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EDITORIAL

"Coming together is a beginning, staying together is progress, working together is success." These words are attributed to Henry Ford, founder of the Ford Motor Company, but they could also be the motto of the European Union. It is clear that the best way for 27 different countries to be successful together is by working together instead of each member state following its own path. The latest example of this is the EU KIDS Act proposal that was revealed at the end of the summer by the European Commission. Given the number of so-called social media bans that have started to blossom throughout Europe in an uncoordinated way, the Commission has requested a halt to national initiatives while the EU-wide response is in preparation.

The EU KIDS Act proposal has understandably attracted a lot of attention in a context where diverse and evolving challenges online arise every day. In particular, AI introduces well-known risks, such as deep fakes, but also surreptitious ones, like reshaping our access to news as highlighted by Ofcom in a recent report, and even having a serious impact on the sustainability of the news media industry, which is the main issue of the recent opinion of the CJEU's General Advocate on the use of press publications by AI chatbots.

In such challenging times, where the Parliamentary Assembly of the Council of Europe raises its voice to alert of the growing threats to media pluralism and independence across Europe, trustworthy and pluralistic information is paramount, and the role of PSM as a cornerstone of media pluralism needs to be protected more than ever.

That is why France and Ireland have respectively published updated specifications for impartiality, professional ethics and transparency and new guidance for their public service media.

That is also why the regulation of PSM is a central focus of the Observatory's recent report on *the EMFA and safeguards to media pluralism*.

As we are wrapping up another year of the IRIS Newsletter, we hope that this last edition will provide you with a good overview of ongoing developments in the audiovisual sector. As for us, we will be back in January.

Enjoy the read!

Maja Cappello, Editor

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Table of content

COUNCIL OF EUROPE

Council of Europe recommendation on artificial intelligence literacy
European Court of Human Rights: Société d'Exploitation d'un Service d'Information - CNews v. France
European Court of Human Rights: Müyesser Uğur v. Türkiye
European Court of Human Rights: Anar Mammadov v. Azerbaijan
PACE: Resolution and recommendation on growing threats to media pluralism and independence

EUROPEAN UNION

CJEU: Advocate General examines the use of press publications by AI chatbots in Like Company v. Google Ireland Limited
CJEU: Advocate General examines Belgian legislation on the remuneration of press publishers, authors and performers for the use of their content online
European Commission requests member states halt work on national social media ban and wait for the EU KIDS Act

NATIONAL

[AM] Armenia adopts criteria for identifying audiovisual content containing propaganda of violence and cruelty
[AM] Armenia adopts criteria on war-related content in audiovisual programmes
[AM] Armenia adopts criteria for identifying foreign audiovisual content that interferes in Armenian domestic political life
[DE] State media authorities publish new guidelines on accessibility in streaming services and on smart TVs
[DE] The Higher Administrative Court of North Rhine-Westphalia (OVG NRW) has confirmed that the Pornhub and YouPorn websites do not have to be blocked in Germany
[DE] Potsdam Administrative Court upholds regulatory measures against AfD election advert
[FR] Impartiality, ethics and advertising at the heart of amended terms of reference for the public audiovisual sector
[FR] Arcom warns Europe 1 following comments that were likely to incite hatred and encourage discriminatory behaviour
[GB] Ofcom reports AI and online intermediaries reshape news consumption
[GB] Drystone Radio was found in breach of Ofcom Rules for allowing broadcast of unjustified offensive language
[GR] Media authority strengthened with new regulatory powers but facing a court ruling contesting its legitimacy
[HU] Amendments to child protection rules in Hungarian media and advertising legislation
[IE] Coimisiún na Meán publishes updated guidance for public service media on codes of fair-trading practice
[IS] Media Commission upholds refusal of right of reply to online news report
[LT] LRTK orders blocking of IPTV domains distributing sanctioned television channels

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[LU] Protection of minors: ALIA sanctions LiveJasmin platform for inadequate age verification measures
[LV] Parliament adopts amendments to the Electronic Mass Media Law
[LV] Parliament broadens film definitions and funding criteria for coproductions
[LV] Parliament adopts public media identity and newsroom provisions
[MD] Adoption of a new law on mass media
[PL] Rejection of the annual report of the National Broadcasting Council
[SE] Broadcasting Review Board finds improper commercial promotion in SVT online publications
[SI] Referenda reject the Parliamentary Inquiry Act and the abolition of the television licence fee

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INTERNATIONAL

COUNCIL OF EUROPE

COE: COMMITTEE OF MINISTERS

Council of Europe recommendation on artificial intelligence literacy

Justine Radel-Cormann
European Audiovisual Observatory

On 2 September 2026, the Council of Europe's Committee of Ministers adopted a Recommendation on AI literacy. It describes AI literacy as the ability to engage with artificial intelligence critically, ethically, responsibly, safely and effectively. This means understanding the human, technological and practical dimensions of AI. The Recommendation presents AI literacy as essential to ensuring that AI is used in ways consistent with human rights, democracy and the rule of law.

A key part of AI literacy is understanding how AI systems function. According to the Recommendation, AI systems reflect the values, design choices and assumptions of their developers and of the social, economic and political contexts in which they are developed and deployed. Besides, it should be understood that AI is not limited to generative tools: it includes prediction, decision making and recommendation systems, many of which are embedded in everyday digital environments. Finally, one should understand how AI systems are built on and shaped by data, and developed using data whose origins, quality and limitations shape their output in fundamental ways. This core understanding of AI services is essential and should guide member States when developing AI literacy policies, having for objective to help people assess AI content more thoughtfully.

The Recommendation calls on member States to develop national strategies and governance frameworks for coherent, sustainable and context-sensitive approaches to AI literacy. It also encourages member States to include AI literacy in curricula and learning frameworks, and to support public awareness and societal engagement through AI literacy initiatives in schools, libraries, museums and other civic spaces.

Recommendation CM/Rec(2026)12 of the Committee of Ministers to member States on artificial intelligence literacy

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COE: EUROPEAN COURT OF HUMAN RIGHTS

European Court of Human Rights: *Anar Mammadov v. Azerbaijan*

Tarlach McGonagle
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The European Court of Human Rights (Third Section) held unanimously in its *Anar Mammadov v. Azerbaijan* judgment of 6 October 2026 that a journalist's rights to private life, freedom of expression and peaceful enjoyment of possessions had been violated in a case concerning a search of his home and seizure of his mobile phones and laptop.

The applicant is a journalist and chief editor of the news website *criminal.az*. The instant case arose out of articles he published concerning an assassination attempt on E.V., the head of the Ganja City Executive Authority, on 3 July 2018. E.V. and his bodyguard were seriously injured in the attack. The incident was followed by riots in Ganja during which two police officers were killed.

The applicant published several articles discussing what was possibly behind the assassination attempt and the riots; two of these articles were implicated in criminal proceedings against the applicant (hereafter, the impugned articles).

The Prosecutor General's Office issued a press statement on 9 July 2018 in which it stated that various media and individuals had spread false and provocative information online. The prosecuting authorities opened criminal proceedings for, *inter alia,* public incitement to terrorism and openpublic calls against the state. On the same day, the applicant was questioned about the impugned articles by the Baku City Prosecutor's Office for several hours without legal representation. He claimed that the investigators seized and examined his two mobile phones, without a court order. He was required to sign a statement that he had voluntarily handed over his mobile phones. After the questioning, he went to his flat, accompanied by an investigator. A seizure operation was conducted in his flat – again without a court order authorizing it – during which a laptop and documents belonging to C*riminal.az* LLC were seized. The applicant's wife's laptop was also inspected. The applicant lodged complaints in relation to these operations, but they were dismissed. He claimed that the seized devices were only returned to him five years later and in an unusable state.

An expert forensic linguistic report on the impugned articles was ordered. It found that the applicant had, *inter alia*, openly incited the public to hatred against the government and the constitutional order. Criminal proceedings were instituted against the applicant for offences of open calls against the state, exceeding the limits of authority and forgery by an official. He was found guilty of all charges and sentenced to five and a half years in prison, suspended for two years on probation, and a two-year ban on holding public office. The conviction was upheld by appellate courts, endorsing the reasoning of the lower courts. In February

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2020, the Supreme Court partially upheld the lower courts' judgments and reduced the sentence by three months.

The applicant felt that several of his rights, as guaranteed by the European Convention on Human Rights (ECHR) had been violated and lodged an application at the European Court of Human Rights.

Alleged violation of Article 8 (right to respect for private and family life)

The Court observed that search and seizure operations, as they constitute a serious interference with private life, home and correspondence, must be based on a law that is "particularly precise". National law must therefore provide "appropriate and sufficient safeguards against arbitrariness". The Court must be "particularly vigilant" when national law empowers the authorities to "order and effect searches without a judicial warrant": "very strict limits on such powers" are called for under Article 8 ECHR. However, as the Court observed, "the absence of a judicial warrant may be counterbalanced by the availability of an effective and diligently conducted *ex post facto* judicial review".

The Court went on to observe that the national authorities had relied on two different legal grounds for carrying out the seizure operation and that the decision ordering the seizure failed to comply with the requirements of the national law. It underscored that searching the contents of a mobile phone "seriously interferes" with a person's private life and correspondence and that such a measure cannot be left to "an investigator's unfettered discretion" – a search warrant issued by an independent body is required. It found that in the absence of any references by the government to, or other evidence of, an *ex post facto* judicial review, such a review was not carried out – despite a legislative requirement for the same.

The above findings led the Court to conclude that the interference in question was not in accordance with the law and that it was accordingly not necessary to determine whether the interference was necessary in a democratic society in order to hold that Article 8 had been violated.

Alleged violation of Article 1 of Protocol 1 (protection of property) and Article 13 (right to an effective remedy) in conjunction with Article 1 of Protocol 1

The Court found that the continued retention of the applicant's mobile phones (which were in any case not material evidence in any criminal proceedings) and laptop after the relevant decisions were taken about them was "unlawful and arbitrary". It concluded that the seizure and retention of the applicant's possessions amounted to a violation of Article 1 of Protocol 1 to the ECHR (A1P1), but that there was no need to also consider the complaint under Article 13 *juncto* A1P1.

Alleged violation of Article 10 (freedom of expression)

In its assessment of the alleged violation of Article 10, the Court reiterated a selection of its key principles pertaining to the right to freedom of expression,

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including the strong protection afforded by Article 10 to debate on matters of public interest; the wide limits of permissible criticism of the government; the duties and responsibilities of chief editors, media owners and publishers that govern the exercise of their right to freedom of expression; and the need for restrictive use of criminal sanctions and especially custodial sentences to avoid a chilling effect on freedom of expression.

As mentioned above, the domestic courts relied heavily on a report by a forensic linguistic expert – and also on statements by two witnesses. The Court found it "difficult" to identify any language in the impugned articles that amounted to the criminal acts for which the journalist was convicted or as described in the expert report. Nor did the two witnesses point to any specific remarks or statements from the applicant's articles that would have constituted calls against the state.

As the applicant's articles did not contain any incitement to violence, the domestic courts could not rely on Article 10(2) reasons such as the protection of territorial integrity and national security and the prevention of disorder or crime to limit the public's right to receive the applicant's articles.

The Court also considered the nature and proportionality of the sanctions. It recalled one of its key principles in this regard:

"*Although sentencing is in principle a matter for the domestic courts, the imposition of a prison sentence for an offence in the area of a debate on an issue of legitimate public interest will be compatible with freedom of expression as guaranteed by Article 10 of the Convention only in exceptional circumstances, notably where other fundamental rights have been seriously impaired, as, for example, in cases of hate speech or incitement to violence*".

It then pointed out that the suspended nature of the custodial sentence did not erase the applicant's conviction or the "long-term effects of [sic] any criminal record could have on the work of media professionals, including journalists".

In light of the above reasons, the Court held that the applicant's right to freedom of expression had been breached.

Alleged violation of Article 18 (limitation on use of restrictions on rights) in conjunction with Article 10

The Court noted its general principles about the interpretation and application of Article 18, including that a separate examination of a complaint under Article 18 "is only warranted if the claim that a restriction has been applied for a purpose not prescribed by the Convention appears to be a fundamental aspect of the case". Another general principle is that when examining whether a restriction pursued an ulterior purpose, the Court will assess all of the evidence and it does not confine itself to "direct evidence of the authorities' intentions: contextual facts and the sequence of events may also support the necessary inferences". In the present case, while the Court was unable to identify any purpose provided for by the Convention in respect of the restriction, it nevertheless saw a need to determine whether there was an "identifiable ulterior purpose". Ultimately, the Court found that the evidence available to it did not permit it to establish beyond

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reasonable doubt that the applicant's conviction was "motivated by an ulterior purpose linked to his journalistic activities". This prompted the Court to conclude that Article 18 *juncto* Article 10 had not been violated.

Anar Mammadov v. Azerbaijan, Application Nos. 12043/19 and 50484/20, 6 October 2026.

https://hudoc.echr.coe.int/?i=001-252624

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COE: EUROPEAN COURT OF HUMAN RIGHTS

European Court of Human Rights: *Société d'Exploitation d'un Service d'Information - CNews v. France*

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In a judgment of 18 June 2026, the European Court of Human Rights (Fifth Section) held that the right to freedom of expression of a French national television channel had not been violated as a result of a formal notice by the French Audiovisual and Digital Communications Regulatory Authority (*Autorité de régulation de la communication audiovisuelle et numérique* – ARCOM) requiring the channel to comply with its broadcasting licence obligations to ensure the accuracy, honesty and plurality of information in the future.

The case arose from statements made by Professor P., an infectious disease specialist, during an edition of the show, *Les points sur les i*, which was broadcast by the television channel CNews on 21 November 2021. Professor P. was well known for his alternative views on the COVID-19 pandemic and the effectiveness of certain vaccinations and was invited as the sole guest in a particular discussion on the show precisely because of his views on such matters. He was introduced as a specialist who is seldom invited to participate in mainstream media discussions due to the nature of his views. He made various controversial and unfounded statements during the show, which were met with only limited reaction by the hosts.

