on their freedom to protest must satisfy the Court’s standard three-step test: it must be prescribed by law, pursue a legitimate aim, and be necessary in a democratic society. Referring to earlier judgments, the Court confirmed that the domestic legal framework satisfied the lawfulness requirement (*Makarashvili and Others v. Georgia; Chkhartishvili v. Georgia*). It also considered that the applicant’s removal from his intended protest site could have pursued the legitimate aims of the "prevention of crime" or the "prevention of disorder".

Turning to whether the interference was necessary in a democratic society, the Court pointed out that the applicant’s planned protest concerned a matter of public interest, as it aimed to draw the attention of the public and authorities to the issue of the lack of free school lunches. As such, only "particularly strong reasons" could justify any restriction on his protest. The Court then proceeded to examine, in turn, the three arguments put forward by the police and the domestic courts for the arrest and conviction of the applicant.

The first argument concerned the vicinity of the protest to the building of the Constitutional Court. Under the applicable legislation, demonstrations were prohibited within 20 metres of the building. The Court noted that photographic evidence contested that the protest site was within this 20-metre zone. Since domestic courts did not make an attempt to verify the accuracy of the police’s allegation, the Court found that this argument could not be considered "relevant" or "sufficient" to justify the interference with the applicant’s right to freedom of expression.

The second argument concerned the vicinity of the protest to a public statue. The Court observed that public monuments merit special protection and measures that are necessary to prevent damages to them can be considered necessary in a democratic society. However, the applicant did not show any intention to damage the statue, he merely intended to set up a tent 12 metres away from it. In light of this, the Court was not convinced that the protest posed a genuine risk to the statue, and therefore considered this argument neither "relevant" nor "sufficient" to justify the restriction of the applicant’s right to freedom of expression.

The third argument concerned the need to ensure the safety of the applicant in light of the possible use of pyrotechnics in the area on New Year’s Eve. The Court stressed that alleged risks have to be supported by "concrete evidence", they cannot be based merely on speculative assumptions. As the domestic courts did not verify whether the protest location had in fact been designated as an official location for the festivities, the Court did not find that the potential use of pyrotechnics presented a real danger to the applicant. This conclusion was reinforced by the timing of the protest, which was set to start four days before New Year’s Eve. Accordingly, there was no need for the authorities to immediately remove the applicant on the alleged risk of fireworks. Allowing the applicant to proceed with his solo protest in those four days "would have allowed him to convey his message on the matter of public interest".

Having found none of the three arguments relied on by the government to be "relevant" or "sufficient" to justify the interference, the Court turned to examine the proportionality of sanctions. Although the verbal reprimand could be considered minor, the severity of the sanction was compounded by the applicant’s forcible removal from the protest site, his arrest and detention for 24 hours. The combination of these factors "was capable of producing a chilling effect on the applicant’s exercise of his freedom of expression and assembly".

In the light of these considerations, the Court found that the necessity of the interference had not been demonstrated by sufficient and relevant reasons. It, therefore, held that Georgia had violated Article 10 of the Convention, interpreted in light of Article 11.

European Court of Human Rights, Karchava v. Georgia, No. 34790/23, 23 June 2026

https://hudoc.echr.coe.int/?i=001-250745

European Court of Human Rights, Makarashvili and Others v. Georgia, Nos. 23158/20, 31365/20, 32525/20, 30 January 2023

https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-218940%22]}

European Court of Human Rights, Chkhartishvili v. Georgia, No. 31349/20, 11 August 2023

https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-224577%22]}

EUROPEAN UNION

EU: COUNCIL OF THE EU

The 2026 revision of the AI Act

Justine Radel-Cormann
European Audiovisual Observatory

On 29 June 2026, the Council of the European Union approved the regulation amending the existing AI Act. The text was officially signed on 8 July 2026 by both the President of the European Parliament and the President of the Council, and is soon to be published in the Official Journal of the European Union.

With this revised version, stronger protections for children in the context of AI have been implemented. Legislators introduced new prohibitions in Article 5 targeting certain AI practices. These provisions are set to take effect from 2 December 2026. It is now forbidden to place on the market, put into service, or use an AI system that generates or manipulates realistic images, videos, audio or similar material of an identifiable natural person’s intimate parts, or of an identifiable natural person engaged in sexually explicit activities, without that person’s freely given, specific, informed, unambiguous and explicit consent for such generation or manipulation.

Additionally, the amended Act prohibits AI systems that generate or manipulate materials or performances involving child pornography, or pornographic performances by a child, except in cases where a "without right" defence applies under national law. In the context of child pornography, the term "without right" allows member states to provide a defence in respect of conduct relating to pornographic material having, for example, a medical, scientific or similar purpose.

The modifications clarify that these prohibitions apply only when the generation or manipulation of such materials or performance is the intended purpose of the AI system, or when the system’s design, training, architecture, capabilities or user-facing functionalities make that generation or manipulation a reasonably foreseeable and reproducible outcome, without requiring significant technical modification. These prohibitions also apply when the system lacks reasonable and adequate safety measures and other safeguards to reliably prevent such generation or manipulation, taking into account reasonably foreseeable misuse, and to correct observed or reported misuse. The prohibitions also only apply when a deployer uses the system for the purpose of generating or manipulating such materials or performances.

Moreover, transparency requirements under Article 50 have been strengthened. Providers of AI systems, including general-purpose AI, must ensure that synthetic audio, image, video, or text content generated by their systems is marked in a machine-readable format and is detectable as artificially generated or manipulated. The revised Article 113 stipulates that AI systems already on the market before 2 August 2026 must take the necessary steps to comply with the updated Article 50 requirements by 2 December 2026.

The text includes other changes aimed at simplifying the AI Act, such as the clarification of the competences of the AI Office, the delayed establishment of AI regulatory sandboxes, or the delayed application of the high-risk AI systems rules.

Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (Text with EEA relevance)

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689&qid=1784105863150

Press release following the Council of EU's greenlight to simplify the AI Act, 29 June 2026

https://tinyurl.com/2jvhydfw

EU: COURT OF JUSTICE OF THE EUROPEAN UNION

Meta v. AGCOM: CJEU confirms the Italian model for fair compensation of press publishers

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In its judgment of 12 May 2026, in *Meta Platforms Ireland Ltd v. Autorità per le Garanzie nelle Comunicazioni* (AGCOM), the Court of Justice of the European Union (CJEU) delivered its first interpretation of Article 15 of Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market (DSM) Copyright Directive. More specifically, the CJEU examined whether the Italian implementation of the press publishers' neighbouring right – introduced through Article 43-bis of the Italian Copyright Act (Law No. 633/1941) – is compatible with EU law.

The proceedings originated from an action brought by Meta before the Regional Administrative Court for Lazio challenging AGCOM Resolution No. 3/23/CONS of 19 January 2023, which adopted the implementing regulation following a public consultation. The regulation was enacted to implement Article 43-bis of the Italian Copyright Act, transposing Article 15 of the DSM Directive into Italian law. According to Meta, the Italian framework exceeded the scope of the directive by imposing obligations that were incompatible with EU law.

Article 15 of the DSM Directive introduced a new neighbouring right for press publishers with the aim of rebalancing their economic relationship with online information society service providers that make use of journalistic content, thereby enabling publishers to obtain fair remuneration for the online exploitation of their publications.

Italy opted for a particularly innovative implementation model. While the DSM Directive merely recognises the publishers' right and leaves member states broad discretion as to its practical implementation, the Italian legislature established a comprehensive procedural framework designed to ensure the effective exercise of that right. In particular, where publishers and online platforms fail to reach an agreement on the amount of fair compensation, either party may refer the dispute to AGCOM, which determines the amount on the basis of the criteria laid down in Resolution No. 3/23/CONS. Although AGCOM's calculation is not legally binding on the parties, it constitutes an important technical benchmark for the negotiations.

In its judgment, the CJEU confirmed the Italian legislature's approach, holding that Article 15 of the DSM Directive grants member states a broad margin of discretion in determining how the press publishers' neighbouring right should be implemented.

According to the CJEU, the right to fair compensation is compatible with EU law provided that such remuneration constitutes the economic consideration for the publisher's authorisation to use its press publications online. Publishers must therefore retain the freedom either to authorise such use free of charge or to refuse authorisation altogether. In this respect, the court reaffirmed that Article 15 confers on press publishers an exclusive right of authorisation rather than establishing an automatic right to remuneration. Consequently, no compensation is payable where an information society service provider neither uses nor intends to use the relevant press publications.

The CJEU's assessment of the obligations introduced by the Italian legislation is particularly noteworthy. The Luxembourg judges held that the transparency obligations imposed on information society service providers – requiring them to disclose the information necessary to determine the amount of fair compensation – are compatible with EU law. Likewise, the CJEU upheld the prohibition on limiting the visibility of press publications in search results during the negotiation process. It also confirmed the compatibility with EU law of the Italian enforcement regime, including administrative fines of up to 1% of the infringing undertaking's annual turnover.

The judgment therefore confirms the compatibility with EU law of a national framework that:

(i) requires negotiations between online platforms and press publishers;

(ii) establishes transparency obligations aimed at facilitating the calculation of fair compensation; and

(iii) entrusts an independent administrative authority with a supervisory role in defining the criteria for calculating such remuneration.

The ruling is of considerable significance not only for Italy but also for all member states implementing Article 15 of the DSM Directive. It constitutes the Court's first interpretation of the press publishers' neighbouring right and confirms that member states may adopt regulatory mechanisms designed to ensure its effectiveness, provided that the exclusive nature of the publishers' right is preserved.

More broadly, the judgment reinforces the role of independent regulatory authorities in the governance of digital markets. According to the CJEU, AGCOM's involvement in determining fair compensation does not undermine the private-law nature of the negotiations but rather contributes to rebalancing the bargaining power between press publishers and large digital platforms while ensuring a fairer distribution of the economic value generated by the online dissemination of journalistic content.

The judgment therefore represents an important endorsement of the Italian model implementing the DSM Directive and promoting the economic sustainability of professional journalism in the digital environment.

Court of Justice of the European Union (GC), Meta Platforms Ireland Ltd v. AGCOM, No. C-797/23, 12 May 2026

https://infocuria.curia.europa.eu/tabs/affair?lang=EN&searchTerm=C-797%2F23&publishedId=C-797%2F23

EU: COURT OF JUSTICE OF THE EUROPEAN UNION

CJEU: Grand Chamber clarifies age verification obligations, the country-of-origin principle and intermediary liability

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On 16 June 2026, the Grand Chamber of the Court of Justice of the European Union (CJEU) delivered its judgment in Joined Cases C-188/24 (*WebGroup Czech Republic a.s. and NKL Associates s.r.o. v. Ministre de la Culture and Premier ministre*) and C-190/24 (*Coyote System*), following requests for preliminary rulings from the French Council of State (*Conseil d'État*). The judgment addresses several questions of broad relevance for the regulation of online services within the European Union, notably the scope of the country-of-origin principle, the conditions under which member states may impose restrictions on service providers established elsewhere in the Union, and the extent of the hosting liability exemption under Directive 2000/31/EC (the e-Commerce Directive).

