IRIS newsletter

IRIS 2026-9

A publication
of the European Audiovisual Observatory

European Audiovisual Observatory

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Publisher:

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

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

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

Executive Director: Pauline Durand-Vialle

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

Documentation/Press Contact: Alison Hindhaugh

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

E-mail: alison.hindhaugh@coe.int

Proofreading of original texts and machine translations:

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

Web Design:

Coordination: Cyril Chaboisseau, European Audiovisual Observatory

ISSN 2078-6158

© 2026 European Audiovisual Observatory, Strasbourg (France)

To promote inclusive language, we follow the guidelines of the Council of Europe.

EDITORIAL

The fight against disinformation and harmful content is a recurring theme in our newsletter, and it could not be otherwise, as the so-called “information disorder” is what doctors call a long-term condition. With no cure available that would make the underlying cause disappear, the only possible solution is to manage the symptoms under medical supervision and long-term monitoring of the patient’s condition. In the case of the “digital disease”, different remedies have been given to the patient without any of them turning into a magic pill. Accordingly, this issue of the newsletter provides an update of measures that aim at alleviating the affliction, without any of them being standalone fixes. Ukraine’s media regulator, for example, has introduced new criteria for identifying propaganda related to Russian aggression, interpreting the legal prohibition on disseminating such information as set out in the Law on the Media. In the EU, signatories of the Code of Conduct on Disinformation have published their second batch of reports detailing the actions they are taking to reduce the spread of disinformation online. Poland has recently signed one of the legislative acts implementing the Digital Services Act, an important step after it was referred to the Court of Justice for missing the EU implementation deadline. The new act designates the authorities responsible for enforcing the new provisions with regard to internet platforms and introduces a system of complaints and penalties for violations.

Of course, children and young people are very important patients who require special care. The Irish regulator’s recent report on Online Safety & Children's Digital Lives revealed that 25% of 9-11-year-olds have a social media account, with 33% of children and young people reporting a negative online experience in the past year. In Spain, the recent approval of a new Co-Regulatory Agreement on the Classification of Audiovisual Programmes and Content represents an important step forward for the Spanish audiovisual sector as a whole in terms of protecting minors.

Several other measures aimed at protecting vital aspects of the media sector have recently been adopted, ranging from anti-SLAPP legislation to protect journalists and encourage public participation in Bulgaria, to guidance on data protection in video games.

Enjoy the read!

Maja Cappello, Editor

European Audiovisual Observatory

© European Audiovisual Observatory (Council of Europe) 2026

Table of content

COUNCIL OF EUROPE

European Court of Human Rights: Atresmedia Corporacion de Medios de Comunicacion S.A. v. Spain

EUROPEAN UNION

CJEU: Raidió Teilifís Éireann (RTÉ) v. Commissioner for Environmental Information

VLOPs and VLOSEs signatories to the Code of Conduct on Disinformation publish their second batch of reports

A new briefing investigating AI in the CCS and assessing whether existing EU policies address AI challenges

NATIONAL

[AM] Armenia adopts criteria on discriminatory and hate-inciting content in audiovisual programmes

[BE] CSA study on the representation of women and men in radio programmes

Spain and Belgium publish joint European guidance on data protection in video games

[BG] Amendments to the Consumer Protection Act introduce website blocking and tackle greenwashing

[BG] New anti-SLAPP legislation protects journalists and public participation

[DE] Publication of 2026 ARD/ZDF Media Study on media usage in Germany

[DE] Berlin-Brandenburg court rules that all media outlets are entitled to non-discriminatory access to public sector advertising space

[DE] Broadcasting Commission agrees on second part of Digital Media State Treaty

[ES] Spain's new approach to audiovisual content classification

[FR] Arcom fines CNews EUR 200 000 for inciting hatred and failing to control its broadcasts

[FR] Dismissal of appeal seeking to order Arcom to investigate whether CNews and Europe 1 are meeting pluralism obligations

[GE] National regulator comes close to suspending broadcaster

[IE] Online Safety and Children's Digital Lives: Insights from Irish Children and Parents

[IS] Media Commission fines podcast presenter for failure to register

[IT] AGCOM amends the Economic Information System regulation to exclude online intermediation and search engine service providers established in other EU member states

[LT] Regulator orders blocking of twelve websites carrying Sputnik radio

[LT] Regulator finds EUR 650 889 overpayment for public broadcaster's transmission services

[LV] Saeima adopts new language framework for public media content

[PL] Implementing the Digital Services Act in Poland

[RO] The Romanian National Audiovisual Council sets out new rules and obligations applicable to online content creators and influencers

[SE] New accessibility decisions extend TV4 and Viaplay obligations to 2030

© European Audiovisual Observatory (Council of Europe) 2026

[UA] : Regulator provides criteria to identify propaganda of russian aggression

© European Audiovisual Observatory (Council of Europe) 2026

INTERNATIONAL

COUNCIL OF EUROPE

European Court of Human Rights: *Atresmedia Corporacion de Medios de Comunicacion S.A. v. Spain*

Melinda Rucz
Institute for Information Law (IViR)

On 8 October 2026, the European Court of Human Rights (the Court) held that a regulatory restriction on the format of an election debate broadcast by a Spanish private television channel did not violate the right to freedom of expression (Article 10 of the European Convention on Human Rights). The case provided an opportunity for the Court to examine potential tensions between private media outlets' editorial freedom and states' positive obligations to safeguard pluralism in the audiovisual media sector during election periods.

In the run-up to the national parliamentary elections in Spain in April 2019, the television channel Antena 3, part of the Atresmedia group, planned to organise an election debate. It invited the leaders of the five political parties that were expected, on the basis of polling data, to receive the most votes in the upcoming elections. Four of the five parties had already secured parliamentary seats in the previous general election held in 2016. The fifth party, Vox, had not received enough votes to secure a seat in that previous election.

Three parties that had not been invited to the election debate complained to the Central Electoral Commission (CEC) about the criteria used by the television channel to determine which parties to invite to the debate. These three parties had not received enough votes to win any parliamentary seats in the previous election. They argued that the planned debate violated the principles of pluralism, proportionality, equality and neutrality as it gave more airtime to a party that had no seats in the parliament than to parties that were represented in parliament.

The Spanish law on the electoral system (Institutional Law no. 5/1985) obliges private broadcasters to respect pluralism, equality, proportionality and neutrality in media coverage of election debates and interviews. Instruction no. 4/2011, adopted by the CEC, seeks to clarify how private media organisations should meet this obligation. It stipulates that, while private broadcasters are not obliged to organise election debates, when they do so, they "must take particular account of the results obtained by each political formation in the most recent equivalent elections". Parties that secured no seats in the previous election cannot receive more airtime than parties that did secure seats.

© European Audiovisual Observatory (Council of Europe) 2026

In its defence, the applicant company, Atresmedia, argued that it was planning to organise more debates and election programmes to which the three parties that had lodged the complaint with the CEC would be invited. It also pointed out that the political landscape had significantly shifted since the previous election. The popularity of Vox had increased rapidly, demonstrated by the fact that it had received 10.96% of votes in a regional election a few months prior to the national election. The polling data underpinning Atresmedia's selection criteria had been derived from a survey conducted by the Spanish Centre for Sociological Research, an independent public body which, according to the applicant company, underscored the objective and verifiable nature of its assessment of Vox's popularity. As a result, the applicant company argued that the debate in its planned form clearly had a strong informative value for the public.

The CEC rejected the applicant company's reasoning and prohibited the debate in its proposed format. It stressed that Spanish law laid down in clear terms the criteria that should guide private broadcasters' plans for election debates and these could not be replaced by alternative considerations such as polling data. Moreover, it was irrelevant that the three complainants would be invited to participate in other debates and election programmes, since the principles established in the relevant law applied to each debate individually.

In its appeal to the Spanish Supreme Court, the applicant company argued that the CEC's decision interfered with its right to impart complete information to voters ahead of the general election. The Supreme Court dismissed the appeal, stressing that the regulatory framework unequivocally prescribed the preferential treatment of established political parties in election debates, leaving no room for shifts in the political landscape to change the application of the relevant criteria. As a result, Antena 3 withdrew Vox's invitation and held the debate with the remaining four parties. It subsequently brought a case before the Court under Article 10 of the European Convention on Human Rights (right to freedom of expression), read in light of Article 3 of Protocol No. 1 (right to free elections).

At the outset of its judgment, the Court recalled its well-established principles regarding press freedom. It stressed that it was the media's duty to impart information of public interest, and their freedom of expression extended both to the substance and the format of the expression. Political debate surrounding elections played a particularly important role as a "discussion of candidates and their programmes contributes to the public's right to receive information and strengthens voters' ability to make informed choices between candidates for office". At the same time, the Court insisted that the crucial role of the press in facilitating political debate could only be realised in a climate of pluralism. Since audiovisual media was a "sensitive sector", states had a positive obligation to guarantee true effective pluralism through their legal and administrative frameworks. In this light, the principle of pluralism, along with those of equality of opportunity between political competitors and neutrality of the electoral process, could legitimise restrictions on media activities in election periods that "would not usually be acceptable".

© European Audiovisual Observatory (Council of Europe) 2026

Applying these general principles, the Court first considered the scope of the margin of appreciation to be afforded to Spain. On the one hand, it emphasised that "there are numerous ways of organising and running electoral systems" reflecting different historical traditions and social contexts, pointing to a wide margin of appreciation. Moreover, states had considerable leeway in determining the means by which they fulfilled their positive obligations. On the other hand, the Court insisted that there was "little scope" for restrictions on freedom of expression in relation to matters of public interest. The Court concluded that the margin of appreciation in the case should be "relatively narrow", although subsequently it continued to refer to the broader margin of appreciation afforded to states in ensuring pluralism during election times in its assessment.

The Court then assessed whether the reasons provided by the national authorities for the interference were relevant and sufficient. In terms of their relevance, it observed that the CEC had merely applied the generally applicable rules set out by the relevant law. The proportional equality rule based on previous election results, established in Spanish law, was considered justified as it also reflected the approach recommended by the Venice Commission's Code of Good Practice in Electoral Matters. Moreover, the Court was persuaded by the Supreme Court's reasoning that reliance on polling data to determine media coverage would introduce subjectivity and uncertainty to the matter. As a result, the Court found "no reason to depart" from the assessment of the national authorities.

With regard to the sufficiency of the reasons, the Court stressed that the CEC had only intervened after the complaint was lodged by affected political parties, and was satisfied with its efforts to balance the editorial freedom of the applicant company with the interest of other political parties not to be excluded from the election debate. It also found that the measure was not a "permanent and absolute ban" as the applicant company was free to organise an eight-party debate featuring Vox as well as the three complaining parties. The Court insisted that the CEC had not imposed a single format for the debate. The applicant company could have also hosted its planned five-party debate via radio or the internet as the rules in question only applied to television. The Court considered it unnecessary to examine whether these options were equivalent alternatives, and ultimately found that the "applicant company retained editorial discretion to adapt the format of the debate so as to comply with the relevant legal framework".

Accordingly, the Court concluded that the reasons provided by the national authorities for the interference were relevant and sufficient, and held, unanimously, that that there had been no violation of Article 10.

European Court of Human Rights, Atresmedia Corporacion de Medios de Comunicacion S.A. v. Spain, application no. 29807/23, 8 October 2026

https://hudoc.echr.coe.int/eng#{%22appno%22:[%2229807/23%22],%22itemid%22:[%22001-252665%22]}

© European Audiovisual Observatory (Council of Europe) 2026

EUROPEAN UNION

A new briefing investigating AI in the CCS and assessing whether existing EU policies address AI challenges

Justine Radel-Cormann
European Audiovisual Observatory

The research department of the European Parliament's Committee on Culture and Education (CULT) published a briefing on 23 September 2026 on artificial intelligence (AI) in the cultural and creative sectors (CCS).

The briefing examines the impact of AI on the CCS and the European Union's (EU) policies in this area. It identifies gaps between the challenges posed by AI and the existing EU legislative framework, and makes recommendations to address them.

