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EDITORIAL

Nowadays, young people, including children, are rarely ever really alone. Even when they are, the whole world (friends, entertainment but also its more unsavory aspects) is never far away. Social media has become a constant companion, which not only impacts online interactions but also real-life ones, creating a particularly vulnerable area for those who do not yet have the skills to address it. In this context, the European Commission has just published the EU KIDS Act, which proposes a gradual approach to protecting children based on their age and shifts responsibility towards platforms to prove that they are safe by design.

This initiative comes at a time when several countries have already started discussing measures such as social media “bans” or “delays”. While a handful of countries are still in preparatory phases, the French Constitutional Council recently ruled that the ban on social media for under 15s, considered too general, was unconstitutional. In Germany, the expert commission appointed by the Federal Ministry of Education, Family Affairs, Senior Citizens, Women and Youth recently published its recommendations for action on the protection of children and young people in the digital world, ranging from media literacy to measure to be taken by platforms.

Platforms, which are already the center of attention, will continue to be. While the European Commission sent TikTok preliminary findings this summer indicating that the TikTok accounts of minors did not meet the safety standards required under the Digital Services Act, Meta recently reached an agreement with a coalition of US attorneys general aimed at settling legal proceedings in which it was accused, amongst other things, of designing Facebook and Instagram in such a way as to encourage compulsive use by children and teenagers.

The EU KIDS Act is also aimed at video-sharing platforms, online games as well as AI chatbots and AI companions. PEGI, the Pan-European system for the age classification of video games, has recently expanded age rating criteria to include interactive risk categories and a focus on the functionality of the game, including purchases of in-game content, paid random items, communication features, and mechanisms that incentivise players to return to the game.

There is a lot at stake in this fight to protect our children online, so be sure to keep up to date with our upcoming Newsletter issues and reports to stay informed.

Enjoy the read!

Maja Cappello, Editor

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INTERNATIONAL

PEGI expands age rating criteria with interactive risk categories

Dirk Bosmans
PEGI

On 1 June 2026, PEGI (*Pan-European Game Information*), the Pan-European system for the age classification of video games, added several new categories to its classification criteria: newly submitted games are now classified based not only on content but also on functionality, including purchases of in-game content, paid random items, communication features, and mechanisms that incentivise players to return to the game. Games to which these additional criteria apply may receive a higher PEGI age rating as a result. It is a substantive change for the PEGI age rating system and part of the efforts to address the concerns and questions of today's parents.

To develop these criteria, PEGI worked with its internal committees of experts, and also cooperated closely with the German age-rating authority (*Unterhaltungssoftware Selbstkontrolle* - USK), which implemented similar changes in 2023 following an update of the German Youth Protection Act. These were immediately impactful: approximately 30% of all games submitted to USK meet at least one of the new criteria. Around one in three of those games get a higher age rating as a result.

PEGI already informs parents about the presence of some of these features in video games, such as in-game purchases and paid random items, but from now they will be tied to specific age categories:

- **Purchases of in-game content:** games with time-limited offers are classified as PEGI 12, games with NFTs or blockchain-related mechanisms are PEGI 18.

- **Paid random item**s: the base rating is PEGI 16 if the game contains paid random items (like loot boxes or card packs).

- **Play-by-appointment:** mechanisms that reward returning to the game (e.g. daily quests) receive a PEGI 7. If these mechanisms punish players for not returning (e.g. by losing content or reducing progress), they become PEGI 12.

- **Safe online gameplay:** if a game has an online gameplay environment, the publisher must submit documentation to the PEGI Admins: 1) a privacy policy; 2) community standards that explicitly ban illegal/harmful content and behaviour; 3) reporting mechanisms to have such content removed.

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Should a game contain communication features without any restrictions (disabling, muting), it will receive a PEGI 18.

The games that have been submitted for examination in recent months are now slowly appearing on the market, which means that the first changes are starting to become visible. From October onwards, PEGI will also retroactively update a specific selection of video games that have been on the market for some time. Re-examining a database that contains hundreds of thousands of games is practically infeasible, but on the basis of information that is already available to the PEGI administrators, a number of online games can expect to see a rating change in the following weeks.

PEGI and its administrators have been working with a broad group of stakeholders and experts to define the boundaries of these new criteria. Central to this determination process was the goal to help parents make informed decisions by providing clear warnings, but the existence of other protective measures like parental tools were also considered. Parental tools are available on all video game platforms that make use of PEGI ratings, and they allow parents to limit or block features like online interaction, in-game spending, and the amount of playtime.

The video games market will continue to evolve, which means that PEGI will need to continue to keep a finger on the pulse to ensure that the information it provides to parents and players remains relevant. Another reason to stay ahead of the curve is that the regulatory landscape for video games in the European Union will see significant changes. The extent to which the recently announced EU Kids Act, but also the Digital Services Act and the Digital Fairness Act will shape how games are developed, marketed, and played, will also impact how they are classified.

The PEGI organisation

https://pegi.info/page/pegi-organisation

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COUNCIL OF EUROPE

European Court of Human Rights: *De Carvalho Marques and Others v. Portugal*

Emma de Vries
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Introduction

Referees are crucial in sport as they help to protect its integrity and fairness. Referees' work can legitimately be criticised, but there may be situations in which "criticism" crosses over into plain insult or conspiracy theories, in which case disciplinary action may be taken to protect the good name and reputation of both people and clubs. In *De Carvalho Marques and Others v. Portugal*, the European Court of Human Rights (ECtHR) grapples with the question of when such disciplinary action is in conformity with the freedom of expression.

The judgment joins six cases, filed by three different applicants. All three applicants were involved with F.C. Porto, two individuals and one company. The majority of shares in the applicant company are owned by F.C. Porto. Among other things, the company publishes *Dragões Diário*, a (widely read and cited) newsletter containing the latest news about F.C. Porto. The two individual applicants held positions within the applicant company, acting as its communications director (first applicant, Mr. De Carvalho Marques) and the president of its board of directors (second applicant, Mr. Pinto da Costa).

All of the six joint cases concern the expression of opinions on the position and alleged partiality of referees in Portugal’s primary national football league, in particular in connection to football club Benfica. The first and second applicant were fined and suspended from their duties on the basis of the applicable disciplinary regulations in the sector. The applicant company was also fined, for “offending the honour and reputation of sporting bodies and their members” (paragraph 24).

The crux of the case: balancing Article 8 and Article 10 European Convention on Human Rights (ECHR)

The disciplinary bodies that undertook action against the applicants alleged that the applicants did not provide a sufficient factual basis for their statements, even if construed as value judgements, while the effects of the impugned statements were damaging to the reputation and rights of the referees and bodies with whom the statements were concerned. The reputation and rights of the referees and sporting bodies concerned are protected by Article 8 ECHR, while the statements

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of the applicants are protected by Article 10 ECHR. The fines imposed and the suspensions of the first and second applicant qualify as interferences with the freedom of expression. The Court thus had to assess whether a sufficient balance had been struck between the rights enshrined in Articles 8 and 10 ECHR. The Court mainly dealt with the question of necessity (in a democratic society).

When balancing Articles 8 and 10 against one another, the Court makes use of a list of criteria that was famously laid out in its *Axel Springer* judgment (see also *Bédat v. Switzerland*). The Court focused on three criteria in particular in the present case (it did not check for all criteria included in *Axel Springer*): 1) whether the applicants' statements contributed to a debate of public interest, 2) the notoriety of the persons concerned, and 3) the content, form and consequences of the expression. Not in question was whether the statements were of public concern – they were.

The applicants argued that referees and sporting bodies are "public figures", and should therefore bear a higher degree of scrutiny of their actions. The Court agreed and held that when referees are acting in their professional capacity, given their central role in, in this case, high-ranking football competitions, "they may be subject to wider limits of acceptable criticism than ordinary citizens" (paragraph 118). Crucially, the statements made by the applicants concerned the performance of the referees concerned, and their professional role. For example, the applicant company had stated that: "… he turned a blind eye to two throws in the Benfica area, one of which was a clear foot stomp … There can be no doubt that B.P. seems to have an issue with impartiality …" (Application No. 47902/20).

Regarding the content, form and consequences of the statements made by the applicants, the Court took note of the distinction made by the national disciplinary bodies between fair criticism of referees' performance, and "instilling in the community, through conspiracy theories, the general idea of bias" (paragraph 124). It was alleged that the first two applicants had done the latter. The first applicant, for example, stated in football newspaper *A Bola* that:

"*What we do say is that there has been an abnormal number of mistakes to the detriment of F.C. Porto … And there should be no doubt about there being a backdrop to this, a [puppet master] which goes by the name Benfica"* (Application No. 29978/19).

The Court agreed with the parties that the impugned statements should be seen as value judgements, in part given their hyperbolic and speculative language. The factual basis remains crucial, however. The additional question the Court answered, therefore, was whether the statements were sufficiently serious (in light of their consequences) to require a factual basis, and whether that basis was provided. If a sufficient factual basis is provided, the balancing scale may tip towards Article 10. The Court distinguished between the statements of the first two applicants, and the applicant company.

The Court's conclusion

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The allegations made by the first and second applicant were very serious indeed, given that they implied criminal offences had been committed, and were specific to the people and entities concerned. The Court did not accept that the applicants provided a sufficient factual backing for their statements. Both applicants were instead held to have engaged in spreading conspiracy theories, and did not remain within the limits of acceptable criticism. The sanctions imposed can therefore not be considered disproportionate, even more so considering that the applicants had voluntarily subjected themselves to the disciplinary regulations on the basis of which they were sanctioned. The Court ruled that there had been no violation of Article 10 ECHR with respect to the first and second applicant.

The applicant company, however, only “raised the issue of the lack of impartiality” and did not step outside the bounds of acceptable criticism (paragraphs128-131). The sanctions imposed upon the applicant company were disproportionate and could not be taken as "necessary in a democratic society". The Court thus found a violation of the rights enshrined in Article 10 ECHR in the case concerning the applicant company (Application No. 47902/20).

ECtHR, 7 July 2026, Application Nos. 29703/19 and five others, De Carvalho Marques and Others v. Portugal

https://hudoc.echr.coe.int/?i=001-251022

ECtHR, Axel Springer AG v. Germany, Application No. 39954/08, 7 February 2012

https://hudoc.echr.coe.int/eng?i=001-109034

ECtHR, Bédat v. Switzerland, Application No. 56925/08, 29 March 2016

https://hudoc.echr.coe.int/eng?i=001-161898

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European Court of Human Rights: *Kunstelj v. Slovenia*

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In *Kunstelj v. Slovenia*, a unanimous judgment of 7 July 2026, the European Court of Human Rights (Third Section) found that an unconditional prison sentence imposed by the Slovenian national courts for a series of extremely vulgar and offensive blogposts targeting two journalists who were not public figures, while a measure of last resort was not a disproportionate sanction, given the severe nature of the impugned content. The Court held that the applicant's right to freedom of expression under Article 10 of the European Convention on Human Rights had not been violated. In reaching this conclusion, it also took the previous behaviour of the applicant into consideration.

The origin of the case can be traced to 2010, when the applicant – for unknown reasons – started writing on his personal blog about two journalists in extremely vulgar and offensive ways. He persisted in publishing such blogposts, which caused great distress to the two journalists, who consequently initiated civil proceedings against him. Despite several interim injunctions forbidding the applicant from publishing such content, and two fines of EUR 10 000 (which he refused to pay), the applicant persisted. In one blogpost, he threatened one of the journalists and his lawyer with physical violence. The two journalists took private criminal action against the applicant for the criminal offences of libel and slander. Pursuant to a court order, various posts were removed from the applicant's personal blog on Wordpress, but he subsequently republished them on a new personal blog using the Google Blogger web service.