The proceedings arose from two separate disputes concerning French legislation. The first concerned measures adopted to strengthen the protection of minors online. Under Article 227-24 of the French Criminal Code, pornographic content may not be made accessible to minors. To ensure compliance in the online environment, the French audiovisual and digital regulator, (*Autorité française de régulation de l'audiovisuel et du numérique* - Arcom), was empowered to issue formal notices requiring operators of pornographic websites to implement age verification systems capable of preventing access by minors. WebGroup Czech Republic and NKL Associates, companies established in the Czech Republic operating pornographic websites accessible in France, challenged those measures before the State Council. They argued that France could not impose such obligations on providers established in another member state without infringing the country-of-origin principle guaranteed by the e-Commerce Directive.

The second dispute concerned French rules governing geolocation-based driving assistance services. Under the French Highway Code, certain information relating to roadside police checks may not be rebroadcast where disclosure could interfere with investigations connected to serious criminal offences. Coyote System challenged the implementing measures, arguing, *inter alia*, that they were incompatible with the protections afforded to intermediary service providers under EU law and with the prohibition against imposing general monitoring obligations.

In its judgment, the Court first examined whether the French measures fell within the "coordinated field" governed by the e-Commerce Directive. The Court adopted a broad interpretation of that concept, confirming that it is not limited to rules specifically regulating online services. Requirements arising from general national legislation, including criminal law or road traffic legislation, may also fall within the coordinated field where they govern access to, or the exercise of, information society services. As a result, the measures at issue constituted restrictions on the free movement of information society services and had to be assessed in light of the directive’s country-of-origin principle.

The Court nevertheless reaffirmed that Article 3(4) of the directive allows member states to derogate from that principle in certain circumstances. Such derogations must pursue recognised objectives, including public policy and public security, and must be proportionate to those objectives. The Court found that the protection of minors against access to pornographic content falls within the concept of public policy, while restrictions designed to prevent the dissemination of information capable of compromising serious criminal investigations may be justified on grounds of public security.

The judgment also clarifies that derogating measures must target specific information society services whose activities are capable of prejudicing the objectives pursued. Measures should therefore take the form of individual decisions, such as notices or prohibitions directed at identified operators, rather than general and abstract obligations applicable indiscriminately to all providers established in other member states. Furthermore, except in cases of urgency, the member state wishing to adopt such measures must first request the member state of establishment to intervene and must notify both that state and the European Commission before acting. Compliance with these conditions remains for the referring court to verify.

The Court also addressed the hosting liability exemption under Article 14 of the e-Commerce Directive. According to the judgment, a provider may only benefit from that exemption where it lacks both knowledge of and control over the information stored at the request of users. The Court held that a provider which determines, through algorithmic processes, the conditions under which user-generated information is disseminated, including the manner and order of its rebroadcasting, exercises a degree of control over that information. In such circumstances, the provider may no longer be regarded as a neutral intermediary and may therefore be unable to rely on the hosting exemption.

The ruling provides important guidance for national regulators and digital service providers across the European Union. In particular, it clarifies the legal framework applicable to national age verification measures, an area that has become increasingly significant as member states seek to strengthen protections for minors online. At the same time, the judgment offers further insight into the limits of intermediary liability protections in cases where platforms exercise an active role in the organisation, prioritisation or dissemination of user-generated content. Its findings are likely to be relevant beyond the specific facts of the cases and may influence the developing relationship between the e-Commerce Directive framework and the regulatory obligations introduced by the Digital Services Act.

Court of Justice of the European Union, Joined Cases C-188/24 (WebGroup Czech Republic and NKL Associates) and C-190/24 (Coyote

System), judgment of 16 June 2026

https://infocuria.curia.europa.eu/tabs/jurisprudence?publishedId=C-188%2F24&searchTerm=C-188%2F24

EU: COURT OF JUSTICE OF THE EUROPEAN UNION

Court of Justice of the European Union: jurisdiction over infringements of personality rights following the dissemination of content across several member states

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On 18 June 2026, the Second Chamber of the Court of Justice of the European Union (CJEU) delivered its judgment in Case C-232/25, which shed light on a doctrine supplementing the Court’s case law with regard to the jurisdiction of courts of the state in which a harmful event violating personality rights occurred, as established under Article 7(2) of the Brussels I-bis Regulation.

In the case at hand, a former Polish soldier (Z.R.) and a Polish association of veterans (*Światowy Związek Żołnierzy AK*) sued two German co-producers, ZDF and UFA Fiction, following the broadcast of a series on television, first in Germany, in 2013, and then in several other member states, including Poland. The series was also made available online. According to Z.R., certain scenes portrayed AK soldiers as antisemitic, nationalistic and complicit in the Holocaust, which constituted an infringement of personality rights, namely dignity, reputation and memory of the military unit, and also of historical truth. Before the Polish Circuit Court in Kraków, the claimants sought compensation for non-material damage and non-pecuniary remedies. The first instance decision was overturned by the Court of Appeal in Kraków and brought to the Polish Supreme Court, which then referred the case to the CJEU for a preliminary ruling in relation to the criteria of jurisdiction. Notably, the Polish Supreme Court questioned whether Polish courts could exercise jurisdiction over alleged damage resulting from the broadcast of the series in several member states, or, conversely, whether they could exercise jurisdiction over damage allegedly suffered in Poland, including non-pecuniary remedies.

The CJEU judgment clarified the criteria for jurisdiction in defamation cases involving dissemination across multiple member states. The CJEU stated that natural or legal persons who believe that their rights have been breached by television broadcasts cannot bring proceedings before the courts of the member state in which their centre of interest is located to obtain compensation for the entirety of the alleged damage. They can bring action before the courts of the member states in which the programme was broadcast and where they believe their reputation has been harmed. The jurisdiction of those courts is limited to actions for compensation for the damage caused solely in the member state concerned. Compensation for the entire damage may be sought before the courts of the member state in which the defendant is domiciled or in which the producer has been established.

However, the CJEU distinguishes between television and Internet broadcasts. When it comes to Internet broadcasts, the courts of the member state in which the centre of interests of the natural or legal person who has allegedly suffered damage is located may examine an action for compensation for the entire alleged damage only if the content broadcast allows the identification, whether by direct or indirect means, of that person as an individual. In this case, the former soldier cannot be identified as an individual but the association, according to the Court, may bring proceedings before the courts of the member state in which its centre of interests is located to seek compensation for the entire alleged damage, provided that the audiovisual content broadcast online specifically targeted that organisation and permitted its direct identification.

Therefore, the CJEU continues to accept the possibility of fragmentation of disputes and the existence of parallel proceedings in different member states.

The Court made clear that the courts of a member state with jurisdiction to rule only on the damage suffered in their territory as a result of an alleged infringement of personality rights by broadcasts of a series on television may examine both actions for pecuniary remedy of non-material damages and actions intended to eliminate and prevent the effects of such an infringement. However, those courts do not have jurisdiction to examine an action against the producer seeking a non-pecuniary remedy in the form of rectification of the information in a series published online.

The *Idziski* ruling confirms the territorial allocation of damage pursuant to the mosaic theory and reserves actions for general rectification to courts having jurisdiction over the entirety of the harm.

In the context of the case at hand, Polish courts may adjudicate claims brought by legal persons whose personality rights have been infringed, including cases involving historical matters.

CJEU judgment, Idziski, C-232/25, 18 June 2026

https://infocuria.curia.europa.eu/tabs/affair?sort=AFF_NUM-DESC&searchTerm=%22C-232%2F25%22&publishedId=C-232%2F25

EU: EUROPEAN COMMISSION

“Stop Killing Videogames”: The European Commission response to the Citizen's initiative

Joan Ramon Rodriguez-Amat
European Audiovisual Observatory

On 16 June 2026, the European Commission published its response to the Citizens’ Initiative “Stop Destroying Videogames”, which gathered over 1.29 million signatures across at least seven member states (ECI(2024)000007). The Citizens’ Initiative, established under Regulation (EU) No 2019/788, is designed to allow citizens to call for new EU legislation. In this case, the request was for publishers to leave games in a playable state after ending commercial support, and to prevent remote deactivation of games post-sale. The campaign notably followed the controversial removal of Ubisoft’s *The Crew* from active life in April 2024, blocking access for all buyers and sparking outrage in gamer communities. It also gave rise to a judicial process driven by UFC-Que Choisir in France (31/03/2026) which had also been involved in similar issues such as the fight against the programmed obsolescence of Nintendo Switch controllers (04/04/2023).

The Commission acknowledged the importance of consumer expectations in the digital gaming sector, highlighting that evolving business models – such as “live service” games – raise new questions about ownership and access. However, the Commission response acknowledged the importance of the video games sector and noted that the intellectual property regulatory framework allowed rights holders to remain free to determine whether and how their protected works may be used.

Furthermore, the Commission built its response on the sufficient existing consumer protections, among which are the Unfair Commercial Practices Directive (UCPD) 2005/29/EC; Directive 93/13/EEC on unfair terms in consumer contracts; or the Digital Services Directive (EU) 2019/770:

“*Any regulatory measures intended to ensure that video games continue to function or are preserved after online services are discontinued would therefore have to be balanced against the rights of consumers, and the rights of the holder of the relevant intellectual property rights and contractual arrangements involved as well as with the legitimate interests of rights holders.*” (p. 9)

Therefore, rather than proposing legislation, the Commission committed to “explore with the industry the possibility of elaborating a self-regulatory code of conduct to promote better standards for the sunsetting of games” (p. 12) as well as to work with consumer authorities to strengthen awareness of the applicable consumer rights.

Although no new legal requirements are proposed, the Commission insists on the relevance of the sector in the European context, and the issue remains on the EU agenda. The initiative may still influence ongoing legislative discussions, such as the Digital Fairness Act, still under formulation, which is intended to challenge unlawful “dark patterns” and promote ethical design, complementing the recent Digital Markets Act and the Digital Services Act.

The European Commission's response is in line with the one provided to a similar UK initiative (UK, July 2024) to which the government responded: “There are no plans to amend UK consumer law on disabling video games. Those selling games must comply with existing requirements in consumer law and we will continue to monitor this issue.” Instead, in California, the more recent Protect Our Games Act (AB 1921 Digital Games: Ordinary Use) would require publishers who sell digital games or downloadable content within the state to provide "ordinary use" access for three years after the last sale or download. If a game is to be discontinued, publishers must offer measures enabling continued play – in particular, providing an offline mode or allowing community servers – unless this is impossible for security or legal reasons (AB 1921). The Senate Standing Committee on Business, Professions and Economic Development passed the bill on 29 June 2026. This reflects emerging global thinking on consumer rights and digital ownership that establish the video games sector as the battlefield.