The AI Act establishes a horizontal, risk-based framework that applies across industries. It is complemented by the Directive on Copyright in the Digital Single Market, the Digital Services Act, the Data Act, the Data Governance Act and the General Data Protection Regulation (GDPR). The briefing recommends strengthening the AI Act's transparency obligations, including by requiring comprehensive documentation of data sources.

Many of the challenges facing the audiovisual sector are shared with music and publishing. These include potential job losses and the risk that professionals may lose skills. Professionals also need access to AI training to remain competitive. One of the briefing's high-priority recommendations is to safeguard entry-level jobs and core skills.

AI could also amplify bias, misrepresent people and cultures, and distort cultural representation. The Audiovisual Media Services Directive (AVMSD) supports cultural diversity by promoting the visibility and discoverability of works in video-on-demand catalogues. However, there is no guarantee that AI models will represent different cultures and identities, creating a risk of cultural homogenisation. The briefing recommends setting a binding cultural and linguistic diversity obligation for AI systems in the AI Act.

There are also concerns about the use of copyrighted works to train AI systems. The briefing notes that, under the current framework, using copyrighted works for AI training is not considered copyright infringement if rights holders have not explicitly opted out of their works being included in training data. The briefing recommends extending opt-out mechanisms beyond data used for AI training to cover any data collected for exploitation, and adapting those mechanisms to reflect the sectors' operational and licensing realities.

© European Audiovisual Observatory (Council of Europe) 2026

AI may also put actors at risk if avatars are used to replace extras or create synthetic actors, digital replicas or voices. Artists may face pressure to grant rights for the use of their work in AI training. The GDPR protects personal data, and its rules may give rise to civil liability when AI models are trained on people's likenesses or voice recordings. However, there is no reliable way to verify whether personal data has been excluded from training data. The GDPR protects living individuals, leaving a gap in relation to deceased persons. The briefing recommends strengthening enforcement of personal-data protections and creators' rights in AI development, and treating personal data inferred, generated or reconstructed by generative or agentic AI systems as personal data.

The briefing identifies more than 20 recommendations, ranked from low, to medium to high priority.

AI in cultural and creative sectors – opportunities, challenges and legislative limitations in the audiovisual, publishing and music streaming sectors

https://www.europarl.europa.eu/thinktank/en/document/IUST_BRI(2026)787221

© European Audiovisual Observatory (Council of Europe) 2026

CJEU: *Raidió Teilifís Éireann (RTÉ) v. Commissioner for Environmental Information*

Amélie Lacourt
European Audiovisual Observatory

On 10 September 2026, the Court of Justice of the European Union (CJEU) published its judgment in a case between Ireland's national public broadcaster, *Raidió Teilifís Éireann* (RTÉ), and the Commissioner for Environmental Information concerning a request for access to environmental information made by Right to Know CLG (RTK) to RTÉ.

On 19 July 2021, RTK, a non-profit organisation governed by Irish law, made a request for information to RTÉ under the European Communities (Access to Information on the Environment) Regulations 2007 (AIE Regulations), which transposes Directive 2003/4/ECin Ireland, in respect of three categories of environmental information:

- copies of any guidance, training or other such advice issued to RTÉ journalists on how to communicate or cover climate change to an audience, with this part of the request covering the period from 1 January 2020 to 19 July 2021;

- a record of how many representations RTÉ received regarding its coverage of climate change over the same period; and

- a copy of all representations or correspondence received by RTÉ relating to its coverage of climate change issues in 2021.

Following a search of the two inboxes corresponding to its two main contact email addresses and its telephone log using the search term "climate change", RTÉ stated that it did not have any documents falling within the first two categories. It voluntarily communicated a number of documents falling within the third category, while maintaining that those documents were not “environmental information”.

RTK appealed the decision to the Commissioner for Environmental Information. In the course of that procedure, RTÉ submitted, *inter alia*, that it was not a "public authority" within the meaning of Article 3 of the 2007 AIE Regulations. However, by a decision of 30 November 2023, the Commissioner for Environmental Information found that RTÉ had to be classified as a "public authority" and that the information requested constituted "environmental information" within the meaning of the 2007 AIE regulations.

On 30 January 2024, RTÉ brought an appeal before the High Court, seeking the annulment of that decision. In this context, the High Court decided to refer three questions to the CJEU, namely to determine:

© European Audiovisual Observatory (Council of Europe) 2026

- whether RTÉ is to be treated as a public authority in respect of all or certain of its functions, under Article 2(2)(a) of Directive 2003/4/EC;

- whether the definition of “environmental information” in Article 2(1) of Directive 2003/4 and in particular the term “material form” require a public body to count the number of such records and create a record of that number, if the information does not already exist in material form; and

- whether a court must interpret national law to the maximum extent possible, where remittal would cause undue delay.

The CJEU concluded that a public-law legal entity cannot be classified as a "public authority" when it exhibits the following characteristics:

- it is created by Stateand is only dissolvable by the state;

- its board members are appointed by the government;

- it is funded by both public monies and commercial revenue;

- it mainly carries out broadcasting and journalistic activities, all while remaining independent in the exercise of its functions and benefiting from the protection linked to freedom of expression; but

- it does not organically form part of the public administration or executive of the state.

While RTÉ is established by the state and receives public and commercial funding, its core independent broadcasting, journalistic, and editorial functions do not equate to exercising public administrative authority or conventional public administration.

CJEU, Raidió Teilifís Éireann (RTÉ) v. Commissioner for Environmental Information, Case C-330/25, 10 September 2026

https://juris.curia.europa.eu/juris/document/document.jsf?text=&docid=315051&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=1876130

© European Audiovisual Observatory (Council of Europe) 2026

VLOPs and VLOSEs signatories to the Code of Conduct on Disinformation publish their second batch of reports

Eric Munch
European Audiovisual Observatory

On 24 September 2026, the European Commission reported that signatories of the voluntary Code of Conduct on Disinformation had published their second batch of reports since the code's recognition as a code of conduct under Article 45 of the Digital Services Act (DSA).

The Code of Conduct on Disinformation, a pioneering framework established in 2018 to address the spread of disinformation, was significantly strengthened in 2022. It was following this update that the European Commission and the European Board for Media Services integrated the 2022 version into the framework of the DSA. Very large online platforms (VLOPs) and very large online search engines (VLOSEs) report every six months on the actions taken under the code, while other non-platform signatories report annually.

Reports have been submitted to the Code of Conduct for Meta (but also individually for Facebook, Instagram, Messenger and WhatsApp), TikTok, YouTube, LinkedIn, Google and Bing, among others. Other signatories include fact-checking organisations, civil society organisations or organisations providing tools against disinformation, which have also submitted reports.

The recently published reports detail the actions the signatories took to reduce the spread of disinformation online between 1 January and 30 June 2026. They include dedicated chapters on actions related to specific ongoing conflicts and elections, where each signatory detailed the threats they had identified and the measures they had taken to mitigate those threats.

The publication of the second batch of reports marks one year of implementation of the code. The European Commission will subsequently open dialogues with VLOP and VLOSE signatories to discuss their subscription levels and engagement.

Platform signatories publish latest reports under the Code of Conduct on Disinformation

https://digital-strategy.ec.europa.eu/en/news/platform-signatories-publish-latest-reports-under-code-conduct-disinformation?pk_source=ec_newsroom&pk_medium=email&pk_campaign=Shaping%20Europe%27s%20Digital%20Future%20-%20Weekly%20newsletter/en

Code of Conduct on Disinformation – Transparency Centre – Reports

https://disinfocode.eu/reports?signatory=&type=&year=2026

© European Audiovisual Observatory (Council of Europe) 2026

NATIONAL

ARMENIA

[AM] Armenia adopts criteria on discriminatory and hate-inciting content in audiovisual programmes

Anna Hovhanisyan
Commission on TV and Radio of Armenia

On 11 September 2026, the Commission on Television and Radio of the Republic of Armenia (CTR) adopted Decision no. 110-Ն, establishing criteria for applying the prohibition on certain discriminatory and hate-inciting content in audiovisual programmes.

The decision followed amendments to the Law on Audiovisual Media that entered into force on 28 April 2026. Under the revised Article 9(1)(3), audiovisual programmes may not disseminate information that incites national, racial, gender-based or religious hatred, or that sows, encourages or justifies discrimination based on age, disability or other personal or social characteristics. Article 9(6) requires the CTR to establish the criteria applicable to this prohibition.

The prohibition itself is not new. The previous version of the law already prohibited audiovisual programmes through which discrimination was disseminated or which contained information pursuing such an aim. The 2026 amendments retained the substantive basis of the prohibition while reformulating it in more specific terms, referring expressly to information that sows, encourages or justifies discrimination and separately identifying information that incites national, racial, gender-based or religious hatred. The decision therefore does not create a new independent prohibition, but clarifies the application of an existing statutory restriction in order to promote legal certainty, consistency, proportionality and predictability in regulatory practice.

A central element of the decision is the identification of protected characteristics. These include national, racial, gender-based, religious, age-related and disability-related characteristics, as well as other characteristics of a personal or social nature. The latter may include, among others, skin colour, ethnic or social origin, language, citizenship, worldview, political or other opinions, belonging to a national minority, property status, birth, health status, genetic characteristics, gender identity, marital or family status, migrant or refugee status, and other comparable characteristics connected with a person’s status or social position.

The criteria focus not merely on the presence of negative or offensive language, but on the relationship between the content and the protected characteristic concerned. Relevant factors may include whether a person or group is portrayed as inferior, dangerous, undesirable or as not being a full holder of rights; whether

© European Audiovisual Observatory (Council of Europe) 2026

negative conduct by individual members is attributed to an entire group; whether hostility, intolerance or contempt is encouraged or justified; whether ideas of social exclusion are promoted; or whether restrictions on rights and freedoms are advocated based on a protected characteristic.

The decision also addresses the justification or normalisation of unequal treatment. Content may be relevant where discriminatory treatment is presented as natural, necessary, justified or acceptable solely because a person belongs to a particular group. Similarly, attributing collective guilt or responsibility to an entire national, religious, social or other group may be an indicator of discriminatory content.

Context is particularly important. Assessment is not intended to be based on isolated words or expressions. Rather, the content, context, manner of presentation and overall message of the programme must be considered together. Relevant factors may include the programme format, editorial purpose, presenter's position, characteristics of the audience, and whether a controversial statement was presented as the broadcaster's own position or as a third-party view subject to criticism or discussion.

This contextual approach also helps distinguish discrimination from legitimate criticism. Criticism of a person's conduct, actions, beliefs, political position or religious views does not in itself amount to discrimination where it is not directed against that person or group based on a protected characteristic and does not promote, encourage or justify unequal, exclusionary, degrading or hostile treatment on that basis.

որոշում ՏԵՍԱԼՍՈՂԱԿԱՆ ՀԱՂՈՐԴՈՒՄՆԵՐՈՒՄ ԱԶԳԱՅԻՆ ԿԱՄ ՌԱՍԱՅԱԿԱՆ ԿԱՄ ՍԵՌԱՅԻՆ ԿԱՄ ԿՐՈՆԱԿԱՆ ԱՏԵԼՈՒԹՅՈՒՆ ԲՈՐԲՈՔՈՂ, ԻՆՉՊԵՍ ՆԱԵՎ ՏԱՐԻՔԱՅԻՆ ԿԱՄ ՀԱՇՄԱՆԴԱՄՈՒԹՅԱՆ ԿԱՄ ԱՆՁՆԱԿԱՆ ԿԱՄ ՍՈՑԻԱԼԱԿԱՆ ԲՆՈՒՅԹԻ ԱՅԼ ՀԱՏԿԱՆԻՇՆԵՐՈՎ ԽՏՐԱԿԱՆՈՒԹՅՈՒՆ ՍԵՐՄԱՆՈՂ, ԽՐԱԽՈՒՍՈՂ ԿԱՄ ԱՐԴԱՐԱՑՆՈՂ ՏԵՂԵԿԱՏՎՈՒԹՅԱՆ ՏԱՐԱԾՄԱՆ ՉԱՐԱՇԱՀՄԱՆ ԱՐԳԵԼՔՆԵՐԻ ՉԱՓՈՐՈՇԻՉՆԵՐԸ ՍԱՀՄԱՆԵԼՈՒ ՄԱՍԻՆ

https://www.arlis.am/hy/acts/230994/latest

Decision defining standards for prohibiting the abuse of the dissemination of information in audiovisual communications that invoke national, racial, sexual or religious hate, as well as instituting, encouraging or justifying discrimination on the basis of age or disability or other characteristics of a personal or social nature

© European Audiovisual Observatory (Council of Europe) 2026

BELGIUM

Spain and Belgium publish joint European guidance on data protection in video games

Joan Ramon Rodriguez-Amat
European Audiovisual Observatory

The "Recommendations and best practices for personal data protection in video games" are the first joint European guidelines dedicated exclusively to addressing data protection, user privacy, and systemic risks within the video games ecosystem under the General Data Protection Regulation (GDPR). They have been published collaboratively between the Spanish Data Protection Agency (*Agencia Española de Protección de Datos* – AEPD) and the Belgian Data Protection Authority (*Autorité de protection des données* (APD) / *Gegevensbeschermingsautoriteit* (GBA).