The Ljubljana District Court found the applicant guilty of libel and slander and sentenced him to six months' imprisonment, holding that this was the only appropriate sentence, given the applicant's prolonged and serious insults, his refusal to pay previous fines, his re-uploading of the deleted posts, his lack of remorse and other previous convictions.

The Ljubljana Higher Court dismissed the applicant's appeal against the first-instance judgment, holding that the applicant was not a journalist, that he had committed a criminal offence via mass media (noting that his blog had 35 000 followers), and that the journalists he targeted were not public figures. It underscored the gravity of the criminal offences committed online, the unprecedented quantity and severity of the content in Slovenian court cases to date, and the unprovoked nature of the writings. The Ljubljana Higher Court gave these – and other – reasons to explain why the unconditional prison sentence had been imposed as a measure of last resort.

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A further appeal by the applicant to the Supreme Court and a complaint to the Constitutional Court were dismissed. In its judgment, the Supreme Court paid particular attention to the reasons why the unconditional prison sentence – an *ultima ratio* measure – was not disproportionate to the grave offences in question. Having exhausted domestic remedies, the applicant lodged an application at the European Court of Human Rights (the Court).

At the beginning of its assessment of the case, the Court noted that the vulgar and highly insulting statements by the applicant did not contribute to public debate, prompting the question whether the applicant's intention was to impart information and ideas at all or solely to insult the journalists. The Court then recalled its general principles for balancing the necessity of an interference with the exercise of the right to freedom of expression with the protection of the reputation or rights of others, and in particular the fair balance to be struck by the national authorities when two values protected by the Convention may come into conflict with each other. It also recalled that an attack on a person's reputation must meet a certain level of seriousness in order for Article 8, which protects the right to respect for private life, to enter into play.

When balancing the rights protected under Articles 10 and 8 of the Convention, the Court's criteria include:

"*(a) contribution to a debate of public interest,*

(b) how well known the person concerned is,

(c) the subject of the publication,

(d) the prior conduct of the person concerned, and

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

In addition, when the Court examines an application lodged under Article 10, it will also examine

(f) the way in which the information was obtained and its veracity, and

(g) the severity of the penalty imposed."

When the national authorities have weighed up the interests at stake in compliance with these criteria, weighty reasons are required if the Court is to substitute its view for that of the domestic courts.

The Court considered that the applicant's blogposts contained "serious insulting language" portraying the two journalists "extremely negatively and causing them distress" and as such, the impugned posts "undoubtedly attained" the level of seriousness required to bring Article 8 into play. The Court agreed with the Slovenian courts' assessment of the applicant's statements and underscored the reasoning set out above. The Court addressed the nature and severity of the penalty imposed in some detail. It considered that in the specific circumstances of the case at hand, "the imposition of an unconditional prison sentence on the

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applicant as an exceptional measure in the freedom-of-expression context cannot be regarded as excessive or disproportionate to the legitimate aim pursued", namely the protection of the two journalists' reputation. The Court was satisfied with the relevance and sufficiency of the reasons provided by the domestic courts in support of their decisions; it found that the domestic courts had properly balanced the competing interests at stake within their margin of appreciation. It accordingly ruled, unanimously, that the applicant's right to freedom of expression under Article 10 had not been violated.

European Court of Human Rights, Kunstelj v. Slovenia, No. 5257/22, 7 July 2026

https://hudoc.echr.coe.int/?i=001-251025

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EUROPEAN UNION

CJEU: an unpaid, donation-funded website operator falls within the ban on broadcasting Russian state-controlled media

Sergei Bondarev
Independent expert

On 2 July 2026 the Court of Justice of the European Union (Fourth Chamber) delivered its judgment in Case C-67/25, ruling that a natural person who makes content from a listed Russian broadcaster available on a freely accessible website is an "operator" caught by the Union broadcasting ban, even where the website carries no advertising and is financed only by voluntary donations. The ruling was given on a reference for a preliminary ruling from the Saarbrüken Regional Court (*Landgericht Saarbrücken)*.

The reference arose in German criminal proceedings against three individuals accused of making programmes of RT DE (RT Germany) available to the public through a website they operated. RT DE is among the entities listed in Annex XV to Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine. Article 2f(1) of that regulation, inserted by means of Regulation (EU) 2022/350, prohibits operators from broadcasting or enabling, facilitating or otherwise contributing to the broadcast of any content emanating from the listed outlets. The referring court was uncertain whether that prohibition also applied to a natural person whose site was open to all, charged nothing, sold no advertising and received only voluntary gifts from third parties.

The Court confirmed that it did. It held that Article 2f(1) must be interpreted as meaning that a natural person who broadcasts content originating from an entity listed in Annex XV, by operating a website, comes within the concept of "operator", irrespective of whether that person derives commercial revenue from the activity. In the field of communications and digital media, the Court reasoned, an operator is any natural or legal person responsible, directly or indirectly, for making content available to the public. It observed that the legislature had used the term "operator" and not "economic operator": had it intended to confine the prohibition to commercial or economic actors, it could have said so. The Court situated the provision within the objective of the restrictive measures, namely to protect public order and the security of the Union against the systematic propaganda and disinformation disseminated by media outlets under the control of the Russian leadership, and found that this objective would be undermined if freely accessible, donation-funded redistribution fell outside the ban.

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In reaching that conclusion the Court addressed the Commission's Consolidated FAQs on the implementation of Regulation No. 833/2014 and Regulation No. 269/2014, which confine the concept to a person exercising a commercial or professional activity. Those FAQs, it held, are a working document of the Commission's services, not legally binding and intended only as guidance; they introduce a requirement not apparent from the wording of Article 2f(1) and tend unduly to restrict the scope *ratione personae* of that provision, and so cannot alter the scope of the restrictive measures or be decisive for its interpretation (paragraphs 42 to 45).

The judgment is a preliminary ruling binding on the referring court, which must now decide the criminal proceedings before it in accordance with the interpretation given.

Judgment of the Court of Justice of the European Union (Fourth Chamber) of 2 July 2026, Case C-67/25, Staatsanwaltschaft Saarbrücken v. R and Others, ECLI:EU:C:2026:534

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62025CJ0067

Council Regulation (EU) No. 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, consolidated version (Article 2f)

https://eur-lex.europa.eu/eli/reg/2014/833/2026-04-24/eng

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New Guidelines from the European Commission clarify transparency obligations under Article 50 of the AI Act

Justine Radel-Cormann
European Audiovisual Observatory

The Guidelines on the implementation of the transparency obligations for certain AI systems under Article 50 of the Artificial Intelligence Act (AI Act), available since 20 July 2026, provide further detail of each paragraph of Article 50. The Guidelines are non-binding and serve as practical guidance to assist interested parties in ensuring compliance with the transparency obligations under Article 50. Overall, the Guidelines explain the types of content covered, the actors concerned and the technical characteristics required for markings and detection mechanisms to support transparency.

Article 50(2) applies to providers of AI systems, including providers of general-purpose AI systems. Providers must ensure that output generated or manipulated by their AI systems is detectable as artificially generated or manipulated. The information must be provided to natural persons likely to be exposed to the content in a clear and distinguishable manner, no later than at the time of their first interaction with or exposure to it.

The Guidelines also identify actors for whom this information is important, including competent authorities, independent researchers, civil society organisations, media, trusted flaggers and fundamental rights defenders. The Guidelines detail the content falling within this obligation, for example, 3D images, 3D videos or digital twins providing a virtual replica of a person, physical object or system, unless they fall within the applicable exceptions, including where they qualify as industrial or business-to-business applications.

The required marking must be provided in a machine-readable format. This means that it must be structured so that software applications can identify, recognise and extract it without human intervention. The Guidelines also explain that detection mechanisms should identify whether content has been generated or manipulated by AI, typically through technical markers or signatures verifying its origin.

Finally, providers should promote interoperability and rely on publicly available industry-standard detection solutions. The Guidelines further address the effectiveness, interoperability, robustness and reliability of these technical solutions.

Article 50(4) concerns deployers. Where deployers generate or manipulate content and the result constitutes a deepfake, they must disclose that the content has been artificially generated or manipulated. The Guidelines detail the four cumulative criteria necessary for a deep fake: the (i) resemblance of (ii) existing (iii) persons, objects, places, entities or events that (iv) would falsely appear to a

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person to be authentic or truthful.

Guidelines on the implementation of the transparency obligations for certain AI systems under Article 50 of the AI Act

https://ec.europa.eu/newsroom/dae/redirection/document/131215

Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence

https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng

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The Court of Justice of the European Union clarifies the conditions under which a text published on a social media platform is protected

Paola Bellissens
European Audiovisual Observatory

The case began on 8 September 2021, when a Romanian teacher posted a message on Facebook entitled "A short guide for parents as the new school year begins". In this post, she informed parents that she did not wish to receive any gifts from them. A few days later, the teacher discovered that her text had been reproduced, without her permission, by a journalist in an article entitled "A teacher’s unpublished message to parents of pupils who had intended to give her gifts at the start of the school year".

The teacher then brought an action against this press article, claiming an infringement of her copyright. She also sought compensation for the financial and non-pecuniary damage she believed she had suffered as a result of this use.

The teacher’s case was dismissed on two occasions. She then lodged an appeal with the Romanian High Court of Cassation and Justice. The latter decided to refer the matter to the Court of Justice of the European Union (CJEU) for a preliminary ruling in order to determine, firstly, whether a text published on a social media platform and expressing an opinion may constitute a "work" within the meaning of Article 2(a) of Directive 2001/29 and, secondly, to what extent the exception relating to the use of works in the context of reporting on current events, provided for in Article 5(3)(c), may apply.

The CJEU points out that the classification as a "work" constitutes an autonomous concept under EU law. To be classified as a work, the subject matter must, in particular, constitute an intellectual creation specific to its author and be expressed in a sufficiently precise and objective manner. The Court specifies that a text published on a social media platform expressing an opinion may constitute a "work". It must, however, be an intellectual creation specific to its author and reflect the author’s personality.

Furthermore, the Court considers that information relating to the functioning of the education system may be of interest to the public. The reproduction of the text may therefore fall within the exception allowing the public to be informed about current events. It is then for the national court to determine whether the conditions are indeed met.

Finally, the CJEU specifies that member states may limit this exception to the reproduction of short extracts. Such a limitation must be necessary and proportionate to the information objective pursued. However, member states may not refuse to apply the exception solely on the ground that the reproduction confers an economic or commercial advantage, whether direct or indirect.

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Cour de Justice de l'Union Européenne, C-598/24, 3 septembre 2026

https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX%3A62024CJ0598

Court of Justice of the European Union, C-598/24, 3 September 2026

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62024CJ0598

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TikTok preliminarily found in breach of the DSA

Eric Munch
European Audiovisual Observatory

On 24 July 2026, the European Commission sent TikTok preliminary findings indicating that the TikTok accounts of minors did not meet the safety standards required under the Digital Services Act (DSA).

The determining factor was the fact that minors can choose to set their account to "public", allowing any user, including those without a TikTok account to view their content. Under this setting, the content published by minors aged 16 and 17 can also be recommended to other users, leading to risks of unwanted contact, and risks of having the minors' content be used for cyberbullying. The Commission also pointed to the fact that the content published by minors may stay online forever and follow them into adulthood, with potentially life-long consequences.