Commission will engage with industry following European Citizens' Initiative on the disabling of videogames by publishers

https://ec.europa.eu/commission/presscorner/detail/en/ip_26_1369

EU: EUROPEAN COMMISSION

2026 Rule of Law report

Amélie Lacourt
European Audiovisual Observatory

On 17 July 2026, the European Commission published its seventh annual report on the rule of law. The report examines developments in every EU country as well as in four enlargement countries: Albania, Montenegro, North Macedonia and Serbia. The report assesses positive and negative developments in four key areas, one of which relates to media pluralism and freedom. It is accompanied by country chapters and a set of recommendations targeted at each country.

With regard to the independence of media regulators, the Commission recalls that both the Audiovisual Media Services Directive (AVMSD) and the European Media Freedom Act (EMFA) require regulators to be independent from the government, impartial, transparent and accountable, with adequate resources, clear procedures for appointment and dismissal and effective appeal mechanisms. Overall, the tasks, competences and resources of national media regulators have been or are being expanded, to comply with the EMFA and the Digital Services Act (DSA). Reforms are still ongoing in Spain, Luxembourg, Poland and Czechia but recent amendments in Slovakia have raised important concerns regarding the independence of the regulator.

The Commission also emphasised the importance of transparent media ownership, enabling users to make informed judgements about the information they consume. It notably drew attention to preliminary media ownership databases in France, Malta and Slovenia, and reported on ongoing reforms in Bulgaria, Cyprus, Ireland, Lithuania, Spain and Portugal. In contrast, it also drew attention to the challenges faced by Czechia. Of the enlargement countries covered in the report, Montenegro is said to have improved in this area, whereas there are concerns about Serbia.

With regard to safeguarding transparent and fair advertising, the Commission first recalled that both the EMFA and the Political Advertising Regulation address this issue. New legislation on this topic has been adopted in Croatia, Slovakia, Greece, Malta, Latvia and Slovenia in the past year and negotiations are ongoing in Bulgaria, Cyprus, Ireland, Spain, Czechia and Portugal. However, Hungary and Romania have both been singled out for failing to address the issue and for certain ongoing practices.

The independent functioning of public service media is another key issue addressed in the Rule of Law report. The Commission emphasised that reforms have been adopted to introduce new appointment models or modernise the structure of public service broadcasters. Reforms are also ongoing in many EU countries (Bulgaria, Croatia, Ireland, Italy, Slovenia, Estonia, France, Poland, the

Netherlands, Portugal, Romania and Cyprus). However, the Commission has expressed concerns regarding the situation in Slovakia, Czechia, Lithuania, Albania and Serbia.

Finally, the safety and protection of journalists is another issue addressed by the Rule of Law report. The Commission recognises that several countries have actively introduced measures through dedicated action plans, training programmes, guidelines and legislative reforms. However, reforms to improve the protection of journalists are still pending in Malta and Slovakia. Since last year's report, the Commission's recommendations on the protection of journalists against legal threats and abusive court proceedings against public participation have stimulated the adoption or the preparation of national legislation in several countries. However, the Commission has expressed some concern regarding the situation in Albania, Montenegro and Serbia.

The Commission's concluding remarks highlight a broadly positive trajectory, with significant improvements and important reforms completed or underway in all four areas monitored, even if the picture remains uneven across member states and policy areas, with some challenges persisting.

2026 Rule of Law Report - Communication and country chapters

https://commission.europa.eu/publications/2026-rule-law-report-communication-and-country-chapters_en

2026 Rule of Law Report - Communication and country chapters

https://commission.europa.eu/publications/2026-rule-law-report-communication-and-country-chapters_en

EU: EUROPEAN COMMISSION

European Commission reaffirms country-of-origin principle

Amélie Lacourt
European Audiovisual Observatory

In a recent decision, the European Commission confirmed the country-of-origin principle, according to which media service providers are subject exclusively to the law and jurisdiction of their member state of establishment, irrespective of the fact that their programmes are transmitted and viewed in other member states. This decision followed a request by the Hungarian media regulatory authority (*Nemzeti Média és Hírközlési Hatóság* – NMHH) to apply its own rules against the Luxembourg-based media service provider CLT-UFA SA. The request, pursuant to Article 4(4) of the Audiovisual Media Services Directive 2010/13/EU, concerned both a linear and a video-on-demand service aimed primarily at a Hungarian audience. The Commission concluded that the measures notified by the NMHH were incompatible with EU law.

The NMHH indicated that it had launched an anti-circumvention procedure in January 2026, after receiving 26 complaints concerning programmes broadcast between 2022 and 2023. In its notification to the Commission, the NMHH notably argued that CLT-UFA had established itself in Luxembourg in order to circumvent the allegedly stricter Hungarian rules concerning the protection of human dignity, minors and protection from incitement to hatred, highlighting its allegedly stricter and more active sanctioning policy in these matters than Luxembourg's. Through this procedure, it intended to impose financial penalties on CLT-UFA totaling HUF 1 050 000 (calculated to approximately EUR 2 650 by the NMHH in their notification), to be paid to the NMHH. It also intended to require CLT-UFA to display a notice regarding the infringements on its TV channels, admitting the breach of Hungarian law.

In an Opinion from March 2026, the European Board for Media Services considered that the NMHH had not demonstrated the existence of stricter rules of general interest in the fields coordinated by the directive. The opinion concludes that, since there were no stricter rules in the fields coordinated by the Directive that were susceptible to being circumvented, it was not necessary to further investigate the problem of providing evidence of establishment to circumvent the allegedly stricter rules. The board therefore deemed that Hungary's request to adopt anti-circumvention measures was not substantiated and did not satisfy the conditions set out in Article 4 of Directive 2010/13/EU.

In its decision, the Commission observes that the use of anti-circumvention procedures requires the fulfilment of the following conditions, cumulatively:

1. the adoption of stricter rules of general public interest in the fields coordinated by Directive 2010/13/EU;

2. the direction of a broadcast, wholly or mostly, towards the territory of the notifying Member State;

3. the absence of a mutually satisfactory solution following sincere cooperation;

4. respect for the rights of defence of the media service provider;

5. the establishment of the media service provider in order to circumvent stricter rules in the notifying Member State.

However, in the Commission’s view, although the Hungarian rules relating to the protection of minors and protection of human dignity and the protection against incitement to hatred could be considered as more specific, they cannot be considered as stricter.

Furthermore, with regard to the establishment of CLT-UFA in Luxembourg to circumvent stricter rules in Hungary, the NMHH stresses that Hungary is enforcing its rules more actively and imposing higher fines, thereby diminishing regulatory risks. The NMHH also highlights the suspicious timing of the transfer of RTL’s TV channel licences, which would coincide with the enforcement of relevant Hungarian provisions. Finally, it posits that the burden of proof may be satisfied through "logical deduction". However, the Commission emphasised the fundamental nature of freedom of establishment in the EU internal market. In the Commission’s view, no direct connection between the adoption of the relevant Hungarian provisions and the transfer of licences to Luxembourg had been demonstrated. In addition, the Commission considers that the member state invoking the application of Article 4(4) of Directive 2010/13/EU must prove that circumvention, and reaffirms that, although the subjective intent of the broadcaster does not need to be proven, the obligation to provide objective evidence of circumvention remains a cornerstone of the procedure. Article 4 of Directive 2010/13/EU should be read in conjunction with recital 11 of Directive (EU) 2018/1808. In light of this, the Commission concluded that the NMHH’s claim was not sufficiently substantiated, and relied primarily on arguments of mere assumption.

Considering that the conditions were not fully met, the Commission could not assert that the measures proposed by the NMHH were objectively necessary, non-discriminatory and proportionate in accordance with the requirements of Article 4(3) of Directive 2010/13/EU. The Commission therefore concluded that the measures notified to the Commission by Hungary pursuant to Article 4(4), point (a), of Directive 2010/13/EU were incompatible with Union law.

Commission Decision C(2026)3122 on the incompatibility of the measures notified by the Hungarian authorities pursuant to Article 4(5) of Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning

the provision of audiovisual media services (Audiovisual Media Services Directive)

https://ec.europa.eu/newsroom/dae/redirection/document/129468

EU: EUROPEAN COMMISSION

Publication of the report from the European Commission's Special Panel on Child Safety Online's

Eric Munch
European Audiovisual Observatory

On 13 July 2026, the European Commission President Ursula von der Leyen announced the delivery of a highly-anticipated report by the Commission’s Special Panel on *Child Safety Online*. She underlined how important the protection of children online is and how she considered it to be one of the greatest challenges that today’s governments face.

The panel, co-chaired by Dr. Maria Melchior and Prof. Dr. Jörg M. Fegert brought together young people and experts from across the EU, discussing how to better support parents and caregivers and highlighting key lessons and good practices from across the EU and beyond.

The report makes recommendations on age-appropriate use of social media and other digital services, recommending that screens and social media be avoided altogether under 2 years of age. From 3 to 12, it recommends only supervised use of internet-enabled devices, with parents and caregivers gradually ensuring digital autonomy with regard to age-appropriate social media and other digital services. From 13 to 18, it recommends an evolution towards autonomous use of age-appropriate social media, starting at 16 years of age. It notes that until social media and devices are developed with a “safe by default” approach, adolescents should only have access to age-appropriate social media and digital services. Parents and caregivers of adolescents above 16 are urged to keep engaging with them with regard to their online experiences, as the greater autonomy they will enjoy will be accompanied with higher risks related to them being exposed to potentially harmful content.

In addition to the above, the report also makes a series of recommendations to protect children and adolescents online and to empower them. To that end, the report argues that a harmonised EU-wide access restriction to social media and other digital services for children under 13 is necessary, to facilitate the implementation of proportionate and rights-respecting age assurance and to encourage safety by design requirements for social media and other digital services providers. The report also recalls the importance of effective and accurate age assurance systems, indentifying them as underpinning safety-by-design and age-appropriate approaches. The report also calls for an extended and harmonised set of rules on key safety features in the design of social media and other digital services. Additionally, the panel considers that the burden of proof should be shifted to social media and other digital services providers, to demonstrate that their products and services are safe for minors.

Other recommendations include

strengthening enforcement and evaluation capacities, to avoid inconsistencies and to ensure a predictable and effective legal environment; the swift adoption of measures to ensure social media and other digital services providers have clear obligations to prevent, detect, report and block child sexual abuse online; and it argues in favour of member states introducing further precautionary access restrictions for adolescents above 13 years of age, in addition to an EU-wide restriction.