Grounded in the principle of privacy by design and by default, the document is an effort to translate high-level GDPR obligations into actionable, operational guidelines for developers, studios, publishers, hardware providers, and digital distribution storefronts across all development and operational phases. The publication thus addresses the technological complexity and massive processing operations inherent in modern video games. It assumes that compliance in interactive software cannot be achieved retroactively because structural software architecture, database design and interface mechanics constrain data flows permanently; because of that, the principle of privacy by design (Article 25 GDPR) must serve as the primary framework for game governance. Accordingly, establishing a data controller, and data processor relationships between hardware vendors, engine providers, developers and platform distribution stores is a vital condition prior to launch. Similarly, early governance intervention ensures that any forms of automated profiling – including algorithmic difficulty adjustments or large-scale telemetric logging – remain fully compliant with legal bases, data minimisation and purpose limitation requirements at all times.

The guidelines draw attention to a structural vulnerability in gaming: the immersive, fictional nature of interactive environments often induces a false sense of anonymity among players, obscuring the reality of continuous data collection. In order to prevent this, data controllers are expected to provide clear, layered, and granular privacy information that avoids vague justifications such as "improving user experience" or "supporting advertising services". Instead, games must explicitly clarify legal bases, retention windows and any form of third party

© European Audiovisual Observatory (Council of Europe) 2026

data sharing.

The document uses a practical approach and is structured along three operational building blocks:

1) Industry mapping and data processing categories: the guidelines provide an overview of the complex multi-stakeholder ecosystem and a map of the data categories processed within the digital interactive entertainment sector.

2) Threat and risk identification: the document offers a detailed examination of dark patterns, player opacity, manipulative design practices, and specific vulnerabilities affecting minors.

3) Phase-by-phase recommendations: using a comprehensive compliance catalogue helps to check every step in the video game lifecycle: pre-production, production, launch and post-production.

The guidance provides methodological tools, interactive questionnaires, self-assessment checklists and analysis of data controller and processor roles at each stage of a title's lifecycle to clarify responsibility in multi-layered processing chains.

The guidelines highlight three major, high-risk categories of personal data processing that require more heightened regulatory scrutiny than the basic account registration data (usernames, email addresses, and passkeys). These categories include:

- account creation and identity management (identifiers provided by the direct user during onboarding and authentication);

- telemetry and in-game monitoring (involving background data point logging – at rates of dozens per second – that includes micro-interactions, session lengths, character movements, text and voice logs in-game, or even biometric identifiers like voice telemetry, facial expression tracking and eye movement data); and

- behavioural inferences for personalisation and monetisation (using AI and machine learning to generate profile data that evaluates dynamic gameplay logs and constructs detailed psychological profiles that predict user skills, engagement drop-off points, consumer and emotional vulnerabilities).

The guidance also rigorously defines and prohibits manipulative design patterns by entering the key space between user experience (UX) design, consumer protection and data privacy. This involves dealing directly with dark patterns, addictive mechanics, and loot boxes.

The text establishes a regulatory stance of presumption of the presence of minors that assumes that children constitute a portion of the gaming demographic and that they face risks regarding profiling, commercial exploitation or peer harassment. This stance applies by default unless the video game can provide verifiable proof that its content and target audience are exclusively restricted to adults. The consequence of this is that studios and publishers must default to the

© European Audiovisual Observatory (Council of Europe) 2026

strictest privacy configurations (privacy by default) which means disabling commercial profiling, personalised monetisation mechanics, targeted advertising, and location tracking for all default profiles, as well as implementing robust, privacy-preserving age-assurance and verification mechanisms.

Directive 95/46/EC (General Data Protection Regulation)

http://data.europa.eu/eli/reg/2016/679/oj

Recommendations and best practices for data protection in video games

https://www.dataprotectionauthority.be/publications/recommendations-and-best-practices-for-data-protection-in-video-games.pdf

© European Audiovisual Observatory (Council of Europe) 2026

[BE] CSA study on the representation of women and men in radio programmes

Olivier Hermanns
Conseil Supérieur de l'Audiovisuel Belge

Since 2011, the Higher Audiovisual Council (*Conseil supérieur de l'audiovisuel* – CSA) of the French Community of Belgium has published several studies, known as "barometers", on the representation of people in the audiovisual media falling within its remit. The criteria analysed generally relate to gender, ethnic background, age, socio-professional category and disability. Since 2016, the CSA has had a statutory duty to periodically analyse the balanced representation of women and men in audiovisual media. In this regard, an initial equality barometer, published in 2019, focused more specifically on radio, though it was not limited to gender issues.

Against this backdrop, on 23 September 2026, the CSA published a new study on the representation of women and men in radio programmes. Given the new possibilities offered by developments in artificial intelligence, as well as the difficulties inherent in radio when it comes to identifying and categorising radio programme participants, the study's methodology was revised. In particular, the tools implemented made it possible to categorise the voices of those speaking on air in order to provide an indication of their gender. The sample comprised 27 FM radio stations broadcast by various radio networks, both public and private, including independent and regional stations.

The first part of the study examines the distribution of speaking time between voices identified as female and male over two reconstructed weeks, one in 2024 and the other in 2025. The second part focuses on the morning programmes of 11 radio stations.

Among its many findings, the CSA notes an under-representation of female voices on the radio, which became more pronounced between 2024 and 2025, when their speaking time across all programmes fell from 36.64% to 34.52%. Furthermore, in 2024, while 44.05% of voices in the morning radio programmes examined were identified as female, their speaking time amounted to only 38.98%. In other words, women who were present in the studio during radio programmes spoke less than men. The study points out, however, that "experts who appear on radio programmes are now almost as likely to be women as men, whereas in 2019 only around one in four were women."

Baromètre: L'égalité dans les programmes radio en 2024 et 2025

https://www.csa.be/egalitediversite/barometre-radio-2024-2025/

Barometer: Gender equality in radio programmes in 2024 and 2025

https://www.csa.be/egalitediversite/barometre-radio-2024-2025/

© European Audiovisual Observatory (Council of Europe) 2026

BULGARIA

[BG] Amendments to the Consumer Protection Act introduce website blocking and tackle greenwashing

Nikola Stoychev
Dimitrov, Petrov & Co., Law Firm

On 24 September 2026, the Act amending and supplementing the Consumer Protection Act (*Закон за изменение и допълнение на Закона за защита на потребителите* – the Act) was promulgated in *State Gazette* No. 87. The Act transposes Directive (EU) 2023/2673 on financial services contracts concluded at a distance and Directive (EU) 2024/825 on empowering consumers for the green transition, and introduces notable new powers for the relevant authorities. Most provisions entered into force on the date of promulgation. The rules on greenwashing, durability and repair apply from 27 September 2026.

The most significant development for the online environment is a new procedure for blocking websites. It applies where a trader on an online marketplace has not provided its name, address and contact details, or has provided false or incomplete information. It also applies where officials of the Commission for Consumer Protection (*Комисията за защита на потребителите* – CPC) have made more than three unsuccessful attempts to contact the trader within 10 working days. In such cases, the Chairperson of the CPC issues an order to stop the infringement, which is published on the CPC website.

If the infringement is not stopped within three days, the CPC asks the Chairperson of the Sofia Regional Court (*Софийски районен съд*) to order all providers of public electronic communications networks and/or services to block access to the websites concerned. The court must rule within 72 hours, and providers must block access within 24 hours of publication of the court order. The same procedure applies to goods and services on online marketplaces the sale of which is prohibited by legislation enforced by the CPC.

The Act also requires traders who conclude distance contracts through an online interface to provide a "withdrawal function". The function must be labelled "withdraw from contract here" or with a similar unambiguous phrase, and must be available throughout the withdrawal period. The consumer then confirms through a function labelled "confirm withdrawal". The trader must send an acknowledgement on a durable medium by the end of the same working day. For financial services concluded at a distance, the Act also expressly prohibits "dark patterns" in online interfaces within the meaning of the Digital Services Act (DSA).

Another major change concerns green claims. The list of commercial practices that are always considered misleading now includes the following:

© European Audiovisual Observatory (Council of Europe) 2026

- sustainability labels not based on a certification scheme or established by public authorities;

- generic environmental claims that cannot be substantiated;

- claims of neutral environmental impact based on offsetting greenhouse gas emissions;

- false claims about durability or repairability.

Finally, for many misleading and aggressive unfair commercial practices, legal entities now face fines of up to 4% of their domestic turnover in the previous financial year, determined under a methodology published by the CPC (which has yet to be adopted). Where turnover data is unavailable, the fine ranges between EUR 5 000 and EUR 50 000.

In conclusion, the Act brings Bulgarian consumer law closely in line with the EU rules on the green transition and the digital environment. The website-blocking procedure gives the CPC a powerful and fast enforcement tool, with an immediate effect on online marketplaces and telecommunications operators. How proportionately it will be applied in practice remains to be seen.

Закон за изменение и допълнение на Закона за защита на потребителите

https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=245888

Act amending and supplementing the Consumer Protection Act

© European Audiovisual Observatory (Council of Europe) 2026

[BG] New anti-SLAPP legislation protects journalists and public participation

Nikola Stoychev
Dimitrov, Petrov & Co., Law Firm

On 6 October 2026, the Act amending and supplementing the Civil Procedure Code (*Закон за изменение и допълнение на Гражданския процесуален кодекс* – hereafter "the Act") was promulgated in the State Gazette (*Държавен вестник*). The National Assembly (*Народно събрание*) adopted the Act on 30 September 2026. The Act is Bulgaria's new anti-SLAPP legislation; it transposes Directive (EU) 2024/1069 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ("strategic lawsuits against public participation" – SLAPPs).

The Act adds a new Chapter 33b to the Civil Procedure Code. Its rules apply to all civil and commercial cases brought because of the defendant's public participation. "Public participation" covers statements or activities that exercise freedom of expression and information, freedom of the arts and sciences, or freedom of assembly and association on a matter of public interest. Matters of public interest include the activities of public figures, reports of corruption and fraud, and the protection of democratic processes, in particular by combating disinformation. Media outlets, journalists and civil society organisations, the usual targets of SLAPPs, are therefore within the scope of the new rules.

A brief, non-exhaustive overview of the new anti-SLAPP provisions is as follows:

- The defendant may ask the court to dismiss a SLAPP as manifestly unfounded. The request must be made no later than the first hearing. The claimant then has one week to substantiate the claim. If the claimant fails to do so, the court dismisses the claim.

- The court must assess whether the main purpose of the proceedings is to prevent, restrict or penalise the defendant's public participation. Relevant factors include an imbalance of power between the parties, a disproportionate claim value, and multiple or coordinated proceedings, including cross-border ones. Intimidation through media publications and suing journalists as individuals instead of the responsible legal entity are also relevant.

- The court may collect evidence of these circumstances of its own motion, including from court registers and other publicly available sources.

- With the defendant's consent, non-profit organisations that protect fundamental rights may submit evidence. Professional organisations and trade unions of which the defendant is a member may do the same.