Additionally, the Commission found that even when minors choose to set their accounts as private, they can easily be found through the "following" and "followers" lists of other users, with their profile photos remaining visible to anyone, including users without a TikTok account, leaving them vulnerable to unwanted contact, cyberbullying or predatory behaviour.

Because of the above, the Commission considers that TikTok does not provide a high level of privacy, safety and security for minors on its service, failing to meet the standard set by the DSA.

The Commission considers that TikTok, in line with the Guidelines on the protection of minors published on 14 July 2025, should adjust the default setting of minors' public accounts in order for their content to be visible only to TikTok users accepted by the minors as followers. In the case of older minors (16 and 17 year-olds), while they may have the option to share their content with a broader audience, they should under no circumstances be accessible to a global audience outside the platform. Finally, the Commission indicated that TikTok should refrain from recommending minors' content to other TikTok users through the *For You Feed*.

TikTok now has the possibility to examine the documents in the Commission's investigation files and to reply to the Commission's preliminary findings. If the Commission's views are confirmed, it may issue a non-compliance decision, which may result in a fine.

Commission preliminary finds TikTok in breach of Digital Services Act for failing to ensure safe accounts for minor

https://ec.europa.eu/commission/presscorner/detail/en/ip_26_1679

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Commission publishes guidelines on the protection of minors

https://digital-strategy.ec.europa.eu/en/library/commission-publishes-guidelines-protection-minors

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NATIONAL

AUSTRIA

[AT] ORF Director-general's private chats between privacy protection and the public Interest

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The resignation of Roland Weißmann, the former director-general of Austria's public service broadcaster (*Österreichischen Rundfunks* - ORF), has developed into a noteworthy media law case concerning the boundaries between privacy and investigative journalism. Weißmann resigned as director-general of the ORF on 8 March 2026 after an employee raised allegations of inappropriate conduct and sexual harassment. Weißmann denied the allegations. A subsequent investigation by the ORF's Compliance Office and external compliance experts concluded in April that the conduct examined did not meet the legal definition of sexual harassment under section 6(2) of the Austrian Equal Treatment Act (*Gleichbehandlungsgesetz* – GlBG), while the ORF nevertheless considered compliance and ethical standards to have been violated. The ORF subsequently announced that it would also terminate Weißmann's employment.

A further and, in this context, particularly interesting legal dimension arose from the reporting by the Viennese weekly *Falter*. The newspaper published excerpts from private chat messages between Weißmann and the employee. *Falter* justified the publication on the grounds of the public interest in how the director-general of a public service broadcaster had exercised his professional position of power. The weekly deliberately published only selected passages from the communication; according to its legal representative, Maria Windhager, private passages for which there was no corresponding public interest were not published. Weißmann, by contrast, considered the publication of his private communications to constitute a violation of his personality and privacy rights and initiated several legal proceedings.

In May 2026, Weißmann initially obtained limited relief from the Vienna Commercial Court in proceedings for an interim injunction. He challenged 18 statements and publications by *Falter*, of which the court prohibited the further dissemination of only three. The remaining 15 contested items could therefore continue to be published.

In its assessment, the court referred to the protection of personality rights and private life under sections 16 and 20 of the Austrian Civil Code (*Allgemeines Bürgerliches Gesetzbuch* – ABGB), section 1 of the Austrian Data Protection Act (*Datenschutzgesetz* – DSG), and Article 8 of the European Convention on Human

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Rights (ECHR). It also considered section 77 of the Austrian Copyright Act (*Urheberrechtsgesetz* – UrhG), which restricts the publication of letters, diaries and similar confidential records where this would infringe the legitimate interests of their author; the court expressly noted that emails and chat records fall within the scope of this provision. In this context, it also referred to section 7(1) of the Austrian Media Act (*Mediengesetz* – MedienG), concerning media-related infringements of a person's strictly private sphere where the publication is capable of exposing that person to public scrutiny. These interests had to be weighed against freedom of expression and the constitutionally protected role of the press as a "public watchdog" under Article 10 ECHR. In assessing the public interest in the reporting, the court also took into account the ORF's public funding and its statutory mandate as a public service broadcaster, referring in particular to sections 3 and 4 of the ORF Act (*ORF-Gesetz* – ORF-G). While Weißmann's private conduct was in principle to be distinguished from his professional function, the court considered that these characteristics of the ORF gave rise to a public interest where the reporting concerned the assessment of his conduct in a professional context. In assessing the individual publications, the court considered, *inter alia*, their contribution to a debate of general interest, the role or function of the person concerned, the subject matter of the reporting, the person's prior conduct, the content and form of the publication, the manner in which the information was obtained and its veracity. The assessment also took account of the degree of confidentiality of the communication and the sphere of life to which the statements concerned belonged.

On appeal, the Vienna Higher Regional Court went further. At the end of July, it dismissed Weißmann's application for interim relief in its entirety. A central issue was the extent to which Weißmann could rely on the protection of his private life after he had himself publicly discussed his relationship with the employee, including in interviews and public statements. The court held that Weißmann's own public disclosures were relevant to the assessment of the scope of privacy protection afforded to him.

This reasoning also played a central role in parallel proceedings under the Austrian Media Act. On 27 August 2026, the Vienna Regional Criminal Court dismissed Weißmann's claim against *Falter* at first instance. Referring to the case law of the Austrian Supreme Court (*Oberster Gerichtshof* – OGH), the court held that, by making public statements about his relationship with the employee, Weißmann had left the sphere of protection afforded to his strictly private life under section 7 MedienG. In its reasoning, the court also referred to the earlier decision of the Vienna Higher Regional Court in the interim proceedings. The decision was not yet final at the time of reporting.

The significance of the case extends beyond the individual dispute. It raises a well-established balancing question between the protection of private life and freedom of expression, reflected in Articles 8 and 10 ECHR, that has acquired particular relevance in the digital communication environment: to what extent is the private communication of persons holding positions of public power protected where that communication is relevant to the assessment of their professional

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conduct? And under what circumstances does the public interest in receiving information outweigh the protection of personality rights and private life?

For investigative journalism, the courts' consideration of a person's prior public statements about matters concerning their private life may be particularly significant. The case also highlights the importance of limiting the disclosure of private communications to material that serves a public interest: rather than making the private correspondence as such publicly available, *Falter* selected those passages it considered relevant to informing the public about a matter of public interest. The case thus illustrates that the permissibility of publishing private communications does not depend solely on whether the communications were originally confidential. The decisions to date indicate that the assessment may take account of the context of the publication, the public interest at stake, the position held by the person concerned, that person's own public statements, and the relevance of the specific passages to the matter being reported. Further developments in the proceedings will therefore remain relevant from the perspective of both media law and freedom of the press.

Allgemeines Bürgerliches Gesetzbuch - ABGB

https://www.jusline.at/gesetz/abgb

Austrian Civil Code

Datenschutzgesetz -DSG

https://www.jusline.at/gesetz/dsgvo/gesamt

Austrian Data Protection Act

Gleichbehandlungsgesetz - GlBG

https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003395

Austrian Equal Treatment Act

Mediengesetz - MedienG

https://www.ris.bka.gv.at/geltendefassung.wxe?abfrage=bundesnormen&gesetzesnummer=10000719

Austrian Media Act

Urheberrechtsgesetz - UrhG

https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001848

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Austrian Copyright Act

Tóth, B. , Die Weißmann-Chats: „In meiner Welt haben wir Sex, wenn ich Sex will“, Falter, 2026, April 20 .

https://www.falter.at/zeitung/20260420/in-meiner-welt-haben-wir-sex-wenn-ich-sex-will

Tóth, B. , The Weißmann Chats: “In my world, we have sex when I want to have sex”, Falter, 20 April 2026.

European Convention on Human Rights

https://www.echr.coe.int/european-convention-on-human-rights

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BULGARIA

[BG] Social media profiles of media outlets brought explicitly within the Election Code's campaign restrictions

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On 7 August 2026, the Act amending and supplementing the Election Code – the Act (*Закон за изменение и допълнение на Изборния кодекс*) was promulgated in the State Gazette (*Държавен вестник*) and has already come into force – just in time for the upcoming presidential elections in October.

The change of greatest significance for the media sector (and the local political process and election campaigns) amends the definition of “media service” in paragraph1, point 15 of the additional provisions of the Election Code (*Изборен кодекс*). Media services are still considered to be the print media and any media disseminated over electronic communications networks, namely the public and commercial electronic media and online news services.

The newly added wording draws a distinction that did not previously exist. Social networks and personal blogs are still not media services; the amendment, however, now expressly carves out the social media profiles of those print and electronic media and makes them subject to the prohibitions under Article 182, paragraph 4 and Article 205, paragraph 5 of the Election Code. As a result, the ban on election canvassing during the 24-hour period of silence and the ban on publishing election-related poll results before the official end of election day now also apply to those profiles, whereas personal blogs and individual accounts remain outside their scope.

The stated aim is to close the loophole by which the official profiles of established outlets could carry content (and potentially affect the election process) that those outlets could not lawfully publish otherwise. Whether that aim is achieved is, however, far from clear. The practical effect will turn on enforcement, and in particular on whether the regulator can consistently distinguish a media profile from a private account and how the regulator will approach this (as the amendment itself does not distinguish between them).

Закон за изменение и допълнение на Изборния кодекс

https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=245132

Act amending and supplementing the Election Code

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GERMANY

[DE] Berlin Administrative Court confirms lawfulness of media authority's ban on *Russia Today*

Christina Meese
Institute of European Media Law

In a ruling of 30 June 2026, the Berlin Administrative Court (*Verwaltungsgericht Berlin* – VG) dismissed the claim brought by RT DE Productions GmbH challenging the German media regulator's 2022 objection to and prohibition of the *RT DE* television channel. The court rejected the main argument put forward by the Berlin-based broadcaster that it was not the provider itself but that its parent company, TV Novosti, based in Russia, was the provider. Consequently, the ban on *RT DE* which, it is undisputed, did not hold a licence in Germany was also deemed lawful.

RT DE is the German-language channel of the Russian state broadcaster RT (at that time still known as *Russia Today*) and is therefore one of the broadcasters subject to EU-wide sanctions. Transmission of its content has been banned since 2022 to prevent the spread of propaganda and disinformation regarding the Russian invasion of Ukraine. However, the ban on *RT DE* in Germany was based not on the EU-wide sanctions imposed by the European Council, but on German media law. *RT DE* had already commenced operations in Germany in 2014 – initially on a small scale and predominantly online via video-sharing platforms – and had eventually taken to the airwaves as a full-service channel via satellite and various online distribution channels at the end of 2021. However, no broadcasting licence was ever applied for in Germany and TV Novosti merely attempted, unsuccessfully, to obtain a corresponding licence in Luxembourg. Under Section 52 of the Inter-State Media Treaty (*Medienstaatsvertrag* – MStV), however, such a licence is mandatory for the provision of broadcasting services. In the case of *RT DE*, the granting of a licence would have been highly unlikely, as such licences may not be awarded to states (including foreign ones) or their affiliated undertakings. The Berlin-Brandenburg Media Authority (*Medienanstalt Berlin-Brandenburg* - mabb) had therefore initiated court proceedings (see IRIS 2022-2:1/19). In February 2022, the broadcaster was prohibited from broadcasting in Germany by the Commission for Licensing and Supervision (*Kommission für Zulassung und Aufsicht* – ZAK), acting on behalf of the 14 German state media authorities (see IRIS 2022-3:1/23). The decision was addressed to RT DE Productions GmbH, based in Berlin, which had been identified by the ZAK as the entity responsible for content. RT DE Productions GmbH had contested this, arguing primarily that it was merely a producer and supplier of individual programmes, whereas TV Novosti was the broadcaster.