Special panel report on child safety online, Protecting and empowering minors in a digital world, 13 July 2026

https://commission.europa.eu/digital-life/protecting-children-online/special-panel_en

EU: EUROPEAN PARLIAMENT

European Parliament resolution on a new strategy for media literacy and digital learning

Amélie Lacourt
European Audiovisual Observatory

The complexity of the modern media ecosystem, coupled with changes in the way people access, create and share information and disinformation online, as well as AI-generated content and algorithmic curated content, has prompted the European Parliament’s Committee on Culture and Education (CULT) to explore a new approach to media literacy and digital learning. This initiative was led by Marcos Ros Sempere, a Spanish Member of the European Parliament. Following the publication of the first draft in March 2026, the parliament adopted Resolution 2025/2181(INI) on a new strategy for media literacy and digital learning in a single reading on 7 July 2026.

The proposed strategy aims to establish media literacy and digital learning as foundational basic skills that are part of a lifelong learning strategy, thereby reinforcing civic participation, social inclusion and democratic resilience. The importance of these skills is particularly emphasised in the context of the current geopolitical situation. Not only do critical thinking skills contribute to making informed and autonomous decisions in democratic processes, they also enhance civic responsibility to counter disinformation, polarisation and foreign information manipulation and interference, particularly in electoral contexts.

The parliament also calls on the Commission and member states to incorporate the development of digital empathy, responsible online behaviour and an understanding of the impact of the digital environment on mental health and well-being into media literacy and digital learning programmes.

Additionally, the resolution emphasises the importance of platform accountability and AI literacy and requests stronger protection for minors on video-sharing platforms, more transparency around influencers, and clearer labelling of AI-generated (or manipulated) content. It notably calls on the Commission to assess and, where appropriate, propose a clear common EU approach to age-appropriate access to online platforms, particularly social media platforms.

These measures and skills are to be reinforced for all age groups. The parliament notably highlights the risks of introducing digital tools or technologies to minors prematurely, even before basic media literacy skills and critical thinking have been developed with analogue tools. Likewise, all groups of citizens should be covered, including particularly vulnerable users experiencing disadvantages due to geographical, social, cultural and economic factors. The aim of this approach is to enable everyone to fully benefit from the digital environment, boost their creative skills, benefit from exposure to a variety of sources and avoid risks related to the use and design of online platforms. In so doing, the resolution emphasises not only the importance of introducing media literacy and digital learning into school curricula during the entire process of formal education, but also the importance of spreading the learning beyond formal education and in the workplace, involving governments, educational institutions, civil society, media organisations, technology platforms and families.

As part of this resolution, parliament calls on the Commission to evaluate the relevant provisions of the Audiovisual Media Services Directive (AVMSD) and ensure its enforcement. It also requests that the Commission propose targeted amendments to increase the protection of video-sharing platform users, particularly minors. Furthermore, parliament urges the expansion of media content rules to influencers and content creators.

European Parliament Resolution of 7 July 2026 on a new strategy for media literacy and digital learning (2025/2181(INI))

https://www.europarl.europa.eu/doceo/document/TA-10-2026-0249_EN.html#ref_1_5

NATIONAL

BELGIUM

[BE] A free cake, a borrowed bag, and two administrative fines: the Flemish Media Regulator takes action against content creators once again

Lien Stolle
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On 18 May 2026, the General Chamber of the Flemish Media Regulator (*Vlaamse Regulator voor de Media* - VRM) issued two decisions against Flemish influencers for failing to clearly identify commercial communication in their online videos. In the cases of *VRM v. Josefien Weyns* (Decision No. 2026/034) and *VRM v. Galatea Rommelaere* (Decision No. 2026/031), both content creators were fined EUR 1 500 for violating Article 53 of the Flemish Media Decree (i.e. the decree of 27 March 2009 on radio broadcasting and television), which requires that commercial communications be “readily recognisable as such”. This provision stems from the transposition of the revised Audiovisual Media Services Directive (Directive (EU) 2018/1808) via the decree of 19 March 2021, which brings social media channels and influencer profiles within the scope of the decree and requires them to comply with the provisions on commercial communication.

Both cases stem from the regular monitoring that the VRM has been conducting of Flemish content creators since December 2025. The investigation unit screened the influencers’ social media profiles (including Instagram and TikTok) throughout the month of February 2026 and identified three videos in each case.

The Josefien Weyns case involved an Instagram Story (with an affiliate link but without mentioning the brand), a TikTok video (in which the word “advertisement” was mentioned, but only at the end of the description), and a TikTok daily vlog in which she documented, among other things, her presence at an event where she was also given a handbag by the brand organising the event; the bag was "on loan" during her visit.

The Galatea Rommelaere case involved an Instagram Story about a birthday stay in a penthouse, a TikTok video about her birthday party featuring a cake, and another Instagram Story in which she demonstrated a product.

In both cases, the VRM confirmed that the social media profiles of the parties involved qualify as broadcasting services (non-linear television services or on-demand audiovisual services) within the meaning of Article 2, 26° of the Media Decree, and the content creators themselves as broadcasters (Article 2, 27°). This classification is based in each case on three criteria: an economic nature, editorial responsibility on the part of the creator, and a primary purpose focused on offering audiovisual programmes (such as video content) to the general public.

Furthermore, both decisions applied the Content Creator Protocol (CCP), the guidelines that the VRM has been using since 2021 and which set out three cumulative requirements:

(1) the word “advertisement” (*advertentie*) or “publicity” (*publiciteit*) must appear at the beginning of the description;

(2) the brand must be mentioned at the beginning of the description; and

(3) the platform’s disclosure feature must be activated.

However, the VRM must always assess, on a case-by-case basis and in light of all the facts at hand, whether commercial communication is readily recognisable as such. In the cases involving the two influencers, however, none of the six videos examined contained all three of these elements cumulatively.

It is important to note that in both cases, the VRM reiterated that a product or benefit received free of charge (such as a handbag on loan or a free stay) is sufficient to constitute “equivalent compensation” and for the communication to be considered commercial; financial compensation for the influencer is therefore not required for a communication to be classified as commercial. For example, the VRM noted that Rommelaere clearly showed the product and service in the video in a favourable light.

The VRM further stated that at least one of Weyns’ videos did contain the word “advertisement”, albeit placed too late in the description. The VRM referred here to a number of previous decisions where it had noted that such a reference must be visible when the video is playing, not just after clicking “more”. In Rommelaere’s case, all three videos completely lacked any reference to “advertising” or “publicity”.

The mere fact that Weyns’ daily vlog also covers other events does not detract from the conclusion that part of the video does indeed relate to the event depicted (to which she was invited) and (whether directly or indirectly) to the brand. The explicit mention of the loan in the video, in turn, is not in itself sufficient to provide adequate clarity regarding the commercial nature of the video. Similarly, the inclusion of an affiliate link in another video undermines the presumption that the product was featured purely for non-commercial purposes, while at the same time failing to make it sufficiently clear that the content constituted commercial communication.

Finally, previous violations were also a factor in both cases. Even though the VRM noted that Rommelaere likely did not derive any significant financial benefit from the videos, and Weyns indicated that she would take steps in the future to comply with the regulations, the VRM nevertheless found that both influencers had previously been warned for similar violations, a factor that was taken into account in each case when determining the administrative fine of EUR 1 500.

Vlaamse Regulator for de Media (algemene kamer), VRM t. Josefien Weyns, nr. 2026/034, 18 mei 2026.

https://www.vlaamseregulatormedia.be/nl/beslissingen/vrm-legt-content-creator-josefien-weyns-een-boete-op-van-1500-euro-duidelijk

Flemish Media Regulator (General Chamber), VRM v. Josefien Weyns, Application No. 2026/034, 18 May 2026.

Vlaamse Regulator for de Media (algemene kamer), VRM t. Galatea Rommelaere, nr. 2026/031 18 mei 2026.

https://www.vlaamseregulatormedia.be/nl/beslissingen/vrm-legt-content-creator-galatea-rommelaere-een-boete-op-van-1500-euro-duidelijk

Flemish Media Regulator (General Chamber), VRM v. Galatea Rommelaere, Application No. 2026/031, 18 May 2026.

[BE] A positive assessment for local media, but challenges remain

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The Higher Audiovisual Council (*Conseil supérieur de l’audiovisuel* – CSA) of the French Community of Belgium recently published an evaluation report on the fulfilment of the public service remit and implementation of five other specific objectives by the 12 French-speaking Belgian local media organisations that replaced local television stations.

The public service obligations are set out in agreements between the Government of the French Community and each local media organisation. They relate to news, cultural development, lifelong learning (including media literacy), the active participation of the population of the respective coverage area, and production and co-production volumes. The five other objectives relate to the visibility of these obligations, synergies between local media organisations and with the public service broadcaster RTBF, specific staffing and equipment requirements, the equality and diversity plan, and financial stability and management.

The evaluation report is based on the annual audits carried out by the CSA for the years 2022 to 2024, as well as the responses provided by the local media organisations to a specific questionnaire drawn up in 2026.

The CSA notes, in general, that the local media organisations are fulfilling their obligations. Only minor breaches have been identified. The CSA nevertheless highlights certain areas for attention and makes various recommendations. In particular, the legal framework applicable to the local media organisations needs to be improved and brought more closely into line with new consumption habits; their visibility on RTBF’s Auvio platform, through which they are distributed, needs to be increased; and, in accordance with the European Media Freedom Act (EMFA), they must receive stable, adequate and predictable funding. This last point is particularly sensitive in a context of budgetary austerity. The CSA recommends, in particular, "ensuring compliance with the principle of proportionality between the level of obligations incumbent on the local media organisations and the resources available".

The CSA’s report therefore raises several issues that should be taken into account when the agreements between the government and the local media organisations are revised or renewed. The agreements currently in force are valid for a renewable period of nine years. Since the current period began in February 2022, the CSA report comes at the halfway point of this period.

Rapport « Évaluation à mi-parcours de la mise en œuvre des conventions conclues entre le Gouvernement de la Fédération Wallonie-Bruxelles et les éditeurs de médias de proximité »

https://www.csa.be/wp-content/uploads/2026/06/20260624_Rapport_Evaluation_Convention_MDP_CAC_DU_18062026.docx.pdf

Report: "Mid-term evaluation of the implementation of the agreements concluded between the Government of the Wallonia-Brussels Federation and local media organisations"

GERMANY

[DE] Right of access to information on state reception guest lists

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On 19 May 2026, the Munich Higher Administrative Court (*Bayerischer Verwaltungsgerichtshof* – VGH) ruled in interim relief proceedings (case no. 7 CE 26.397) that the Free State of Bavaria was obliged to provide online news portal Apollo News with information regarding the names, roles and associated institutions of guests who attended state receptions organised by the Bavarian State Government between 2022 and 2025 as part of the Ludwig Erhard Summit. In cases involving claims for information under press law, urgent legal protection is required where there is a substantial general public interest and the information has current news value which would be lost as a result of protracted proceedings on the merits.