- SLAPP defendants may request security for the legal costs they reasonably expect to incur. Interim relief securing the claim is not allowed unless the claim is

© European Audiovisual Observatory (Council of Europe) 2026

supported by convincing written evidence.

- Final judgments dismissing SLAPPs are published on the court's website for 10 years, with the claimant's details.

Several related acts were also amended. Under the Bar Act (*Закон за адвокатурата*), SLAPP defendants may receive free legal assistance. The Supreme Judicial Council (*Висш съдебен съвет*) must publish annual statistics on SLAPP cases. Under the Private International Law Code (*Кодекс на международното частно право*), Bulgarian courts gain jurisdiction over claims for damages arising from SLAPPs brought in non-EU countries. Recognition of manifestly unfounded or abusive third-country SLAPP judgments may be refused. Defendants in pending cases may also ask for the new rules to be applied.

In conclusion, the anti-SLAPP legislation gives journalists, media outlets and civil society a long-awaited procedural shield against abusive litigation. Early dismissal, security for costs and the publication of judgments dismissing abusive claims should discourage lawsuits filed mainly to silence critical voices. Much will depend on how the courts apply the new criteria in practice. The annual SLAPP statistics should help show whether the new rules are effective.

Закон за изменение и допълнение на Гражданския процесуален кодекс

https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=246208

Act Amending and Supplementing the Code of Civil Procedure

© European Audiovisual Observatory (Council of Europe) 2026

GERMANY

[DE] Berlin-Brandenburg court rules that all media outlets are entitled to non-discriminatory access to public sector advertising space

Christina Meese
Institute of European Media Law

On 21 September 2026 (case no. OVG 1 S 63.26), the Higher Administrative Court of Berlin-Brandenburg (*Oberverwaltungsgericht Berlin-Brandenburg* – OVG) ruled in summary proceedings that the Berlin Public Transport Authority (*Berliner Verkehrsbetriebe* – BVG) must continue the advertising campaign for a controversial media portal because previously allocated, unobjectionable advertising space could not be withdrawn solely on the grounds of potential protests or political controversy. Security risks should be managed through police measures rather than by unilaterally terminating contracts with "unwelcome" media outlets. Furthermore, the OVG prohibited BVG from classifying certain statements made by the portal's editor-in-chief in this context as "manifestly unlawful", as state-owned undertakings had no right to launch a political "counter-attack" that went beyond simple rectification.

In April 2026, the media portal NIUS had booked exterior advertising on a double-decker bus and interior advertising in the underground train network with BVG. The advertising had been reviewed and approved by BVG which, as a public-law body, permits advertising on and inside its vehicles provided it has been authorised in advance in accordance with its guidelines. NIUS is a German online media portal and news platform launched in summer 2023, which is largely shaped and led by a former editor-in-chief of the *Bild* newspaper. It primarily distributes expensively produced video content via its own website and on YouTube. The portal sees itself as a "counter-voice" to established media and public service broadcasters. Its reporting focuses heavily on polarising topics such as migration, asylum policy, security issues, energy policy, gender debates, and criticism of the federal government and established media structures. Critics and media scholars regularly accuse it of adopting a highly opinionated, polarising and often sensationalised style of presentation, which is why it is viewed as controversial in media discourse. Consequently, the portal's advertising campaign in Berlin had attracted public opposition, including calls on social media by third parties to damage BVG facilities and disrupt operations. A double-decker bus bearing NIUS advertising was followed for several hours by a billboard van displaying counter-slogans. In response, the NIUS editor-in-chief posted on X an AI-generated image of a supposed advertising motif on Berlin public transport, accompanied by the slogan "We are becoming increasingly popular with both genders." Following this post, which in BVG's view crossed the boundaries of freedom of expression and freedom of advertising, and in light of the protests and calls for violence, BVG decided to unilaterally terminate the advertising campaign.

© European Audiovisual Observatory (Council of Europe) 2026

NIUS challenged this decision in court.

The Berlin Administrative Court (*Verwaltungsgericht Berlin*), as the court of first instance, had already largely upheld the urgent application filed against the early termination of the advertising campaign. The OVG upheld its decision. NIUS was entitled to equal and non-discriminatory access to BVG advertising space once BVG had reviewed and approved the content of the advert. This right to participation stemmed from the freedom of expression and freedom of the press under Article 5(1) of the Basic Law (*Grundgesetz* – GG), as well as the principle of equal treatment under Article 3 GG. The mere fact that third parties might, as a result of the advertising campaign, commit acts of violence against BVG facilities and disrupt its operations did not justify excluding the media portal from using the advertising space. Rather, the court told BVG that it should respond to unlawful threats on social media, as well as any harassment of its vehicles or damage to its property, with appropriate police and criminal law measures. It was BVG's responsibility to report such behaviour by third parties, but this did not justify terminating agreements with contractual partners. Security concerns could only justify the loss of access rights if public safety and order could not be maintained even with police intervention. However, in the OVG's view, there were no grounds for this in the present case (not least because the police had not been called in).

Another aspect of the proceedings concerned statements made by BVG in its press releases on the matter. In these, it had described the aforementioned post by the NIUS editor-in-chief as "manifestly unlawful". According to the court, an injunction could be sought against this. Under the case law of the Federal Constitutional Court (*Bundesverfassungsgericht*), BVG was only entitled to a "right of reply" in the form of a request for the correction of the fake advertising motif.

Pressemitteilung des OVG

https://www.berlin.de/gerichte/oberverwaltungsgericht/presse/pressemitteilungen/2026/pressemitteilung.1716742.php

Press release of the Higher Administrative Court

https://www.berlin.de/gerichte/oberverwaltungsgericht/presse/pressemitteilungen/2026/pressemitteilung.1716742.php

© European Audiovisual Observatory (Council of Europe) 2026

[DE] Broadcasting Commission agrees on second part of Digital Media State Treaty

Christina Meese
Institute of European Media Law

On 16 September 2026, the Broadcasting Commission (*Rundfunkkommission*), which is responsible for media legislation in the German federal states, agreed on the final draft of the second part of the so-called Digital Media State Treaty (*Digitale Medien-Staatsvertrag* – DMStV II-E), which it submitted for public consultation on 28 September. The package addresses a wide range of issues and sets out regulations with seven key objectives: improving media refinancing, enhancing media visibility and protecting the media from algorithmic displacement, enabling an informed society even in the age of AI, promoting local media diversity, protecting the formation of public opinion from technical manipulation, modernising and streamlining media supervision, and reforming media concentration law, including in the light of the European Media Freedom Act (EMFA).

The objectives relating to refinancing and visibility involve, firstly, changes to advertising regulation. For instance, the DMStV II-E provides for greater flexibility regarding block advertising and advertising times, bringing German rules into line with the less strict provisions of Article 23 of the Audiovisual Media Services Directive (AVMSD). It also proposes a liberalisation of the ban on regionalised advertising currently in place in Germany. Whilst maintaining the ban on political advertising in broadcasting, the draft creates opportunities for non-commercial advertising and government communications. To this end, the term "commercial advertising" is also introduced and is to be distinguished from other types of advertising, including in regulatory contexts. Furthermore, the "public value" concept currently in force in Germany, which aims to promote relevant content on media platforms that safeguards diversity, is to be further developed, for example by rewarding investment in news or journalism. To this end, the existing definition of a media platform will also be amended to include, as protected entities, media libraries operated by broadcasters which, whilst primarily offering their own programmes, also provide third-party content. In future, media platforms will no longer be required to provide public-value categories (tiles); instead, one in every five algorithmic recommendations must promote public-value content.

In the field of AI, AI-based services are to be held more accountable. A new telemedia category is proposed, mainly so AI services can be fully regulated. "AI information systems" are defined as telemedia which, regardless of the degree of personalisation in their actual use, are aimed at a fundamentally undefined group of users and which, on the basis of journalistically designed and managed third-party content, automatically provide new, personalised content to the respective user. This is likely to include services such as AI Overviews. Providers of AI information systems will be held responsible for the content they generate; for example, they must respond with appropriate countermeasures to orders issued by the supervisory authorities. They must also ensure that content generated in

© European Audiovisual Observatory (Council of Europe) 2026

the field of news and political information accurately reflects the meaning of the sources used, and they will be subject to increased transparency obligations and banned from discriminating against journalistic content. In addition, a new provision is to be introduced to prevent telemedia providers artificially boosting their reach in a coordinated manner, such as through the artificial, automated generation of views or likes, which are perceived by users as indicators of the content's relevance. The imitation of journalistic and editorial content is also to be prohibited under media law.

Local media diversity will be strengthened through improved funding opportunities for local information services and incentives under media concentration law. In addition, regional and local services will be given special consideration within the framework of the (new) public value concept. Media content will also be better protected against manipulation. To this end, the DMStV II-E provides for measures against technical manipulation campaigns, as well as the extension of the State Treaty on the Protection of Minors in the Media (*Jugendmedienschutzstaatsvertrag*) to include further relevant criminal offences and content from prohibited organisations, which is inadmissible in media services for reasons linked to the protection of minors. This includes, for example, adding Sections 111 (public incitement to commit criminal offences), 126 (disturbance of the peace by threatening to commit criminal offences), 126a (dangerous disclosure of personal data) and 140 (rewarding and condoning of criminal offences) of the German Criminal Code (*Strafgesetzbuch* – StGB) to the catalogue of prohibited content.

Media supervision is to become faster and more efficient through the establishment of decision-making chambers, the digitisation and simplification of proceedings, and greater cooperation and division of labour. Existing commissions will be rebranded as expert councils.

New provisions in media concentration law are also to be introduced in line with the requirements of the EMFA. The existing system of concentration control, which has so far been limited to broadcasting, will be extended to the entire media market, including platforms, AI providers and the press. Advertising and distribution revenues will be the key indicators for assessing threats to media diversity (reach and financial power). The turnover threshold above which dominant influence over public opinion must be comprehensively reviewed will be set at EUR 4 billion for the previous financial year. However, the DMStV II-E also aims to rely on a dialogue-based process and flexible instruments to ensure that a balance can be struck between business growth on the one hand and safeguarding diversity on the other.

Diskussionsentwurf der Rundfunkkommission für einen „Digitale Medien-Staatsvertrag (DMStV) Teil 2“

https://rundfunkkommission.rlp.de/fileadmin/rundfunkkommission/Dokumente/DMStV_2/Dokumente/2026-09-28_ANHOERUNG_DMStV_II_RFK.pdf

Broadcasting Commission discussion draft on part 2 of a State Digital Media Treaty

© European Audiovisual Observatory (Council of Europe) 2026

https://rundfunkkommission.rlp.de/fileadmin/rundfunkkommission/Dokumente/DMStV_2/Dokumente/2026-09-28_ANHOERUNG_DMStV_II_RFK.pdf

© European Audiovisual Observatory (Council of Europe) 2026

[DE] Publication of 2026 ARD/ZDF Media Study on media usage in Germany

Christina Meese
Institute of European Media Law

On 22 September 2026, the two German public service broadcasters, ARD and ZDF, published their 2026 Media Study. Their findings show that the transition from linear to non-linear media consumption is continuing. With regard to the platform market, YouTube remained the most important video streaming service. The study also examines people's use and awareness of AI, concluding that the use of AI tools is growing rapidly and has become part of everyday life for Germans.

The ARD/ZDF Media Study has been commissioned for many years by the ARD/ZDF Research Commission to compile annual data on the fundamentals and trends of media usage in Germany. As well as usage figures for linear and non-linear media services, it addresses a range of additional topics that reflect current media developments and innovations. In 2026, AI use and awareness was one such topic.

With regard to media usage habits, the results show that whilst the shift from linear to non-linear services continued, the change compared with the previous year was moderate. However, linear providers remained relevant and, particularly in the audiovisual sector (unlike in the audio sector, which was also analysed in the study), had similar reach to that of non-linear providers. Linear television, for instance, achieved a daily reach of 56% (weekly reach of 71%), while non-linear video services had a daily reach of 55% (weekly reach of 79%). Linear television accounted for just over half the total usage time. Interestingly, the study highlights that, for the first time in 2026, non-linear video usage time did not increase, suggesting that the transition appears to be slowing down somewhat. Overall, however, linear services were used more frequently by older age groups, whilst non-linear streaming services achieved a high daily reach and a higher total usage time among younger age groups in particular.