The Berlin Administrative Court did not accept this argument and dismissed the claim. It found that the mabb and the ZAK had rightly regarded the claimant as the broadcaster of the *RT DE* channel, which is subject to a licensing requirement.

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Before launching the channel, the claimant had repeatedly presented itself as a broadcaster in public statements. It had also stated that it bore ultimate editorial responsibility for the broadcast content in Germany – and not in Russia. In the court's view, this was also supported by job advertisements in which RT DE Productions GmbH described itself as a TV broadcaster and sought staff required for such a broadcaster. The Berlin Administrative Court rejected RT DE's objection that these statements had been made by untrained staff and were therefore irrelevant.

The decision is not yet final. However, it is rather unlikely that an application for leave to appeal will be lodged, since *RT DE* ceased broadcasting in April 2022 and is now in liquidation with no active business operations.

Pressemitteilung des Verwaltungsgerichts Berlin

https://www.berlin.de/gerichte/verwaltungsgericht/presse/pressemitteilungen/2026/pressemitteilung.1688011.php

Press release of the Berlin Administrative Court

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[DE] Media regulator applies media law rules to certain AI content for the first time

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On 14 July 2026, the Commission for Licensing and Supervision (*Kommission für Zulassung und Aufsicht* – ZAK), the central body of the 14 German state media authorities, announced that, for the first time, German media law could apply to AI searches and AI chatbots. Its decisions regarding Google's AI Overviews and Perplexity's AI chatbot of the same name, which features an AI news page, indicate that the provisions of the Inter-State Media Treaty (*Medienstaatsvertrag* – MStV), including those safeguarding diversity, will be applied consistently in future. Providers will not be able to invoke the liability exemptions under the EU Digital Services Act (DSA), or will only be able to do so to a limited extent, because AI-generated content will, in part, be classified as their own content rather than third-party content.

The ZAK is the central body for cooperation between the heads of the 14 state media authorities. It is responsible for the licensing and supervision of nationwide private broadcasters, online media and platforms on the basis of the relevant provisions of the MStV. Its decisions were issued in two proceedings conducted by the media authorities of Hamburg-Schleswig Holstein and Berlin-Brandenburg. Amongst other things, they established, partly as a necessary preliminary matter and basis for any further proceedings, that the provisions of the MStV also apply to AI-generated content. In this regard, the ZAK relied primarily on a recently published legal opinion it had commissioned on the integration of AI applications into search engines, which concludes, in essence, that AI-generated responses are, in principle, generally to be classified as the provider's own content under media and freedom of expression law. According to this legal opinion, this applies in particular to "hallucinated" content; however, even when existing sources are processed, the repackaging, condensation and blending of content suggest that AI output is independent. A different conclusion may be reached if it is clearly apparent to users that only third-party content is being reproduced. Consequently, both the legal opinion and the ZAK conclude that operators are, in principle, liable for AI responses under general law, and that the limitations on liability set out in Articles 4 to 6 of the DSA do not apply because they are linked to "information provided by a user".

The ZAK's decisions also take into account this distinction between AI's own responses and third-party content, particularly journalistic sources to which AI Overviews and Perplexity regularly refer. The services are to be classified as media intermediaries within the meaning of the MStV, i.e. as telemedia that also aggregate, select and present content from third-party journalistic and editorial sources in a manner that is accessible to the general public, without combining it into a single comprehensive service. Under Sections 93 and 94 of the MStV, such media intermediaries are subject to transparency and anti-discrimination rules in relation to the journalistic content they present. The ZAK considers that these

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rules are not (fully) being complied with, or at any rate intends to monitor compliance with them in future. In AI Overviews, for example, AI responses are presented as a significant part of the results and appear clearly visible and prominently placed. Consequently, the traditional list of links in Google Search is harder to find than the AI responses – which are considered separate content – and is thus unfairly discriminated against. Perplexity, as an AI chatbot, on the other hand, attaches third-party content as "sources", "further information" or in the form of entire lists of links to AI-generated responses, thereby also determining its discoverability. In this respect, too, the provider must comply with the ban on unjustified unequal treatment of journalistic sources.

Pressemitteilung der ZAK

https://www.die-medienanstalten.de/presse/pressemitteilungen/zak-bescheide-ki-angebote-google-perplexity/

ZAK press release

https://www.die-medienanstalten.de/presse/pressemitteilungen/zak-bescheide-ki-angebote-google-perplexity/

Gutachten zur Integration von KI-Anwendungen in Suchmaschinen

https://www.die-medienanstalten.de/service/gutachten/ki-suchmaschinen-2/

Report on the integration of AI applications into search engines

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[DE] Publication of recommendations for action from the Commission of Independent Experts on the Protection of Children and Young People in the Digital World

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Institute of European Media Law

On 24 June 2026, the expert commission appointed by the Federal Ministry of Education, Family Affairs, Senior Citizens, Women and Youth (*Bundesministerium für Bildung, Familie, Senioren, Frauen und Jugend* – BMBFSF) published its recommendations for action on the protection of children and young people in the digital world. Under the strapline "Strengthening development, taking responsibility", the 56 recommendations set out measures in various areas ranging from media literacy in schools to measures to be taken by platforms. With regard to the use of social media by children and young people and the associated risks to their development, which form one of the central themes of the recommendations, the commission called for further clarification of Article 28 of the Digital Services Act: either a statutory minimum age of 13 should be applied, along with tiered protection for the 13 to 18 age group, or, at the very least, online platforms should be obliged to restrict accounts, services or individual functions for specific age groups.

The independent, interdisciplinary expert commission was appointed by the BMBFSF in early September 2025 to advise the government. Its remit was to analyse the risks, challenges and opportunities of digital technologies and translate these into concrete recommendations, which it has now done. Its recommendations are essentially based on the three pillars of protection (active risk mitigation), empowerment (promoting knowledge, decision-making and self-regulation among minors) and participation (ensuring access, expression of views and active involvement of minors). They distinguish between the different stages of children’s lives, each of which requires different measures. The measures also address various stakeholders – parents, schools, child and youth welfare services, public authorities, healthcare organisations, research bodies, platforms and industry – at different levels of legislation and administration: EU, federal, state and local.

The 56 recommendations cover a wide range of areas, some of which overlap, including, in particular, media education and the development of digital skills in various contexts. For instance, digital education is to be strengthened as early as primary school, and an "AI Seahorse" (*KI Seepferdchen*), the equivalent of a badge awarded in Germany to children who can swim unaided, is to be introduced to promote basic understanding of AI. Parents will also be better educated and made more aware so that they can pass on media literacy skills to their children. One recommendation, for example, concerns the responsible handling of images of minors on the internet, an area where the expert commission identifies a need to raise awareness amongst adults. Furthermore, schools should regulate the

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private use of digital devices, while non-digital leisure activities should be promoted more heavily. Another major area concerns the fight against illegal content online. In addition to strengthening digital policing and taking more consistent action against sexual offences in an online context, the commission recommends setting up an "online child watch service" (*Kinderonlinewache*) to act as a central reporting centre that children can use to contact the public safety authorities.

Furthermore, a series of recommendations are aimed at encouraging platforms to better protect minors' development and privacy. In addition to age-appropriate default settings, age verification mechanisms that comply with data protection regulations and greater user control within recommendation systems, the issue of minors' access to social media was a central focus of the commission's analysis. Based on the fact that minors are exposed to a range of risks on social media, including violence, pornography, hate speech, disinformation, cyberbullying and cybergrooming – further exacerbated by features that encourage addiction – the expert commission calls for Article 28 of the DSA to be clarified and suggests two alternatives. The first is a statutory minimum age limit of 13 for access to social media accounts, combined with effective age verification mechanisms that can be waived with parental consent and graduated protection standards for 13- to 18-year-olds. As a second alternative, instead of such a ban, social media accounts, services or individual functions would have to be restricted for certain age groups. These restrictions should be determined by a risk assessment which, for example, takes into account the impact of algorithm-driven recommendations, contact features or live streams as high-risk functions.

Pressemitteilung des Bundesministeriums für Bildung, Familie, Senioren, Frauen und Jugend

https://www.bmbfsfj.bund.de/bmbfsfj/themen/kinder-und-jugend/kinder-und-jugendschutz/handlungsempfehlungen-der-expertenkommission-kinder-und-jugendschutz-in-der-digitalen-welt--290244

Press release of the Federal Ministry of Education, Family Affairs, Senior Citizens, Women and Youth

https://www.bmbfsfj.bund.de/bmbfsfj/themen/kinder-und-jugend/kinder-und-jugendschutz/handlungsempfehlungen-der-expertenkommission-kinder-und-jugendschutz-in-der-digitalen-welt--290244

Entwicklung stärken, Verantwortung übernehmen: Handlungsempfehlungen der Unabhängigen Expertenkommission "Kinder- und Jugendschutz in der digitalen Welt"

https://www.bmbfsfj.bund.de/resource/blob/290236/32c7a742b1ee00b498fca42c37784c99/20260624-handlungsempfehlungen-expertenkommission-kinder-und-jugendmedienschutz-data.pdf

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Strengthening development, taking responsibility: Recommendations for action from the Commission of Independent Experts on the "Protection of Children and Young People in the Digital World"

Recommendations for action from the Commission of Independent Experts on the Protection of Children and Young People in the Digital World

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SPAIN

[ES] Council of ministers approves new special employment regime for artists and audiovisual technical staff

Helena Suárez
ECIJA

On 21 July 2026, Spain's Council of Ministers approved Royal Decree 607/2026, of 22 July, regulating the special employment status of artists, technicians and auxiliary personnel working in the performing arts, audiovisual and music sectors. Published in the Official State Gazette (*Boletín Oficial del Estado* - BOE) on 25 July 2026, the new framework replaces Royal Decree 1435/1985, in force for more than four decades, and completes the modernisation process initiated by Royal Decree-Law 5/2022. Given the scale of the reform – the Ministry of Labour and Social Economy estimates it affects some 771 000 workers, or 3.6% of employees in Spain – and its treatment of issues also under discussion at EU level, such as the participation of minors in digital content and the use of artificial intelligence in creative work, the reform is of clear interest beyond Spain's borders.

The royal decree reorganises the special employment status into two chapters: general provisions applicable to all workers within its scope, and specific provisions for artists. It widens the objective scope beyond the outdated notion of "public performance" to cover activity across the performing arts, audiovisual and music sectors, including streaming distribution and the pre-production, production and post-production phases of a project. Subjectively, coverage extends to technical and auxiliary personnel whose work is directly linked to, and indispensable for, artistic activity.

For the first time, Spanish law establishes a single, detailed national framework governing the participation of minors under 16 years of age in artistic activity. Employment is now the only lawful basis for such participation, replacing informal or family-based arrangements, and requires prior authorisation from the labour authority, valid across the whole of the national territory when the activity spans several autonomous communities. The royal decree sets working-time limits calibrated to age brackets, restricts night work, and lists mandatory safeguards for a minor's education, rest and overall development, with reinforced rules for 16- and 17-year-olds regarding night work.