The Ludwig Erhard Summit is an annual economic forum at which decision-makers from the worlds of politics and business come together. In January 2026, Apollo News and its head of investigations submitted a request to the Bavarian State Chancellery for information regarding state receptions held as part of the summits between 2022 and 2025, in particular regarding the guests, how they were selected and the influence of the Weimer Media (WM) Group, which organises the summit. This followed public statements regarding possible problematic links between the WM Group – which was headed at the time by the current minister of state for culture, Wolfram Weimer – and the state receptions. The State Chancellery merely confirmed that the state receptions had taken place and refused to provide further information, citing data protection grounds. Subsequently, Apollo News and its head of investigations applied to the Free State of Bavaria for an interim order pursuant to Section 123 of the Code of Administrative Procedure (*Verwaltungsgerichtsordnung* – VwGO) to compel the Free State of Bavaria to provide information on the guests at the state receptions, the criteria for their selection and the influence of the WM Group on the guest list. After the Munich Administrative Court (*Verwaltungsgericht München* – VG) had denied a right to information under the Bavarian Press Act (*Bayerisches Pressegesetz* – BayPrG) and the Interstate Media Treaty (*Medienstaatsvertrag* – MStV), the VGH ruled in appeal proceedings that the head of investigations at Apollo News was entitled to the information under the MStV.

Firstly, the VGH confirmed that Apollo News had no right to information under the BayPrG, since this applied only to the print press. However, under Section 2(1), third sentence of the MStV, Apollo News was a telemedia provider offering an electronic information and communication service comprising journalistic and editorial content. Pursuant to Section 18(4) in conjunction with Section 5 MStV, it therefore had the same right to information from public authorities as the so-called "electronic press". Even if the wording of Section 18(4) MStV were to cover only telemedia that reproduced the content of periodical print publications, the constitutionally guaranteed freedom of the press enshrined in Article 5(1), second sentence of the Basic Law (*Grundgesetz* – GG) would extend this right to journalistic and editorial online media such as Apollo News, which were functionally classified as part of the press but published their content exclusively in digital form. In reaching this interpretation, the VGH referred to the case law of the Federal Administrative Court (*Bundesverwaltungsgericht*), according to which the concept of the press in Article 5(1), second sentence of the Basic Law was broad, formal and open to development. Protection was afforded not only to traditional print publications but also to digital media, provided that they functionally fulfilled the tasks of the press, i.e. carried out journalistic and editorial work, contributed to diversity of opinion and played a part in shaping public opinion. It was irrelevant whether the content also appeared in print form or was published exclusively online. It followed that the right to information under the MStV could not be limited to telemedia that reproduced the content of print media.

The VGH held that the right to information on the names, roles and associated institutions of the individuals who had attended the state receptions at the summits between 2022 and 2025 was established and affirmed that the conditions for a provisional order were met. In its reasoning, it referred to the press's role in providing information and exercising scrutiny. The right to information under press law was intended to enable journalists to scrutinise government action and to inform the general public about matters of general public interest. The request was linked to investigations into possible conflicts of interest and the suspicion that access to state receptions was also being arranged via paid services offered by the WM Group. Since the Bavarian Minister-President himself had spoken of a "very aggressive offering of contacts through the state reception", the request had not been based on mere speculation but on concrete evidence. Consequently, contrary to the view of the lower court, the question regarding who had attended the state receptions was subject to the right to information under media law. Whilst the disclosure of this data affected the general right to privacy of those concerned, in this case it related solely to their social sphere. The need to protect this should be regarded as minimal in the specific circumstances of this case, since neither participation in the summit nor in a state reception was, in itself, reprehensible or unlawful. By contrast, however, the public interest in information carried significant weight, since there was a suspicion that the WM Group may have facilitated political contacts and access to state-funded receptions. The names of the participants could serve as a starting point for further investigations.

The situation was different, however, with regard to the names, roles and associated institutions of individuals who had been invited to the state receptions but had not attended. In the case of these individuals, it was not their social sphere but their more strongly protected private sphere that would be affected, as they had specifically chosen not to participate publicly. Here, the VGH could not establish an overriding public interest in the information. The same applied to further questions regarding which guests had been invited on whose recommendation. Whilst this would affect only the social sphere of actual attendees, disclosure would give rise to the suspicion that the individuals concerned had “bought” their attendance or political contacts.

It should be emphasised that the right to information was established only in relation to the Apollo News head of investigations and not in relation to the provider of Apollo News, since the latter had been unable to demonstrate sufficiently that the online news portal represented its – otherwise wide-ranging – corporate purpose. It must therefore be assumed that it performed its functions as a press organisation only to a limited extent.

VGH München, Beschluss v. 19.05.2026 – 7 CE 26.397

https://www.gesetze-bayern.de/Content/Document/Y-300-Z-BECKRS-B-2026-N-9946?hl=true

Munich Higher Administrative Court, Order of May 19, 2026 – 7 CE 26.397

[DE] Teleshopping channel has no right to greater visibility through inclusion on the "public value" list

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Institute of European Media Law

In its judgement of 27 May 2026, the Higher Administrative Court of North Rhine-Westphalia (*Oberverwaltungsgericht Nordrhein-Westfalen* – OVG NRW) (case no. 13 A 2858/24) ruled, with regard to the teleshopping channel QVC, that teleshopping channels are not entitled to preferential visibility through inclusion in the so-called "public value list" maintained by the state media authorities.

Section 84 of the Interstate Media Treaty (*Medienstaatsvertrag* – MStV) obliges providers of smart TVs and other user interfaces to ensure that programmes that make a significant contribution to diversity of opinion and content are easier to find. This constitutes a "prominence" system, as expressly permitted by Article 7a of the Audiovisual Media Services Directive (AVMSD), under which member states ensure that audiovisual media services of general interest are given appropriate prominence. The German solution, agreed between the federal states, distinguishes between broadcasting and telemedia, as well as between private and public service broadcasters. The legislature has comprehensively defined the preferential treatment given to public service broadcasters. By contrast, it is largely for the state media authorities to determine which private broadcasting and telemedia services contribute significantly to diversity of opinion and content, and are therefore considered to be of public value. In this regard, Section 84(5) MStV sets out criteria which the state media authorities must take into account in their selection. The state media authorities, in turn, have jointly adopted statutes for the implementation of the provisions pursuant to Section 84(8) MStV on the easy discoverability of private providers (public value statutes). Decisions on what should be included on the so-called "public value list" are made by administrative act, and the content of the list is reviewed every three years by the state media authorities. In the first tender procedure in 2021, QVC was not recognised as a so-called "public value service" under Section 84 of the MStV. After the broadcaster appealed, the Düsseldorf Administrative Court (*VG Düsseldorf*) ordered the competent state media authority of North Rhine-Westphalia (*Landesanstalt für Medien Nordrhein-Westfalen* – LfM NRW) to reconsider the application, *inter alia* on the grounds of procedural errors (ref. 27 K 4656/22).

With its current appeal to the OVG NRW, the broadcaster sought a retrospective ruling that the LfM NRW should have included its channel on the list for the period 2022 to 2025. In its application, it had argued that teleshopping programmes could, in principle, contribute to diversity of opinion and choice, and that QVC met the statutory public value criteria to a particularly high degree. Among other things, it referred to its programme content, user information, the promotion of regional and medium-sized undertakings, a 100% in-house production rate, extensive accessibility measures, the involvement of qualified staff in programme design and the fact that the entire programme was produced in Germany. It also cited specific formats and technical innovations to demonstrate its efforts to reach younger audiences. However, the OVG NRW considered that the requirements for inclusion in the public value list had not been met. Since the LfM NRW had no discretion in making this determination, the court carried out a full review of the eligibility criteria. It ruled that QVC did not meet the content-related criteria required for a public value classification, in particular regarding political and current affairs reporting, regional and local information, and programmes aimed at young audiences. The public value regulations were intended to promote the visibility of programmes that contributed to journalistic diversity of opinion but were at a competitive disadvantage with programmes that were particularly popular and featured a substantial amount of advertising. As the criteria laid down by law were exhaustive, programmes consisting solely of teleshopping were generally not included. In the court’s view, neither the freedom of broadcasting protected by the Basic Law nor the freedom to pursue a profession had been infringed because the service continued to be broadcast, remained accessible via basic search functions and could further enhance its own visibility.

Given the fundamental importance of the issue, the OVG NRW granted leave to appeal to the Federal Administrative Court (*Bundesverwaltungsgericht*) in Leipzig.

Link zur PM des OVG NRW zum Urteil

https://www.ovg.nrw.de/behoerde/presse/pressemitteilungen/25_260527/index.php

Press release of the Higher Administrative Court of North Rhine-Westphalia

Link zum Urteil des VG Düsseldorf (Vorinstanz)

https://nrwe.justiz.nrw.de/ovgs/vg_duesseldorf/j2024/27_K_4656_22_Urteil_20241031.html

Judgement of the Düsseldorf Administrative Court (lower court)

Link zur Public-Value-Satzung der Landesmedienanstalten

https://www.die-medienanstalten.de/service/rechtsgrundlagen/public-value-satzung/

Public value statutes of the state media authorities

Link zur Gesamtliste der privaten Angebote gem. § 84 Abs. 5 MStV

https://www.bing.com/ck/a?!&&p=4afe695d04eb07bb656d66400cda863c3102220310b165bc9cf2308af3b3c2fdJmltdHM9MTc4NTExMDQwMA&ptn=3&ver=2&hsh=4&fclid=2a9489b9-324d-6fbe-0947-9ee133226e3c&psq=Link+zur+Gesamtliste+der+privaten+Angebote+gem.+%c2%a7+84+Abs.+5+MStV&u=a1aHR0cHM6Ly93d3cuZGllLW1lZGllbmFuc3RhbHRlbi5kZS9maWxlYWRtaW4vdXNlcl91cGxvYWQvZGllX21lZGllbmFuc3RhbHRlbi9BdWZnYWJlbi9WaWVsZmFsdHNzaWNoZXJ1bmcvUHVibGljX1ZhbHVlL0xpc3R1bmdlbl8yMDI1L0FscGhhbnVtZXJpc2NoZV9HZXNhbXRsaXN0ZV9WMi5wZGY

Full list of private services in accordance with Section 84(5) MStV

[DE] jugendschutz.net annual report once again highlights sexualised violence and extremist hate content as key challenges for the protection of young people online

Sandra Schmitz-Berndt
Institute of European Media Law

In its recently published 2025 annual report on the protection of minors on the internet, jugendschutz.net highlighted current risks and the need for action, once again identifying sexualised violence and extremist hate content as key problems online. AI, including AI-powered chatbots also known as AI companions, played a central role in this context. For instance, minors could be exposed to inappropriate content, including sexualised material, both when interacting with chatbots and on AI-powered social media services such as Butterflies.AI, without any effective age verification having taken place beforehand. For the second year running, jugendschutz.net had dealt with more than 15,000 cases involving depictions of child abuse. jugendschutz.net investigates breaches of child protection regulations both on its own initiative and in response to reports received via an online complaints portal. Sexualised violence accounted for 93% of the cases it had handled.