As regards the video streaming sector, the study reports that five platforms (YouTube, Netflix, Amazon Prime Video, the ARD Mediathek and the ZDF streaming portal) achieved weekly usage of at least 20%, with YouTube remaining the clear market leader with a larger share compared with the previous year. Among social media platforms, whilst Instagram continued to lead in terms of weekly reach (40%), none of the providers examined (Instagram, Facebook, TikTok, Snapchat, Pinterest, LinkedIn, X, Reddit, Twitch, Threads, Xing, BeReal, Bluesky, Mastodon) increased their reach in 2026. The study therefore notes sluggish growth in the platform sector and, consequently, a phase of consolidation. On average, people in Germany used five video, audio and social media platforms per week , with 14- to 29-year-olds using over eight platforms on average.

© European Audiovisual Observatory (Council of Europe) 2026

As regards this year's spotlight topic of AI, the study concludes that AI tools were no longer a niche phenomenon, but were used very widely, particularly by younger people. Their use rose sharply in 2026, when 59% of the population used them at least occasionally, while weekly usage almost doubled year-on-year to 37%. However, they were used differently to traditional media offerings, with AI tools tending to be used on an ad hoc basis and for shorter periods of time. Many users also remain sceptical about the results produced by AI tools. Nevertheless, according to the study's findings, new challenges for journalistic services are emerging, particularly amongst younger people, due to changing information habits.

Pressemitteilungen und Infografiken bei ARD und ZDF

https://www.ard-zdf-medienstudie.de/

ARD and ZDF press releases and infographics

https://www.ard-zdf-medienstudie.de/

Ausführliche Ergebnisse der Studie und Datenauswertungen bei Media Perspektiven

https://www.media-perspektiven.de/studien/ard/zdf-medienstudie

Detailed results of the study and data analysis by Media Perspektiven

https://www.media-perspektiven.de/studien/ard/zdf-medienstudie

© European Audiovisual Observatory (Council of Europe) 2026

SPAIN

[ES] Spain's new approach to audiovisual content classification

Enric Enrich & Sergio de Juan-Creix
Croma Legal

Spain's new Co-Regulatory Agreement on the Classification of Audiovisual Programmes and Content (*Acuerdo de corregulación para la calificación de programas y contenidos audiovisuales* - code of conduct) was approved in July 2026.

The code of conduct implements Article 98(2) of Spain's General Audiovisual Communication Law (*Ley 13/2022 General de Comunicación Audiovisual* - LGCA) and creates a common framework for the classification of audiovisual content. Although its most obvious objective is the protection of minors, it also reflects a broader change in how audiovisual content is consumed and regulated.

The traditional idea of age rating is simple: a film or programme is either suitable for everyone, or it is not recommended for children under 7, 12, 16 or 18, or is X-rated. The new system retains these familiar categories, but adds another layer by explaining why a particular classification has been given. This is not new in practice, as most major video-on-demand platforms operating in Spain already provide this kind of content information.

Under the code, content descriptors will indicate whether content includes scenes of violence, sex, fear or distress, drugs, discrimination, or imitable behaviour and language. A number alone is no longer considered enough, with parents and viewers now able to understand what kind of content lies behind the rating and make a more informed decision about what to watch.

This is particularly relevant in an on-demand environment. The old model, which was largely built around free television schedules and protected broadcasting hours, becomes much less effective when content can be watched at any time, on multiple devices and increasingly through individual profiles. Information and parental control tools are therefore at least as important as broadcasting restrictions.

The code of conduct also tries to bring some consistency to a system that has not always been easy to navigate.

Spain still has different regulatory frameworks for cinema and audiovisual media services, but the new rules expressly recognise classifications already granted by the Spanish Institute of Cinematography and Audiovisual Arts (*Instituto de la Cinematografía y de las Artes Audiovisuales* - ICAA) or the competent regional authority. A film that has already received an official rating does not need to be

© European Audiovisual Observatory (Council of Europe) 2026

classified again when it reaches television or an on-demand service.

For series, meanwhile, the general rule is that the whole season receives the classification of its highest-rated episode. This illustrates one of the practical challenges behind any classification system: applying relatively simple labels to increasingly complex catalogues and formats.

Another interesting aspect is the regulatory model itself, which is based on co-regulation rather than pure self-regulation. The audiovisual industry agrees on and applies common rules, while the Spanish competition regulator (*Comisión Nacional de los Mercados y la Competencia* - CNMC) and the competent regional authorities retain their statutory supervisory and enforcement powers. Users can also challenge both classifications and descriptors through the complaints mechanism established by the code of conduct.

The code of conduct is not simply about putting a 12+ or 16+ symbol on the corner of a screen. It moves towards a system in which platforms and broadcasters provide more meaningful information about content, while giving parents better tools to decide what minors should watch.

Resolución de 26 de agosto de 2026, de la Subsecretaría, por la que se publica el Acuerdo de corregulación para la calificación de programas y contenidos audiovisuales previsto en el artículo 98.2 de la Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual.

https://www.boe.es/boe/dias/2026/09/09/pdfs/BOE-A-2026-18871.pdf?utm_source=chatgpt.com

Under-Secretariat Resolution of 26 August 2026 publishing the Co-regulatory Agreement on the Classification of Audiovisual Programmes and Content provided for in Article 98(2) of Law 13/2022 of 7 July on General Audiovisual Communication.

https://www.boe.es/boe/dias/2026/09/09/pdfs/BOE-A-2026-18871.pdf?utm_source=chatgpt.com

© European Audiovisual Observatory (Council of Europe) 2026

FRANCE

[FR] Arcom fines CNews EUR 200 000 for inciting hatred and failing to control its broadcasts

Amélie Blocman
Légipresse

The French audiovisual regulator (*Autorité de régulation de la communication audiovisuelle et numérique* – Arcom) was asked to intervene in sanction proceedings against the *Société d'exploitation d'un service d'information* (SESI), the publisher of CNews, following footage broadcast during the programme "*100 % Politique*" on 2 June and 1 September 2025.

The first clip concerned violence that occurred following Paris Saint-Germain's victory in the Champions League. Comments broadcast on air, in response in particular to the Interior Minister's description of the perpetrators of the violence as "barbarians", had portrayed the violence as the result of a "civilisational" problem and linked it to immigration, particularly "Arab-Muslim" immigration. Arcom noted that people presumed to be from immigrant backgrounds had thus been presented, without sufficient counter-arguments, as foreign and as a serious and growing danger. The remarks, some of which had been couched in highly inflammatory terms, had been likely to provoke reactions of rejection and hostility towards them and, consequently, to incite hatred and encourage discriminatory behaviour towards them on the grounds of their origin. Arcom considered that subsequent statements by two guests on the programme emphasising the need to avoid equating all immigrants with the perpetrators of the violence – statements which had been made at a later stage without reference to the disputed comments – could not be regarded as directly contradicting those comments.

The second clip concerned statements made by an elected representative from Molenbeek-Saint-Jean, in Belgium, who wore a hijab. The discussions had, in particular, referred to a "great replacement", a "great displacement" of the French people and a "logic of counter-colonisation", with Islam being presented as a "religion of conquest". In Arcom's view, these remarks had portrayed people assumed to belong to the "Arab-Muslim immigrant community" as a threat to the rest of the population and were likely to incite fear and rejection. No counter-arguments or sufficient context had been provided by the presenter or the other people in the studio.

Arcom pointed out that, whilst issues relating to immigration and the integration of immigrants fell within the scope of public debate and, as such, warranted special protection under freedom of expression, this freedom was not absolute. Comments made in this context could certainly be controversial, or even contain an element of exaggeration or provocation, but they must not, without exceeding the permissible limits of freedom of expression, constitute incitement to hatred,

© European Audiovisual Observatory (Council of Europe) 2026

violence or discrimination, in particular by helping to stir up feelings of rejection or hostility towards a section of the population or a group of people. These principles were of particular importance when the comments were made by politicians, given their role in public debate.

Arcom ruled that both clips breached Article 15 of the 1986 Act, which requires broadcasters to ensure that programmes do not contain any incitement to hatred or violence based, in particular, on religion or ethnic origin, as well as Articles 2-3-2 and 2-2-1 of the channel's licensing agreements, under which the broadcaster had agreed not to encourage discriminatory behaviour towards such individuals on the grounds of their origin or religion, and to assume responsibility for its programmes by maintaining control over its airwaves at all times. In view of the nature and scale of the breaches identified, as well as previous sanctions imposed for breaches of the same obligations, Arcom imposed a financial penalty of EUR 200 000 on the broadcaster.

Décision du 24 juillet 2026 portant sanction à l'encontre de la Société d'exploitation d'un service d'information (SESI), JO du 30 juillet 2026

https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000054556400

Decision of 24 July 2026 imposing a sanction on the Société d'exploitation d'un service d'information (SESI), Official Journal of 30 July 2026

https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000054556400

© European Audiovisual Observatory (Council of Europe) 2026

[FR] Dismissal of appeal seeking to order Arcom to investigate whether CNews and Europe 1 are meeting pluralism obligations

Amélie Blocman
Légipresse

An organisation campaigning for diversity of opinion in public debate, along with other applicants, asked the interim relief judge at the Council of State (*Conseil d'État*) to suspend the implicit refusal of the French audiovisual regulator (*Autorité de régulation de la communication audiovisuelle et numérique* – Arcom) and its independent rapporteur to act on their requests concerning the CNews television channel and Europe 1 radio station. In particular, they urged Arcom to abandon its policy of not taking up cases on its own initiative, to strip CNews of its status as a service of general interest, and to take measures against both services in order to put an end to the alleged breaches of their obligations regarding respect for the principle of pluralism of thought and opinion. Such measures could include suspending or revoking their broadcasting licences. They also asked the independent rapporteur to initiate proceedings on account of the repeated nature of these breaches.

To justify the urgency of their request, the applicants argued that the disputed decisions and Arcom's failure to act undermined the nation's fundamental interests due to the pro-Russian editorial stance of the CNews and Europe 1 services, as well as the interests that the legislature had sought to protect due to other serious, repeated and unpunished breaches by these services, in particular of their obligations to ensure the pluralistic expression of different schools of thought and opinion, to guarantee the accuracy and sources of all news reports, and not to broadcast programmes that undermined social cohesion and incited hatred or violence. They also argued that the absence of sanctions for these breaches would undermine democratic principles guaranteeing the integrity of the forthcoming presidential election.

However, the Council of State found, on the one hand, that whilst the existence, repetition and seriousness of the alleged breaches or violations by CNews and Europe 1, assuming they were established, were likely to cast serious doubt on the legality of all or part of the disputed decisions of Arcom or its independent rapporteur, they could not, in themselves, establish the urgency required to suspend those decisions. Such urgency was a separate condition that needed to be met if the interim relief judge, asked to hear the case pursuant to Article L. 521-1 of the Code of Administrative Justice, was to rule on the matter. Furthermore, the mere fact that these breaches or violations had allegedly taken place in the run-up to the presidential election was also not sufficient to establish the urgency required to suspend these decisions, particularly given that the specific rules applicable to radio and television services during an election period did not apply. There was therefore insufficient urgency to justify suspending the enforcement of the decisions at issue without awaiting the

© European Audiovisual Observatory (Council of Europe) 2026

judgment on the merits. The application was therefore dismissed.

Conseil d'État, réf., 8 septembre 2026, n° 519299

https://www.legifrance.gouv.fr/ceta/id/CETATEXT000054832491

Council of State, interim relief judge, 8 September 2026, case no. 519299

https://www.legifrance.gouv.fr/ceta/id/CETATEXT000054832491

© European Audiovisual Observatory (Council of Europe) 2026

GEORGIA

[GE] National regulator comes close to suspending broadcaster

Andrei Richter
Comenius University (Bratislava)

The Communications Commission (ComCom), the national regulatory authority (NRA) of Georgia, announced, on 1 October 2026, that it had issued a monetary fine of GEL 10 000 to television broadcaster *Formula*. Based on a three-day monitoring of programme, ComCom identified cases in which presenters and correspondents expressed personal opinions during news programmes, in breach of the impartiality requirements established by law. This included assessments of current political and public affairs based on personal attitudes, which is restricted under the Law of Georgia on Broadcasting.