The royal decree also formalises the role of the intimacy coordinator, required whenever a production involves intimate scenes such as simulated sex, nudity or simulated sexual violence. This professional safeguards performers' consent and personal boundaries; where minors are involved, the role extends to lighting, sound and makeup choices, alongside coordination with legal representatives. This provision, together with a strengthened harassment and violence prevention

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framework adapted to the sector's intermittent and short-term contracting patterns, aligns with a broader European trend toward professionalising safeguarding practices on set.

Its key features include:

- A broadened objective and subjective scope, covering technical and auxiliary staff alongside artists, and all phases of production including pre-production, post-production and promotion;

- a single, nationwide authorisation regime for the participation of minors under 16 years of age, with age-calibrated working-time limits;

- mandatory intimacy coordination for productions involving intimate or sexual content, with reinforced safeguards for minors;

- strengthened harassment and violence prevention mechanisms, adapted to short-term and intermittent contracting;

- reinforced pay transparency obligations, requiring separate identification of salary and non-salary items, including intellectual property and image-rights payments.

One notable change concerns the treatment of generative artificial intelligence (AI). The draft submitted to public consultation earlier in 2026 contained a dedicated article requiring explicit written consent and financial compensation for any AI-generated use of an artist's image, voice or performance, confined to the scope of the original engagement. Following the Council of State's advisory opinion, this article was removed from the text ultimately approved. The final version instead contains a general cross-reference, within the article on intellectual property, image rights, and digital rights, to the existing EU and Spanish framework: the General Data Protection Regulation, Organic Law 3/2018 on data protection and digital rights, and Regulation (EU) 2024/1689 (the EU Artificial Intelligence Act). Trade unions welcomed the reform overall but expressed regret at the loss of sector-specific AI safeguards, and the government has indicated that it intends to address the matter separately. The entry into force of the royal decree was correspondingly postponed, from the 20 days initially proposed to 10 months after publication, meaning the new framework will apply from late May 2027.

The removal of the bespoke AI provisions narrows the reform's immediate contribution to European discussions on synthetic media and performers' digital identity, but the episode remains instructive: it illustrates the difficulty of legislating on generative AI uses at national level ahead of, or in parallel with, implementation of the AI Act, and the extent to which national reforms may end up relying on the EU's horizontal framework rather than sector-specific rules. The remaining elements of the reform retain clearer cross-border relevance. The framework for minors aligns with the EU Charter of Fundamental Rights and Directive 94/33/EC on the protection of young people at work, and offers a reference point for other member states addressing the growing presence of

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minors in digital content creation. The intimacy coordinator role, and the broader adaptation of harassment prevention mechanisms to project-based contracting, speak to conditions common across Europe's creative sectors, where flexible production structures increasingly coexist with calls for stronger worker protection.

Real Decreto 607/2026, de 22 de julio, por el que se regula la relación laboral especial de las personas artistas que desarrollan su actividad en las artes escénicas, audiovisuales y musicales, así como de las personas que realizan actividades técnicas o auxiliares necesarias para el desarrollo de dicha actividad.

https://www.boe.es/diario_boe/txt.php?id=BOE-A-2026-16173

Royal Decree 607/2026 of 22 July, regulating the special employment relationship of artists working in the performing arts, the audiovisual sector and the music industry, as well as of those carrying out technical or auxiliary activities necessary for the performance of such work.

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FINLAND

[FI] Supreme Administrative Court upholds consent requirements for national news websites

Sergei Bondarev
Independent expert

On 27 August 2026, Finland's Supreme Administrative Court (*Korkein hallinto-oikeus* - SAC) upheld consent requirements for tracking-based news personalisation and rejected a cookie consent interface that made refusal less accessible than acceptance. The judgments concerned *Sanoma Media Finland Oy* (KHO:2026:64) and *Otavamedia Oy* (KHO:2026:65), respectively.

Both cases concerned section 205 of the Act on Electronic Communications Services (*Laki sähköisen viestinnän palveluista*), which implements Article 5(3) of the ePrivacy Directive (2002/58/EC, as amended). For the storage of, or access to, information on users' devices, consent and adequate information are the rule; exceptions include storage or access strictly necessary to provide a service expressly requested by the user. The second case also applied the General Data Protection Regulation's requirements for freely given consent.

In the Sanoma case, the Finnish Transport and Communications Agency (Traficom) had required consent for specified personalisation and editorial analytics cookies and certain web calls (network requests that used information stored on users' devices). Sanoma argued that personalisation was integral to its digital news service and to editorial freedom.

The court held that visiting a news website did not itself amount to an express request for tracking-based personalisation. Commercial attractiveness did not establish strict necessity. It also rejected the argument that the European Media Freedom Act (EMFA) (Regulation (EU) 2024/1083) created an exception: requiring consent did not determine what news Sanoma published or prevent personalisation with consent.

The court also upheld consent requirements for the web calls at issue, which involved use of data stored on users' devices. Its ruling did not cover every web call: Traficom had already accepted that some qualified for an exception, while Sanoma had not substantiated an exception for the others.

In the *Otavamedia* case, Traficom had ordered changes to the consent-management mechanism on *suomenkuvalehti.fi*. The first layer prominently offered acceptance of all cookies. Refusing non-essential cookies required entering settings and locating a less prominent refusal control among detailed information.

The court assessed this arrangement as a whole. It found that the difference in visibility and effort improperly influenced users' freedom to refuse, so consent

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was not freely given. The defect was not the use of two layers as such, but the asymmetry of the mechanism. Compliance with a widely used European standard did not establish compliance with the law.

In both cases, SAC declined to request a preliminary ruling from the Court of Justice of the European Union (CJEU) and dismissed the appeals it examined, leaving the Administrative Court's outcomes unchanged. Sanoma's application for leave to appeal was rejected on the remaining issues.

Korkein hallinto-oikeus, KHO:2026:64, 27.08.2026 (Sanoma Media Finland Oy)

https://www.kho.fi/paatokset/kho202664/

Supreme Administrative Court judgment KHO:2026:64 of 27 August 2026 (Sanoma Media Finland Oy)

Korkein hallinto-oikeus, KHO:2026:65, 27.08.2026 (Otavamedia Oy)

https://www.kho.fi/paatokset/kho202665/

Supreme Administrative Court judgment KHO:2026:65 of 27 August 2026 (Otavamedia Oy)

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[FI] Supreme Administrative Court upholds regulatory assessment of radio-transmission prices

Sergei Bondarev
Independent expert

On 3 July 2026, the Finnish Supreme Administrative Court (*Korkein hallinto-oikeus* - SAC) dismissed Bauer Media Oy's appeal concerning the Finnish Transport and Communications Agency Traficom's assessment of Digita Oy's wholesale radio-transmission prices.

Digita had been designated an undertaking with significant market power and was required to base its wholesale radio-transmission charges on an efficient operator's costs. The obligations covered radio antenna-capacity rental at main transmitter stations, ancillary functions and transmission services. In its decision of 17 October 2024, Traficom found the antenna-capacity pricing to be cost-oriented, except for 15 combinations of antenna capacity and effective radiated-power class. It also found backup-power pricing at seven stations not to be cost-oriented. Bauer challenged the finding that the remaining pricing complied and sought reassessment.

SAC examined the assessment under section 71 of the Act on Electronic Communications Services, including how Traficom calculated the building space and construction costs attributable to an efficient operator.

The Court accepted Traficom's use of Digita's infrastructure as a benchmark, adjusted for the reduced space needed by a digital and partly unmanned network. The calculation did not have to follow the stations' importance classifications or the space physically occupied by equipment. In the absence of comparable market data, the agency could also use average replacement costs adjusted by the construction-cost index.

SAC further found that Traficom had adequately investigated and reasoned its decision. Although commercially sensitive detail had been withheld, the decision and its public material described the assessment method, relevant cost factors and values sufficiently for Bauer to assess its legality. The Court dismissed Bauer's appeal and its claim for legal costs.

Supreme Administrative Court judgment of 3 July 2026, No. 1850, on radio antenna-capacity rental and radio-transmission pricing

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FRANCE

[FR] Ban on social media for under 15s ruled unconstitutional

Amélie Blocman
Légipresse

On 21 July, the French Parliament adopted, in a joint committee, the law aimed at protecting minors from the risks posed by the use of social media. Shortly afterwards, more than 60 MPs referred Article 1 of the act to the Constitutional Council; this article provided for the insertion into the Act of 21 June 2004 on confidence in the digital economy a new Article 6-9 prohibiting minors under the age of 15 from accessing online social media services.

The MPs bringing the petition criticised the principle of a blanket ban on access to social media without distinction between the services concerned, on the grounds that such a ban would constitute a disproportionate infringement of the freedom of expression and communication guaranteed by Article 11 of the Declaration of the Rights of Man and of the Citizen (*Déclaration des droits de l'homme et du citoyen* - DDHC), as well as the right to privacy.

The Constitutional Council reiterates that, given the essential role played by online public communication servicesto facilitate participation in democratic life and the expression of ideas and opinions, freedom of communication entails the freedom to access these services and to express oneself on them. Any restriction must therefore be necessary, appropriate and proportionate to the objective pursued.

The Constitutional Council recognises the legitimacy of the objectives pursued by the legislature: the protection of minors against the risks of addiction and isolation, as well as against exposure to pornography, harassment or fraud, meets the constitutional requirement to protect the best interests of the child and the constitutional objective of preventing breaches of public order. It notes, however, that the ban applies to all platforms enabling users to log in and communicate with one another, to share content or to discover it. Its application depends neither on the features and content offered, nor on the actual risks to which the service exposes minors, nor on the inadequacy of the protective measures put in place.

Furthermore, the limitations provided for are deemed too limited. Whilst online encyclopaedias, certain educational or scientific directories, and open-source software sharing platforms are exempt, this is not the case for many collaborative leisure, information or mutual-aid services, communication apps, games with a social dimension, or social networks linked to educational activities. The measure may therefore prevent children under the age of 15 from accessing services where the risks to their health or safety have not been established.

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Furthermore, the ban applies indiscriminately to all minors under the age of 15. The Constitutional Council notes that there is no mechanism to take into account the minor's age and level of maturity, their family circumstances or the nature of the service being used. Nor does the law allow holders of parental authority or legal representatives, once informed of the risks and safeguards associated with a service, to lift the ban, impose limitations on its scope or authorise access to certain services in the child's best interests.

By thus depriving minors of access to numerous services without taking into account their individual circumstances or the risks specific to each of these services, the Constitutional Council finds that the legislature has infringed upon the freedom of expression and communication in a manner that is neither appropriate, nor necessary, nor proportionate to the objective pursued. It is therefore not the actual principle of restricting minors' access to social media that is being criticised, but the overly general nature of the measure.

Finally, the Constitutional Council notes the absence of sufficient legal safeguards to ensure respect for privacy. Indeed, the ban provided for in the act implies that any user, including adults, may be required to prove their age. However, the act does not specify either the conditions or the limitations of such age verification.

The article has therefore been struck down. Published in the Official Journal on 25 August, the law – with Article 1 removed – amends, in particular, Article L. 511-5 of the Education Code to extend the ban on the use of mobile phones during school hours ("digital break") to sixth-form colleges from the start of the 2026–2027 academic year. This ban has already applied to nursery, primary and lower secondary schools since 2018.