On Spotify and Discord, jugendschutz.net identified numerous instances of hate speech and criminal extremist symbols, while on TikTok it reported graphic fantasies of hatred and violence towards women and girls. Furthermore, the report criticised the glorification of eating disorders under the hashtag #skinnytok on TikTok, as well as the trivialisation and promotion of risky products such as psychoactive substances or painkillers on social media in general. Overall, TikTok in particular came under criticism, not only because of the content mentioned above, but also due to youth-oriented bait strategies in so-called social commerce or the exploitation of children through family influencing. However, Snapchat's "Spotlight" function also revealed that, despite the age restriction mentioned in the terms and conditions of use, videos of children were being shared by children themselves or their parents and were subsequently subject to sexual comments, for example. The report highlighted the lack of effective age verification in this regard.

Many risks were exacerbated by AI applications that were freely available and could also be used for criminal acts. Although platform operators were legally obliged – under both the Youth Protection Act (*Jugendschutzgesetz*) and the Digital Services Act – to take appropriate precautionary measures to ensure age-appropriate use of their services, jugendschutz.net concluded that providers were not doing enough to protect children and young people. In this regard, the report focused on new features in services that were particularly popular with minors, such as the shopping feature on TikTok, purchase incentives during live streaming on YouTube, "Spotlight" on Snapchat and community features on WhatsApp. A special review of the music streaming service Spotify, conducted due to increased violations relating, amongst other things, to political extremism and sexualised violence, showed that even after being contacted by jugendschutz.net in its role as a public institution, only a small amount of content had been removed.

jugendschutz.net is the joint centre of expertise established by the federal government, the federal states and the state media authorities to protect children and young people online. It investigates risks in youth-oriented online services and works to eliminate breaches of youth protection regulations and to ensure that services are designed in a way that is appropriate for children and young people.

Jahresbericht 2025 des jugendschutz.net

https://www.jugendschutz.net/fileadmin/daten/publikationen/jahresberichte/jahresbericht_2025.pdf

2025 jugendschutz.net annual report

PM von jugendschutz.net zum Jahresbericht 2025

https://www.jugendschutz.net/artikel/vorstellung-des-jahresberichts-2025-von-jugendschutznet

jugendschutz.net press release on the 2025 annual report

ESTONIA

[EE] Parliament amends the Public Broadcasting Act to require an expert majority on the Council of the Estonian public service broadcaster

Sergei Bondarev
Independent expert

On 17 June 2026, the Estonian Parliament (*Riigikogu*) adopted amendments to the Estonian Public Broadcasting Act (*Eesti Rahvusringhäälingu seadus*) reshaping the composition of the Council of the Estonian public service broadcaster (*Eesti Rahvusringhääling* - ERR) by 60 votes to 25. President Alar Karis promulgated the law on 2 July 2026, while publicly cautioning that although the amendments do not contradict the Constitution, they could affect press freedom adversely if political parties appoint council members who defend party rather than public interests.

The ERR Council is the broadcaster's highest governing body. Under the previous composition, it comprised one representative of each parliamentary group, together with four recognised experts in the field. While the amendment originated as a bill (819 SE) submitted by the Social Democratic Party and individual members, with the stated purpose of ensuring that both genders be represented on the Council, during committee proceedings, the Parliament's Culture Committee added provisions directed at the Council's political independence, among them the rule that the number of expert members must exceed the number of group representatives by one. In the current six-group composition, this requires three additional expert members. An open competition for the new expert seats is to be launched on 17 August 2026, with the Parliament expected to decide on the appointments in the autumn.

The passage was contested on procedural grounds. The Isamaa group asked the President not to promulgate the law, arguing that a substantive amendment introduced immediately before the second reading — regarding the enlargement of the Council — should have led to an interruption of the reading under parliamentary procedure. The President promulgated the law nevertheless, coupling the decision with the cautionary note regarding press-freedom mentionned above and emphasising that given the ERR's role in Estonian society, it is essential to strengthen the independence of the Council and public trust in the broadcaster.

The amended rules concerning the Council's composition will govern the appointments made through the August competition and subsequent parliamentary decisions. The expert-majority and gender-representation requirements will apply from the law's entry into force.

Act amending the Estonian Public Broadcasting Act, Bill 819 SE

Gesetz zur Änderung des estnischen Rundfunkgesetzes, Gesetzentwurf 819 SE

SPAIN

[ES] Spanish court clarifies the limits on the reuse of viral television footage

Maria Bustamante
-

The Madrid Provincial Court (*Audiencia Provincial de Madrid*) has confirmed and partially expanded a judgment against Spanish broadcaster Atresmedia, finding that the repeated reuse of footage featuring a private individual over a period of more than fifteen years infringed her right to her own image and, in certain instances, her right to honour. The Court increased the damages awarded from EUR 40 000 to EUR 50 000 and ordered the broadcaster to remove the contested recordings from its platforms and avoid any further similar use.

The case concerns a television interview broadcast by Antena 3 in 2008 with a lifeguard following an incident at a public swimming pool. During the interview, the interviewee used the expression "*la he liado parda*" (I've really messed things up), which rapidly became one of Spain's best-known television catchphrases and was subsequently circulated across television programmes, online platforms and social media.

According to the Court, the claimant had consented solely to the original interview and had not authorised the subsequent reuse of her image and voice for other purposes. While the initial broadcast fell within the legitimate exercise of freedom of information, the repeated use of the recording in entertainment programmes was considered to exceed the scope of the original consent.

The judgment draws a clear distinction between informational and entertainment uses of previously broadcast material. The Court considered that rebroadcasts in programmes with a genuine journalistic or documentary purpose, including retrospectives on television history, remained justified by the public interest. However, repeated use of the footage in entertainment formats relying primarily on the video's viral popularity lacked sufficient informational value and therefore constituted an unlawful interference with the claimant's image rights.

The Court was particularly critical of two broadcasts of the satirical programme *El Intermedio*, in which the claimant's voice was used to parody public officials for comic effect. In those instances, the Court found that the broadcaster had infringed not only the claimant's right to her own image but also her right to honour. The judges held that the claimant, a private individual with no role in the political debate, had been turned into an object of ridicule and that her voice had been used in a manner that undermined her dignity. The decision emphasises that the *animus iocandi* (humorous intent) cannot justify any form of parody where it disproportionately affects the rights of private persons.

The appellate court also considered evidence concerning the long-term impact of the repeated broadcasts on the claimant's personal and professional life. A psychological report submitted during the proceedings described episodes of anxiety, workplace harassment and panic attacks linked to her continued public identification with the viral clip. Although the Court acknowledged that Atresmedia could not be held responsible for the entire online spread of the recording, it concluded that the broadcaster had significantly contributed to maintaining the video's notoriety through repeated broadcasts on high-audience television programmes.

A key legal aspect of the judgment is the distinction between the protection provided to honour and to image rights. Whereas only the two satirical broadcasts were found to have infringed the claimant's honour, the Court held that the vast majority of the subsequent reuses of the interview constituted unlawful interferences with her right to control the use of her image and voice. The judges rejected the argument that consent granted for the original interview could be interpreted as a green light for future exploitation in different contexts.

The decision provides additional clarity on the limits of broadcasters' ability to reuse archival material featuring private individuals whose appearances later gain viral significance. It confirms that the public interest justifying an initial news broadcast does not necessarily extend to subsequent entertainment uses and that prolonged commercial exploitation of such material may require renewed consent. The judgment also illustrates the growing willingness of Spanish courts to distinguish carefully between editorial uses protected by freedom of expression and entertainment uses primarily intended to capitalise on the popularity of viral audiovisual content.

Audiencia Provincial de Madrid (Sección 8.ª) núm. 162/2026, de 5 de mayo de 2026 (SAP M 5940/2026)

https://www.derechoartificial.com/fuentes/SAP_M_5940_2026.pdf

Madrid Provincial Court (Section 8), Case No. 162/2026, 5 May 2026 (SAP M 5940/2026)

FRANCE

France bans under 15 from accessing social media, after formal opinion by the European Commission

Eric Munch
European Audiovisual Observatory

A draft piece of French legislation proposing to ban children under the age of 15 from accessing social media had prompted a formal opinion from the European Commission, stating that it overlapped with the Digital Services Act (DSA). The opinion required French lawmakers to revise the bill and negotiate a compromise between the first version of the bill, approved by the National Assembly (*Assemblée Nationale*), and the second version, adopted by the Senate.

The National Assembly's version proposed a broad ban that applied to all "social network services online provided by a platform" while the Senate's amended proposal introduced a system that would create two categories of platforms: those considered harmful and to be placed on a blacklist, and other non-harmful platforms, which were meant to remain accessible subject to approval from a parent.

Thomas Regnier, spokesperson for Tech Sovereignty, Defence, Space, Research and Innovation at the Commission stated that, while the Commission shared France's concern with regard to the protection of minors, its formal opinion aimed to ensure that national measures remain effective and in line with EU law, thus limiting fragmentation to a minimum and preventing legal uncertainty.

The French Government, which had warned the Senate that parts of the bill could be incompatible with EU law, had initially hoped for the law to come into force in time for the start of the school year in September 2026.

On 21 July, the National Assembly and the Senate reached an agreement on a draft law from which the distinction between harmful and non-harmful platforms has been removed, making no platform exempt from the ban.

These developments echo EU-wide discussions on social media bans or "social media delays" for children, as the European Commission's President Ursula von der Leyen had already expressed support for a potential ban at the EU level earlier in the year. On 13 July, she reiterated her support, stating that children should have "phased and gradual access to social media", adding that a legal proposal would come in the second half of the year, with restrictions expected to be outlined as early as September

La Commission européenne appelle la France à revoir sa proposition de loi interdisant les réseaux sociaux aux moins de 15 ans

https://www.franceinfo.fr/internet/reseaux-sociaux/la-commission-europeenneappelle-la-france-a-revoir-la-copie-de-la-future-loi-interdisant-les-reseaux-sociaux-aux-moins-de-15-ans_8096678.html

The European Commission is calling on France to review its proposed legislation banning social media for under-15s

Statement by President von der Leyen with the co-chairs of the special panel on child safety online

https://ec.europa.eu/commission/presscorner/detail/en/statement_26_1590

Proposition de loi visant à protéger les mineurs des risques auxquels les expose l'utilisation des réseaux sociaux (dépôt le mardi 18 novembre 2025)

https://www.assemblee-nationale.fr/dyn/17/dossiers/proteger_mineurs_reseaux_sociaux_17e

Draft law for the protection of minors from the risks posed by the use of social media (tabled on Tuesday 18 November 2025)

[FR] Pluralism in the expression of different schools of thought: Arcom serves CNews with a formal notice for clear and persistent imbalance

Amélie Blocman
Légipresse

In a decision dated 12 June 2026, the French audiovisual regulator (*Autorité de régulation de la communication audiovisuelle et numérique* – Arcom) served a formal notice on the broadcaster of the CNews channel to ensure, in future, that its news programmes comply with the requirement for pluralism of schools of thought and opinion. In March 2025, the channel had displayed a clear and persistent imbalance in favour of a single school of thought.