As *Formula* had already received three sanctions for similar violations over the past year, a written warning and fines of GEL 2 500 and GEL 5 000 (see IRIS 2025-9:1/9). The Law on Broadcasting stipulates that the broadcaster be then fined an amount of up to 3% of its annual revenue, but not less than GEL 10 000 (about EUR 3 500). *Formula* is the first Georgian broadcaster to receivea warning and three monetary penalties within a 12- month period, which brings it close to having its broadcasting licence suspended (as per Law on Broadcasting, Art. 72, paras 1-3).

In addition, in July 2026, the Tbilisi City Court, in a criminal case, found *Formula* guilty of “false denunciation” and sentenced the outlet to another fine of GEL 10 000. The court also ruled that the broadcaster must retract the statements that damaged the victim’s “name, honour and dignity” (see *IRIS* 2026-6:1/4).

According to an alert published on the Council of Europe’s Platform on Safety of Journalists on 9 October 2026, the NRA has “contributed to a chilling effect on media organisations and journalists” as it “increased regulatory pressure on media outlets in practice, issuing warnings and initiating proceedings following government complaints concerning the use of a wide range of terminology, including the use of wording that questions the legitimacy of state institutions and political leaders.”

Law of Georgia on Broadcasting, N 780, 23 December 2004, as amended 23 June 2026, Chapter II

https://matsne.gov.ge/en/document/view/32866?publication=84

Georgia: Media Regulation and Expansion of the Regulator’s Powers. 9 October 2026, Alert No. 162/2026. Council of Europe Safety of Journalists Platform

© European Audiovisual Observatory (Council of Europe) 2026

https://fom.coe.int/en/alerte/detail/107644422;globalSearch=false

Position of the Communications Commission on the Alerts No. 162/2026; No. 166/2026 & No. 219/2026 published on the Safety of Journalists Platform of the Council of Europe

https://rm.coe.int/georgia-reply-en-communications-commission-09october2026/48802e36c3

© European Audiovisual Observatory (Council of Europe) 2026

IRELAND

[IE] Online Safety and Children's Digital Lives: Insights from Irish Children and Parents

Sharon McLaughlin
Atlantic Technological University

On 10 September 2026, Ireland's independent media regulator, *Coimisiún na Meán*, published "*Online Safety & Children's Digital Lives*", a report presenting the findings of an Irish study that adopted the theoretical framework and methodology of the EU Kids Online project. The study examines children's online experiences across several areas, including screen time, digital literacy, exposure to online harms, parental and state regulation, and overall wellbeing. The findings will contribute to the broader international research programme, *Global Kids Online*, enabling comparisons between the experiences of children and young people in Ireland and those in other countries. Parents and caregivers were asked similar questions, providing insight into both children's and adults' perspectives on how internet use and digital technologies affect young people's lives.

The report found that digital technology is a regular part of daily life for the majority of children and young people in Ireland, with 74% of 9-17-year-olds using a smartphone on most days. The proportion of children and young people who report having a social media account varies significantly by age, ranging from 25% of 9-11-year-olds to 90% of 16-17-year-olds. Overall, 60% of children and young people aged 9-17 years have a social media account.

In the context of media literacy, almost three-quarters of children and young people (73%) reported knowing how to protect a device. However, fewer than half (46%) indicated that they knew how to evaluate the trustworthiness of a website, while one-third (33%) reported knowing how to browse privately online. Confidence in online security and information evaluation skills increased with age. Although many children and young people remained uncertain about how online content is prioritised and presented to them, confidence in information-navigation skills, such as using advanced search functions and verifying the accuracy of information, also increased with age.

Children and young people generally reported strong online communication skills, with around three-quarters indicating that they knew how to communicate appropriately in online environments. Specifically, 75% reported knowing which images and personal information were appropriate to share online, while 76% said they knew when it was appropriate to use emojis, capital letters, and text speak. Similar to online security, information-evaluation, and information-navigation skills, confidence in communication skills increased markedly with age.

© European Audiovisual Observatory (Council of Europe) 2026

In terms of online risks, 33% of children and young people reported having had a negative online experience within the past year. This figure rose among older adolescents, with almost half (46%) of 16-17-year-olds stating that they had been upset by something they encountered online at least once during the previous year.

Overall, exposure to sexual messages and unwanted requests for sexual information was relatively uncommon among children and young people but increased with age. While 9% reported receiving sexual messages, prevalence rose from 2% among 9-11-year-olds to 20% among 16-17-year-olds. Similarly, unwanted requests for sexual information were reported by a minority of participants, although rates increased from 1% among 9-11-year-olds to 15% among 16-17-year-olds. Girls were slightly more likely than boys to report such experiences, and where the sender was identified, messages were more likely to originate from strangers than from classmates or other online contacts.

More than 40% of children and young people reported having encountered hateful or degrading content online, with exposure increasing markedly with age, from 13% among 9-11-year-olds to 74% among 16-17-year-olds.

In light of current discussions at both national and European levels, it is interesting to note that the majority of children and young people surveyed expressed a preference for education over prohibition, with 69% agreeing that teaching them how to stay safe online is a better approach than introducing a social media ban. Almost half (49%) of parents and caregivers shared this view. Most children and young people (67%) believed that a social media ban would be ineffective because it would be circumvented, a view shared by 43% of parents and caregivers.

Coimisiún na Meán, "Online Safety and Children's Digital Lives: Report of a National Survey of Children and their Parents/Caregivers"

https://www.cnam.ie/app/uploads/2026/09/CnaM_OnlineSafetyandChildrensDigitalLives.pdf

© European Audiovisual Observatory (Council of Europe) 2026

ICELAND

[IS] Media Commission fines podcast presenter for failure to register

Sergei Bondarev
Independent expert

On 26 August 2026, Iceland's Media Commission (*Fjölmiðlanefnd*) decided that the podcast *Ein Pæling* was a media outlet subject to registration under the Media Act No. 38/2011. It found that the presenter, Þórarinn Hjartarson, had breached Article 14(1) by failing to register the podcast and imposed an administrative fine of ISK 500 000. The decision was published on 28 August.

The case began after the presenter asked the Commission in November 2025 how to obtain a radio broadcasting licence. The Commission replied that the podcast should be registered. The presenter disputed this, arguing that the programmes were interviews and opinion pieces, that neither he nor the company had a newsroom, and that he did not work as a journalist. He also questioned whether the podcast met the statutory definitions of a media outlet and podcast. After an initial assessment and further exchanges, the Commission maintained its position.

Under the Media Act, a media outlet regularly provides a media service whose principal purpose, or a separable part, is to communicate content to the public under editorial responsibility in order to inform, educate or entertain. In assessing *Ein Pæling*, the Commission considered editorial control, regular publication, public availability and the programme's purpose. It found editorial control in the presenter's selection of topics and guests and his direction of interviews. A separate editorial team was unnecessary: the act permits an individual to operate a media outlet. Distribution through Spotify or other platforms did not remove editorial responsibility from the podcast's operator.

The Commission noted that new episodes usually appeared several times a week in Icelandic and were available through Spotify, Apple Podcasts, YouTube and the podcast's website. Listeners could also pay for early, advertisement-free access. Sponsorships, subscriptions and voluntary contributions demonstrated a financial benefit, although the Commission assessed the statutory criteria as a whole. It concluded that the podcast met the definition of a media outlet and required registration. Article 14 of the act requires a provider outside the licensing regime to notify the Commission of its activity before it begins; the written notification includes information about the provider, its responsible person, editorial policy and ownership. Article 14 also requires providers to notify the Commission of changes to the information supplied at registration.

Ákvörðun nr. 4/2026: Skráningarskylda hlaðvarpsins Einnar Pælingar

© European Audiovisual Observatory (Council of Europe) 2026

https://fjolmidlanefnd.is/wp-content/uploads/2026/08/Akvordun-4_2026-Skraning-hladvarpsins-Einnar-Paelingar.pdf

Decision No. 4/2026: Registration obligation of the Ein Pæling podcast

© European Audiovisual Observatory (Council of Europe) 2026

ITALY

[IT] AGCOM amends the Economic Information System regulation to exclude online intermediation and search engine service providers established in other EU member states

Ernesto Apa & Eugenio Foco
Portolano Cavallo

On 10 September 2026, the Italian Communications Authority (*Autorità per le Garanzie nelle Comunicazioni* – AGCOM) adopted a new resolution on the so-called Economic Information System (*Informativa Economica di Sistema* – IES).

The IES is an annual declaration that communications operators are required to submit to AGCOM, aimed at collecting updated registry data and economic data relating to the last year of activity, both of which are necessary for the exercise of AGCOM's institutional functions in the various sectors falling within its competence.

In 2021, AGCOM had extended the IES submission obligation to online intermediation service providers and online search engine providers, including those established in other EU member states.

The Court of Justice of the European Union, in its judgment of 30 May 2024, rendered in Cases C-663/22 and C-665/22, held that Regulation (EU) 2019/1150 (Platform to Business Regulation) does not justify the adoption by member states of measures requiring online intermediation service providers to periodically transmit to a national authority a document concerning their economic situation. The Court further held that, with respect to providers established in another member state, such measures are also precluded by Article 3 of Directive 2000/31/EC (E-Commerce Directive), since the conditions for a derogation from the country-of-origin control principle are not met.

Those principles were subsequently applied by the Italian first instance administrative court of Lazio (*Tribunale amministrativo regionale per il Lazio* – TAR Lazio) which, in judgment Nos. 19376/2024 and 19930/2024, annulled the 2021 AGCOM resolution insofar as it extended the IES submission obligation to online intermediation service providers and online search engine providers not established in Italy. The TAR Lazio judgments were then upheld by the Council of State (*Consiglio di Stato*), the highest Italian administrative court, which, in judgment Nos. 2389/2026 and 2449/2026, confirmed that such obligations cannot be imposed on providers not primarily established in Italy.

In compliance with the above judgments, AGCOM adopted a new resolution, restricting the IES submission obligation to online intermediation service providers and online search engine providers that are established or resident in Italy.

© European Audiovisual Observatory (Council of Europe) 2026

Providers not established in Italy may nonetheless remain subject to the IES obligation insofar as they carry out other activities falling within the scope of AGCOM Resolution No. 397/13/CONS.

Delibera n. 212/26/CONS recante "Modifiche alla delibera n. 397/13/CONS del 25 giugno 2013 "Informativa Economica di Sistema"

https://www.agcom.it/provvedimenti/delibera-212-26-cons

AGCOM Resolution No. 212/26/CONS amending Resolution No. 397/13/CONS on the "Economic Information System"

© European Audiovisual Observatory (Council of Europe) 2026

LITHUANIA

[LT] Regulator finds EUR 650 889 overpayment for public broadcaster's transmission services

Sergei Bondarev
Independent expert

On 17 September 2026, the Council of Lithuania's Communications Regulatory Authority (*Ryšių reguliavimo tarnyba* – RRT) found that the Lithuanian Radio and Television Centre (*Telecentras*) had received EUR 650 889 more than the cost-based amount due for services supplied in 2025 to the public broadcaster, Lithuanian National Radio and Television (*Lietuvos nacionalinis radijas ir televizija* – LRT). Resolution No. TN-380 states that the overpayment, excluding VAT, is returnable to LRT. RRT announced the finding on 21 September.

The services cover transmission of LRT television and radio programme signals to the public over electronic communications networks and services required for the provision and operation of LRT's radio and television networks. *Telecentras* submitted an independent audit of its 2025 service revenue and costs to RRT in August 2026. RRT then checked whether the prices were justified by the costs allocated to those services. It found revenue of EUR 3 521 904, excluding VAT, against EUR 2 871 015 in allowable costs, also excluding VAT and including a reasonable return on investment. Revenue thus exceeded those costs by 22.67%, producing the stated overpayment.