Emmanuel Macron has instructed the government to draw up, as soon as possible, a new "legally robust" bill. On 16 September, Ursula von de Leyen provided guidance on the regulation of platforms for minors, whereas, on 26 August, Meta reached an agreement with a coalition of US attorneys general aimed at bringing to an end legal proceedings in which the company is accused, amongst other things, of designing Facebook and Instagram in such a way as to encourage compulsive use amongst children and teenagers. Meta has agreed, subject to court approval of the agreement, to cap minors' use of Instagram and Facebook at two hours a day, to block access at night, to disable certain notifications and features designed to encourage usage, and to strengthen age verification. Certain restrictions may also be modified with parental consent.

Décision n° 2026-911 DC du 14 août 2026 ; Loi n° 2026-813 du 24 août 2026 visant à protéger les mineurs des risques auxquels les expose l'utilisation des réseaux sociaux

https://www.conseil-constitutionnel.fr/decision/2026/2026911DC.htm

Decision No. 2026-911 DC of 14 August 2026; Act No. 2026-813 of 24 August 2026 aimed at protecting minors from the risks posed by the use of social media

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[FR] Piracy of sports content: reinforcement of anti-piracy measures

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Adopted by the Joint Committee in the middle of the summer, the Act on the organisation, management and funding of professional sport (the Act) was published in the *Journal officiel* on 4 August. Among other things, this legislation includes a considerable strengthening of the fight against piracy, in particular to enable much more rapid blocking measures during retransmissions of sporting events. It also incorporates an overhaul of the framework governing the marketing and redistribution of broadcasting rights.

Chapter III of the Act (Articles 31 to 34) is specifically devoted to strengthening the anti-piracy measures regarding sports content. The main change concerns Article L.333-10 of the Sports Code.

A key problem with the previous system lay in the constantly evolving nature of piracy practices: during a match, offenders could change their domain name, IP address or streaming service, which reduced the effectiveness of a measure targeting only those services identified at the time of the court order.

The Act therefore establishes a mechanism which, where a court order so provides, enables new sources of piracy that emerge *during a live broadcast* to be dealt with. Rights holders provide the Regulatory Authority for Audiovisual and Digital Communication (*Autorité de régulation de la communication audiovisuelle et numérique* - Arcom) with the data needed to identify new illegal services; this data is then communicated, via an automated system under Arcom's control and responsibility, to the parties subject to the order so that blocking measures may be implemented without delay and for the entire duration of the retransmission.

The range of rights holders entitled to take action has been broadened: in particular, French or foreign legal entities that organise a sporting competition or event, in France or abroad, or that market or exploit their audiovisual rights where these are, or are likely to be, infringed, may benefit from this mechanism.

Arcom has also adopted model voluntary agreements intended for rights holders and the various categories of intermediaries likely to contribute to the fight against piracy (domain name resolution services, virtual private networks (VPNs), alternative Domain Name System (DNS) services, etc.). These model agreements are intended to facilitate pre-litigation and litigation procedures. They also establish the procedures for transmitting the identification details of the services in question to the various intermediaries. Article 32 of the Act extends the provisions of Article L.331-25 of the intellectual property code to sports rights, empowering Arcom to establish a list ("blacklist") of services that seriously and repeatedly infringe protected rights.

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The publication or making available to the public of websites unlawfully providing access to sporting competitions will be subject to harsher penalties (three years' imprisonment and a fine of EUR 300 000). Encouraging others, in particular through advertising, to use a service, device or piece of software that provides unlawful access to sporting events is also punishable (one year's imprisonment and a fine of EUR 15 000).

The second notable aspect of the law concerns the conditions for the marketing of broadcasting rights, which must now require prospective licensees to comply with the rules relating to the retransmission of major events on free-to-air television, on the one hand, and the rules relating to audiovisual advertising and sponsorship, on the other. The aim is therefore to incorporate these regulatory obligations directly into the rights allocation process.

The law strictly regulates the redistribution of television rights within a single competition.The maximum permitted disparity in revenue distribution between clubs in the same competition or division is reduced to three (compared with five at present in the French league). The governance of companies responsible for marketing the rights is also regulated. Certain senior management roles within these companies are incompatible with holding an interest in, or holding a position within, an audiovisual broadcasting undertaking, except where that undertaking is controlled by the commercial company itself.

Finally, the bill introduces the possibility of a pilot scheme for virtual advertising and sponsorship between 1 January 2027 and 30 June 2028, under the supervision of Arcom and subject to the submission of an evaluation report to parliament by 1 January 2029 at the latest. This technology, which is already authorised in several European countries, allows advertising banners to be displayed on television that differ from those physically present around the edge of a sports ground.

LOI n° 2026-725 du 3 août 2026 relative à l'organisation, à la gestion et au financement du sport professionnel, JO du 4 août 2026

https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000054608060#JORFSCTA000054608063

Act No. 2026-725 of 3 August 2026 on the organisation, management and funding of professional sport, Journal officiel of 4 August 2026

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UNITED KINGDOM

[GB] Former MP succeeds on honest opinion defence under Defamation Act 2013

Julian Wilkins
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On 29 July the Court of Appeal allowed a summary judgment appeal by the defendant, Matt Hancock, a former Member of Parliament (MP), disallowing the decision of High Court judge Mrs Justice Collins Rice (the Judge) that the claim for libel by former MP, Andrew Bridgen, was unsuitable for a summary judgment in Mr Hancock's favour on the basis of an honest opinion defence under section 3 of the Defamation Act 2013, and that it should proceed to trial.

Mr Bridgen had posted a tweet (the Tweet) on 11 January 2023 linking to an article by Dr Joshua Guetzkow concerning the adverse effects of Covid vaccinations. Alongside the post of part of the article was a statement: “As one consultant cardiologist said to me, this is the biggest crime against humanity since the Holocaust.” Politicians including the government’s adviser on antisemitism reacted unfavourably to the Tweet, with the CEO of the Holocaust Educational Trust describing it as “disgraceful”, “despicable”, “wholly irresponsible”, and “appalling”.

Mr Hancock posted a tweet containing a video of his question about the Tweet during Prime Minister’s Questions (PMQs), stating: “The disgusting and dangerous antisemitic, anti-vax, anti-scientific conspiracy theories spouted by a sitting MP this morning are unacceptable and have absolutely no place in our society.” Mr Bridgen sued Mr Hancock for libel arguing that readers would identify him as the unnamed “sitting MP” and as someone who was an antisemite because the defendant was suggesting the claimant was demeaning the Holocaust atrocities by suggesting a deliberate destruction of life was equivalent to an act of nature.

Mr Hancock relied on a defence of honest opinion provided for by section 3 of the Defamation Act 2013 (the Act). Sections 3(2) to 3(4) of the Act set out the factors required to succeed with an honest opinion defence:

(2) The first condition is that the statement complained of was a statement of opinion;

(3) The second condition is that the statement complained of indicated, whether in general or specific terms, the basis of the opinion;

(4) The third condition is that an honest person could have held the opinion on the basis of: (a) any fact which existed at the time the statement complained of was published; (b) anything asserted to be a fact in a privileged statement published before the statement complained of.

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However, under section 3(5) of the Act, the defence fails if the claimant can show the defendant did not hold that opinion.

In the High Court, Mr Hancock applied for a summary judgment arguing his opinion was one that an honest person could possess based upon understood facts about the Holocaust, the Covid pandemic and the vaccine rollout. Mr Bridgen responded arguing that no honest person could believe the Tweet was antisemitic; or alternatively, that Mr Hancock did not hold that opinion.

The Judge concluded that the honest opinion defence raised “highly evaluative” issues requiring further evidence and argument at a full trial taking account of other commentators’ evidence reacting to the Tweet, including the fact that Mr Bridgen was entitled to rely on a letter from 26 Jewish doctors stating that his Tweet was not antisemitic. The Judge saw an overlap between the evidence of whether an honest person could hold the opinion and a realistic prospect of proving that Mr Hancock did not hold the opinion given that it was a highly unreasonable opinion and he had improper motives. The Court of Appeal determined that the honest belief test was objective, in that a person could believe an opinion based on established or common knowledge and facts.

Evidence of the opinions held by others was inadmissible as were external definitions of antisemitism used to demonstrate an opinion untenable. The Jewish doctors’ evidence was non-expert opinion and, therefore, inadmissible. The defendant’s purposes or motives were irrelevant. Additional evidence was not needed to determine an honest person could hold the opinion expressed. The issue was whether an honest person could, however unreasonably or even irrationally, have held such an opinion.

The Court of Appeal determined that claiming someone did not hold the opinion they expressed was akin to proving fraud and to do so required establishing on the balance of probabilities that the defendant was dishonest. The Court of Appeal considered the evidence did not support fraud; nor was motivation relevant in determining whether an honest person could hold the expressed opinion.

Mr Hancock is entitled to rely on facts regarding the Holocaust and the pandemic, and using the word ‘since’ is not fatal to the defence, even though the word imputes Covid had less equivalence to the Holocaust. The presumption of falsity does not apply because it was a defamatory statement of opinion rather than fact. A mismatch between the facts used to form the opinion and the opinion derived does not render the opinion dishonest under section 3 (5) of the Act.

Bridgen v. Hancock – [2026] EWCA Civ 991

https://www.judiciary.uk/wp-content/uploads/2026/07/Bridgen-v-Hancock-2026-EWCA-Civ-991.pdf

Defamation Act

https://www.legislation.gov.uk/ukpga/2013/26/contents

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[GB] Ofcom proposes new fraudulent advertising duties for major online platforms and search engines

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The UK's online safety regulator, Ofcom, has proposed nearly 40 measures requiring the largest social media and search services to strengthen their systems against paid fraudulent advertising. The draft codes of practice would implement the additional duties in sections 38 and 39 of the Online Safety Act 2023 (OSA) for Category 1 and Category 2A services respectively. Their central feature is a shift from post-publication removal towards controls spanning advertiser access, ad creation and placement. The proposals cover advertiser verification, account security, moderation, complaints, governance and advertising technology.

The OSA duties apply only to "categorised" services, identified under statutory thresholds set by the government and implemented by Ofcom. Category 1 covers large user-to-user platforms meeting specified user numbers, a content recommender system and content sharing criteria; Category 2A covers qualifying search engines, sites or apps with more than seven million UK users. The fraudulent advertising duties sit alongside existing OSA requirements tackling fraudulent user-generated content. The new regime addresses paid advertisements specifically. Ofcom estimates UK digital ad spend at over GBP 40 billion a year and reports that 51% of adults have seen potentially fraudulent ads on social media, search, or video-sharing services, with estimated losses exceeding GBP 200 million annually.

For Category 1 platforms, section 38 requires proportionate systems and processes designed to prevent UK users encountering fraudulent advertisements and to remove them swiftly once identified. Section 39 performs the corresponding role for Category 2A search services in relation to paid advertisements encountered in or via search results. The draft codes mirror one another but adapt their measures according to how each category delivers advertising. Providers implementing the recommended measures will be treated as complying with the corresponding duties, although the OSA permits alternative measures where providers can demonstrate equivalent compliance (Draft Category 1 Code, paragraphs 1.6-1.9; Draft Category 2A Code, paragraphs 1.6-1.9).

The proposed controls begin before an advert reaches users. Platforms would be expected to assess indicators of fraudulent advertising, including advertisement content, advertising account behaviour, targeting practices, complaints, moderation outcomes, information from intermediaries and referrals from law enforcement or trusted flaggers. That assessment would feed into documented advertising policies and moderation functions for reviewing, swiftly removing suspected scams. Providers would also establish performance targets, resource moderation appropriately and train staff (Draft Category 1 Code, FAU B1 and C1-

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C7; Draft Category 2A Code, FAS B1 and C1-C7).