The decision follows on from the case law of the Council of State (*Conseil d'Etat*), in particular the decisions concerning the *Association Reporters sans frontières* of 13 February 2024 and the *Association Cercle Droit et Liberté* of 4 July 2025, which clarified the procedures for monitoring pluralism in the audiovisual sector. It is also based on Articles 1, 3-1, 13 and 42 of the Act of 30 September 1986, on the Arcom resolution of 17 July 2024 concerning the pluralism of schools of thought and opinion, as well as on the provisions of the agreement concluded with the broadcaster.

In this case, *Reporters sans frontières* had asked Arcom to issue a formal notice to CNews and to initiate disciplinary proceedings on the grounds of a lack of pluralism observed between 1 March and 1 April 2025. After receiving the broadcaster's comments, the regulator reviewed 168 hours of programmes, selected from among the channel’s most-watched programmes. The analysis focused on the topics covered, the viewpoints expressed, the opportunities for opposing views to be aired, and the organisation of the debates.

Arcom noted that the most frequently covered topics were politics, crime, the war in Ukraine, Franco-Algerian relations, *La France Insoumise* and security. For each of these topics, it found that, in more than three-quarters of the broadcasts, the panellists had presented largely convergent opinions, while dissenting views had been marginal, isolated or dismissed. It also observed that the same comments had been repeated from one programme to the next, leading to the over-representation of a single interpretation of current affairs.

Apart from the actual content of the debates, Arcom considered that the way the programmes were presented reinforced this imbalance. Facts were often summarised briefly before giving way to lengthy commentary, regular panellists played a dominant role and presenters frequently steered the debates through editorials or statements of position that then shaped the discussions. According to Arcom, guests expressing dissenting views saw their speaking time limited or their arguments challenged.

The broadcaster, on the other hand, argued that the diversity of contributors and topics covered ensured pluralism and provided several examples of differing viewpoints. Arcom, however, considered these points to be insufficiently substantiated and took the view that they did not call into question the finding of a persistent lack of genuine pluralism on the main news topics.

Finally, Arcom pointed out that the requirement for pluralism did not preclude either the existence of a clear editorial line or the use of discussion programmes. Neither did it mean that every programme, particularly discussion programmes, needed to provide a balanced representation of the various schools of thought and opinion that may exist in public debate on the topics they addressed. However, it did prohibit structural imbalances leading to the over-representation of a single school of thought.

Having noted such a breach for the month of March 2025, Arcom served formal notice on CNews to comply, in future, with the requirements of pluralism arising from the Act of 30 September 1986 and the resolution of 17 July 2024. This formal notice constituted a preliminary measure which, in the event of further breaches, could form the basis for the initiation of disciplinary proceedings.

Décision n° 2026-271 du 12 juin 2026 mettant en demeure la société d'exploitation d'un service d'information

https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000054257304

Decision no. 2026-271 of 12 June 2026 issuing a formal notice to a company operating an information service

[FR] Related rights for newspaper publishers: Competition authority orders Meta to negotiate in good faith with publishers and news agencies

Amélie Blocman
Légipresse

The Act of 24 July 2019, transposing Directive (EU) 2019/790 of 17 April 2019, introduced a related right for publishers and news agencies. In this context, Meta had entered into agreements in 2021 and 2024 with a trade union representing the interests of the general news press (*Alliance de la Presse d'Information Générale* – APIG), and a collective management organisation dedicated to defending the related rights of publishers and press agencies (*Société des Droits Voisins de la Presse* – DVP), covering payment of related rights until the end of 2024 and the end of January 2025. Since new negotiations launched in 2024 had failed, no remuneration had been paid since the start of 2025.

Accusing Meta of seeking to impose its own method of calculating remuneration for the use of their content on its services while refusing to provide them with the information the needed to objectively assess its proposals, the DVP and APIG had referred the matter to the French competition authority.

At this stage of its investigation, the competition authority, in a decision dated 8 July 2026, considered that Meta was likely to hold a dominant position in the personal social networks marketplace, in particular due to the size of Facebook's user base and the scope of the services offered.

It also considered that the practices in question were likely to constitute an abuse of a dominant position (Article L. 420-2 of the Commercial Code and Article 102 of the Treaty on the Functioning of the European Union - TFEU). On the one hand, Meta was alleged to have imposed unfair trading conditions by refusing to discuss alternative methods of valuing related rights and limiting the scope of the negotiations to certain uses of press content. Furthermore, Meta was accused of circumventing the purpose of the law by failing to provide, or providing only belatedly and incompletely, the information necessary for balanced negotiations, thereby exacerbating the information imbalance between the parties.

The competition authority noted that the absence of remuneration since 2025, while press content had continued to be distributed on Meta's services, was likely to cause serious and immediate harm to the press sector by depriving publishers and agencies of resources essential to their business.

As a precautionary measure, it ordered Meta to negotiate in good faith in accordance with transparent, objective and non-discriminatory criteria, to provide the information necessary for the negotiations within 15 days, not to worsen the conditions under which press content was distributed during the negotiations, and to report regularly on compliance with these orders. These measures will remain in force until a decision on the merits of the case is made, subject to any changes in the legislative framework.

With regard to the legislative framework, on 16 June, the Senate passed the bill tabled by MP Erwan Balanant and adopted by the National Assembly last March, which aims to strengthen the effectiveness of related rights for publishers and press agencies.

Noting that press organisations were struggling to obtain remuneration from digital platforms for the reproduction of their content, this bill aims to strengthen the procedure for negotiating related rights between press agencies and publishers on the one hand and online communication services on the other. It replaces a system based primarily on self-declaration with a binding mechanism, obliging platforms to provide publishers and press agencies with "information relating to the use of press publications by their users, as well as all information necessary for assessing remuneration" as provided for in Article L. 218-4 of the Intellectual Property Code. Platforms will have 30 days to provide the information requested by publishers and press agencies. In the event of a breach of this obligation, the French audiovisual regulator (*Autorité de régulation de la communication audiovisuelle et numérique* – Arcom) would be granted supervisory powers and the authority to impose penalties of up to 1% of the platforms' turnover. In the absence of an agreement on the amount of remuneration, the matter may be referred to Arcom, which may then set the remuneration itself, either by accepting one of the parties' proposals or by determining it independently.

The text has been notified to the European Commission ahead of a joint committee meeting to be held next autumn.

Autorité de la concurrence, décisions 26-MC-01 et 26-MC-02 du 08 juillet 2026

https://www.autoritedelaconcurrence.fr/fr/communiques-de-presse/droits-voisins-lautorite-de-la-concurrence-prononce-des-mesures

Competition Authority decisions 26-MC-01 and 26-MC-02 of 8 July 2026

https://www.autoritedelaconcurrence.fr/en/press-release/related-rights-autorite-de-la-concurrence-imposes-interim-measures-and-orders-meta

GREECE

[GR] New law implementing the EMFA on licensing of regional television stations

Alexandros Oikonomou
National Council for Radio and Television

Following the adoption of a law implementing the European Media Freedom Act (EMFA) on public service broadcasting in November 2025 (see IRIS 2026-1:1/15), a new law, enacted by the Greek Parliament on 11 June 2026, contains an additional disposition related to the implementation of the EMFA. This disposition relates to the licensing of regional television stations.

Law 5308/2026 creates, in compliance with Article 6 paragraph 2 of the EMFA Regulation, the National Database for the ownership of all types of media (newspapers, websites, radio and television media of all kinds, whether online or not). This database will register not only identity details but also the amounts received by these media from state advertising or other state resources. The database will be administered by the General Secretariat for Communication and Information.

The main object of Law 5308/2026 is the licensing of regional television stations. In Greece there are 87 regional television stations which have been functioning since 1998 in a temporary “legal operating” status. This status has been contested by the High Administrative Court (IRIS 2011-1:1/34). According to the law, auctioning is no longer the method of licensing and has been replaced by an audit of compliance with certain conditions (minimum number of employees, content and paid-up capital). The evaluation of candidates by means of a points system (“beauty contest”) only takes place if their number exceeds the number of licence positions provided for each area. The law also provides for the payment by licensees of an annual amount in favour of the independent media authority, the National Council for Radio and Television (*Εθνικό Συμβούλιο Ραδιοτηλεόρασης* - ESR): EUR 60 000 (for the areas of Athens and Thessaloniki).

The new law introduces DVB-T2 as a new transmission system; this increases the capacity of each frequency and changes the number of licences available in each region. It stipulates that these licences will be issued for transmission in high definition. However, there is no provision establishing a clear timetable for the new technical transition.

ΝΟΜΟΣ ΥΠ’ ΑΡΙΘΜ. 5308, Αδειοδότηση παρόχων περιεχομένου επίγειας ψηφιακής τηλεοπτικής ευρυεκπομπής ελεύθερης, 11 Ιουνίου 2026

https://search.et.gr/el/fek/?fekId=800191

Law 5308/2026, Licensing of content providers for free-to-air, 11 June 2026

HUNGARY

[HU] Comprehensive structural reform of public service broadcasting with the amendment to the Media Act

Kinga Sorbán
University of Public Service

A comprehensive amendment to the Hungarian media regulatory framework has come into force, introducing significant structural changes to the national media authority, public service broadcasting governance, and media financing mechanisms. Act XXI of 2026, which substantially modifies the Hungarian Media Act (Act CLXXXV of 2010 on Media Services and Mass Communication), as well as Act XXXVI of 2012 on the National Assembly, was enacted at the end of June 2026, with its core institutional and structural provisions taking legal effect on 27 June 2026.

The legislative changes systematically restructure the country's institutional media landscape with the stated objective of modernising public service media and establishing new regulatory safeguards.

The newly adopted legislation enacted the following core operational and structural provisions:

- The termination of current mandates: the mandates of the current members of the Media Council of the National Media and Infocommunications Authority (*Nemzeti Média- és Hírközlési Hatóság* – NMHH), the members of the Board of Trustees of the Public Service Foundation (*Közszolgálati Közalapítvány*), as well as the current executive officers of the public service broadcaster *Duna Médiaszolgáltató* and the Media Service Support and Asset Management Fund (MTVA) are terminated by virtue of the law.

- The institutional restructuring of public service media: the existing institutional structure of public media – comprising *Duna Médiaszolgáltató* as the public broadcaster and MTVA as the content production entity – is dissolved. The framework is split into two distinct, newly established corporate entities: the Hungarian Radio and Television Nonprofit Zrt. (*Magyar Rádió és Televízió Nonprofit Zrt.*) and the Hungarian Telegraph Agency Nonprofit Zrt. (*Magyar Távirati Iroda Nonprofit Zrt.*).