Following those statements, ARCOM served a formal notice on CNews, requiring it to comply with its obligations to ensure honesty and accuracy in the presentation and treatment of information, to guarantee that differing viewpoints on controversial issues were expressed, and, in all circumstances, to retain control over its broadcasting output. More specifically, ARCOM took issue with the following points:

While Professor P. was the only medical professional on the show, some of his statements, which "clearly did not reflect the reality of the health situation in France or the medical knowledge available at the time," were "not sufficiently challenged by those present on the set".

This concerned Professor P.'s denial of the existence of a fifth wave of COVID-19 and his claim that the epidemic in France was effectively over. Contemporary World Health Organization figures showed a very sharp increase in the number of new cases in France – more than tripling to 20,847 between 1 and 20 November 2021 – prompting the national Scientific Council (*Centre national de la recherche scientifique* – CNRS) to issue an advisory warning about the epidemiological situation on 20 November 2021 (the day before the show was broadcast).

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It also concerned Professor P.'s assertion that the use of hydroxychloroquine, azithromycin, and ivermectin (an antimalarial, an antibiotic, and an antiparasitic drug, respectively) to treat patients with COVID-19 would have prevented all deaths.

Furthermore, ARCOM found that CNews failed to meet its obligation to present diverse viewpoints on controversial issues, notably in respect of Professor P.'s claim that messenger RNA (mRNA) vaccines are experimental therapeutic substances that alter cells, leading to a surge in side effects, including, according to him, deaths. As no one challenged this assertion, ARCOM concluded that Professor P. "spoke in an extremely dogmatic manner about the consequences of administering mRNA vaccines on the human genome, without his thesis being discussed by those present; only his opinion was presented, resulting in a marked imbalance in the coverage of the subject – a topic whose controversial nature required the expression of various points of view."

In light of the above, ARCOM inferred a failure to maintain control over the broadcast, noting that "the guest's various remarks, taken as a whole, did not elicit a sufficiently strong reaction from those present on set during the segment."

CNews unsuccessfully sought to have ARCOM's notice annulled by the Council of State (*Conseil d'État*). The company then lodged an application at the European Court of Human Rights (hereafter, the Court).

The Court held that the formal notice was not a "sanction" in the sense of Article 10 ECHR, but rather a condition on the exercise of the right to freedom of expression insofar as it sought to discourage any future repetition of the conduct for which the company was reproached. The notice nevertheless constituted an interference with the right to freedom of expression, which was provided for by law, more specifically in relevant provisions of the Law on Freedom of Communication of 1986 and relevant provisions of its broadcast licence agreement. The legitimate aims pursued were the protection of health and the protection of the rights of others.

When assessing the necessity of the interference, the Court underlined that a current affairs programme discussing the COVID-19 pandemic and how the authorities were managing the pandemic was a contribution to a debate of general interest, which attracts a high level of protection under Article 10 ECHR, leaving a reduced margin of appreciation for States. It considered that CNews' duties and responsibilities under Article 10(2), as the publisher of an audiovisual communication service, include ensuring honesty and rigour in the presentation and handling of information, providing for the expression of diverse viewpoints on controversial issues, and maintaining control over its broadcasts at all times.

The Court noted that Professor P.'s statements denying the existence of the fifth wave of COVID-19 in France and his unfounded claim that certain drugs would have prevented all deaths did not elicit a reaction from the presenters. Professor P.'s claims about the mRNA vaccines did elicit opposition to the assertion that the vaccines had caused deaths. The episode concluded with a disclaimer that Professor P. was speaking only for himself and that he alone was responsible for

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his views.

The Court acknowledged that, while this disclaimer did put Professor P.'s points into "a more relative perspective", it remained relevant that Professor P. was the only scientist on the panel and that he had been introduced in glowing terms at the start of the programme as a "leading expert on vaccines" – someone who was no longer heard from in the media because he had expressed reservations regarding the "excessive dramatization [of the] health panic" and the vaccination policy. Furthermore, the Court held that "the overtly polemical titles of two recent books by the guest – both concerning COVID-19 and mentioned by the show's host – should have served as a warning that he might make controversial remarks on air, thereby highlighting the need for effective, well-reasoned moderation".

CNews pointed out (although not during the proceedings before ARCOM or the Council of State) that it had included perspectives from various medical specialists on the COVID-19 pandemic in its wider current affairs programming during the relevant period.

The Court noted that, while these elements showed that views regarding the efficacy of vaccination and the existence of a fifth epidemic wave in November 2021 – which differed from those of Professor P. – were indeed broadcast on the CNews channel, "this merely broadened the scope of the debate the channel had initiated on these topics". However, it held that it did not follow that the same was true for Professor P.'s controversial claims concerning the efficacy of treating COVID-19 with hydroxychloroquine, azithromycin, or ivermectin. Moreover, the Court noted that "the context of the case includes the fact that the contentious remarks were made on a free-to-air television channel on a Sunday at approximately 7:15 p.m. by an infectious disease professor – who was introduced at the start of the programme with high praise as "a leading specialist in vaccines" – that is to say, during prime time, by an individual presented as an expert". The Court therefore took into account the Government's argument that Professor P.'s "controversial assertions on a sensitive public health issue could have had a significant impact on the public, even though views contrary to those of Professor P. were expressed on the same subject in other programmes broadcast on CNews".

In a majority decision of five votes to two, the Court found that CNews' right to freedom of expression had not been violated.

CEDH , Société d'Exploitation d'un Service d'Information - CNews c. France, requête n° 41355/23, 18 juin 2026

ECtHR, Société d'Exploitation d'un Service d'Information - CNews v. France, no. 41355/23, 18 June 2026

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COE: EUROPEAN COURT OF HUMAN RIGHTS

European Court of Human Rights: *Müyesser Uğur v. Türkiye*

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Journalists revealing information states would rather keep under wraps may face serious repercussions. A case in point is the ECtHR's recent judgment in *Müyesser Uğur v. Türkiye*, Application No. 45738/22.

The case concerned the pre-trial detention of an investigative journalist (the applicant), based on her allegedly soliciting and declassifying (prohibited) information in defiance of the Turkish Criminal Code. The six impugned articles, written by the applicant and published on news website *odatv.com*, concerned a military cooperation agreement between the Turkish Government and the Libyan Government of National Accord, and the deployment of Turkish military forces to Libya. The articles included information about individuals (in Turkish military ranks) involved in the mission in Libya, one of whose identities (that of Turkish commander M.G.) was revealed in one of the applicant's articles. The applicant had relied on information from source E.B., a sergeant at the Hadımköy Military Barracks. During one of their phone calls, the applicant had asked about the identity of the commander who would be sent to Libya to lead the mission. E.B. had revealed it was the then Deputy Chief of the General Staff (Genelkurmay İkinci Başkanı), M.G. Both E.B.'s and the applicant's phone were wiretapped, and both were subsequently arrested.

After the applicant had been interrogated about the nature of her contact with E.B., she was placed in pre-trial detention for five months. Her appeal against the pre-detention order was unsuccessful. The Ankara 26th Assize Court sentenced the applicant to one year and ten days' imprisonment for the offence of obtaining prohibited information under Article 334, paragraph 1 of the Criminal Code, and to two years and six months' imprisonment for the offence of disclosing prohibited information under Article 336, paragraph 1 of the Criminal Code. The applicant appealed, but the conviction was upheld. Before the Turkish Constitutional Court, the applicant raised the issue of her pre-trial detention, arguing that it violated her right to liberty and freedom of expression, considering the order for pre-trial detention was directly linked to the (six) articles written by the applicant and the contact she had with her source and thus pertained to her work as a journalist.

The circumstances in the lead-up to a final judgment (e.g. a criminal conviction) can have a chilling effect on expression. Being placed in pre-trial detention is one such circumstance, constituting an interference with the applicant's freedom of expression. The heart of the matter before the ECtHR was whether the interference was necessary and whether a fair balance had been struck between the different interests at stake: the freedom of expression of the applicant in her capacity as a journalist, and the state's military and security interests.

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While the national authorities took issue with six of the applicant's publications, these articles being the main evidence supporting the decision to place the applicant in pre-trial detention, the Court found that five of these articles could not support that decision for they did not contain classified elements. Only one of the articles did: the one in which the applicant had revealed commander M.G.'s identity. Whether or not the publication of that particular article could support the decision to place the applicant in pre-trial detention, and could thus be considered "necessary", depends on a weighing of certain factors: the interest at stake, the review of the measure by the domestic courts, the conduct of the applicant, and whether the measure imposed was, overall, proportionate.

The article concerned a matter of public interest and touched upon specific state interests. The Court accepts that the disclosure of the commander's identity affected both the state's interest in national security and the interests of the commander in question. The article could have significantly damaged these interests and the commander's personality rights. In that vein, the Court attaches weight "to the Government's argument that the article was published at a time when potential risks to national security were heightened, as troops of the Turkish Armed Forces were being deployed to Libya" (paragraph 81). On the conduct of the applicant, the Court recognised that she did not obtain the information illegally and took note of her needing to act in accordance with "the tenets of professional journalism". She should have been conscious of the sensitivity of the information in question. At the same time, the Court noted the domestic courts had not shown appreciation for the applicant's freedom of expression: "the Constitutional Court did not undertake a separate assessment of whether a fair balance had been struck between the interests relating to national security and the safety of the commander concerned and the applicant's right to impart information and the public's right to receive information on matters of public interest" (paragraph 87). Crucially, the pre-trial detention lasted five months and thus constituted a particularly grave interference with the applicant's freedom of expression, potentially having a significant chilling effect. The Court ruled that no fair balance had been struck between the various interests involved, finding a violation of Article 10 of the Convention.

ECtHR 6 October 2026, Müyesser Uğur v. Türkiye, Application No. 45738/22

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COE: PARLIAMENTARY ASSEMBLY

PACE: Resolution and recommendation on growing threats to media pluralism and independence

Amélie Lacourt
European Audiovisual Observatory

On 30 September 2026, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution and a recommendation on the basis of a report by Valentina Grippo (Italy, Alliance of Liberals and Democrats for Europe – ALDE). The report expressed serious concern about the growing threats to media pluralism and independence across Europe. These threats stem from the growing influence of political and economic actors over editorial decisions, as well as from mounting pressure on public service media, the emergence of "news deserts" and the market dominance of online platforms.

The resolution emphasises the importance of safeguarding editorial independence and the regulation and monitoring of the governance and financing of public service media to prevent any form of political interference.

The resolution also states that media outlets face severe threats to their survival, especially when it comes to local, investigative and cross-border journalism. Journalists are susceptible to pressures from influential news sources and their employers; this fosters an environment conducive to censorship and self-censorship. Concerns have also been raised regarding legal harassment, online threats and the disproportionate targeting of female journalists.

Furthermore, the Assembly emphasises the specific risks associated with Russia's war against Ukraine, which has led to the killing, wounding or unlawful detention of journalists; it strongly criticises the systematic dismantling of independent media in Ukrainian territories occupied by Russia.

The Assembly calls on Council of Europe member states to introduce a legal requirement for national media regulatory authorities to regulate and monitor media pluralism in the audiovisual sector. Furthermore, the Assembly has proposed repealing or amending laws used to intimidate journalists, including criminal defamation and overly broad "fake news" or state secrets provisions. Further measures to be implemented include the following:

strengthening transparency when it comes to media ownership supporting sustainable funding models for local and non-profit media ensuring the independence of national media regulatory authorities protecting journalists' safety. The growing influence of artificial intelligence and online platforms over media content and distribution is a key concern that must be addressed. In order to achieve this, services of general interest, especially public service media, must be given appropriate prominence across all platforms and the integrity of media

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services must be safeguarded against unfair manipulation by online platforms.

The recommendation invites the Committee of Ministers of the Council of Europe to collaborate with member states and the EU to create a pan-European database of media ownership in Europe.

Resolution 2675 (2026) of the Parliamentary Assembly of the Council of Europe, "Growing threats to media pluralism and the independence of the media"

https://pace.coe.int/en/files/36398/html

Recommendation 2313 (2026) of the Parliamentary Assembly of the Council of Europe, "Growing threats to media pluralism and the independence of the media"

https://pace.coe.int/en/files/36399/html

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EU: COURT OF JUSTICE OF THE EUROPEAN UNION

CJEU: Advocate General examines Belgian legislation on the remuneration of press publishers, authors and performers for the use of their content online

Amélie Lacourt
European Audiovisual Observatory

On 19 November 2026, the Court of Justice of the European Union (CJEU) released Advocate General Szpunar's Opinion in the *Streamz and Others* case, on the compatibility with EU law of Belgian legislation designed to improve the remuneration of press publishers, authors and performers for the use of their content online. In his Opinion, the Advocate General considers that EU law does not, in principle, preclude remuneration mechanisms such as those established by Belgian law for the benefit of press publishers. He found, however, with regard to authors and performers, that certain detailed rules are contrary to EU law, in particular with regard to the freedom to provide services.

When transposing the Directive on copyright and related rights in the Digital Single Market (CDSM Directive), the Belgian legislator made use of the possibility given by Article 18.2 and introduced two new remuneration rights to the Belgian Code of Economic Law (BCEL).

A first additional remuneration right (Art.XI.228/4 BCEL) offers authors and performers the right to be remunerated for the use of their work and performances by the online content-sharing service providers (OCSSPs) which are identified in Article 17 of the CDSM Directive. This remuneration right is unwaivable and non-transferable and subject to mandatory collective management. A second additional remuneration right (Art.XI.228/11 BCEL) offers authors and performers a right to be remunerated for the use of their work and performances by commercial streaming and video-on-demand (VOD) services (music and audiovisual), which are identified as a specific category of information society service providers (ISPs) by Art.XI.228/10 BCEL. This remuneration right is unwaivable and non-transferable. It is subject to mandatory collective management unless a collective agreement applies.

These new remuneration rights became effective on 1 August 2022, when the Belgian law of 19 June 2022 came into force. However, Google, Spotify, Streamz (a local streaming service), Meta, and several record labels (Sony Music, Universal Music, Warner Music, PIAS, N.E.W.S., CNR Records, and BRMA) filed a partial anulment action against the law before the Belgian Constitutional Court. While the requests from Meta do not concern the new remuneration rights, the other parties' requests concern one or both of the new remuneration rights.