A separate group of measures targets the accounts behind advertisements. Ofcom proposes checks to establish whether advertisers are connected with businesses they claim to represent, alongside strengthened account security and tools for reporting account takeovers. Providers would be expected to ban advertisers responsible for fraudulent ads and address attempts to return through new accounts. Financial services advertising receives distinct treatment: platforms should verify, before adverts for banking or investment services reach UK users, whether the advertiser is legally permitted to promote the service, including checks against the Financial Conduct Authority's Financial Services Register and Warning List (FAU H1-H5; FAS H1-H5).

The proposals also address newer advertising tools. Where Category 1 or Category 2A providers make "advertisement generation" tools available, the draft codes recommend structured testing to identify whether those tools can be misused to generate fraudulent advertising. The codes additionally envisage record keeping around testing and internal oversight. The proposed fraud controls therefore extend beyond scam adverts themselves to automated and AI-supported tools used to create them (FAU F1; FAS F1).

Reporting and external intelligence form another part of the proposed system. Users should have accessible mechanisms for reporting suspected fraudulent ads, while designated trusted flaggers would have dedicated channels. Complaints would require "appropriate action" and providers would operate appeal procedures for challenged decisions concerning advertisements or advertising accounts. The codes also provide for advertising libraries and transparency in terms of service (for Category 1 services) or publicly available statements (for Category 2A services) about proactive technologies used for complying with the fraudulent advertising duties (FAU D1-D7, E1 and G1-G2; corresponding FAS measures).

The draft framework also places responsibility at organisational level. Recommended governance measures include annual compliance reviews by the service's senior governance body, allocation of individual responsibility, written statements of responsibilities, internal assurance, conduct standards and training. Where platforms rely on advertising intermediaries and lack sufficient control to implement measures directly, separate provisions require "reasonable endeavours" to secure implementation through those relationships (FAU A1-A6 and K1; FAS A1-A6 and K1).

Taken together, the draft codes address the advertisements and the systems through which advertisers obtain and retain access. Final decisions are expected in 2027. Ofcom nevertheless said that "platforms should not drag their heels", noting that in-scope firms can begin strengthening protections for users "now". Both codes require parliamentary approval before taking effect. When in force, non-compliance with the relevant duties may lead to enforcement, including penalties of up to GBP 18 million or 10% of qualifying global revenue, whichever is greater.

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Consultation: Fraudulent Advertising Codes of Practice

https://www.ofcom.org.uk/online-safety/online-fraud/consultation-fraudulent-advertising-code-of-practice

Online Paid-for Advertisements Research

https://www.ofcom.org.uk/siteassets/resources/documents/research-and-data/online-advertising/online-paid-for-advertisements-research-report.pdf?v=422394

Fraudulent Advertising Codes Consultation Annex 8: Further detail on economic assumptions and analysis

https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-3-4-weeks/consultation-fraudulent-advertising-code-of-practice/main-documents/annex-8-further-details-on-economic-assumptions-and-analysis.pdf?v=422413

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IRELAND

[IE] Ireland extends its digital games tax credit to post-release content

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The European Commission has approved amendments to Ireland's digital games tax credit, allowing qualifying expenditure incurred after the initial public release of a game to benefit from the existing 32% corporation tax credit. The approval, adopted on 28 August 2026 in State Aid Case SA.122392, expands the scope of Section 481A of the Taxes Consolidation Act 1997 and brings the Irish incentive closer to the production models used by modern games studios.

The amendment is particularly significant for live-service and games-as-a-service businesses. Unlike traditional games, which may be treated as complete at launch, these products are frequently developed over several years through downloadable content, expansions, updates and other forms of post-release development. The previous Irish framework limited its qualifying expenditure to the development phase prior to the game's initial public release. As a result, the tax credit did not adequately reflect the continuing development cycles of many contemporary games; and the industry regarded the former approach as insufficient. The new amendment therefore offers an extension to that initial model even if it does not create a separate incentive for post-release activity. Instead, it extends the existing Section 481A credit so that qualifying development undertaken after launch may fall within the same framework.

The financial parameters of the relief remain unchanged. The credit continues to be calculated at 32% of the lowest of these three metrics: the eligible expenditure incurred, 80% of the total qualifying expenditure on the project, and EUR 25 million per project. The amendment consequently broadens the categories of expenditure capable of qualifying, but does not increase the credit rate or the maximum amount of expenditure that can be taken into account. The existing statutory safeguards and limitations therefore continue to apply.

The post-release extension is subject to several substantive conditions. The original digital game must first have obtained structural certification from the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media. It must also have been publicly released. Post-release content will not automatically qualify merely because it relates to an eligible game. It must continue to satisfy the statutory cultural test and the applicable quality-employment certification requirements administered by the Irish authorities.

These conditions are intended to ensure that the expanded relief remains directed towards qualifying cultural and economic activity in Ireland. The requirement for structural certification links the post-release expenditure to an original game that

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has already passed the relevant approval process, while the cultural and employment requirements continue to govern the subsequent content. The three-year limit also prevents the extension from operating as an indefinite relief for all later expenditure associated with a game.

The amendment was included in Ireland's 2026 budget, presented in October 2025. However, because the Section 481A credit constitutes state aid, the proposed changes required approval from the European Commission under the EU state aid rules before they could take effect. The measure formed part of the wider legislative framework governing the digital games credit, which was introduced by Section 33 of the Finance Act 2021 and subsequently amended under the Irish Finance Act framework.

The Commission's approval followed the expiry timetable applicable to the original scheme. Section 481A had been due to expire at the end of 2025. The legislative amendments therefore served two purposes: they extended the categories of expenditure that may qualify for the credit and prolonged the life of the scheme itself. Following the Commission's decision of 28 August 2026, the scheme has been extended until 31 December 2031.

The policy change responds in part to concerns that the previous rules placed Irish studios operating live-service models at a disadvantage. Limiting qualifying expenditure to the period before launch reflected an earlier conception of game development, in which the principal creative and technical work was completed before a product entered the market. By recognising post-release development, Ireland's amended regime may improve the competitiveness of Irish studios and make it more attractive for companies to retain development, production and employment activities in the state after launch. It also provides greater certainty for businesses planning the long-term development of a game.

The decision also shows the Commission's broader direction on support for the video-game sector and a willingness to accommodate the commercial and creative realities of the industry, including the fact that a game's development may continue substantially after its initial release.

Tánaiste and Minister O'Donovan confirm EU approval for expanded Digital Games Tax Credit

https://www.gov.ie/en/department-of-finance/press-releases/t%C3%A1naiste-and-minister-odonovan-confirm-eu-approval-for-expanded-digital-games-tax-credit/

Taxes Consolidated Act No. 39 of 1997, Section 481A, Relief for investment in digital games

https://www.charteredaccountants.ie/taxsourcetotal/1997/en/act/pub/0039/sec0481A.html

S.I. No. 593 of 2022 digital games regulation, 2022

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https://www.irishstatutebook.ie/eli/2022/si/593/made/en/pdf

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[IE] Ireland's Media Commission publishes revised Media Pluralism Policy

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On 6 August 2026, Ireland's independent media regulator, (*Coimisiún na Meán*), published its revised Media Pluralism Policy. The Broadcasting Act 2009, as amended by the Online Safety and Media Regulation Act 2022, makes the Commission responsible for ensuring that broadcasting and audiovisual on-demand media services available in Ireland are open, inclusive, pluralistic, and serve the needs of the people of Ireland. The Policy recognises that media pluralism depends not only on the entities who own and control media, but also on the range of services available, the diversity of content provided, and the ability of audiences to access and engage with that content.

Beyond ensuring transparency and diversity in media ownership, the Policy also seeks to empower the public to make informed decisions about the media services and content they access, use, and create, to safeguard the independence of media services, and to ensure access to trusted and relevant information. The Policy emphasises the importance of regulating, developing, and supporting a media landscape capable of sustaining a wide range of media services and of reflecting the needs and interests of Ireland's diverse society.

Within the framework of the Policy, the Commission identifies a number of interrelated and overlapping priority outcomes relating to public service, journalism, choice, innovation, and inclusion.

Recognising the essential role that public service media play in upholding the rights of citizens and fulfilling a range of societal needs and interests, the Commission commits, in the implementation of the Policy, to engage in activities that will support public service media to maintain editorial independence, comply with regulatory standards and meet public service objectives, ensure public transparency and accountability, promote public participation, secure appropriate funding, and foster public trust and diversity.

In the context of editorial independence, compliance with regulatory standards, access to appropriate funding, and fostering public trust, the Commission makes a similar commitment in respect of news and current affairs providers. The Policy recognises the central importance of independent, impartial and trusted news and current affairs content facilitating informed debate on matters of public interest, acknowledging the challenges posed by disinformation and misinformation and the additional pressures faced by regional and local services.

Recognising that availability does not guarantee access or understanding, the Policy also emphasises the importance of meaningful public access to, and engagement with, media services and content. To this end, the Commission

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commits to implementing measures that support users and audiences in understanding media ownership, distribution and influence, while fostering their ability to discover diverse sources of information and engage critically with the media services and content they access.

In relation to innovation, the Policy recognises the opportunities presented by new and emerging technologies for the design, delivery, and dissemination of media services and content. The Commission therefore commits, through the implementation of the Policy, to supporting media organisations in adopting and investing in technology, exploring innovative formats and distribution channels, developing skills and capabilities across the media and digital sectors, securing access to appropriate funding, strengthening existing partnerships, and fostering new collaborations.

The Policy emphasises the role of the media in promoting understanding, inclusion, and respect for diversity, further highlighting its role in representing, reflecting, and responding to the needs and interests of Ireland's diverse society. In implementing the Policy, the Commission commits to engage in activities that will support greater diversity in media ownership, ensure fair and respectful representation within media content, promote diversity in content creation and production, and enhance the accessibility of media services and content for people from a wide range of backgrounds and communities.

Coimisiún na Meán, Media Pluralism Policy (August 2026).

https://www.cnam.ie/app/uploads/2026/07/23227-CnaM-Media-Pluralism-Policy_ENG_FINAL_web.pdf

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LUXEMBOURG

[LU] Protection of minors: ALIA issues a reprimand to a provider

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European Audiovisual Observatory

On 10 February 2026, the Hungarian National Media and Communications Authority (NMHH) forwarded to the Luxembourg Independent Audiovisual Authority (ALIA) a complaint concerning the programme segment *Aranykalitka*, broadcast on 29 December 2025 by the television service *Sorozatklub*, which is provided by CLT-UFA S.A., a company established in Luxembourg.

The programme, broadcast during prime time in the early afternoon, was classified as 12+. The complainant considered that both the broadcast time and the rating were inappropriate, citing in particular a scene depicting an interaction between a mother and her daughter in an atmosphere of fear. In this scene, which depicts a memory, the mother reproaches her daughter and threatens to kill them both if she does not put her corset back on. The mother then forces her daughter to take a cold shower, creating an atmosphere of fear and humiliation. The girl, frightened and traumatised, begs her mother to stop, promising that it will never happen again.

As the *Sorozatklub* television service is primarily aimed at a Hungarian audience, the provider opted to apply the classification and protection system in force in Hungary, in accordance with Article 8 of the amended Grand-Ducal Regulation of 8 January 2015 on the protection of minors in audiovisual media services. In this case, the programme segment was classified as Category III and broadcast with the warning "Not recommended for audiences under the age of 12".