- The introduction of the Public Service Charter: under the new framework, the core qualitative requirements and baseline operational guidelines for public broadcasting are to be elaborated in a new document called the Public Service Charter (*Közszolgálati Charta*). Modeled after international public service governance structures – most notably the operational framework of the BBC – this instrument is designed to provide a comprehensive, legally codified definition of the public service remit and programming standards.

- The formation and membership of the Public Service Council: to operationalise the newly introduced social oversight system, the Act establishes a reconfigured, 18-member Public Service Council (*Közszolgálati Tanács*). This body is formally tasked with drafting and adopting the Public Service Charter, as well as conducting annual compliance and performance reviews of the public service media providers. An annex appended to the Act strictly enumerates the specific national civil, academic, and cultural organisations empowered to delegate representatives to this 18-member council. These designated bodies include the Hungarian Academy of Sciences (*Magyar Tudományos Akadémia* – MTA), the historically recognised churches, the Hungarian Olympic Committee (*Magyar Olimpiai Bizottság* – MOB), and the Hungarian Rectors' Conference (*Magyar Rektori Konferencia*).

- Open-call selection procedures: future executive leaders and board members, specifically for the head and members of the Media Council, the President of the NMHH, and the executive bodies of the public service media corporations, will be selected through public, open-tender competitive selection processes designed to evaluate professional qualifications.

- The establishment of the Independent Public Media Board: a new supervisory body, the Independent Public Media Board (*Független Közmédia Testület*), is established to monitor the institutional independence and financial management of public service media. This body is granted explicit statutory authority to review and approve high-value commercial contracts. The membership of the board is split into distinct nomination quotas: three members are nominated by the governing party and three members by opposition parties for a tenure of four years, while an additional three members are nominated by media professional organisations for a tenure of five years.

- The creation of the Press Fund: a new financial support mechanism, the Press Fund (*Sajtóalap*), is established under the administrative management of the NMHH. The primary statutory task of the Press Fund is to distribute financial support and funding to various independent media outlets.

The legislative text explicitly states that it accepts and incorporates the provisions of Regulation (EU) 2024/1083 of the European Parliament and of the Council (European Media Freedom Act – EMFA) – against which Hungary has initiated an annulment action before the Court of Justice of the European Union (CJEU) – particularly those regarding the independent and impartial operation of public service media and the transparent functioning of national media regulatory authorities.

The structural updates – including the implementation of objective open-call selection procedures for executive roles, the termination of existing tenures, the establishment of the Public Service Charter, and enhanced pluralistic oversight – intersect directly with the mandates set forth in Article 5 of the EMFA. Under Article 5, member states are required to safeguard the functional and economic independence of public service providers and ensure that management appointment and dismissal processes prevent political interference. The alignment of these newly introduced domestic administrative, appointment, and funding structures with the procedural standards and transparency criteria defined by the EMFA remains subject to the ongoing monitoring and assessment frameworks implemented by the European Commission and the European Board for Media Services. Furthermore, the establishment of the Independent Public Media Board to oversee funding and the creation of the NMHH-managed Press Fund to support independent outlets relate to the structural principles set out in Article 4 (safeguards for independent media) and Article 3 of the EMFA.

2026. évi XXI. Törvény a médiaszolgáltatásokról és a tömegkommunikációról szóló 2010. évi CLXXXV. törvény, valamint az Országgyűlésről szóló 2012. évi XXXVI. törvény módosításáról

https://njt.jog.gov.hu/jogszabaly/2026-21-00-00.0#NR

Act XXI of 2026 Amending Act CLXXXV of 2010 on Media Services and Mass Communication and Act XXXVI of 2012 on the National Assembly

[HU] New legislation restricting political advertisements which incite hatred and regulating the placement of commercial advertising

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Newly introduced legal provisions have substantially modified the pre-existing regulatory parameters governing political messaging, municipal aesthetic criteria for commercial advertisements, and specific investment rules in Hungary. Act XX of 2026 on the restriction of political advertisements capable of inciting hatred, ensuring the alignment of economic advertisements with the townscape, and amending certain investment regulations was enacted at the end of June 2026, with its primary provisions coming into force on 27 June 2026. The legislative package overhauls the existing statutory framework across public communication, media administration, and spatial planning domains. It updates central components of Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules on Media Content (Press Act – Smtv.) and Act CLXXXV of 2010 on Media Services and Mass Communication (Media Act – Mttv.).

The newly adopted statutory updates implement the following changes to the pre-existing legal environment:

– A ban on out-of-campaign political ads and infrastructure restrictions: tightening pre-existing rules, the act introduces a strict, explicit prohibition on the dissemination of political advertisements outside the official election campaign periods. Furthermore, the legislation structurally restricts the physical infrastructure available for political messaging by banning the placement of any political advertisements or advertising carriers on public lighting poles. In parallel, the media's administrative liability regarding the evaluation of hate speech is expanded. The legislation implements significant operational adjustments and qualitative limits within the primary texts of domestic media law. It introduces strict prohibitions within the Press Act (Smtv.) against the publication of political advertisements containing elements or expressions deemed capable of inciting hatred against specific groups, national, ethnic, or religious communities, or constitutional values across print and online press products, placing direct administrative responsibility on editors and publishers to exclude non-compliant materials. Concurrently, the Media Act (Mttv.) is amended to enforce a strict statutory ban on the broadcasting of political advertisements on linear and non-linear media services outside the officially designated election campaign periods, alongside expanded liability frameworks regarding the protection of human dignity and the moral development of minors.

– New *ex ante* evaluation and enforcement procedures: the amendment establishes concrete, accelerated administrative and enforcement protocols to implement these updated advertisement boundaries. Under the newly added provisions, media service providers may submit an *ex ante* request to the Media

Council of the National Media and Infocommunications Authority (NMHH) to obtain an official administrative decision within 15 days, determining whether a specific announcement constitutes a prohibited political advertisement, prohibited public interest announcement, or prohibited cause-based/social advertisement. Broadcasters are legally bound by these decisions; if any content is classified as prohibited, its broadcast is banned, and non-compliance subjects the provider to direct liability for the content. Furthermore, a new public enforcement mechanism allows any person to file a formal complaint with the Office of the NMHH regarding unlawful political posters. Upon validation, the office is empowered to order the immediate removal of the non-compliant poster and impose administrative fines of up to fifty times the statutory monthly minimum wage on the individual responsible for its placement or the entity in whose interest the violation was committed. The Media Council's regulatory oversight and formal supervisory authority are explicitly expanded to cover all administrative procedures related to political advertisements, announcements, and political posters.

– The mandatory removal of non-compliant advertising carriers: addressing enforcement, the law introduces a transitional provision via the amendment to Act I of 1988 on Public Road Traffic. Intermediaries, advertisers, and public providers are bound by a strict statutory deadline to completely dismantle and remove all billboards, advertising structures, and displays covered by the new townscape and political content prohibitions by 31 December 2026.

–The urban integration of commercial advertisements: moving away from a patchwork of local ordinances, the Act establishes uniform, binding municipal aesthetic and structural requirements for commercial and economic advertisements. These provisions restructure the rules governing townscape integrity by introducing precise technical limits on the placement, dimensions, density, and general visual impact of billboards, outdoor displays, and commercial advertising installations within public spaces.

2026. évi XX. törvény a gyűlöletkeltésre alkalmas politikai reklámok visszaszorításáról, a gazdasági reklámok településképi illeszkedésének biztosításáról, valamint egyes beruházási szabályok módosításáról

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Act XX of 2026 on the restriction of political advertisements capable of inciting hatred, ensuring the alignment of economic advertisements with the townscape, and amending certain investment regulations

LATVIA

[LV] Amendment to the Electronic Mass Media Law permits renewal of website access restrictions before their expiry

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On 11 June 2026, the Latvian Parliament (*Saeima*) adopted a single-provision amendment to the Electronic Mass Media Law (*Elektronisko plašsaziņas līdzekļu likums*). The amendment was promulgated by President Edgars Rinkēvičs on 19 June 2026, published in the official gazette *Latvijas Vēstnesis* on the same date (OP 2026/117.11), and entered into force on 20 June 2026. It supplements Article 21.8, paragraph 2.1 of the National Electronic Mass Media Council law (*Nacionālā elektronisko plašsaziņas līdzekļu padome* – NEPLP), allowing the media regulator to now adopt repeated decisions restricting access to websites before the term set in the previous decision has expired, indicating the period during which the new decision will be in force, where the website retransmits an audiovisual programme whose jurisdiction state undermines or threatens the territorial integrity, sovereignty or state independence of another state.

Article 21.8 has been part of the Electronic Mass Media Law since 1 January 2017 and governs the Council's follow-up powers where audiovisual programmes continue to be retransmitted without a valid retransmission authorisation. Under paragraph 2, where the Council cannot otherwise secure cessation, it may adopt a decision in the form of a general administrative act restricting access to websites available in Latvia on which audiovisual programmes are retransmitted without authorisation, for a period of up to 24 months; while such a decision is in force, the website's owner or representative may apply to the Council for a retransmission authorisation under the ordinary procedure. Paragraph 2.1, in its previous wording, addressed only the situation after such a restriction had run its course: where the term had expired, no application had been received, no authorisation issued and no extension agreed, the Council could verify that unauthorised retransmission continued and adopt a repeated restriction decision for up to a further 24 months, without re-running the preliminary procedure under Article 21.7. A separate paragraph allows the Council to restrict access to substantially identical mirror websites that replace previously restricted ones, and the Council maintains a public list of restricted websites on its own site.

The June 2026 amendment adds a second sentence to paragraph 2.1 and alters the timing of the renewal power for one category of cases. Under the previous wording, a repeated decision presupposed that the term of the earlier restriction had ended, so continuity of blocking depended on the Council acting anew once the prior decision lapsed. The new sentence permits the Council to adopt the repeated access-restriction decision before the expiry of the term set in the previous decision, on one defined ground: the website must be retransmitting an audiovisual programme whose jurisdiction state undermines or threatens the territorial integrity, sovereignty or state independence of another state. A decision adopted on this ground must indicate the period during which it will be in force. For restrictions falling within this category, the amendment removes the interval that could otherwise arise between the expiry of one decision and the adoption of the next.

The amendment leaves the remainder of the access-restriction regime unchanged, including the 24-month term of an initial restriction under paragraph 2 and the renewal mechanism after expiry under the first sentence of paragraph 2.1. The renewal power introduced by the amendment has applied since 20 June 2026, and the Council's register of restricted websites remains published on its website.

Law of 11 June 2026 “Amendment to the Electronic Mass Media Law”, published in the official gazette Latvijas Vēstnesis, June 19, 2026, No. 117, OP 2026/117.11.

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