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Following this, in order to assess whether those provisions comply with EU law, the Belgian Constitutional Court referred a question to the CJEU regarding the interpretation of the Charter of Fundamental Rights of the European Union and of the applicable EU legislation.

With regard to press publishers, the Advocate General considers that the related rights provided for in the directive do not apply where publishers themselves make their publications available on an online service. By contrast, where an ISP reuses a publication already made available online by the publisher, such use constitutes an autonomous act falling within the scope of the publisher's exclusive right.

With regard to authors and artists, the Advocate General considers that EU law does not, in principle, preclude authors and artists from retaining a right to direct remuneration from online content service providers (OCSPs) and streaming service providers (SSPs), if they have assigned their exclusive rights to a producer. This separates the right to authorise the exploitation of a work or performance from the right to receive remuneration, as long as rights holders retain the option to authorise such exploitation free of charge. However, OCSPs must perform the residual right only for content for which they have obtained authorisation from the rights holders. Without authorisation, the provider must block access to the content and is therefore exempt from paying any remuneration for its exploitation. Double payment must also be prevented, in particular where the producer has already received remuneration under the licence granted to the provider.

Finally, and most importantly, the Advocate General notes that residual rights may make multi-territorial licences less attractive. Such licences enable providers to obtain from a single collective management organisation the authorisations necessary to exploit works in several member states. This risks promoting the fragmentation of the internal market. Therefore, the Advocate General considers that the freedom to provide services prevents this mechanism from being used if it stops such licences being granted.

CJUE, Conclusions de l'avocat général, Streamz and Others, C-663/24, 19 novembre 2026

https://infocuria.curia.europa.eu/tabs/jurisprudence?sort=DOC_DATE-DESC&searchTerm=%2522C%252D663%252F24%2522&publishedId=C-663%2F24

CJEU, Opinion of the Advocate General, Streamz and Others, C-663/24, 19 November 2026

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EU: COURT OF JUSTICE OF THE EUROPEAN UNION

CJEU: Advocate General examines the use of press publications by AI chatbots in *Like Company v. Google Ireland Limited*

Diego de la Vega
European Audiovisual Observatory

On 3 November 2026, the Advocate General delivered his Opinion in Case C-250/25, *Like Company v. Google Ireland Limited*, concerning the use of online press publications by generative artificial intelligence (AI) chatbots. This is the first time that the Court of Justice of the European Union (CJEU) has had an opportunity to examine certain European copyright rules in the context of AI-generated training and AI-generated content.

The proceedings originated in a dispute between Like Company, a Hungarian publisher operating several online news portals, and Google Ireland Limited, concerning the use of its press articles by Google Gemini. The chatbot, powered by large language models (LLMs), uses a technology known as Retrieval-Augmented Generation (RAG), which enables it to retrieve information from online sources in real time and generate responses to users' queries. Like Company argued that Gemini reproduced and reused content from its publications without authorisation, including by generating summaries of its articles.

At first, the Budapest Regional Court referred questions to the CJEU concerning, in particular, the interpretation of Article 15(1) of Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market (CDSM Directive), which grants press publishers rights over the online use of their publications by information society service providers. The questions also concerned Articles 2 and 3(2) of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society (InfoSoc Directive), about reproduction and making-available rights. A total of four questions were referred to the CJEU.

The Opinion contains a profound technical analysis of how certain AI systems are trained and work; it distinguishes between the training of an LLM and the subsequent retrieval and reuse of press publications to generate individual responses as this difference is critical in this specific case. The Opinion focuses on the latter process, which involves the chatbot accessing online articles and incorporating elements of their content into answers provided to users.

On the reproduction right, the Advocate General considers that retrieving and reusing a press publication can amount to reproduction if its protected expression is recognisable in the chatbot's response. This may be the case even where the response does not reproduce the article in its entirety. The relevant question is whether the expression reproduced is sufficiently identifiable.

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Concerning the right of making available to the public, the Advocate General considers that this right may also be infringed if the protected expression of a press publication is systematically recognisable in responses generated by the chatbot to related queries. In particular, this may occur where users can obtain the substance of an article through the chatbot without needing to access the original publication.

The Opinion also addresses the possible application of exceptions and limitations, including the exception for temporary acts of reproduction under Article 5(1) of the InfoSoc Directive and the text and data mining (TDM) exception under Article 4 of the CDSM Directive. The Advocate General considers that the lawfulness of the use must be assessed in light of the manner in which the chatbot accesses the publication and the form of the response ultimately provided. In particular, access must be lawful and must not circumvent effective technical measures put in place by publishers.

Finally, the Advocate General examines when the relevant acts may be attributed to the chatbot provider, including where they are inherent in its business model or where the provider has failed to adopt appropriate measures to prevent them. However, the Advocate General advises the Court to declare inadmissible the two questions from the referral concerning LLM training. According to the Opinion, since there is no evidence that Like Company's articles had been used to train the Gemini LLMs, and since the training of an LLM is not a form of "online use" of press publications, these questions are "hypothetical".

The Opinion is not binding on the CJEU. The judges will now deliberate before delivering their final judgment.

CJEU, Opinion of Advocate General Szpunar, Like Company v. Google Ireland Limited, Case C-250/25, 3 November 2026

https://infocuria.curia.europa.eu/tabs/tout?publishedId=C-250%2F25&searchTerm=C%252D250%252F25

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EU: EUROPEAN COMMISSION

European Commission requests member states halt work on national social media ban and wait for the EU KIDS Act

Eric Munch
European Audiovisual Observatory

Over the last few years, the world has seen a rise in discussions and legislative efforts to develop stronger rules to protect minors from online harms. Since the entry into force of Australia's Online Safety Amendment (Social Media Minimum Age) Act 2024, banning Australians under the age of 16 from creating accounts on social media platforms, many other countries have aimed to introduce similar types of restrictions.

Many European member states had begun to explore options, going as far as to pass draft legislation, with some planning to roll out the new rules as early as September 2026 or early 2027. Such was the case with France's proposed social media ban for children under the age of 15 which the Constitutional Council (*Conseil constitutionnel*) blocked prior to its entry into force. The Council considered that the measure infringed on the right to freedom of expression afforded to under-15s and that it lacked guarantees with regard to the protection of the users' privacy, in relation to age assurance questions.

In parallel, the European Commission was drafting the EU KIDS Act, unveiling the proposal in July 2026. This simultaneous development of initiatives both at the European and national levels has prompted the Commission to request that member states halt progress on draft legislation touching upon the same themes as the EU Kids Act. The European Commission can suspend the adoption of national draft laws once they have been notified through the Technical Regulation Information System, TRIS. Once a member state submits a draft law through TRIS, the European Commission has three months to respond. If the Commission is preparing legislation on the same topic, it can, however, extend this standstill period to 12 months.

On 29 October 2026, European Commission spokesperson Thomas Regnier announced the 12-month halt to national processes, due to concerns about fragmentation, mentioning that it would affect Austria, Belgium, Italy and Slovenia – countries which had submitted drafts through the TRIS system. The Austrian government was swift to respond, with SPÖ (*Socialdemokratische Partei Österreichs*) Vice Chancellor and Media Minister Andreas Babler expressing his incomprehension at the postponement in a statement on the same day. He indicated that Austria would therefore still push the process forward at the national level so that the social media ban can be implemented immediately after the EU deadlines expire.

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While several member states are concerned about the extended standstill, one finds itself in a different situation. Owing to the early notification of its draft law, Greece has been able to move forward, as the initial review period for it ended before the EU KIDS Act was presented. This prevented an extension of the standstill and allowed the Greek social media ban for under-15s to be adopted on 23 October 2026.

European Commission – Midday press briefing from 29/10/2026 – EU KIDS ACT – Social Media law in different countries in Europe: Q&A

https://audiovisual.ec.europa.eu/en/media/video/I-296993

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NATIONAL

ARMENIA

[AM] Armenia adopts criteria for identifying audiovisual content containing propaganda of violence and cruelty

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. 111-N establishing criteria for applying the prohibition of the dissemination of audiovisual content containing propaganda of violence and cruelty.

The decision was adopted pursuant to Article 9(6) of the Audiovisual Media Act, which authorises the CTR to establish criteria for assessing compliance with the restrictions prescribed by Article 9(1)(2) of the Act.

The decision aims to ensure legal certainty and the consistent, proportionate and predictable application of the prohibition, as well as to help prevent the dissemination of audiovisual content containing propaganda of violence and cruelty.

The Act already establishes time restrictions on the broadcasting of certain categories of audiovisual content, including horror films and films containing explicit violence, which may only be broadcast between 00:00 and 06:00. In contrast, the new Article 9(1)(2) prohibits the dissemination of audiovisual content containing propaganda of violence and cruelty, irrespective of broadcasting time. The newly adopted decision establishes specific criteria for identifying such content and distinguishing it from the mere depiction of violence and cruelty.

Under these newly adopted criteria, audiovisual content containing propaganda of violence and cruelty is defined as information which, by virtue of its content, manner of presentation, means of expression and overall context, seeks to foster a positive attitude towards violence and cruelty, portraying them as acceptable, necessary or worthy of imitation, and is aimed at justifying, encouraging, glorifying or normalising such conduct, as well as inciting the commission and use of violence and cruelty.

The decision establishes six criteria for assessing whether audiovisual content contains propaganda of violence and cruelty:

1. The overall context of the programme – whether violence and cruelty are portrayed as justified, praised, encouraged or worthy of imitation, or, conversely, as conduct deserving condemnation.

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2. The purpose of the programme – whether the content is intended to inform, raise awareness, educate, analyse, discuss, document or artistically portray certain events, or to foster positive attitudes towards violence and cruelty or incite such conduct.

3. The manner of presentation – including the language used, editing techniques, visual and audio elements, selection of footage, voice-over commentary and repeated display, and whether these elements contribute to justifying, glorifying or encouraging violence and cruelty.

4. The positions expressed by the author, presenter or other participants – whether their statements express approval of, justify, encourage or glorify violence and cruelty, including the reaction of the presenter or editorial team to such statements.

5. The overall message and impact of the programme – whether the principal message conveyed to the audience promotes a positive or accepting attitude towards violence and cruelty or presents such conduct as worthy of imitation.

6. The format of dissemination – whether particular content is emphasised through verbal, visual or technical means intended to attract viewers' attention.

The decision specifies that these criteria must be assessed collectively, taking into account the particular circumstances of each case. The presence or absence of an individual criterion is not, in itself, sufficient to classify audiovisual content as promoting violence and cruelty. The CTR must assess all relevant circumstances in their entirety.

Importantly, the decision clarifies that the depiction, description or factual presentation of violence and cruelty does not, in itself, constitute propaganda of violence and cruelty if the content, manner of presentation and context do not indicate justification, encouragement, glorification, normalisation or incitement to acts of violence and cruelty.

The decision entered into force on 16 September 2026.

Հեռուստատեսության և ռադիոյի հանձնաժողովի որոշումը տեսալսողական հաղորդումներում բռնության և դաժանության քարոզ պարունակող տեղեկատվության տարածման չարաշահման արգելքի չափորոշիչները սահմանելու մասին

https://www.arlis.am/hy/acts/230993/latest

Decision of the Commission on Television and Radio establishing criteria for applying the prohibition of the dissemination of audiovisual content containing propaganda of violence and cruelty

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[AM] Armenia adopts criteria for identifying foreign audiovisual content that interferes in Armenian domestic political life

Anna Hovhanisyan
Commission on TV and Radio of Armenia

On 5 October 2026, the Commission on Television and Radio of the Republic of Armenia (CTR) adopted Decision No. 127-N establishing criteria for applying the prohibition of the dissemination of content that interferes in the domestic political life of the Republic of Armenia through foreign audiovisual programmes.

The decision was adopted pursuant to Article 9(6) of the Audiovisual Media Act, which authorises the CTR to establish criteria for assessing compliance with the restrictions prescribed by Article 9(5) of the Act.

Under this decision, domestic political life encompasses a broad range of relations and processes, including the formation, exercise and stability of state and local government authorities, domestic political decision-making, electoral and referendum processes, political competition, the constitutional order, democratic institutions, state sovereignty, political independence and social cohesion.

Under the newly adopted criteria, content that interferes in domestic political life is defined as audiovisual content disseminated through foreign audiovisual programmes which, by virtue of its manner of presentation, message and overall context, is aimed at exerting coercive influence on the free and independent adoption, implementation or modification of decisions relating to these matters. Such influence may involve imposing requirements or conditions, restricting freedom of decision-making or obstructing their implementation.

The decision identifies several forms of interference, including coercive influence aimed at:

• obstructing or restricting the formation, functioning or stability of state and local government authorities;

• subjecting domestic political decisions to the demands, instructions or conditions of foreign states or entities associated with them;

• interfering with the free and independent conduct of elections and referendums;

• restricting political competition or creating preferential or disadvantageous conditions for political actors through coercive means;

• interfering with democratic institutions, state sovereignty or the independent exercise of domestic powers; or

• undermining social cohesion by provoking or deepening divisions or polarisation between different groups in society.

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The decision also addresses calls to change the constitutional order outside constitutionally prescribed procedures, seize state power, interfere coercively with Armenia's independent political, economic, informational, social or cultural choices, or use or threaten force against its political independence, including the justification or encouragement of such actions.

To determine whether audiovisual content constitutes interference in domestic political life, the decision establishes six assessment criteria:

1. The subject matter of interference – whether the content concerns relations or processes falling within the scope of Armenia's domestic political life as defined by the decision.

2. The source of the content and the nature of the position expressed – whether it conveys a coercive position of a foreign state, a group of states, their authorities or persons acting under their instructions, control or support. The assessment distinguishes coercive demands, conditions, ultimatums and threats from the communication of information, expression of opinions, criticism, advice or recommendations.

3. The purpose and direction of the content – whether the content seeks to interfere with, impose conditions on, restrict or obstruct the adoption, modification or implementation of decisions concerning domestic political life.

4. The manner of presentation and the editorial and overall context – the assessment considers the language used, editing techniques, visual and audio elements, footage, headlines and subtitles. It also examines whether the content is presented in an informational, analytical or critical context, clearly distinguished from the author's or editorial team's views or accompanied by alternative viewpoints, or whether it conveys an independent message endorsing coercive interference. The overall assessment takes into account the nature, clarity and intended targets of any demands, conditions, instructions, ultimatums or threats, as well as the relevant socio-political, electoral or security context.

5. The overall message of the content – the principal idea or direction of the content communicated to the audience when the audiovisual content is considered as a whole.

6. The format of dissemination – whether verbal, visual or technical emphasis is used to draw viewers' attention and reinforce a coercive message.

The decision specifies that these circumstances must be assessed collectively, taking into account the particular features of each case. The presence or absence of an individual circumstance is not, in itself, decisive.

Furthermore, the decision explains that the one-off dissemination of audiovisual content or the absence of actual consequences does not, in itself, exclude its classification as interference in domestic political life, provided that the content meets the established definition and at least one of the specified criteria concerning forms of interference is present.

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The decision entered into force on 10 October 2026.

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https://www.arlis.am/hy/acts/231938/latest

Decision of the Commission on Television and Radio establishing criteria for applying the prohibition of the dissemination of content that interferes in the domestic political life of the Republic of Armenia through foreign audiovisual programmes

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[AM] Armenia adopts criteria on war-related 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. 109-N establishing criteria for applying the prohibition of audiovisual content that calls for war, or encourages or justifies such actions.

The decision was adopted pursuant to Article 9(6) of the Audiovisual Media Act, which authorises the CTR to establish criteria for assessing compliance with the restrictions prescribed by Article 9(1)(1) of the Act.

Under the newly adopted criteria, the assessment of audiovisual content must be based on a comprehensive examination of the programme's content, manner of presentation, message and context, rather than on individual statements considered in isolation.

The criteria cover, in particular, calls, instructions, demands or proposals to initiate, resume, continue or expand a war. They also address statements that present war or related actions as necessary or inevitable, desirable, preferable, exemplary, permissible, lawful or socially acceptable. Expressions supporting participation in war, as well as statements praising or positively evaluating war or its continuation or expansion, are also taken into consideration.

The decision further specifies that the criteria do not apply to informational, analytical, scientific, educational, documentary or artistic audiovisual materials concerning war, armed conflicts, national security, defence, international relations, historical events or the humanitarian consequences of military operations, unless their overall content, presentation, message or context contains calls for war or encourages or justifies such actions.

In assessing audiovisual content, the CTR must also consider whether opposing views were presented, whether the statements were critically examined, or whether the surrounding context excluded their interpretation as advocating, encouraging, justifying or endorsing war. Where such content is disseminated during a live broadcast, the provisions of Article 9(2) of the Act apply.

The decision also clarifies that presenting a statement as a personal opinion or assessment does not, in itself, exclude its qualification as content falling within the scope of the restrictions. The assessment depends on the substance and context of the message rather than on how the speaker characterises it.

Finally, the criteria do not apply to audiovisual information concerning war, its consequences, or actions aimed at the defence or self-defence of the Republic of Armenia, where such information has been recognised or published through an

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official communication, decision or other legal act of a competent state authority.

The decision entered into force on 17 September 2026.

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https://www.arlis.am/hy/acts/231002/latest

Decision of the Commission on Television and Radio establishing criteria for applying the prohibition of audiovisual content that calls for war, or encourages or justifies such actions

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GERMANY

[DE] Potsdam Administrative Court upholds regulatory measures against AfD election advert

Christina Meese
Institute of European Media Law

In its judgment of 12 October 2026, the Administrative Court (*Verwaltungsgericht* – VG) of Potsdam dismissed a claim brought by the Brandenburg regional branch of the Alternative for Germany party (AfD Brandenburg) against regulatory measures imposed by the Berlin-Brandenburg media authority (*Medienanstalt Berlin-Brandenburg* – mabb) in relation to an election campaign advert. The court agreed with the media regulator's assessment that the advert, by exploiting racist stereotypes and portraying people from migrant backgrounds in threatening situations, could impair the development of children and young people into independent, socially responsible individuals and should therefore be prohibited.

The legal dispute is particularly interesting because it centres on an AI-generated video. The AfD Brandenburg had distributed this video in 2024, in the run-up to the state elections in Brandenburg, via various social media channels such as TikTok, Facebook and Instagram. The advert addressed various issues which, in the party's view, needed to be tackled in Brandenburg, including drug-related crime, the general sense of insecurity and the overall impact of migration. Among other things, the advert stated: "You decide whether your town centre keeps its weekly market or ends up with a drug market [...]. You decide whether parents can send their children to school in the morning with a clear conscience, or whether the fear of violence in the school playground causes sleepless nights; whether Brandenburg still offers any prospects at all, or whether it means a loss of prosperity and foreign infiltration". The text was accompanied by AI-generated images and videos showing people with dark skin or dark hair in threatening situations, for example in connection with the words "drug market" and "violence". When the words "foreign infiltration" appeared on screen, for example, several people in burkas were shown marching down a street in a menacing atmosphere. The Commission for the Protection of Minors in the Media (*Kommission für Jugendmedienschutz*), which regulates online media on behalf of the media regulatory authorities, deemed the advert detrimental to the development of children and young people under the age of 16. It perpetuated racist stereotypes and thereby fuelled prejudice, encouraged prejudgement and stigmatised groups of people with a migrant background. This was likely to instil or reinforce a fundamental mistrust among children and young people. On this basis, in January 2025, the mabb formally objected to and prohibited the dissemination of the video, unless the AfD Brandenburg could ensure that children and young people under the age of 16 would not normally be exposed to it.

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The action brought by AfD Brandenburg in response – like a previous application for interim relief – was unsuccessful. The Potsdam Administrative Court upheld the regulator's assessment of the advert and had no doubts as to its classification as detrimental to young people's development. It rejected AfD Brandenburg's argument that the advert was comparable to television news and current affairs programmes and therefore fell under the so-called "reporting privilege". Taking into account the political party privilege, the fundamental right to freedom of expression and artistic freedom, the decision taken by the media authority in favour of the protection of minors had been proportionate. In particular, AfD Brandenburg could no longer benefit from the special protection afforded to election campaign broadcasts, as the mabb's order had been issued only four months after the state election. The advert was now to be regarded as nothing other than party advertising. Nor did the court accept the objection that the party lacked the technical means to enforce age restrictions on social media platforms for individual posts, arguing that such restrictions could only be implemented by the platforms themselves. This did not prevent the application of regulations designed to protect minors.

Pressemitteilung VG Potsdam 04/2026

https://verwaltungsgerichtsbarkeit.brandenburg.de/vg/de/presse/pressemitteilungen/~13-10-2026-afd-medienanstalt

Potsdam Administrative Court press release 04/2026

https://verwaltungsgerichtsbarkeit.brandenburg.de/vg/de/presse/pressemitteilungen/~13-10-2026-afd-medienanstalt

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[DE] State media authorities publish new guidelines on accessibility in streaming services and on smart TVs

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Institute of European Media Law

On 2 October 2026, the state media authorities (*Landesmedienanstalten*) published two explanatory documents designed to provide greater clarity and improve the future accessibility of streaming services and smart TVs. One set of guidelines is aimed at services that provide access to audiovisual media services, offering them practical guidance on fulfilling their legal obligations in a concise and clear format. The guidance for users, meanwhile, provides clear information about existing requirements, as well as where and how complaints can be lodged in the event of a lack of accessibility.

The guide entitled "Accessibility for Providers of Access Services to Audiovisual Media Services" was drawn up by the state media authorities primarily because discussions with stakeholders had revealed that smaller providers, in particular, are either unaware of their legal obligations or do not fully understand them. These obligations, which are set out in Sections 99a to 99e of the Interstate Media Treaty (*Medienstaatsvertrag* – MStV), are therefore explained in a clear and concise manner. Accordingly, the guide is also aimed at those legally subject to these obligations, – primarily, providers of smart TV portals, electronic programme guides, streaming services and media libraries. Essentially, these providers should design their services in such a way that people with various disabilities can find them, gain access to them and use all their essential functionality. In doing so, the guide addresses, amongst other things, technical standards based on the Web Content Accessibility Guidelines (WCAG) 2.2 (Conformity Level AA) and the European harmonised technical standard EN 301 549, whilst observing the four fundamental principles of perceivability, operability, understandability and robustness. Furthermore:

- all essential functionality should be usable without a mouse (i.e. using a keyboard);

- services should be compatible with common assistive technologies such as screen readers, magnification software, voice control or alternative input devices;

- content and functions should be easily perceivable and accessible through sufficient contrast, varied colour schemes, clearly legible displays, understandable labelling and text alternatives for graphics and images; and, finally,

- consistent terminology should be used for identical functions.

Ideally, providers should also provide search and filter functions that allow users to specifically search for and filter by categories such as "subtitles", "audio descriptions", "sign language versions" and "content in plain language". The guide also provides guidance on providers' associated obligations, such as the accessibility statements they must provide for their services, documentation

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requirements and the complaints procedures available to users.

The latter, in turn, form the central focus of the guidance for users entitled "On the accessibility of streaming services, smart TV portals and similar platforms" (*Barrierefreiheit für Zugangsdiensteanbieter zu audiovisuellen Mediendiensten*), which the state media authorities published on the same day. This guidance essentially covers the same legal obligations as the guidelines for services, but it is written from the user's perspective. In particular, the right to lodge a complaint in person or with the assistance of an association or a qualified body in accordance with Section 99d(3) of the MStV is explained in an accessible manner, and the relevant reporting bodies are listed.

Leitfaden Barrierefreiheit für Zugangsdiensteanbieter zu audiovisuellen Mediendiensten

https://www.die-medienanstalten.de//fileadmin/user_upload/die_medienanstalten/Service/Merkblaetter_Leitfaeden/Leitfaden_Barrierefreiheit_f%C3%BCr_Zugangsdiensteanbieter_zu_audiovisuellen_Mediendiensten.pdf

Accessibility guidelines for providers of access services to audiovisual media services

Hinweise für Nutzende Zur Barrierefreiheit von Streamingdiensten, Smart-TV-Portalen & Co.

https://www.die-medienanstalten.de//fileadmin/user_upload/die_medienanstalten/Service/Merkblaetter_Leitfaeden/Hinweise_f%C3%BCr_Nutzende_zur_Barrierefreiheit_von_Streamingdiensten_Smart-TV-Portalen__Co.pdf

Information for users on the accessibility of streaming services, smart TV portals and similar platforms

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[DE] The Higher Administrative Court of North Rhine-Westphalia (OVG NRW) has confirmed that the *Pornhub* and *YouPorn* websites do not have to be blocked in Germany

Christina Meese
Institute of European Media Law

In two summary proceedings, the Higher Administrative Court of North Rhine-Westphalia (*Oberverwaltungsgericht für das Land Nordrhein-Westfalen* – OVG NRW) confirmed, in two resloutions dated 9 October 2026, that access to the content offered by the pornography platforms *Pornhub* and *YouPorn* does not, for the time being, have to be blocked in Germany. This followed orders issued by the State Media Authority of North Rhine-Westphalia (*Landesanstalt für Medien NRW* – LfM NRW) to internet service providers under the law on the protection of minors in the media. The OVG NRW has cast doubt on the compliance of this law with EU law – specifically the country-of-origin principle under the E-Commerce Directive (ECD) and the Digital Services Act (DSA).

These proceedings (with further cases also pending in relation to *XHamster* and *MyDirtyHobby*) stem primarily from investigations conducted by the State Media Authority of North Rhine-Westphalia, which in 2020 led to prohibition orders issued by the Commission for the Protection of Minors in the Media against the providers. However, the basis for this was not the German transposition of Article 28b of the Audiovisual Media Services Directive (AVMSD) concerning the obligations of video-sharing platforms, as Section 5a of the State Treaty on the Protection of Minors in the Media (*Jugendmedienschutz-Staatsvertrag* – JMStV) did not come into force until the end of 2020. Rather, the state media authorities relied on the rules applicable to all online media accessible in Germany (so-called telemedia), which prohibit making pornography available without appropriate safeguards to prevent access by minors. As the operators failed to comply with the injunctions by implementing effective age verification systems, and attempts to enforce the measures against the providers based in Cyprus also failed, blocking orders were issued against internet service providers in April 2024 as a last resort, and they were accordingly obliged to block the relevant domains. A number of proceedings brought by platform and internet service providers against these orders and injunctions are currently pending before various courts in Germany, both in summary proceedings and in proceedings on the merits; of these, the current ruling by the OVG NRW is, to date, the highest-level ruling (though not the final one on the merits).

On 19 November 2025 the lower court, the Düsseldorf Administrative Court (Case No. 27 L 1350/24, 27 L 1347/24) had ruled to suspend the enforcement of the blocking orders against the internet service providers pending a decision on the merits of the case. The reasoning was as follows: the provisions of the JMStV on which the blocking orders were based contravened EU law, according to which the free movement of digital services from another member state may only be

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restricted under certain conditions, which German law does not meet. This has now also been confirmed by the OVG NRW. In its examination of the legal situation – which, in summary proceedings, was only a preliminary assessment – the court concluded that the services do indeed contravene the JMStV due to a lack of age verification mechanisms. However, they cannot be held liable for this as the JMStV is not in line with EU law. In particular, the country-of-origin principle set out in the ECD is not upheld; this principle only obliges providers to comply with the legal provisions in the country where they are established; the procedures for exceptional deviation from the country-of-origin principle, as required by the ECD, are not provided for in the JMStV. Furthermore, the blocking orders "may" also be unlawful because they concern the protection of minors in the media, a regulatory area which, since February 2024, has been uniformly governed across the entire EU by the DSA, thereby precluding regulation at national level. However, the LfM NRW does not have the authority to enforce the DSA.

This interim ruling is final. The decision on the main issue, however, is still pending, and it is likely that the case could be referred to the European Court of Justice. The OVG NRW also appears to recognise that the ruling entails an unsatisfactory outcome with regard to the protection of minors. In its press release on the decision, it therefore states that this does not mean that online platforms based in other EU countries are permitted to be providers of pornography for minors in Germany. However, reference is made to the relevant competences of the Cypriot authorities and, at least in the case of *Pornhub* as a very large online platform, the European Commission, which is already conducting relevant investigations.

Pressemitteilung OVG NRW

https://www.justiz.nrw/presse/2026-10-09-0

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

VG Düsseldorf, Beschluss vom 19.11.2025 - 27 L 1350/24

https://openjur.de/u/2538249.html

Düsseldorf Administrative Court, Order of 19 November 2025 – 27 L 1350/24

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FRANCE

[FR] Arcom warns Europe 1 following comments that were likely to incite hatred and encourage discriminatory behaviour

Amélie Blocman
Légipresse

On 7 January 2026, the French audiovisual regulator (Arcom) issued a formal warning to the company that runs the Europe 1 radio station regarding repeated breaches of the obligation not to encourage discriminatory behaviour and to maintain control over broadcast content. However, a programme broadcast on 26 January 2026 covered the rape of an elderly woman in Nice, the main suspect for which was a Tunisian national who had been ordered to leave French territory. During this broadcast, the panellists referred to several other crimes or offences committed or allegedly committed by undocumented immigrants, as well as the government's response to these incidents and migration policy. The presenter then stated: “And let’s remember, as [the Minister for Justice] said last night, that there are between 600,000 and 800,000 undocumented immigrants in France. ‘That’s a huge number,’ he said. He proposed introducing migration quotas and suspending immigration for two or three years. We’re not saying that all migrants are rapists, but many are, as the figures show.” None of the other panellists reacted to these comments.

In a decision of 21 October 2026, Arcom stated that remarks claiming that "many migrants are rapists", which suggested that the presence in France of this group of people posed a major risk to public safety, were likely to incite hatred and encourage discriminatory behaviour towards them on the grounds of their origin or nationality. They therefore constituted a breach of Article 15 of the Act of 30 September 1986 and of the provisions of the radio station’s licence. Furthermore, Arcom noted that nobody in the studio had qualified or contradicted these remarks. It was irrelevant that the presenter who had made the remarks had stated that she was not referring to all migrants: this was insufficient to mitigate the generalisation inherent in and the particularly stigmatising nature of her remarks, which had targeted a group of people on the grounds of their origin or nationality.

The fact that the disputed remarks, made by the presenter herself, had not been contradicted or moderated by the other participants in the programme was also deemed by Arcom to constitute a breach of the provisions of the channel’s licence agreement, which included an obligation to maintain control over broadcast content. The station was given formal notice to comply with these obligations in future.

Décision du 21 octobre 2026 mettant en demeure la société Europe 1 Télécompagnie, JO du 27 octobre 2026

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https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000055018817

Decision of 21 October 2026 issuing a formal notice to Europe 1 Télécompagnie, Official Journal of 27 October 2026

https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000055018817

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[FR] Impartiality, ethics and advertising at the heart of amended terms of reference for the public audiovisual sector

Amélie Blocman
Légipresse

Decree No. 2026-971 of 20 October 2026 amends the terms of reference for France Télévisions, Radio France and France Médias Monde, with a view, in particular, to implementing several recommendations from the inquiry led by Bruno Lasserre concerning impartiality in public service broadcasting.

The terms of reference for the three organisations now include an explicit definition of impartiality, which is described as "an essential condition for public confidence in the public service broadcasting sector". It includes a duty to set an example in terms of transparency and honesty in reporting, as well as respect for the pluralistic expression of different schools of thought and opinions. The decree specifies, however, that this requirement does not preclude each service from having its own editorial line. Finally, impartiality applies in full to news programmes and, in accordance with appropriate arrangements, to other programmes that contribute to them.

Each organisation must draw up and publish an editorial charter setting out the ethical rules applicable to news programmes, establish procedures for handling complaints regarding compliance with this charter, and publish an annual report on the perception of the impartiality of its services.

The decree also gives greater powers to the committees responsible for the integrity, independence and pluralism of news and programmes (*comités relatifs à l'honnêteté, à l'indépendance et au pluralisme de l'information et des programmes* - CHIPIP). The broadcasting organisations must provide these committees with the means and resources – in particular human, administrative and technical resources – necessary for the effective and independent fulfilment of their remit. The committees are also involved in drafting internal codes of ethics and report on their implementation in their annual review.

The committees' remit regarding pluralism is also strengthened. For example, they can rule on compliance with rules on the pluralistic expression of schools of thought and opinion in the most emblematic programmes, assessed over relevant periods. The decree also introduces explicit recognition, within the terms of reference, of ombudsmen whose role is to foster public trust by facilitating dialogue between the public and editorial teams.

Beyond this common framework, the decree sets out several obligations specific to Radio France in response to requests for clarification previously made by the French audiovisual regulator (Arcom), particularly regarding the accuracy of information, but also concerning control over programming and respect for

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human rights. In its opinion, Arcom considers that the new provisions bring Radio France into closer alignment with the framework applicable to other broadcasters, both public and private, on these points.

The decree also consolidates, at a regulatory level, the role of investigative journalism within Radio France's remit.

The advertising regime for public service radio has also been overhauled. The main change is the inclusion, directly within its terms of reference, of an annual cap on advertising and sponsorship revenue. Total revenue from advertising, public service announcements and sponsorship may therefore not exceed EUR 70 million per year. Until now, the revenue cap had been defined in the contract setting out objectives and resources, and only applied to advertising revenue from terrestrial broadcasts. Its inclusion in the terms of reference now enables Arcom to monitor compliance and broadens its scope, notably to include digital advertising revenue. However, advertising can still only be broadcast by France Inter, France Info and ICI. France Culture, France Musique and FIP remain excluded from commercial advertising.

Décret n° 2026-971 du 20 octobre 2026 portant modification des cahiers des charges des sociétés nationales de programme France Télévisions, Radio France et de la société en charge de l'audiovisuel extérieur de la France

https://www.legifrance.gouv.fr/download/pdf?id=x8v7T2nkDR9kl5_FA1RU-EfwiQm-uO2lm5zpe64gHx4=

Decree No. 2026-971 of 20 October 2026 amending the terms of reference of the national broadcasting organisations France Télévisions and Radio France, and of the organisation responsible for France's international broadcasting

https://www.legifrance.gouv.fr/download/pdf?id=x8v7T2nkDR9kl5_FA1RU-EfwiQm-uO2lm5zpe64gHx4=

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UNITED KINGDOM

[GB] Drystone Radio was found in breach of Ofcom Rules for allowing broadcast of unjustified offensive language

Julian Wilkins
Wordley Partnership

Drystone Radio Limited (Drystone), a community radio station, was held to have breached Ofcom Rules 1.14 and 2.3 for allowing offensive language to be used during a live commentary of a rugby match.

The live broadcast that occurred about midday had suffered various technical issues which prevented the first ten minutes of the match from being broadcast and necessitated playing music to fill the airtime. The presenter was heard on air in telephone calls with colleagues to try and resolve the issues using words such as “f@ck”, “f@cking" and “f@cked”. Once the technical issues had been resolved, the commentary of the live Rugby League match proceeded without further issues.

Ofcom Rule 1.14 says: “The most offensive language must not be broadcast…when children are particularly likely to be listening (in the case of radio)…”, while Rule 2.3 says:

“In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context. Such material may include, but is not limited to, offensive language… Appropriate information should also be broadcast where it would assist in avoiding or minimising offence.”

Drystone recognised their obligations under the Ofcom Broadcasting Code and took them very seriously. The broadcast had no delay mechanism. However, the commentator believed he was off air and not broadcasting to the listening audience. The offensive language was inadvertently broadcast and not intended for broadcast. However, given the time of the broadcast, it was likely children would be listening.

Since the incident, Drystone has introduced various procedures, such as reviewing on-air and off-air audio pathways to ensure any private conversation is not broadcast. Also, Drystone has introduced a delay system where practical plus additional training and guidance to ensure awareness of their obligations during a live broadcast.

Ofcom acknowledged the response from Drystone including their recognition of their obligations under Ofcom rules, and the steps they had undertaken to review and improve arrangements to avoid a further occurrence.

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However, Ofcom considered their duty under the Communications Act 2003 and Section 1 of the Broadcasting Code (Code) to ensure that people under the age of eighteen are protected from unsuitable material in programmes. Under Section 2 of the Code, there is a requirement to ensure adequate protection for members of the public from the inclusion of harmful or offensive material in programmes. When making their determination, Ofcom took account of Article 10 of the European Convention on Human Rights relating to a broadcaster's right to freedom of expression.

Public attitudes towards language generally regarded the word "f@ck" and its variations to be offensive. Ofcom's guidance on offensive language on radio meant broadcasters should have regard to offensive language being used between 6 a.m. and 9 a.m. and between 2 p.m. and 7 p.m. Monday to Friday during school term time, and between 6 a.m. and 7 p.m. at weekends.

Drystone allowed the offensive language to be broadcast shortly after 12 p.m. at the weekend when children were particularly likely to be listening. While recognising the broadcaster's explanation as to the circumstances of how the offensive language came to be broadcast, Ofcom nevertheless considered the broadcast was in breach of Rule 1.14.

Rule 2.3 requires broadcasters to ensure that the broadcast of potentially offensive content is justified in the context such as the editorial content of the programme, the type or genre of broadcast outlet on which it is transmitted, the time of broadcast, and the likely expectation of the audience.

Ofcom considered first whether the material had the potential to cause offence. During the broadcast, five different versions of the offensive word were used which were therefore capable of causing offence to listeners.

Ofcom considered whether there was justification for the broadcast of the offensive language and accepted that the transmission of the offensive language was inadvertent due to technical issues. However, Drystone did not take any immediate steps to contextualise matters and apologise, for example by saying that the offensive language had not been intended for broadcast. It was highly likely that, given the time of the transmission, listeners would not expect to hear offensive language. Ofcom considered there was insufficient contextual justification for use of the offensive language during the programme.

Whilst Ofcom took account of the broadcaster's explanation and subsequent steps to avoid a reoccurrence, it was nevertheless Drystone's responsibility to ensure all content broadcast on its service complies with the Code. Ofcom determined that there was no justification in the context of the programme for broadcasting the offensive language and, therefore, there was a breach of Rule 2.3.

Ofcom determined breaches of Rules 1.14 and 2.3.

Ofcom 's Broadcast and On Demand Bulletin – issue 553 -7 September 2026 - Live Rugby (York v Cougars), Drystone Radio, 14 March 2026, 12:00

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http://Live Rugby (York v Cougars), Drystone Radio, 14 March 2026, 12:00

Ofcom ‘s Broadcast and On Demand Bulletin – issue 553 -7 September 2026 - Live Rugby (York v. Cougars), Drystone Radio, 14 March 2026, 12:00

https://www.ofcom.org.uk/siteassets/resources/documents/about-ofcom/bulletins/broadcast-bulletins/2026/553/live-rugby-york-v-cougars-drystone-radio-14-march-2026-12.00.pdf?v=424867&__cf_chl_tk=VpmtqF8hNmD8oENerpNQ630OApB6907NSGNteLnsFKE-1795173399-1.0.1.1-uqMKnhbXNDmHaMzVaoNVYrVjU3OWdz69781M_dcsvII

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[GB] Ofcom reports AI and online intermediaries reshape news consumption

Alexandros K. Antoniou
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The UK's communications regulator, Ofcom, published its latest report on how news is reaching UK audiences across broadcast and digital services. Its *News Report 2026* (NR) depicts a news market in which distribution is increasingly controlled by online intermediaries, while established broadcasters remain central to what audiences consume and trust.

The central finding concerns intermediation. More than four fifths of adults encountered news online during the month prior to the publication of the report (September 2026), while nearly three quarters used an intermediary such as social media, a video-sharing platform (VSP), search engine, news aggregator or AI tool. Fewer accessed news directly through publishers' websites and apps. Ofcom also estimates that online intermediaries account for over a third of daily time spent consulting news (NR, pp. 9-11). News is increasingly encountered incidentally through feeds, recommendations, search results and shares from other users rather than through deliberate access by visiting a broadcaster or publisher.

AI emerges as a gateway for the first time. Around one in five adults reported using an AI service, summary or overview for news, with ChatGPT being the most widely used tool. Use is concentrated among younger adults and more affluent households (NR, p. 10). Ofcom treats this as an emerging form of intermediation because users may receive generated answers or summaries without reaching the originating provider. Audience confidence remains limited, however. News delivered through AI services is rated below traditional platforms for trustworthiness, accuracy and impartiality, although above social media and VSPs on these measures like trustworthiness, impartiality and accuracy (NR, p. 22).

Social media and VSPs remain the dominant intermediary route. Six in ten adults use them for news. Facebook still has the widest reach, but YouTube is closing the gap. Ofcom notes that nearly half of in-home YouTube viewing in 2025 took place on television sets, underlining the overlap between internet distribution and conventional viewing environments (NR, pp. 12-13).

That shift has not removed established broadcasters from the audience's news diet. The BBC reaches 77% of adults through its own services and remains the most used news provider in every age group. Its reach rises further when BBC material encountered on selected social media and VSPs is included, particularly among younger adults (NR, pp. 13-18). Across the major social and video platforms measured, UK broadcasters account for a substantial share of news encountered. BBC News emerges as the most prominent individual provider, with Sky and ITV also visible. Intermediaries are changing where news is discovered

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without necessarily changing who produced it.

For 12-15 year olds, social media and VSPs are the main routes to news, with TikTok and YouTube leading individual services. Broadcaster material remains common across most platforms, but TikTok is the exception: children using it for news are slightly more likely to encounter influencers, independent commentators and online creators than UK broadcasters (NR, pp. 6, 20-21). Children also appear to place greater trust in broadcaster news than in news encountered on social platforms, and broadcaster content seen within those platforms is regarded as more trustworthy than material from online-native sources (NR, pp. 24-25).

Trust provides an important counterweight to the reported distribution pattern. Television, radio and newspapers receive significantly higher ratings for trustworthiness, accuracy and impartiality than online platforms overall, despite increasing competition. Social media and VSPs receive the lowest ratings (NR, p. 22). The contrast is especially visible around democratic events. Research after a series of elections in May 2026 found that television was the most widely used source of election information, while almost two thirds preferred longer-form election coverage such as articles and news bulletins. Traditional providers, including public service broadcasters, were also rated more highly than social media for election news trust and accuracy (NR, pp. 6, 31-32).

Local news shows similar co-existence of digital access and established provision. Online routes are widely used, but BBC websites, apps and regional television bulletins remain among the leading local sources. Seven in ten adults regard local news as one of the most important forms of news, indicating that fragmented distribution has not removed demand for geographically specific provision (NR, pp. 6, 26-29).

Finally, one methodological detail deserves attention. Ofcom refined its survey approach to capture "more passive or incidental exposure" to news. This time, participants were asked to recall news they had encountered over the preceding month, replacing the rather elastic "nowadays" with a defined timeframe. The change was intended to elicit more considered accounts of their actual behaviour, rather than broad impressions of their usual habits. Reported consumption was consequently higher across platforms, so direct comparisons with earlier years require caution (NR, p. 3). Read on that basis, the broader picture reported in 2026 is that the UK's access routes to news are becoming more fragmented, more personalised and platform-dependent, while regulated broadcasters continue to supply much of the news reaching audiences and retain a comparatively strong position on trust.

News Report 2026: an overview of how people get their news and attitudes towards the provision of news

https://www.ofcom.org.uk/siteassets/resources/documents/research-and-data/online-research/adult-and-childrens-news-consumption-survey-2026/news-consumption-in-the-uk-2026_research-findings.pdf?v=425341

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GREECE

[GR] Media authority strengthened with new regulatory powers but facing a court ruling contesting its legitimacy

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National Council for Radio and Television

The Greek Parliament has assigned new competences to the National Council for Radio and Television (*Ethniko Symvoulio Radiotileorasis* – ESR), the Greek audiovisual regulator, thereby strengthening its institutional role.

Firstly, the ESR has been designated as the public authority responsible for enforcing EU Regulation 2024/900 on the transparency and targeting of political advertising in Greece. According to Decree 59/2026, signed by the President of the Republic last September, the ESR is responsible for supervising all of the entities involved – candidates, political parties, and advertising agencies – and for ensuring compliance with established transparency obligations.

Secondly, Law 5350/2026, which was passed in October 2026, establishes a universal ban on access to social networking services for minors under the age of 15, effective 1 January 2027. The ESR and the Hellenic Data Protection Authority (HDPA) are responsible for overseeing the implementation of the law, exercising the supervisory and sanctioning powers provided for under the European Digital Services Act (DSA).

Meanwhile, restoring legality in the terrestrial television and radio sector remains the primary objective of the regulatory authority. The implementation of the recent Law 5308/2026 (IRIS 2026-7:1/16) regarding the licensing of regional television stations has already begun, and the government has announced the introduction of new legislation for the licensing of radio stations before Christmas.

However, after the publication of Ruling 1083/2026 of the Council of State (the supreme administrative court in Greece) – published in late July, the ESR has entered into a period of uncertainty. According to this ruling, the ministerial decision that established the new members of the ESR in September 2023 (see IRIS 2023-10:1/19) is unlawful and subject to annulment, as the member-selection process followed by the competent parliamentary body did not comply with Article 101A of the Constitution, which requires a three-fifths majority during the voting process. This judicial decision is not final; the matter has been referred to the court in Plenary Session, which is scheduled to convene on 12 February 2027. In the meantime, any decisions issued by the ESR that are challenged before the court, could be overturned, if the High court in Plenary Session ultimately upholds the ruling of its Section.

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It should be noted that, according to the 2025 and 2026 Rule of Law reports and the 2026 Media Pluralism Monitor, the ESR still lacks the necessary regulatory powers to enforce broadcasting legislation. Furthermore, the existing legal framework fails to ensure transparency in the selection process for its members or to guarantee the appointment of individuals with the appropriate expertise.

Συμβούλιο της Επικρατείας 1083/2026 (7m) Διαδικασία επιλογής μελών ανεξάρτητων αρχών που κατοχυρώνονται από το Σύνταγμα – Παραπομπή στην Ολομέλεια

https://www.qualex.gr/el-GR/periexomeno/nomologia/nomologia?id=2666201

Council of State 1083/2026 (7m) Procedure for selecting members of constitutionally guaranteed independent authorities – referral to the plenary

Απαγόρευση χρήσης επιγραμμικών υπηρεσιών κοινωνικής δικτύωσης από ανηλίκους" (FEK A 177/26-10-2026)

https://www.e-nomothesia.gr/kat-anilikoi/nomos-5350-2026.html

Prohibition on the use of online social networking services by minors (Government Gazette A 177/26 October 2026)

Λήψη μέτρων για την εφαρμογή του Κανονισμού (ΕΕ) 2024/900 του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 13ης Μαρτίου 2024 σχετικά με τη διαφάνεια και τη στόχευση της πολιτικής διαφημιστικής προβολής" (FEK A 154/29-9-2026)

https://www.e-nomothesia.gr/kat-diaphemistikes-epigraphes-diaphemise/proedriko-diatagma-59-2026.html

Adoption of measures for the implementation of Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on transparency and the targeting of advertising (Government Gazette A 154/29 September 2026)

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HUNGARY

[HU] Amendments to child protection rules in Hungarian media and advertising legislation

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On 13 October 2026, the Hungarian Parliament adopted amendments to several acts concerning the protection of children. Act LXII of 2026 was published in the Official Journal of Hungary (*Magyar Közlöny*) on 21 October 2026. The amendments remove express references to homosexuality and gender identity from certain restrictions on media content and advertising, introduce revised content-based criteria and establish specific safeguards for advertising in publicly accessible spaces. The relevant provisions entered into force on 24 October 2026.

The amendments follow the judgment of the Court of Justice of the European Union of 21 April 2026 in Case C-769/22, *Commission v. Hungary*. The Court found that restrictions introduced by Act LXXIX of 2021 infringed EU law, including the prohibition of discrimination and the freedoms of expression and information. It held that treating representations of certain gender identities or sexual orientations as harmful to minors irrespective of their specific content stigmatised the persons concerned. The Court also found a separate infringement of the values enshrined in Article 2 of the Treaty on European Union.

The new legislation amends Section 9(6) of Act CLXXXV of 2010 on media services and mass communication. Previously, this provision expressly identified the promotion or portrayal of homosexuality, gender reassignment and divergence from the identity corresponding to sex assigned at birth among the grounds for classifying programmes as unsuitable for persons under 18. These references are replaced by a reference to content contrary to the revised Section 6/A of Act XXXI of 1997 on the protection of children and guardianship administration.

The revised Section 6/A prohibits making pornography available to minors, together with gratuitous depictions of sexuality inappropriate to their age and maturity. It also covers content promoting, justifying or encouraging sexual violence, sexual exploitation, sexual manipulation or contact initiated for such purposes, and other offences against sexual freedom and sexual morality. A broader provision covers content capable of adversely affecting children’s physical, intellectual, emotional or moral development, taking account of their age and maturity, the nature of the content and the circumstances of its presentation.

The amended classification provision retains violence and direct or naturalistic depictions of sexuality as relevant criteria. It expressly provides that programmes meeting the criteria for category VI, which concerns content seriously harmful to

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minors, must be assigned to that category.

Section 32(4a) of the Media Act is amended in a similar manner. The express references to homosexuality and gender identity are replaced with a reference to Section 6/A of the Child Protection Act when determining whether a programme may qualify as a public service announcement or social advertising. Pornography and gratuitous depictions of sexuality remain expressly mentioned.

The amendments also replace a mandatory duty with a discretionary power under Section 179(2) of the Media Act. Previously, where the provision applied to an audiovisual media service under another member state's jurisdiction and directed wholly or predominantly towards Hungary, the Media Council was required to request action from that member state concerning identified infringements. Under the amended provision, the Media Council may make such a request, allowing it to assess whether to initiate this cooperation procedure in each case.

Under the amended Section 8(1a) of Act XLVIII of 2008 on business advertising, advertising depicting sexuality gratuitously or contravening Section 6/A of the Child Protection Act may not be made available to persons under 18. A new Section 8(1b) specifically prohibits advertising in public spaces or other places accessible without restriction where its content, visual or sound effects, or manner of presentation may adversely affect minors' development, particularly by causing unjustified fear, anxiety or psychological distress.

2026. évi LXII. törvény egyes törvényeknek a gyermekek jogainak és biztonságának megerősítését célzó módosításáról

https://njt.jog.gov.hu/jogszabaly/2026-62-00-00

Act LXII of 2026 on the amendment of certain acts aimed at strengthening the rights and safety of children

Court of Justice of the European Union, Case C-769/22, Commission v. Hungary, judgment of 21 April 2026

https://infocuria.curia.europa.eu/tabs/document/C/2022/C-0769-22-00000000RD-01-P-01/ARRET/319509-EN-1-html

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IRELAND

[IE] *Coimisiún na Meán* publishes updated guidance for public service media on codes of fair-trading practice

Sharon McLaughlin
Atlantic Technological University

Section 112 of the Broadcasting Act 2009, as amended, requires Ireland's media regulator, *Coimisiún na Meán*, to prepare and issue guidance to public service media organisations, RTÉ and TG4, on their Codes of Fair-Trading Practice (COFTP). RTÉ is Ireland's national public service broadcaster, operating several television channels and radio stations, while TG4 is Ireland's national Irish-language public service broadcaster.

The guidance establishes a framework to assist RTÉ and TG4 in the development and implementation of their respective COFTPs, which regulate interactions between public service broadcasters and independent production companies, setting out the principles and standards that should underpin programme commissioning arrangements.

There have been significant technological and commercial developments in the media landscape since the publication of the previous guidance in 2017, including the growth of streaming services and on-demand platforms and the increasing personalisation of media consumption. The revised guidance was informed by extensive stakeholder engagement, including consultation with RTÉ, TG4 and the Minister for Culture, Communications and Sport.

The published guidance is underpinned by seven core principles: flexibility; certainty and transparency; fairness; public service objectives; commercial obligations and expectations; supporting innovation; and availability and accessibility.

Recognising the impact of technological developments on commissioning practices, rights management, programme delivery and commercial models, the guidance provides that a COFTP should be sufficiently flexible to accommodate emerging technologies, including artificial intelligence and new production technologies. The guidance also requires public service media organisations to monitor technological developments, assess their implications for the sector, and review the code where such developments have a significant impact on the media industry. The point at which such a review is initiated should be agreed between the public service media organisation and independent producers and may take account of factors such as material effects on production practices, costs or workflows.

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In the context of sustainability, the guidance states that a COFTP should ensure that environmental sustainability is embedded in all production planning and aligned with national climate policy and industry sustainability initiatives. It should recognise the promotion of sustainable practices across the sector as a shared responsibility of broadcasters and independent producers. At a minimum, a COFTP should support the adoption of practical sustainability measures, including the use of recognised carbon measurement and certification tools, as well as actions and initiatives that contribute to Ireland's commitment to reduce greenhouse gas emissions. Sustainability considerations should be integrated throughout the production life cycle, and continuous improvement in environmental performance should be encouraged.

Furthermore, the guidance recognises the shared responsibility of broadcasters and independent producers to protect the well-being, dignity and safety of everyone involved in the creation of commissioned content. To this end, a COFTP should, at a minimum, require the inclusion of clear duty of care policies in production documentation, appropriate measures to protect staff and contributors throughout all stages of production, and mechanisms for reporting and addressing well-being, safety and conduct concerns.

The guidance also provides that public service media organisations shall, either in their COFTP or in a related document, set out procedures for the resolution of disputes arising from the operation of the code. It specifies that the mechanism for dispute resolution, whether through mediation, arbitration or other means, should be clearly identified, and that *Coimisiún na Meán* will not act as a mediator or arbitrator in such disputes. The dispute resolution process should be designed to minimise costs to ensure that neither broadcasters nor independent producers are disadvantaged by the expense of seeking a resolution.

In accordance with Section 112 of the Broadcasting Act 2009, as amended, *Coimisiún na Meán* will review the guidance no later than four years after its publication.

Updated guidance published for public service media on codes of fairtrading practice

https://www.cnam.ie/updated-guidance-published-for-public-service-media-on-codes-of-fair-trading-practice/

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ICELAND

[IS] Media Commission upholds refusal of right of reply to online news report

Sergei Bondarev
Independent expert

In Decision no. 5/2026 of 2 October 2026, published on 8 October, Iceland's Media Commission (*Fjölmiðlanefnd*) held that *Fjölmiðlatorgið ehf.*, publisher of the online news service DV.is, was entitled, under Article 36 of Media Act No. 38/2011, to deny the right of reply to a report published on 24 September. The complainant, Eldur Smári Kristinsson, sought both the correction of the report and publication of a reply, arguing that the article could mislead readers about his views and damage his reputation. The Commission found that DV.is had not published a factually incorrect statement about him.

The DV.is article concerned interviews with clinicians in an Icelandic public broadcast and reporting about a politically contested issue. It referred to people who had raised concerns about the subject and named the complainant, with links to articles he had written on another news website. The complainant maintained that placing his name and links to his work beside critical descriptions of the wider debate created a misleading overall impression, although the specific statement identifying him as someone who had raised the topic was not the sole basis of his objection. He asked DV.is to publish a short reply to clarify the basis of his views.

After the DV.is had declined his request, his complaint reached the Media Commission on 28 September, whereupon the authority asked the complainant for the text he wished to publish. It would then be able to assess not just whether he objected to the article, but what the proposed reply would accomplish. The Commission's decision distinguishes alleged injury to reputation from the narrower question required by Article 36, i.e. whether the media outlet had inaccurately stated facts that needed correction through a reply or equivalent remedy.

Article 36(1) gives a person whose legitimate interests, particularly their honour or reputation, are harmed by inaccurate factual reporting a right to a reply or equivalent remedy. It applies to media content generally, rather than only traditional television news. The Commission recalled that refusal is an exception to the right and should be interpreted narrowly. Nevertheless, Article 36(2)(b) permits it where the proposed text contains something other or more than what is necessary to correct the stated facts. The law also provides the opportunity to take a case to the Commission for a rapid decision if a media provider refuses or fails to respond within three days .

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The Commission considered the context of the DV.is article and the complainant's linked articles. It found that it had been accurate to state that he had addressed the same issue as other people cited in the report. The link was to a collection of his articles, and the DV.is report did not otherwise describe his writings in detail. The authority therefore found no incorrect factual assertion requiring correction. It also assessed the submitted reply as extending beyond factual rectification and upheld the publisher's refusal under Article 36(2)(b).

The decision draws on the audiovisual tradition of right of reply and refers to Article 28 of the Audiovisual Media Services Directive (AVMSD) and Council of Europe guidance for the digital media environment. It concerns a particular online news publication and a specific request for publication of a reply. It is not a general exemption for publishers from their correction obligations, a ruling about the substantive merits of the underlying public debate, or an administrative fine imposed on DV.is.

Decision 5/2026 on a request for a right of reply concerning DV.is

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LITHUANIA

[LT] LRTK orders blocking of IPTV domains distributing sanctioned television channels

Sergei Bondarev
Independent expert

On 21 October 2026, the Radio and Television Commission of Lithuania (*Lietuvos radijo ir televizijos komisija* - LRTK) adopted Decision No. KS-91 requiring the blocking of seven domains associated with Internet Protocol Television (IPTV) services distributing Russian television channels subject to EU sanctions. The decision applies to providers of public electronic communications networks and/or services operating in Lithuania.

The decision is aimed at network and service providers operating in Lithuania, rather than establishing individual liability for every IPTV viewer. It covers customer-facing websites and additional domains identified through traffic analysis as connected with the services, and had a compliance deadline of two working days following its entry into force. The Commission's announcement does not prove that every operator had blocked the domains by 22 October.

The domains concerned are *iptvlt.com*, *smarttvlife.com*, *iptvlietuva.com*, *skyflowiptv.org*, *ottlinks.club*, *cdntv.online* and *nexott.net*. The LRTK’s decisions register records 21 October 2026 as the effective date of the order, which also required the Commission’s administration to send it to the relevant providers on that date.

The LRTK's findings are based on monitoring of iptvlt.com on 16 and 17 September 2026 and of three other services between 21 and 29 September. The channels identified included Pervyi Kanal, Rossiya 1, Rossiya 24 and Rossiya RTR. Analysis of the services’ data traffic identified *ottlinks.club* and *cdntv.online* as associated domains. The decision separately cites monitoring of *nexott.net* on 21 and 22 October 2025. The LRTK’s announcement of 22 October explained that the services combined sanctioned channels with sports broadcasts, films and series.

According to the LRTK's announcement, *iptvlt.com* promoted EuroLeague and Lithuanian basketball, UEFA Champions League, Premier League, Formula 1 and UFC events alongside television channels and libraries of films and series. Offers ranged from EUR 18 for a monthly subscription to EUR 63 for a year, and a free trial was advertised. During monitoring, Pervyi Kanal, Rossiya 1 and Rossiya 24 were accessible alongside Lithuanian channels. The LRTK also stated that the provision of this internet television distribution service had not been notified to the Commission despite the statutory notification requirement.

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The Commission refers to Article 2f(1) of Council Regulation (EU) No. 833/2014, which prohibits broadcasting, enabling or facilitating the broadcasting of content supplied by the entities listed in Annex XV, including through IPTV and internet services. Its national competence is derived from Article 48(1)(27) of the Law on the provision of information to the public, Article 11(3)(5) of the Law on international sanctions and point 32 of the sanctions implementation procedure approved by Government Resolution No. 535 of 25 May 2022. The decision may be challenged before the regional administrative court within 30 days of its entry into force.

The case concerns the means by which listed Russian channels were enabled or facilitated within a package of otherwise varied audiovisual material. The mere presence of sports and fictional broadcasts did not neutralise the EU sanctions restriction, but neither did the decision mean that each sports event or film had infringed copyright. It applied an existing sanctions framework to a case that spans consumer-facing websites and associated delivery infrastructure.

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

https://www.rtk.lt/uploads/solutions/docs/4685_135341fae8fa7aa51e461fb97aee5bf6.pdf

Law on the implementation of European Union restrictive measures in view of Russia's actions destabilising the situation in Ukraine

https://www.rtk.lt/uploads/solutions/docs/4685_135341fae8fa7aa51e461fb97aee5bf6.pdf

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LUXEMBOURG

[LU] Protection of minors: ALIA sanctions *LiveJasmin* platform for inadequate age verification measures

Arthur Bianco
Luxembourg Independent Media Authority

On 28 September 2026, the board of directors of the Luxembourg Independent Audiovisual Authority (*Autorité luxembourgeoise indépendante de l'audiovisuel* – ALIA) issued a decision against the video-sharing platform *LiveJasmin*, whose providers are JWS Americas S.à r.l. and JWS International S.à r.l.

This decision followed an investigation into a complaint lodged by a parent whose underage son had been able to access pornographic content on the platform. In particular, the complainant had questioned the effectiveness of its age verification measures, as his son had not only been exposed to inappropriate content but had also been able to communicate with a "*camgirl*" via the "*free chat*" service.

The protection of minors in the audiovisual sector is a priority for ALIA. In accordance with Article 28 *septies* of the amended Electronic Media Act of 27 July 1991, providers of video-sharing platforms must protect minors from content likely to be harmful to their development. Pornographic content, which is particularly harmful to the mental and moral development of minors, therefore requires enhanced protective measures.

This case arose in a specific context, since the ALIA board of directors had already sanctioned the same provider for similar breaches in a decision of 7 August 2025. On that occasion, the provider had undertaken to roll out a protection solution across all European Union member states by 30 September 2025. However, this commitment had clearly not been honoured.

ALIA therefore analysed the platform's operation, the methods it used to display content and the age verification mechanisms in place in the various EU member states.

Under the country-of-origin principle enshrined in Article 28a of the Audiovisual Media Services Directive (2010/13/EU), ALIA is responsible for monitoring the compliance of the provider, which falls within its remit, with its obligations throughout the European Union.

This analysis highlighted two distinct situations.

In the majority of member states, additional protective measures are in place: explicit content is generally blurred and access to it is subject to age verification by a third-party provider specialising in digital identification solutions. However, in

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some countries, not all explicit content is systematically blurred prior to age verification, thereby leaving minors potentially exposed.

In a smaller number of member states, the platform remains accessible without any real protective measures, apart from a simple warning about the nature of the content on offer. Users may therefore be directly exposed to pornographic content.

The regulations do not impose a single technical solution on providers: several protection methods may be considered. They do, however, impose an obligation to ensure the effective protection of minors against content likely to be harmful to their development.

In this case, the measures put in place by *LiveJasmin* in four member states were insufficient for this objective to be achieved.

In view of the seriousness of the breaches identified and the failure to comply with the commitments made following its previous sanction, the ALIA board of directors considered that a substantial financial penalty against the provider was justified.

Décision DEC020/2026-P014/2025 du 28 septembre 2026 du Conseil d'administration de l'Autorité luxembourgeoise indépendante de l'audiovisuel concernant une plainte à l'encontre de la plateforme de partage de vidéos LiveJasmin

https://alia.public.lu/wp-content/uploads/2026/09/D020-2026_P014-2025_Livejasmin_unrestricted-access_ECsite.AC_.pd

Decision DEC020/2026-P014/2025 of 28 September 2026 of the board of directors of the Luxembourg Independent Audiovisual Authority concerning a complaint against the LiveJasmin video-sharing platform

https://alia.public.lu/wp-content/uploads/2026/09/D020-2026_P014-2025_Livejasmin_unrestricted-access_ECsite.AC_.pd

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LATVIA

[LV] Parliament adopts amendments to the Electronic Mass Media Law

Sergei Bondarev
Independent expert

On 22 October 2026, the Latvian parliament, the *Saeima*, adopted amendments to the Electronic Mass Media Law (Bill 1200/Lp14) at third reading, by 59 votes to 16, with no abstentions. The amendments concern broadcasting languages, music involving sanctioned persons, advertising and the powers of the National Electronic Mass Media Council (*Nacionālā elektronisko plašsaziņas līdzekļu padome* – NEPLP).

Radio broadcasting licences will only be issued for programmes in Latvian or another EU member state language from 21 July 2033. This extends the Latvian-only formulation approved at second reading. Holders of licences specifying other languages must request amendments by 21 November 2033; otherwise the NEPLP must cancel the licences from 21 January 2034. The revised radio-language provision also applies from that date. It requires foreign-language programmes or extracts to be translated into Latvian, with exceptions for language teaching, interactive live broadcasts, musical performances and live international cooperation programmes.

From 1 September 2027, films in the languages of other EU member states, European Economic Area states, EU candidate countries, Switzerland and member countries of the Organisation for Economic Co-operation and Development (OECD), as well as films in Livonian, must have Latvian voiceover, dubbing or subtitles. Films in other foreign languages require Latvian voiceover or dubbing. Children’s films must be dubbed or voiced over in Latvian. Exceptions cover retransmission, satellite broadcasts aimed at audiences who are not residents of Latvia and the public media cases specified in Section 8(3) and (4) of the public media governance law.

The same distinction between language groups and translation methods applies to television programmes or extracts, excluding live broadcasts, news and language teaching programmes. Retransmission and qualifying satellite services aimed at audiences who are not residents of Latvia remain exempt. A further exception permits individual foreign-language words or passages as artistic expression in Latvian-language films, series and theatrical performances, including extracts used in programmes, within the extent necessary for that purpose.

A proposed requirement that election debates be conducted in Latvian, including its Latgalian written form, or Livonian was rejected at third reading.

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Section 26(1)(10) prohibits, including in electronic-media programmes or broadcasts, musical works or extracts whose author or performer is subject to national or international sanctions. Exceptionally, their use is permitted where objectively necessary for a programme's documentary, informational, historical or analytical content, provided the purpose is not to promote the sanctioned person, support their activities or provide them with an economic benefit.

From 1 January 2027, advertising in programmes must be in Latvian, with exceptions for retransmission and qualifying satellite services targeting audiences who are not residents of Latvia. Other advertising amendments remove the ban on long-form advertising between 19:00 and 23:00 and the rule limiting split-screen advertising to one third of the screen. The requirement that its area remain fixed is also removed; identification and visual separation requirements remain.

The legislation replaces the reference to the European Regulators Group for Audiovisual Media Services (ERGA) with the European Board for Media Services. It also provides that the NEPLP performs, within its competence, the national regulatory authority functions under the Law on the Press and Other Mass Media.

Grozījumi Elektronisko plašsaziņas līdzekļu likumā (1200/Lp14), 3.lasījums

https://titania.saeima.lv/LIVS14/saeimalivs2_dk.nsf/0/38B1C565EFCEB3C0C2258E99000AFDCD?OpenDocument

Amendments to the Electronic Mass Media Law (Bill 1200/Lp14), third reading

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[LV] Parliament adopts public media identity and newsroom provisions

Sergei Bondarev
Independent expert

On 22 October 2026, Latvian parliament, the *Saeima*, adopted amendments to the Law on public electronic mass media and their governance, requiring the preservation of the historical identities of *Latvijas Radio* and *Latvijas Televīzija*, and the separate operation of their news services. Bill 1434/Lp14 passed its second and final reading under the urgent procedure by 76 votes to four, with eight abstentions. The provisions concern the single public broadcaster that was formed when the two organisations merged on 1 January 2025 (*Latvijas Sabiedriskais medijs* – LSM).

The institutional distinction is significant. The measure does not reverse the merger by re-establishing *Latvijas Radio* and *Latvijas Televīzija* as separate broadcasters. Rather, it places branding and certain editorial and organisational responsibilities on the merged public broadcaster, including with regard to its online services. Historical continuity and corporate separation are therefore not treated as the same legislative question.

Under the new provisions, the state must protect the historical identity and recognisability of public electronic media. LSM must retain and use the historical names *Latvijas Radio* and *Latvijas Televīzija*, as well as their abbreviations, logos, stylised forms and trademarks. This duty applies to editorial activities, including programme production and the provision of linear and non-linear services in analogue and digital environments, as well as public communication. Exceptions may be made for newly created programmes or services.

The amendments follow an earlier proposal to introduce a general statutory definition of a nationally significant historical public-media identity. However, following a recommendation, this proposal was rejected in favour of a more specific obligation concerning the two named broadcasters. A proposed transition relating to broader historical public-institution identities was also rejected.

The parliament also approved an amendment to the law's operating principles, specifying that, in fulfilling their public-service remit objectives and ensuring diversity of opinion, the *Latvijas Radio* and *Latvijas Televīzija* news services should operate as separate, editorially autonomous organisational units. The Human Rights and Public Affairs Committee had rejected this proposal, tabled by MP Ieva Brante, but the plenary adopted it by 53 votes to 13, with 17 abstentions. Another proposal, which would also have expressly required separate editorial resources and management for news and analytical programmes, was rejected. Those additional requirements therefore do not form part of the adopted provisions.

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The sequence of parliamentary votes is crucial. The committee had opposed the clause requiring separate news services, but MPs approved this proposal in a separate vote before passing the bill as a whole. It would therefore be incorrect to treat the committee's negative recommendation as the final legislative decision. Conversely, the rejection of the more prescriptive amendment means that separate editorial budgets and departmental heads were not expressly required.

The latest amendments follow an earlier agreement on retaining the broadcasters' historical brand names. On 14 July 2026, LSM board representatives informed the parliamentary committee that an agreement had been reached. The committee therefore called for work on binding legislation to continue. The October amendments place identity obligations in law alongside a requirement governing the organisation of the two news services. They provide for entry into force the day after promulgation.

The exception for newly created programmes or services describes how the historical names and marks must be used, but does not cancel the general public-service obligations in the governance law. While the July agreement on retaining the familiar brands was an institutional agreement, the October vote gives the issue a legislative basis, with the amendments entering into force on promulgation rather than on the day of the vote.

Grozījumi Sabiedrisko elektronisko plašsaziņas līdzekļu un to pārvaldības likumā (1434/Lp14), 2. lasījums, steidzams

https://likumi.lv/ta/id/349532-grozijumi-sabiedrisko-elektronisko-plassazinas-lidzeklu-un-to-parvaldibas-likuma

Amendments to the Law on public electronic mass media and their governance (1434/Lp14), second reading under the urgent procedure

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[LV] Parliament broadens film definitions and funding criteria for coproductions

Sergei Bondarev
Independent expert

On 22 October 2026, the Latvian parliament, the *Saeima*, unanimously adopted amendments to the Film Law (Bill 1589/Lp14) at an urgent second and final reading. The amendments extend the statutory definition of a film, broaden the creative-team criterion for Latvian film status and revise public funding conditions relevant to international co-productions.

The definition of a film will expressly include separate episodes forming an extended narrative. It continues to apply to a completed audiovisual or cinematographic work intended for public release. The explanatory memorandum links the clarification to the development of series and Latvian producers' experience with such projects.

The accompanying memorandum identifies a gap in the earlier terminology: series had become an established form of Latvian audiovisual production, but separate instalments forming a longer narrative were not expressly named. The revised definition recognises those constituent episodes within a completed work intended for public release. It does not, in and of itself, establish a new licensing category for a streaming service or create a new investment levy.

The Latvian film test continues to require production by a Latvian producer registered with the National Film Centre (*Nacionālais kino centrs* – NKC), together with at least one qualifying member of the principal creative team who is a Latvian citizen, a Latvian non-citizen or a holder of a permanent residence permit in Latvia. The professions listed will include additional animation specialisms, visual effects artists, editors, sound directors, costume and make-up designers, and performers in a leading role. These supplement the existing creative roles rather than replacing the producer registration requirement.

The memorandum explains that the previously enumerated creative positions were too narrow for modern co-production teams. It points to work undertaken by Latvian professionals in animation, visual effects, editing and other crafts even where they did not occupy one of the previously listed positions. The amendment thus changes which creative contribution can satisfy the nationality or residence test; it does not dispense with production by an NKC-registered Latvian producer.

Two of the six criteria in Section 8(1) for public funding of Latvian films are revised. The setting criterion will cover films whose action takes place mainly in Latvia, another Council of Europe member state, or another party to the European Cultural Convention bound by the revised Council of Europe Convention on Cinematographic Co-production. This replaces the reference to Latvia, other EU or EEA states and Switzerland. The language criterion will also be satisfied by

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Latvian subtitles for a Latvian minority co-production, as an alternative to an original final version in Latvian. The general requirement to satisfy at least three of the six criteria remains. Section 8(2) also retains the alternative route for co-productions provided by international treaties binding on Latvia. Meeting a criterion does not in itself constitute a funding award.

The setting criterion pertains to where the action depicted in a film takes place, rather than requiring all filming or production expenditure to occur there. The memorandum points to wider co-production opportunities beyond the EU and EEA, mentioning countries including Ukraine and the United Kingdom. The revised co-production convention is not newly ratified by this bill: Latvia had already acceded to it in 2018, and the amendments update domestic statutory references accordingly.

A new Section 8(5) specifies that the NKC must allocate public funding, including state aid outside aid schemes, in accordance with state-aid control legislation. Section 10(2)(10) updates the convention reference governing the NKC's existing power to grant co-production status. The memorandum envisages amendments to Cabinet Regulation No. 975 on NKC funding, to be submitted by 1 February 2027. The adopted text provides for entry into force on the day following promulgation.

Grozījumi Filmu likumā (1589/Lp14)

https://titania.saeima.lv/LIVS14/saeimalivs14.nsf/0/606CA9DFF4190BE8C2258E9700476309?OpenDocument

Amendments to the Film Law (Bill 1589/Lp14)

Filmu likums

https://likumi.lv/doc.php?id=212399

Film Law

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MOLDOVA

[MD] Adoption of a new law on mass media

Andrei Richter
Comenius University (Bratislava)

A new general legal framework for media activity, the Law on the Mass Media, was adopted on 24 August 2026 by the National Assembly of the Republic of Moldova. It was published in the Official Gazette (*Monitorul Oficial*) on 23 September 2026 and will enter into force on 23 March 2027. This new legislation will replace the Statute on the Press, adopted in 1994.

The Law on the Mass Media introduces rules on the transparency of the ownership and financing of media service providers and on non-interference of the State in the professional matters of such providers. It also provides guarantees of editorial independence and the rights and duties of journalists, as well as mechanisms to protect pluralism in the media. The law aims to further align national legislation with the EU standards, in particular the European Media Freedom Act.

One of its main innovations is the creation of the Register of Transparency of Ownership and Financing of Media Service Providers, managed by the Ministry of Culture (Chapter IV of the the law). The Audiovisual Council, the national regulatory authority, will oversee compliance of the audiovisual media service providers with the accuracy and sufficiency of the data provided for the Register. The Register shall be publicly accessible “in a simple, free and direct manner” and regularly updated (Art. 14, para 3). The law instructs the Audiovisual Council to develop and adopt methodology to enable its assessment of market concentration and its negative influence on media pluralism and editorial independence. Once such influence is detected, the Audiovisual Council, together with the Council on Competition, will take steps to end negative trends.

The law recognises the Press Council, a Moldovan NGO, as the self-regulatory body for media service providers and journalists. This body operates based on the principles of independence, fairness and transparency, guided by the Moldovan Journalist’s Code of Ethics. While its decisions are consultative, they may be appealed in court (Art. 17).

Lege privind mass-media, Nr. 195 din 24-08-2026

https://www.legis.md/cautare/getResults?doc_id=156515&lang=ro

Law on the mass media, N. 195 of 24 August 2026

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POLAND

[PL] Rejection of the annual report of the National Broadcasting Council

Agnieszka Grzesiok-Horosz
University of Silesia in Katowice

By the end of May every year, the National Broadcasting Council (*Krajowa Rada Radiofonii i Telewizji* – KRRiT) submits an annual report on its activities for the previous calendar year. This report is then analysed by appropriate committees of the lower house of parliament, the *Sejm,* and the Senate, and subject to parliamentary debate. Following the debate, the *Sejm* and the Senate, independently adopt resolutions to either approve or reject the report.

In the event of an unfavourable assessment of the KRRiT's activities by the *Sejm*, the Senate and the President of Poland, leading to a rejection of the report by the *Sejm* and the Senate, the term of office of all KRRiT members expires after fourteen days followingthe adoption of the later of the resolutions, unless the president chooses not to endorse the expiry of the term. The president's decision will ultimately decide the future of the KRRiT.

This year, both chambers of the Polish parliament adopted resolutions rejecting the KRRiT's report on its activities for 2025. Since the amendment of the Broadcasting Act (*Ustawa o radiofonii i telewizji* – URTV) of 11 August 2021, the law requires that any resolution rejecting such a report must include a formal justification. The Senate, in its resolution of 8 July 2026, gave five reasons. These were:

- administrative court judgments regarding delayed or withheld transfers of funds from licence fees to public television broadcasters;

- withholding the transfer of funds from licence fees, which, according to the judgments of administrative courts, is considered to be a gross violation of the law;

- inaction in response to complaints about the dissemination of homophobic content or content that may constitute hate speech;

- annulment by courts of a significant part of penalties imposed on broadcasters for alleged violations of Article 18 URTV; and

- inadequate enforcement of concession fee payment deadlines, especially in respect of the broadcaster TV Republika.

The same objections were repeated, in almost identical form, in the *Sejm* resolution of 18 September 2026, with two additional reasons. The sixth reason involved the incompatibility of the KRRiT's Rules of Procedure with the URTV, and

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the seventh reason concerned the violation by the Chair of the KRRiT of the organisation's Rules of Procedure. It should be mentioned that the Chair of the KRRiT, Agnieszka Glapiak, concluded in her statement of 28 September 2026 that the entire justification for the *Sejm*'s resolution was factually incorrect and misleading. Also, on 28 September 2026, the President of the Republic declared that he strongly disagreed with the arguments deployed in the resolutions of the *Sejm* and the Senate, and that he did not endorse the expiry of the term of office of KRRiT's members. A similar situation occurred last year. It is worth mentioning that since 1993, when the URTV came into force, only once had a president issued such a decision following a rejection of the KRRiT's report. In 2010, President Bronisław Komorowski confirmed the expiry of the term of office of all the KRRiT's members after the corresponding report had been rejected by both chambers of the parliament.

Uchwała Senatu Rzeczypospolitej Polskiej z dnia 8 lipca 2026 r. w sprawie sprawozdania Krajowej Rady Radiofonii i Telewizji, M.P. 2026, poz.677

https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WMP20260000677

Resolution of the Senate of 8 July 2026 on the annual report of the National Broadcasting Council

Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 18 września 2026 r. w sprawie Sprawozdania Krajowej Rady Radiofonii i Telewizji z działalności w 2025 roku, M.P. 2026, poz. 937

https://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20260000937/O/M20260937.pdf

The resolution of the Sejm of 18 September 2026 on the annual report of the National Broadcasting Council on its activities for 2025

Oświadczenie Prezydenta Rzeczypospolitej Polskiej Karola Nawrockiego w związku z odrzuceniem przez Sejm i Senat sprawozdania Krajowej Rady Radiofonii i Telewizji z działalności w 2025 roku, 28 września 2026 r.

https://www.prezydent.pl/aktualnosci/wydarzenia/prezydent-nie-potwierdza-wygasniecia-kadencji-czlonkow-krrit,127492

Statement of the President of the Republic of Poland, Karol Nawrocki, regarding the rejection by the Sejm and the Senate of the report on the activities on the National Broadcasting Council in 2025 on 28 September 2026

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SWEDEN

[SE] Broadcasting Review Board finds improper commercial promotion in SVT online publications

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On 19 October 2026, the Swedish Media Authority (*Mediemyndigheten* – the Authority) announced three decisions of the Broadcasting Review Board (*Granskningsnämnden för radio och tv*) concerning online content of Swedish television (*Sveriges Television* – SVT). The board found improper commercial promotion in two cases and dismissed the complaints about impartiality and accuracy in an election voting guide. In each case of commercial promotion, it decided to apply to the Stockholm Administrative Court for a special fine of SEK 100 000.

Case 26/03036 concerned a marathon advice video published by *SVT Nyheter Stockholm* on *svt.se* on 29 May 2026. According to the Authority's summary, clothing logos appeared for approximately 29 seconds during the 44-second clip. The board found that SVT retained control of the filming environment and that the brands' screentime was not justified by any editorial or entertainment value. The Authority described this as the first finding of improper commercial promotion against an SVT web publication.

Case 26/02381 concerned a coach interview during *Fotbollsstudion* (a weekly football magazine programme) on SVT Play on 27 April 2026, following the previous day's IFK Göteborg–GAIS match. The GAIS coach participated by video link from his home, wearing a cap and shirt displaying logos. The board found that the prominence of the branding lacked any editorial or entertainment value. It emphasised SVT's control over the filming environment and its responsibility to exercise restraint in displaying trademarks.

Case 26/03532 concerned SVT's online election voting guide. Complainants criticised the questions and differences between the parties' answers and their other stated positions. The board found that the guide clearly identified the political parties as the authors of their answers and that the questions did not breach the impartiality and accuracy requirements. It therefore cleared the publication. This was the board's first examination of SVT's voting guide.

The board's decisions to impose fines did not create an automatic obligation to pay. Under Chapter 4, Section 5 of the Public Service Act and Chapter 19, Section 4 of the Radio and Television Act, the Stockholm Administrative Court (*Högsta förvaltningsdomstolen*) decides whether to impose a special fine afteran application by the board. The Authority's case law summaries indicate that both fine matters are currently pending decision before the court. They do not identify

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filing dates or a court ruling imposing either requested amount.

The Public Service Act (2025:986) came into force on 2 December 2025 and applies to programmes broadcast or made available after 31 December 2025. Chapter 4, Section 1 provides for retrospective review by the board, including of programmes made available on public service websites. The board is an independent decision-making body within the Authority and prepares the Authority's cases.

Chapter 2, Section 6(3) of the Public Service Act incorporates the prohibition on improper commercial promotion in Chapter 5, Section 5 and Chapter 14, Section 2 of the Radio and Television Act (2010:696). The prohibition covers sales-promoting content and improper prominence given to goods or services. The separate requirement of impartiality and accuracy appears in Chapter 2, Section 5, Point 2 of the Public Service Act.

Lag (2025:986) om public service

https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-2025986-om-public-service_sfs-2025-986/

Public Service Act (2025:986)

Radio- och tv-lag (2010:696)

https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/radio-och-tv-lag-2010696_sfs-2010-696/

Radio and Television Act (2010:696)

Granskningsnämndens praxissamlingar

https://mediemyndigheten.se/anmala-program/granskningsnamndens-praxissamlingar/

Broadcasting Review Board summaries (dynamic official case index, search 26/03036, 26/02381)

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SLOVENIA

[SI] Referenda reject the Parliamentary Inquiry Act and the abolition of the television licence fee

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On 26 May 2026, the Slovenian government adopted amendments to the Parliamentary Inquiry Act via a fast-track procedure, reducing the possibility for individuals, including journalists, witnesses and civil society organisations, to request a review of the constitutionality and legality of inquiries by the Constitutional Court (see IRIS 2026-8:1/16). Journalists' organisations, civil society, human rights experts and opposition representatives in the Assembly have expressed concern that the removal of these additional safeguards represents a threat to fundamental rights. Journalists also expressed concerns about the threat to the protection of journalists with regard to confidentiality of sources and surveillance restrictions, as protected under the European Media Freedom Act. In a legislative referendum held on 11 October 2026, 51.36% of the voters rejected these changes to the Law. The result of such a referendum is legally binding. When a law is rejected, the National Assembly cannot adopt a law with substantially the same content for one year.

On the same day, the government held a consultative referendum on the licence fee for the public service broadcaster (*Radiotelevizija Slovenija* – RTV *Slovenija*), asking whether this fee should be abolished. A very slim majority rejected the abolition of the public service broadcaster licence fee, with just 50.04% against this proposal and 49.96% in favour. Consultative referendums have no legally binding effect and are generally used to gauge public opinion.

STA 12/10/2026, Referendum result shifts as 50.04% vote against scrapping TV licence fee

https://english.sta.si/3609660/referendum-result-shifts-as-50-04-vote-against-scrapping-tv-licence-fee

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