The governing compensation arrangements were approved by Government Resolution No. 403 of 11 June 2025. They require service prices to reflect Telecentras's costs of serving LRT, including a reasonable return on investment, under the applicable cost accounting and accounting separation rules. RRT's decision also records that *Telecentras*'s 2025 revenue remained below the EUR 15 million annual ceiling for compensation from the state budget allocations received by LRT. The revenue ceiling did not by itself establish that *Telecentras'*s charges were cost-based: RRT separately compared the amount received with the costs attributable to the services. The independent auditor assessed the accounting methodology; RRT made the substantive cost justification finding following its own check.

Under Paragraph 19 of the compensation arrangements, where RRT finds that the amount paid for 2025 services exceeds the allowable costs, *Telecentras* must return the difference to LRT within three months of that finding unless the contract provides otherwise. The operative part of TN-380 identifies EUR 650 889 as returnable. The resolution can be appealed to the Regional Administrative Court within one month of receipt.

© European Audiovisual Observatory (Council of Europe) 2026

Nutarimas dėl Lietuvos nacionalinio radijo ir televizijos programų signalų elektroninių ryšių tinklais perdavimo visuomenei paslaugų ir paslaugų, kurių reikia Lietuvos nacionalinio radijo ir televizijos radijo ir televizijos tinklams teikti ir eksploatuoti, kainų pagrįstumo sąnaudomis

https://rrt.lt/upload/files/2026/09/18/t2026-09-17-nr-tn-380.pdf

Resolution on whether the prices of services transmitting Lithuanian National Radio and Television programme signals to the public over electronic communications networks, and of services needed to provide and operate its radio and television networks, are justified by costs

© European Audiovisual Observatory (Council of Europe) 2026

[LT] Regulator orders blocking of twelve websites carrying Sputnik radio

Sergei Bondarev
Independent expert

On 16 September 2026, the Radio and Television Commission of Lithuania (*Lietuvos radijo ir televizijos komisija* – LRTK) adopted Decision No. KS-85 requiring providers of public electronic communications networks or services to block access to twelve websites carrying the Russian radio broadcast Sputnik. Monitoring conducted between 21 and 26 August had identified online listening routes including *radiosputnik.ru*, *radiopotok.ru* and *radio-online.by*. The LRTK reasoned that, although Internet service providers did not themselves broadcast the programme, they facilitated its transmission and were expressly covered by the EU sanctions rules.

The underlying prohibition has applied since 2 March 2022. Council Regulation (EU) 2022/350 of 1 March 2022 inserted Article 2f into Regulation (EU) No. 833/2014 and listed Sputnik alongside five RT services in Annex XV (see IRIS 2022-3:1/6). It prohibits broadcasting, enabling or facilitating the broadcasting of listed entities' content, including through cable, satellite, IPTV, Internet service providers, video-sharing platforms and applications. The decision therefore applies an existing prohibition to identified distribution routes; it does not newly add Sputnik to the EU sanctions list.

The decision also relies on Lithuania's national framework. Article $34^1(2^1)$ of the Law on the Provision of Information to the Public, introduced by the amendment adopted on 22 September 2022, prohibits the retransmission and online distribution of radio or television programmes of entities established, directly or indirectly managed, controlled or financed by Russia or Belarus. This separate national rule contains exceptions where the LRTK grants permission or programmes are retransmitted or distributed from EU member states or states party to the European Convention on Transfrontier Television. The decision separately cites the International Sanctions Law and Government Resolution No. 535 of 25 May 2022, which assigns the LRTK responsibility for implementing sanctions concerning broadcasting, retransmission and online distribution.

Similar enforcement had previously concerned television services. On 12 February 2025, the LRTK ordered access blocked to 34 websites carrying EU-sanctioned television networks, including Pervyi Kanal, NTV/NTV Mir, Rossiya 1 and REN TV. That measure likewise required providers to act within two working days of its entry into force. The September 2026 decision applies the same enforcement approach to the twelve identified Sputnik radio access points.

The scope of Article 2f was also clarified in the CJEU's judgment of 2 July 2026 in Case C-67/25, arising from German proceedings over the online redistribution of RT Germany. The prohibition covers an unpaid, donation-funded website operator

© European Audiovisual Observatory (Council of Europe) 2026

(see IRIS 2026-8:1/27).

The LRTK's decision requires access to the twelve sites to be disabled within two working days of the decision's entry into force. It also directs their inclusion in the cybersecurity information network and the LRTK's published sanctions-related restrictions list. The decision may be appealed before the Regional Administrative Court (*Regionų administracinis teismas*) within 30 days of its entry into force. It separately records interference with Sputnik's reception on 87.9 MHz from Kaliningrad; the operative website-blocking order addresses Internet access and does not introduce that radio-frequency measure.

Dėl Europos Sąjungos ribojamųjų priemonių, atsižvelgiant į Rusijos veiksmus, kuriais destabilizuojama padėtis Ukrainoje, vykdymo, KS-85

https://www.rtk.lt/uploads/solutions/docs/4656_8c0a440011f6b3f02160b691f0f10d76.pdf

Implementation of EU restrictive measures in view of Russia's actions destabilising Ukraine, Decision KS-85

Council Regulation (EU) 2022/350 of 1 March 2022 amending Regulation (EU) No. 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

https://eur-lex.europa.eu/eli/reg/2022/350/oj/eng

© European Audiovisual Observatory (Council of Europe) 2026

LATVIA

[LV] Saeima adopts new language framework for public media content

Sergei Bondarev
Independent expert

On 1 October 2026, the Latvian parliament, the *Saeima*, adopted amendments to the Law on Public Electronic Mass Media and Their Management (*Sabiedrisko elektronisko plašsaziņas līdzekļu un to pārvaldības likums*) at third reading. The amendments replace the current rule requiring public electronic media to produce programmes, programme segments and other services in minority languages with a framework that distinguishes between minority languages described as self-sufficient and those described as not self-sufficient. The adopted text provides for the amendments to enter into force on 1 January 2027. The Saeima describes the amendments as a response to a Constitutional Court judgment.

Under the new wording of Article 3(7), public electronic media may, subject to proportionality, produce programmes, segments and other services in minority languages that are not self-sufficient. The stated purposes are to strengthen residents' sense of belonging to Latvia, promote integration in Latvia as a nation state and deepen understanding of social and cultural processes. The provision is framed as a right, whereas the existing wording states that public media produce such content. The amending provisions do not specify which languages fall into each category.

New Article 3(7)(1) permits content in self-sufficient minority languages, again subject to proportionality, only in three circumstances: an emergency situation, a state of exception, or the need to rebut, in a targeted manner, information that is misleading, false and threatens democracy and the Latvian state as a whole. Article 3(7)(2) requires public media, when applying Article 3(7)(1), to take account of the intensity and nature of a threat to state security. The final parliamentary committee text narrowed the third exception by specifying that it concerns only such information.

The amendments also revise Article 8 on the public broadcaster's programmes and distribution. Part of the airtime of one radio and one television programme may be devoted to content in foreign languages, including minority languages, subject to the new Article 3 conditions for minority-language content. Latvian-subtitled films, series and theatrical performances may be included in that airtime. A separate addition to Article 8(3) allows foreign-language artistic expression when films, series or theatrical performances are broadcast in Latvian. The revised Article 8(4) extends its conditions to other services supplied by the Latvian Public Media (*Latvijas Sabiedriskais medijs*) within the public-service remit.

© European Audiovisual Observatory (Council of Europe) 2026

Strengthening the role of the Latvian language in public media

Law on Public Electronic Mass Media and Their Management

© European Audiovisual Observatory (Council of Europe) 2026

POLAND

[PL] Implementing the Digital Services Act in Poland

Agnieszka Grzesiok-Horosz
University of Silesia in Katowice

On 25 September 2026, the President of the Republic of Poland signed one of the legislative acts implementing the Digital Services Act (DSA), namely the Act of 4 September 2026 (hereafter, "the Act") amending the Act on the Provision of Electronic Services and Certain Other Acts. This Act is intended to implement the DSA, which has been applicable in EU member states since 17 February 2024. In May 2025, Poland, along with Cyprus, Spain, Portugal and Czechia, was sued before the Court of Justice of the European Union for not implementing the legal regime.

In January this year, the president vetoed a comprehensive implementing act, as he believed it would introduce administrative censorship in Poland and confer excessive competences on the Office of Electronic Communications (*Urząd Komunikacji Elektronicznej* – UKE). Consequently, the government prepared two draft laws (parliamentary print 2693 and parliamentary print 2694).

The Act of 4 September 2026 provides for an institutional network competent to deal with matters governed by the DSA. The amending act designates the authorities responsible for enforcing the new provisions vis-à-vis Internet platforms and introduces a system of complaints and penalties for violations.

Under the discussed amendment, three institutions will be responsible for the supervision of digital platforms: the President of the UKE, the Chair of the National Broadcasting Council (*Krajowa Rada Radiofonii i Telewizji* – KRRiT) and the President of the Office of Competition and Consumer Protection (*Urząd Ochrony Konkurencji i Konsumentów* – UOKiK)

The President of the UKE will play a central role as the coordinator for digital services. He or she will consider user complaints against moderation decisions or omissions to ensure a mechanism for reporting illegal content, hold proceedings against Internet platforms, and cooperate with the European Commission and regulators from other member states of the EU. Moreover, under the new legislative framework, the National Board for Digital Services (*Krajowa Rada do spraw Usług Cyfrowych*) will be attached to the President of UOKiK and will comprise 15-18 members. The board will include, among others, representatives of the President of the Republic, the *Sejm* and Senate, the Ombudsman, the Children's Ombudsman, the President of the Personal Data Protection Office (UODO), the President of UOKiK, and the Chair of KRRiT. The board is to give opinions on key solutions and support the development of a secure market for digital services.

© European Audiovisual Observatory (Council of Europe) 2026

UOKiK will respond to violations of consumer interests arising from unfair practices by commercial platforms, such as non-transparent advertising or dark patterns. The Chair of KRRiT will be responsible for the enforcement of DSA provisions against video-sharing platforms. These authorities will cooperate with the President of the UKE as part of the national supervision system.

The amendment governs the terms and the procedure for certifying alternative dispute resolution bodies.The Act also sets out the criteria for awarding the status of "trusted flagger", an individual who supports the active detection of illegal content on the Internet, and the status of "verified researcher" in relation to requests for access to platforms' data for scientific research purposes. The digital services coordinator will also be obliged to consult the President of UODO and other state authorities regarding the award of either status.

Moreover, the Act contains provisions imposing administrative fines of up to 6% of global turnover for the preceding year, on businesses that fail to comply with their duties under the DSA. The Act will come into force 30 days after its publication. It was published in the Official Journal on 6 October 2026 (Official journal, J.L. 2026, Item 1296)

This amendment is a step towards making the Internet a safe place for users. Now, we are waiting for the second act (parliamentary print 2693), governing the national procedure for rapid response to illegal content.

USTAWA dnia 4 września 2026 r. zmianie ustawy o świadczeniu usług drogą elektroniczną oraz niektórych innych ustaw

https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20260001296/O/D20261296.pdf

Act of 4 September 2026 amending the Act on the Provision of Electronic Services and Certain Other Acts

© European Audiovisual Observatory (Council of Europe) 2026

ROMANIA

[RO] The Romanian National Audiovisual Council sets out new rules and obligations applicable to online content creators and influencers

Alexandru Ciornei
Media Law Expert

Decision No. 116 of 24 February 2026 (heraefter, "the Decision"), issued by the Romanian National Audiovisual Council, came into force on 27 September. It sets forth the updated legal procedure for the licensing, authorisation, and notification of audiovisual media services.

Apart from modifying the existing legal procedures, the Romanian National Audiovisual Council, in the preamble to the Decision, also acknowledges that users of video-sharing platform services can provide audiovisual content that is available to the general public and increasingly accessed by it. For this reason, it introduces new criteria according to which certain users may qualify as on-demand audiovisual media services, as well as an obligation for said users to notify the Romanian National Audiovisual Council if they meet additional conditions.