As this case relates to the areas of the protection of minors and incitement to violence, hatred and terrorism, the ALIA Consultative Assembly was consulted. It noted, in particular, that "according to the information gathered, the *Sorozatklub* television service does not broadcast unencrypted" and considered that Category III, used for content featuring physical or psychological violence likely to disturb children under the age of 12, appeared appropriate.

For its part, the service provider argued, during a meeting with ALIA, that the disputed scene was presented in the form of a flashback and that the two women were alive in the rest of the story. In its view, the threats made therefore constitute nothing more than an emotional exaggeration with no basis in reality. The mother’s behaviour is portrayed as an excessive and dysfunctional parenting method rather than an act of cruelty. Finally, the provider considers that the legal assessment should focus on the series as a whole and not on an isolated scene, as analysing it in isolation would distort the general meaning of the work and its

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moral conclusion.

In its decision, the ALIA Council first noted that there was nothing in the case file to establish that the *Sorozatklub* television service is not broadcast unencrypted. The broadcast time therefore remains a relevant factor. It also noted that "the disputed programme segment goes beyond mere content likely to frighten a young audience" and that "such content, characterised by a situation of family conflict resolved through violence, is likely to be harmful to the physical, mental or moral development of minors under the age of 16 and therefore falls within Category IV […]". Furthermore, “the fact that the sequence is presented in the form of a flashback or that the threats made do not subsequently materialise does not affect the potentially harmful nature of the content at the time of its broadcast”.

ALIA therefore concluded that the provider had manifestly, gravely and seriously contravened the provisions of Section 9(4) and (5) of Hungarian Act No. 185-2010 by failing to classify the programme element as Category IV. The fact that it was broadcast in the early afternoon confirms the inadequacy of the classification. ALIA therefore issued a reprimand against the provider.

Décision DEC17/2024-P003/2026 du 22 juin 2026 du Conseil d’administration de l’Autorité luxembourgeoise indépendante de l’audiovisuel concernant une plainte à l’encontre de la société CLT-UFA S.A.

https://alia.public.lu/wp-content/uploads/2026/07/D017-2026_P003-2026_Sorozatklub_Aranykalitka_ECsite.AC_.pdf

Decision DEC17/2024-P003/2026 of 22 June 2026 by the Board of Directors of the Luxembourg Independent Audiovisual Authority concerning a complaint against CLT-UFA S.A.

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POLAND

[PL] Act on artificial intelligence systems

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The Act of 3 July 2026 on artificial intelligence systems was published in the *Journal of Laws* on 27 July 2026. The full launch of the national system of supervision over artificial intelligence (AI) is proceeding in stages. A number of its provisions had already come into force on 28 July, however, a fundamental part of the act became applicable on 11 August 2026 and another part will come into force on 28 October 2026.

The act is designed to establish a legal framework for comprehensive support of innovations in the area of AI, and to transpose the EU AI Act. The Polish act ensures the application in Poland of solutions adopted under the EU regulation establishing uniform rules on AI systems throughout the European Union, ensuring the protection of fundamental rights and citizens' safety when using AI systems, increasing public confidence in new technologies, and creating favourable conditions for the development of AI technologies.

Supervision over the application of the AI Act and the Act on artificial intelligence systems will be exercised by a dedicated body – the Commission for the Development and Safety of Artificial Intelligence (*Komisja Rozwoju i Bezpieczeństwa Sztucznej Inteligencji* – KRiBSI), which is going to obtain administrative support from the Ministry of Digital Affairs. As an independent authority, the Commission will be presided over by its chair, appointed by the *Sejm* (the lower house of the Polish Parliament) with the Senate's consent, for a five-year term. The first appointment will be made in October 2026, and the Commission's activities can be initiated in November 2026. Under the above-mentioned act, the Commission will be a collegiate body, composed of representatives of: the President of the Office of Competition and Consumer Protection, the Polish Financial Supervision Authority, the National Broadcasting Council, and the President of the Office of Electronic Communications. This solution is supposed to ensure an effective response to the challenges involved in the development of AI while drawing, at the same time, from the best experiences of the existing regulatory bodies. The Social Council for Artificial Intelligence will form the consultative and advisory body, composed of 9 to 15 members appointed for a two-year term.

The competences of the new regulator will be extensive. KRiBSI will examine any reported irregularities in the operation of AI systems (e.g. causing health or safety risks, making a wrong decision) and, if necessary, react to such flaws. As of 28 October 2026, citizens, businesses and institutions will be able to submit complaints to the Commission regarding the operation of AI systems. A natural

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person, legal person or organisational unit will be able to point to an AI system, provide essential facts, and explain why they think the provisions of the AI Act or of the Polish act have been violated.

KRiBSI is supposed to support the development of an AI ecosystem by creating and managing regulatory sandboxes, conducting educational and informational activities, supporting innovations and scientific research.

The Act on artificial intelligence systems introduces a legislative framework for the operation of regulatory sandboxes in Poland as one of the first countries in Europe to do so. Such regulatory sandboxes allow businesses and institutions to test new solutions in a safe and controlled environment, under the supervision of a competent authority and according to specific regulatory requirements. These sandboxes are intended to speed up the development and commercial utilisation of the technologies discussed while ensuring, at the same time, supervision over the key issues of safety and ethics. Polish businesses, startups and research institutions will develop modern technologies in compliance with legal requirements. It should be emphasised that micro, small and medium-sized enterprises will be in a position to participate in the regulatory sandboxes free of charge.

KRiBSI will also issue individual opinions on both existing solutions and planned AI implementations, helping businesses and institutions feel confident that their solutions comply with regulations before adopting them within their structures. In principle, the Commission should answer an enquiry within 30 days, and in particularly complicated matters, within 60 days. Businesses and institutions will provide their own legal assessment and ask the regulator if the assessment is correct. A lack of response within the prescribed deadline shall constitute approval of the enquiring party’s position by the regulator. After anonymisation, individual opinions and explanations are to be published and made available to the entire market. This is seen as an opportunity to create a “map for practical application of the AI Act”.

Moreover, the rationale behind the new provisions is to create favourable conditions for the development of modern technologies. Under the newly introduced legislation, the Polish Minister of Digital Affairs will be able to provide financial support for scientific research and experimental development in AI.

The rules described will increase the safety of users of AIsystems and ensure favourable conditions for the implementation of modern technologies in Polish businesses and institutions.

Gesetz vom 3. Juli 2026 über Systeme der KI, Gesetzblatt 2026, Nr. 1003.

Act of 3 July 2026 on artificial intelligence systems, Journal of Laws 2026, item 1003.

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SLOVENIA

[SI] Amendments to the Parliamentary Inquiry Act and impact on protection of sources

Deirdre Kevin
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The Parliamentary Inquiry Act in Slovenia governs the mechanism allowing the National Assembly to investigate matters of public importance. The National Assembly adopted amendments to this act on 26 May 2026 via a fast-track procedure. The amendments reduce the possibilities to request a review of the constitutionality and legality of an inquiry by the Constitutional Court within 30 days of the inquiry being ordered. The purpose of the review is to establish whether an inquiry is truly justified by public interest. Previously such a request could be made by the following: at least one-third of all MPs; the State Prosecutorial Council; the Bank of Slovenia; the Human Rights Ombudsman; the Court of Audit; a self-governing local community; the person under investigation; and any private individual or legal entity covered by the scope of the inquiry.

Since these changes to the act have come into force, only the Judicial Council or the Prosecutor General can request such a review. The Parliamentary Inquiry Act gives strong powers to parliamentary committees in the context of their investigations. Journalist organisations, civil society, human rights experts and opposition representatives in the Assembly have expressed concern that the removal of these additional safeguards represents a threat to fundamental rights. Journalists have also expressed concerns regarding the threat to the protection of journalists in the areas of confidentiality of sources and surveillance restrictions as protected under the European Media Freedom Act (EMFA). According to statements from Reporters Without Borders (RSF) and the Slovenian Association of Journalists: "The amended law lets politicians access a journalist's calls, messages, and sources before any judge can intervene.”

A legislative referendum on this new version of the Law will take place on 11 October. A "legislative referendum" allows citizens to reject a law passed by parliament before it goes into effect. The results of the referendum are binding. In order to initiate such a referendum 40 000 signatures need to be collected within a specific time period. Following the collection of these signatures, the referendum date was set in October along with several other referenda including the questions regarding the abolition of the licence fee for the public service broadcaster.

Odlok o razpisu zakonodajnega referenduma o Zakonu o spremembah in dopolnitvah Zakona o parlamentarni preiskavi (OdZPPre-B)

https://pisrs.si/pregledPredpisa?id=ODLO3208

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Government portal: Decree on Calling a Legislative Referendum on the Act Amending and Supplementing the Parliamentary Inquiry Act (OdZPPre-B)

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UKRAINE

[UA] : Amendments to the law on cinematography

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On 4 June 2026, President Volodymyr Zelenskyy of Ukraine signed into law the Statute “On amendments to certain statutes of Ukraine as to the state support of cinematography in Ukraine”. It went into effect with its publication in the official daily *Holos Ukrainy*, No. 110 on 6 June 2026. The statute itself was adopted by the parliament (*Verkhovna Rada*) in December 2025 and awaited the president’s signature for an unusually long time, more than five months. As to the draft law itself, it was introduced into the Rada in October 2021. For background information on state support to national cinematography, see IRIS 2017-6:1/30.

The amendments include a new Article 25-1 in the Statute of Ukraine "On Cinematography". It provides that the central body of executive power, which ensures the formation of state policy in the field of cinematography (currently *Derzhkino*, or the State Agency on Cinematography Issues) is empowered to determine the criteria and procedure for selecting the National Representative of Ukraine and the substitute of the National Representative in the Board of Management of Eurimages, the cultural support fund of the Council of Europe, and to appoint them. This article also defines the modus operandi of the National Representatives, their rights and obligations and the funding for their activities.

As per the amendments, public spending on cinematography shall now amount to at least 0.2 % of expenditures of the previous year’s national budget, guaranteeing the industry a fixed amount of public funds every year, more predictability in planning projects, even as the war puts pressure on state finances.

The amendments were also introduced into Article 7 of the "Statute On the State Support of Cinematography in Ukraine", providing a development-stage financing aid (up to a sum dependent on minimum wages multiplied by 185), which is repayable, thus allowing public support of film projects that are in their early phases of production.

One of the key innovations is a box office refund scheme (Article 10-1) aimed at rewarding the commercially successful national film industry. This means that, if any film produced entirely with a national producer’s own funding generates ticket sales of at least an amount equal to the minimum wages multiplied by 2 000 in the first 90 days of its exhibit, the state will return 30 % of its certified sales to be used for the producer’s future projects.

The law devoted particular attention to the industry’s newcomers and students, allowing direct state funding for students’ graduation film products. Moreover,

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involving film students in the professional filmmaking process provides additional points in evaluating a production that applies for public money.

All films made with public funds will place a strong emphasis on inclusivity and have to be adapted for viewers with visual and hearing impairments.

Закон України Про внесення змін до деяких законів України щодо державної підтримки кінематографії в Україні

https://www.golos.com.ua/article/391473

Statute of Ukraine On amendments to certain statutes of Ukraine as to the state support of cinematography in Ukraine, 18 December 2025 – N 4743-IX

Закон України Про кінематографію

https://zakon.rada.gov.ua/laws/show/9/98-вр#Text

Statute of Ukraine On Cinematography, 13 January 1998, – N 9/98-ВР

Про державну підтримку кінематографії в Україні

http://search.ligazakon.ua/l_doc2.nsf/link1/T171977.html

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