Firstly, according to Article 2(n) of the Decision, a user is defined as any person who creates, uploads and generates programmes, videos and audiovisual commercial communications on a video-sharing platform.

A user may qualify as an on-demand audiovisual service if he or she uploads and/or generates videos and programmes via a channel provided through a video-sharing platform, when that platform is subject tor Romanian law, or when the videos and programmes are intended for a Romanian audience, even if the platform is not subject to Romanian jurisdiction. Additionally, in order to be considered an on-demand audiovisual service, the channel which is provided through a video-sharing platform mustl meet the criteria listed under Article 33 of the Decision, namely that:

a) it constitutes a commercial activity;

b) the user has editorial responsibility for the audiovisual content made available on their own channel and exercises control over the selection of programmes and their chronological ordering in the catalogue/playlists;

c) it enables the audiovisual content in the catalogue/playlists to be viewed at the individual request of another user and at a time chosen by that user;

d) its main purpose is the provision of audiovisual programmes and/or video material for informational, entertainment or educational purposes;

© European Audiovisual Observatory (Council of Europe) 2026

e) it is provided through a video-sharing platform distributed via electronic communications networks.

The term "channel provided through a video-sharing platform" is defined by Article 1(1)(a) of the Audiovisual Code as the audiovisual content associated with an account of an audiovisual media service provider registered on a video-sharing platform, on which videos and programmes are uploaded and/or generated.

For the scope of this Decision, it is irrelevant whether the owner of the channel is an already registered provider of on-demand audiovisual services whose programmes have also been broadcast through other electronic communications networks, or another legal or natural person; as long as they hold editorial responsibility for the audiovisual content made available, the individual can be considered a provider of an on-demand audiovisual service.

However, an exception is provided for public institutions and authorities, as long as the content they transmit through video-sharing platforms presents the activities and responsibilities within their area of competence.

Secondly, a user who qualifies as an on-demand audiovisual service shall provide a notification to the Romanian Audiovisual Council only if they meet all of the conditions listed under Article 36 of the Decision:

a) they host a channel provided through a video-sharing platform that can be accessed by the public in Romania;

b) the audiovisual content can be accessed by, and is intended for, the public in Romania, as well as Romanian citizens abroad;

c) the individual has at least 100 000 followers or subscribers on a video-sharing platform, or cumulatively across other platforms;

d) they have uploaded at least 24 videos in the last 12 months;

e) they have received money, goods or services, or obtain a benefit for themself or a third party as a result of uploading and/or generating videos on that channel.

Therefore, even if all content creators who meet the general conditions established under the Decision are considered to be on-demand audiovisual services from 27 September, the obligation to notify the Romanian National Audiovisual Council only applies to active content creators who also meet the additional conditions of Article 36, namely those who have over 100 000 followers across all video-sharing platforms they are active on, who have uploaded at least 24 audiovisual materials in the last 12 months which can be accessed by, and are intended for the Romanian public and who receive a form of compensation for themselves or for a third party as a result of their online activity.

The notification template is provided in Annex 5 of the Decision, and it must include copies of identity documents as well as the tax registration certificate, for a legal person, or single declaration on income obtained from social media posts,

© European Audiovisual Observatory (Council of Europe) 2026

for natural persons. The notification and the additional required documents must be sent to the Romanian National Audiovisual Council within 60 days of the date on which the Decision came into force.

Decision No. 116 of 24 February 2026 regarding the legal procedure for the licensing, authorisation and notification of audiovisual media services

https://www.cna.ro/a-decizie-nr-116-din-24-februarie-2026-privind-procedura-de-licentiere-de-autorizare-si-de-notificare-a-serviciilor-media-audiovizuale-f7lm0wjz0eli08jh4l0add17/

© European Audiovisual Observatory (Council of Europe) 2026

SWEDEN

[SE] New accessibility decisions extend TV4 and Viaplay obligations to 2030

Sergei Bondarev
Independent expert

On 19 August 2026, the Swedish Agency for the Media (*Mediemyndigheten*) adopted separate decisions setting accessibility requirements for TV4 AB and Viaplay Group Sweden AB. They took effect on 1 September 2026 and run until 31 August 2030, in four annual periods. Under Chapter 5, Section 12 of the Radio and Television Act (*Radio- och tv-lag* 2010:696), the agency determines the extent to which commercial media services must make programmes accessible to persons with disabilities. The new decisions replace requirements that applied over three periods, from September 2023 to August 2026.

The more extensive, specific requirements apply to TV4, Sjuan, TV12 and TV4 Play, and to Viaplay's TV3, TV6, TV8, TV10 and Viaplay.se. The agency applies this tier to linear and on-demand services directed at Swedish audiences with at least a 1% viewing-time share. Other services listed in the decisions have duties to promote accessibility. The decisions cover subtitling, sign language interpretation, audio description and spoken subtitles, with Swedish-language programmes covered by the first three techniques and foreign-language programmes carrying Swedish translation subtitles.

For the linear channels in the specific tier, all pre-recorded programmes in Swedish must be subtitled on every distribution platform. The share of live Swedish-language broadcast time that must be subtitled is 68% in the first two annual periods and 71% in the final two. This rises from 60% in the first two periods and 65% in the last period of the 2023 decisions. Sign language interpretation and audio description each remain at 10% of Swedish-language broadcast time. For pre-recorded programmes carrying Swedish translation subtitles, the spoken-subtitle requirement is 20% in the first period and 25% thereafter. The previous TV4 decision had specified 20% throughout; Viaplay's previous decision rose from 5% to 10% over its three periods.

TV4 Play and Viaplay.se must subtitle all Swedish-language programmes published during each period, and the same 68% then 71% shares apply to their live Swedish-language programming. The 2023 decisions had excluded programmes aimed at children under six from the on-demand subtitling rule and conditionally exempted live programmes. The new decisions remove this age exclusion. In the first year only, live programmes available exclusively on the relevant on-demand service remain exempt where technical or practical obstacles prevent accessibility. Interpretation supplied with a linear programme must also be available when that programme is offered on the corresponding on-demand

© European Audiovisual Observatory (Council of Europe) 2026

service. The number of on-demand programmes with spoken subtitles must rise each year unless special reasons exist.

The companies may allocate the linear interpretation quotas across the channels they cover, and may supply interpretation simultaneously through their on-demand services. Where live sports or repeats cannot practically or technically be made accessible, the quantitative duties for interpretation, audio description and spoken subtitles do not apply, but the companies must work towards accessibility. Costs above 1% of the relevant service's net turnover for the previous year need not be incurred. TV4 and Viaplay must report after each annual period and submit plans for increasing accessibility; the first reports are due on 30 September 2027.

Beslut TV4 AB: Krav på tillgänglighet till tv-sändningar och beställ-tv

https://mediemyndigheten.se/globalassets/ansokan-och-registrering/regelverk/regler-for-tillganglighet-i-medier/sarskilda-krav/tv4-beslut-om-sarskilda-tillganglighetskrav-26-02829.pdf

Decision concerning TV4 AB: requirements for accessibility of television broadcasts and on-demand television

Beslut Viaplay Group Sweden AB: Krav på tillgänglighet till tv-sändningar och beställ-tv

https://mediemyndigheten.se/globalassets/ansokan-och-registrering/regelverk/regler-for-tillganglighet-i-medier/sarskilda-krav/viaplay-beslut-om-sarskilda-krav-pa-tillganglighet-26-02830.pdf

Decision concerning Viaplay Group Sweden AB: requirements for accessibility of television broadcasts and on-demand television

Beslut TV4 AB: Krav på tillgänglighet till tv-sändningar och beställ-tv

https://mediemyndigheten.se/globalassets/dokument/tillganglighet/dokument/beslut/beslut-sarskilda/23_02014-1-23-02014-tv4-beslut-om-tillganglighet-1112054_4_0.pdf

Decision concerning TV4 AB: requirements for accessibility of television broadcasts and on-demand television

Beslut Viaplay Group Sweden AB: Krav på tillgänglighet till tv-sändningar och beställ-tv

https://mediemyndigheten.se/globalassets/dokument/tillganglighet/dokument/beslut/beslut-sarskilda/23-02015-beslut-viaplay--1112053_3_0.pdf

Decision concerning Viaplay Group Sweden AB: requirements for accessibility of television broadcasts and on-demand television

© European Audiovisual Observatory (Council of Europe) 2026

UKRAINE

[UA] : Regulator provides criteria to identify propaganda of russian aggression

Andrei Richter
Comenius University (Bratislava)

On 3 September 2026, the National Council on Television and Radio Broadcasting, the Ukraine's national regulatory authority (NRA), approved a new act, entitled "Criteria for Classifying Information as Containing Propaganda of the Russian Totalitarian Regime and the Armed Aggression of the Russian Federation – as a Terrorist State – Against Ukraine, as well as Symbols of the Military Invasion by the Russian Totalitarian Regime, for Audiovisual Media Entities."

It is the result of the workof 12 experts, including those from the NRA itself, who have been working on the text since January 2025. The draft has been preliminarily approved by the board of the audiovisual co-regulatory body (see IRIS 2024-4:1/15). The document serves as binding rules interpreting the legal ban on disseminating such information, as stipulated in the Law of Ukraine on Media (Art. 36 "Limitations on content of information", para 1, subpara 12).

The actprovides a detailed description of the specific information regarding the aggressor state, including its bodies and officials, that is prohibited from dissemination (para 2.2.3). It explains:

- how to identify information aimed at supporting or justifying the criminal nature of the Russian Federation's activities;

- how to determine whether or not the information is of a criminal nature;

- what types of bodies of the terrorist state can actually engage in criminal activity.

These bodies include media outlets in which a terrorist state (aggressor state) holds an ownership share (corporate rights), either directly or through third parties, including state authorities, local self-government bodies, state-owned enterprises, etc.

The prohibited propaganda includes the following categories (para 2.1.1):

- dissemination of information aimed at supporting or justifying the criminal nature of the activities of the Russian Federation, the bodies of the terrorist state (aggressor state), and their officials, employees, staff (including military personnel), and/or their representatives acting openly or covertly on behalf of the Russian Federation from the territory of Ukraine or from the territories of other states against Ukraine;

© European Audiovisual Observatory (Council of Europe) 2026

- popularization and glorification of the activities of the bodies of the terrorist state (aggressor state) and the actions of their officials, employees, staff (including military personnel), and/or their representatives;

- public denial – including in the media or the internet – of the criminal nature of the Russian Federation's armed aggression against Ukraine;

- popularisation of the "Russian World" ideology by any means and/or in any manner;

- public use of symbols, associated with the military invasion of Ukraine by the Russian Nazi totalitarian regime, as well as the use, creation, or dissemination of products containing such symbols, whether in Ukraine or abroad.

The criteria specifically focus on the need to consider the context in which information is presented (in particularly, humour), the method of its dissemination, its purpose and consequences (paras 2.2.6; 2.3.3; 2.4.2; 2.5.3).

Критерії віднесення інформації до такої, що містить пропаганду російського тоталітарного режиму, збройної агресії Російської Федерації як держави-терориста проти України, а також символіку воєнного вторгнення російського тоталітарного режиму, для суб'єктів у сфері аудіовізуальних медіа

https://webportal.nrada.gov.ua/wp-content/uploads/2026/09/R-2026-02188-D.pdf

Criteria for Classifying Information as Containing Propaganda of the Russian Totalitarian Regime and the Armed Aggression of the Russian Federation—as a Terrorist State—Against Ukraine, as well as Symbols of the Military Invasion by the Russian Totalitarian Regime, for Audiovisual Media Entities, Resolution of the NRA of 3 September 2026, No. 2188

акон України "Про медіа"

https://zakon.rada.gov.ua/laws/show/2849-IX#Text

Statute of Ukraine "On Media", No. 2849-IX, 13 December 2022

© European Audiovisual Observatory (Council of Europe) 2026

A publication
of the European Audiovisual Observatory

European Audiovisual Observatory

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE