



News media, pluralism and journalism in the digital age

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Philippe Auclair, Elda Brogi, Lidia Dutkiewicz, Ilaria Fevola, Mervin Huang, Aleksandra Kuczerawy, Tarlach McGonagle, Iva Nenadić, Gábor Polyák, Theresa Josephine Seipp, Maria Luisa Stasi, Fenna Van Haften



Foreword

In his *Hommage à un journaliste exilé*, Albert Camus wrote: “A free press can be good or bad, but, most certainly, without freedom it will never be anything but bad.”

While he was probably far from imagining how exactly the world would evolve in the following decades, this simple phrase rings even truer in this day and age than it did in 1955, at a time when the reach of the press – good or bad – was limited by analogic means of distribution.

It would have been impossible for Camus in fact to foresee how technological developments would permeate every aspect of our lives today. Even Isaac Asimov, and countless other contemporaries whose lives’ work relied on theorising how the future could look, fell short of accurately foreseeing that one of the most crucial impacts of artificial intelligence and algorithms in the early 21st century would not be the powering of human-looking robots to pour coffee for us in the morning, but determining what information we receive.

The impact on our individual capacity to form opinions is unprecedented, drastically raising the risk of creating echo chambers and limiting the chances of us coming face to face with news, information or opinions which could challenge our own. This challenge is not new, but it is made exponentially fiercer by our newfound reliance on means of distribution, the inner workings of which often remain mysterious to the end user: platforms and their algorithms.

The general public is not the only one at risk here. Journalists and media outlets are put in difficult positions as they have to adapt to the new reality of the news sector. Their livelihood is at stake due to shifting market dynamics impacting their working conditions and forcing them to adapt. Their very lives can be at risk, as the IFJ reported 111 journalists killed in 2025, as of early December.

Parallel to the unrelenting march of technological progress, regulation is only ever a few years behind. A recent key piece of legislation, the EU’s European Media Freedom Act, is generally welcomed as big step in the right direction. Obstacles remain however, with safeguards against political interferences sometimes deemed too lenient and ever more precarious working conditions, especially for freelance journalists.

As rightfully identified by Camus, lifting those obstacles will not ensure that only quality news remain, but it will at least allow good press to survive growingly fierce competition from other media actors.

We hope that you will enjoy this 360-degree exploration of the current state of play of the news media sector, exploring both market and legal developments as well as other more specific issues. I would like to warmly thank all authors contributing to this report for their engaged participation and excellent work: (by order of chapter) Iva Nenadić, Maria

Luisa Stasi, Elda Brogi, Mervin Huang, Tarlach McGonagle, Lidia Dutkiewicz, Aleksandra Kuczerawy, Gábor Polyák, Ilaria Fevola, Fenna van Haeften, Philippe Auclair, Theresa Josephine Seipp.

Strasbourg, December 2025

Enjoy the read!

Maja Cappello

IRIS Coordinator

Head of the Department for Legal Information

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Executive Summary

This IRIS report offers a comprehensive analysis of the rapidly evolving European news media landscape. Twelve distinguished authors,¹ each an expert in their respective fields, have contributed individual chapters that together explore how digital transformation, market disruption, and changing regulatory frameworks are reshaping the foundations of journalism and media pluralism across Europe.

The report examines the profound implications of technological change, from algorithmic distribution and AI-driven news production to the growing dominance of global platforms and their impact on traditional business models. It assesses the current state of media pluralism in Europe, addressing the rights and duties of media service providers, safeguards against political interference, and the increasingly precarious conditions faced by journalists. Particular attention is given to areas of heightened vulnerability, such as the safety of journalists, the decline of investigative sports reporting, and the governance challenges arising from artificial intelligence. The report emphasises the urgent need for robust, future-proof regulatory and institutional responses to protect democratic debate in the digital age.

Chapter 1, authored by Iva Nenadić, focuses on **digital developments and key concepts**. It argues that recent technological innovations have profoundly altered the DNA of the news media sector, transforming it from a largely print- and broadcast-based industry into an ecosystem dominated by digital distribution and data-driven processes. Social media platforms and search engines, AI-powered recommender systems, and digital content curation now all play a key role in how news is distributed. The very definitions of news, journalism, and media pluralism are evolving in the digital context.

While these trends offer a new potential to democratise news access, for instance by providing wider information access and encouraging interactive engagement, they also come with downsides, like exposure to misinformation, filter bubbles, and the deepening of digital divides.

As digital technologies become gatekeepers for content discovery and visibility, the parameters of trust, reliability, and accountability in the news sector are being redefined in ways that challenge legacy concepts at the heart of the sector.

In **Chapter 2**, Maria Luisa Stasi analyses **market dynamics in the news media sector**. This sector is undergoing a transition from traditional advertising-based news business models to one dominated by platforms. The growing significance of digital intermediaries

¹ By order of chapters: Iva NENADIĆ, Maria Luisa STASI, Elda BROGI, Mervin HUANG, Tarlach MCGONAGLE, Lidia DUTKIEWICZ, Aleksandra KUCZERAWY, Gábor POLYÁK, Ilaria FEVOLA, Fenna VAN HAEFTEN, Philippe AUCLAIR, Theresa Josephine SEIPP,



has undermined the stability of traditional news organisations, leading to a decline in revenue from print and broadcast, increased competition for user attention, and a globalised market in which smaller or local outlets are finding it increasingly difficult to survive.

Programmatic advertising (automated, data-driven systems) has shifted commercial leverage from publishers to advertising tech giants. AI has had a significant impact on the sector and has prompted policy and legal responses in various jurisdictions and at EU level, such as the EU Digital Services Act (DSA) and the European Media Freedom Act (EMFA), as well as antitrust cases. This has forced regulatory authorities to struggle to keep up with the rapid shifts in market structure and user behaviour.

High market concentration, opaque algorithmic gatekeeping, and digital dependency are areas of concern, highlighting the urgent need for robust public-interest-oriented frameworks to support sustainable journalism in the digital age, according to the author.

In **Chapter 3, “Measuring media pluralism in Europe”**, Elda Brogi examines the evolving state of media pluralism across the continent. Media pluralism is an essential pillar of European democracies. This was true in the past and it is even more pertinent today due to profound shifts in the media landscape, especially the dominance of large online platforms. Recent digital transformations have made the concept of media pluralism more complex, bringing new issues of ownership concentration, platform regulation, and content diversity to the fore.

The Media Pluralism Monitor (MPM) is a comprehensive tool developed by the European University Institute that provides valuable insights into media pluralism risks and trends in the EU and in some candidate countries. The 2025 results reveal that no country is entirely immune to risks: Hungary is in the high-risk category, while most member states are in the medium-risk category. Northern and Central Europe generally perform better than Southern and Eastern Europe.

Major vulnerabilities include market concentration and digital platforms, and political influence stemming from opaque ownership and selective funding. There are also persistent weaknesses in gender and minority representation. While the EMFA and DSA represent important regulatory advances, implementation challenges remain. Priority actions include establishing transparent ownership databases, implementing stricter merger controls, enhancing oversight of digital gatekeepers, strengthening editorial independence in fragile markets, and taking comprehensive measures to improve inclusiveness and media literacy.

Chapter 4, co-authored by Tarlach McGonagle and Mervin Huang, looks at the **right of access to plural views**. Pluralism and reliability are essential to freedom of expression, free elections and meaningful public debate. Users must be able to both express and receive diverse views. In an era of generative AI and disinformation, access to authentic, assessable information is paramount.

Key instruments that secure media freedom, pluralism and a favourable environment for public debate include the European Court of Human Rights (ECHR), the EU Charter, the Audiovisual Media Services Directive (AVMSD), the EMFA, and the DSA.

Together, these instruments address pluralism, editorial independence and systemic risks such as disinformation.

The interplay between media pluralism and general interest content is reflected in the 2018 revision of the AVMSD. Its article 7a, the transposition of which is optional, introduced the possibility for member states “to take measures to ensure the appropriate prominence of audiovisual media services of general interest”.

Chapter 5, co-authored by Aleksandra Kuczerawy and Lidia Dutkiewicz, examines the **rights and duties of news media service providers**. As these providers play a fundamental role in Europe’s democratic landscape, not only as economic actors but also as custodians of public discourse, the European Union adopted the EMFA.

The EMFA recognises this reality by introducing a dual commitment that reflects the rights and duties of media service providers. This establishes a balanced framework that safeguards editorial independence while ensuring transparency and accountability in media ownership. By embedding both rights and responsibilities into EU law, the EMFA aims to protect a free, pluralistic media environment, which is essential for fostering an informed public discourse and a resilient European democracy.

As with all EMFA provisions, the protection of the rights and duties of (news) media service providers depends on compliance, enforcement and collaboration between member states and the different actors.

In **Chapter 6**, Gábor Polyák **explores the safeguards against political control**. Political actors can use a wide spectrum of methods to exert direct or indirect control over the news media, from regulation and state funding to intimidation, legal harassment, and online campaigns. These threats can be flagrant or more subtle, including restrictive laws and regulations, the selective distribution of public funds, editorial interference, the surveillance of journalists, and the abuse of legal proceedings, such as strategic lawsuits against public participation (SLAPPs). The vulnerabilities of public service media and the persistent problem of impunity for attacks on journalists present recurring challenges.

The author argues that effective resistance to political control requires a combination of robust legislation, independent judiciaries and regulators, a vibrant civil society, and sustained international pressure to uphold standards of media liberty and democratic integrity.

Chapter 7, authored by Ilaria Fevola, takes a closer look at the **rights, duties, and working conditions of journalists**. The work of journalists in Europe is shaped by a complex context of legal, ethical and practical realities. Structural and gender-related inequalities are deeply rooted in the sector; freelancers face precarious situations, and issues relating to copyright and remuneration pose constant challenges. Journalistic protections, such as those enshrined in the ECHR and clarified through the case law of the European Court of Human Rights (ECtHR), are evolving in response to growing pressures related to digital transformation, platform dependency, and declining newsroom resources.

To counterbalance the issues of precarious employment, stagnant wages, gender disparities and insufficient labour protections, rigorous codes of ethics and the extension of labour protections to freelance and precarious media workers are identified as key elements. A harmonised approach between European countries and the consistent



enforcement of legal and labour protections for journalists is likewise presented as essential.

Chapter 8, co-authored by Tarlach McGonagle and Fenna Van Haeften, focuses on **journalists' safety**. Across Europe, journalists and media professionals face persistent and severe threats, including violence, harassment, detention, and impunity for crimes. These threats undermine freedom of expression and media pluralism. Despite increased monitoring, law reform, and policy initiatives at international, European, and national levels, the safety of the working environment continues to deteriorate.

Efforts to improve protection are now accompanied by a recognition that safety encompasses not only physical security but also psychological, legal, and financial aspects, extending protection to everyone involved in journalistic activities.

Legal and policy standards stem from instruments such as the International Covenant on Civil and Political Rights, the ECHR, and Council of Europe recommendations. These highlight states' obligations not only to refrain from harming journalists but also to proactively ensure their safety by preventing violence, enabling free movement, protecting sources, investigating crimes, and combating impunity. Recent EU regulations, such as the EMFA and DSA, as well as directives targeting violence against women and SLAPPs, further strengthen journalists' rights and protections.

Overall, the European system for journalists' safety has become more comprehensive and sophisticated. However, ongoing adaptation, especially with regard to conflict reporting and digital risks, remains essential in order to address emerging threats and safeguard democratic debate.

In **Chapter 9**, Philippe Auclair focuses on the specific issue of **investigative sports journalism**. As well as facing the challenges common to the wider news media sector, investigative sports journalism might find itself at risk of disappearing entirely. Systemic underfunding and a lack of specialised training pose significant challenges to the sector. Furthermore, the relationships between media organisations and powerful sports entities often shaped by dependence on broadcasting rights, sponsorships, and controlling access, frequently impede independent reporting. Institutional funding for long-term investigative projects is often lacking or unstable, and journalists examining corruption, doping, or abuses in the sporting sector can face significant professional pressures, including legal challenges, restricted access, and efforts to discourage or undermine their reporting.

In **Chapter 10** on **artificial intelligence in journalism**, Theresa Josephine Seipp discusses the positive and negative implications of AI for the news sector. While it can have a positive impact on newsroom operations, such as news generation, personalisation, and workflow automation, it also raises significant societal concerns, such as deep fakes, automated misinformation and changes in public trust.

Effective governance requires a balanced approach, combining hard and soft law. Robust regulatory measures such as the EU's AI Act, DSA, Digital Markets Act (DMA) and EMFA, combined with ethical guidelines and soft-law initiative from organisations such as the Council of Europe, will require enhanced AI literacy, interdisciplinary training and collaborative strategies within and between newsrooms to be effective.



1. Digital developments and evolution of key concepts related to the news media sector

Iva Nenadić - European University Institute and University of Dubrovnik

1.1. Introduction

For a long time, the media has been providing the central institutional framework for journalism and has served as the backbone of the news and information system. These shared spaces have helped ensure that citizens are informed on similar terms and has offered a forum for public debate and deliberation. Jürgen Habermas's concept of the public sphere outlined an ideal model of the media's role in fostering free and pluralistic debate by granting access to diverse social actors and voices. While media institutions have never been entirely free from political biases or commercial pressures that may override the public interest, and inevitably reflect the broader social and political systems in which they operate,² such limitations to their independence and their capacity to fulfil their societal role have been recognised and monitored. An entire policy framework of self-regulation and regulation has been developed to promote media and journalistic freedom, while requiring their accountability.

Social media has profoundly transformed how audiences access news and information, positioning platforms as powerful intermediaries between the media and their audiences and enabling a new ecosystem of "newsfluencers".³ Research consistently shows that young people, in particular are shifting away from direct access to traditional media, relying instead on online platforms for informing and forming their (political) opinion. Yet it often remains unclear who they are actually getting their information from when they inform themselves through online platforms. Since platforms do not produce content themselves, users may still consume professional news distributed through these channels or, increasingly, content from individual creators who establish themselves as news or political influencers, often without any background in journalism. There is, however, still

² Christians C., Glasser T. L., McQuail D., Nordenstreng K., *Normative Theories of the Media: Journalism in Democratic societies*, University of Illinois Press, January 2009.

³ Hurcombe E., *Conceptualising the "Newsfluencer": Intersecting Trajectories in Online Content Creation and Platformised Journalism*, *Digital Journalism*, 1-12, 11 September 2024.

limited understanding and oversight of these actors' political and economic interests, as well as of the democratic implications of their growing influence.

This reconfiguration of the public sphere raises pressing questions about authority, trust, and responsibility in democratic communication. If journalism no longer occupies a central position in the information order but instead competes with commercially driven global technology companies and unregulated influencers, the conditions for informed democratic deliberation may be fundamentally transformed. This is further complicated with the rapid developments in artificial intelligence (AI) and especially in the field of generative AI that is transforming online search, information gathering and opinion forming. Furthermore, it is endangering already disrupted economics of traditional media and the wider integrity of the information space.

This chapter outlines the key developments, and the evolution of concepts related to the news media sector, focusing primarily on the actors, their roles, interactions, and definitions as a basis for determining their responsibilities and informing policy guidance. It begins by discussing the complexity of a broad notion of journalism that is rooted in international freedom of expression standards⁴ and as such tends to encompass *newsfluencers*, and even online platforms. However, these actors also perform different roles, operate under distinct rules and motivations, and even compete with the media and journalism - yet not on a level playing field. This is also discussed.

1.2. A broad notion of journalism: between necessity and risk

The question of who qualifies as a journalist and what constitutes journalism has never been easy to answer, and it is becoming increasingly complex. The advent of new communication platforms and technologies has profoundly reshaped the global news environment and the practice of journalism. The rise of blogging, micro-blogging, user-generated content, and influencers has **transformed** traditional processes of news gathering, publishing, and dissemination. Today, almost anyone can produce and share newsworthy content and thus act as a journalist, while social media enable a wide range of actors to actively contribute to the flow of public information and news exchange.

In the past, journalists could often be defined by their affiliation with a news organisation or membership in a professional association. Today, efforts to draw such boundaries increasingly point to professional standards and ethical principles as the main distinctions between journalists and others who perform similar activities. In the digital age, anyone can produce one-off or sporadic journalistic content. Professional journalism, by contrast, is understood as a systematic process grounded in accumulated practical knowledge and guided by established methods. Its value derives from its purposes, practices, and ethics.⁵ Public service, the watchdog role, and verification are commonly cited as the core elements underpinning journalism's value and justifying its authority, that

⁴ Irion et al., *Introductory Chapter. Outlining the value of safeguarding media pluralism and diversity to Member States, the EU and the relevant competencies*. In: Parcu, Pier Luigi, et al., "Study on media plurality and diversity online". Publications Office of the European Union, 2022.

⁵ Davis, M., *Why journalism is a profession*. Journalism ethics: A philosophical approach, 91-102, 2010.

becomes particularly significant in the context of information abundance and information disorder.⁶

Unlike fields such as law or medicine, journalism has always been in a professional limbo.⁷ Many, not only scholars, but also practitioners, claim that it is not a profession, for various reasons. Just to name two: it lacks a body of theoretical knowledge; and entry to the profession is not restricted, meaning anyone can practice journalism without having a formal education in journalism. When it comes to theoretical foundations, some scholars emphasise that journalistic competence is defined more by practice than by theory. From this perspective, journalism is better understood as a community of practice⁸ rather than a formal profession. However, such practice is linked to culturally shaped identities, values and norms of journalists⁹ and thus interpretations of its boundaries or inclusion criteria may vary across countries and regions.

An overarching principle remains that restricting who may engage in journalism would conflict with democratic norms that protect freedom of expression as a fundamental right. At the same time, if various actors and activities that shape public opinion are placed under the same definitional umbrella as journalism, yet operate with different degrees of creative expression and without being bound by professional standards or editorial responsibility, this may have negative implications for journalism itself. While some influencers may at times produce journalism that is more professional, objective, and ethical than that of certain traditional outlets, an overly broad definition inevitably creates significant challenges when implanted into policy frameworks.

Debates about who qualifies as a journalist often differ depending on the disciplinary context: discussions within media and the journalism profession and even in media scholarship tend to be exclusive, aiming to separate credible contributors from less credible ones, whereas legal definitions tend to be inclusive, since fundamental rights are at stake.¹⁰ This is confirmed by recent developments in international standards and policy guidance. A comprehensive review of key standard-setting instruments of the Council of Europe, the case law of the European Court of Human Rights, EU legislation, and the case law of the Court of Justice of the European Union - presented in the Study on Media Plurality and Diversity Online¹¹ - illustrate the evolving notion of “media”. The concept increasingly encompasses online platforms that act as intermediaries with control over content distribution, as well as the various actors involved in producing and disseminating content to large audiences.

⁶ Wardle, C., and Derakshan, H., *Information disorder. Toward an interdisciplinary framework for research and policymaking*. Council of Europe report DGI, 2017.

⁷ Godkin, P., “Rethinking journalism as a profession”. *Canadian Journal of Media Studies* 4.1: 109-121, 2008.

⁸ Wenger, E., “Communities of practice in and across 21st century organizations”. *Communities*, 1-9, 2006.

⁹ Hanitzsch, T., *Deconstructing journalism culture: Toward a universal theory*. *Communication theory* 17.4: 367-385, 2007; Hanitzsch, T. et al., eds. *Worlds of journalism: Journalistic cultures around the globe*. Columbia University Press, 2019.

¹⁰ Ugland, E. and Henderson, J., *Who is a journalist and why does it matter? Disentangling the legal and ethical arguments*. *Journal of Mass Media Ethics* 22.4: 241-261, 2007.

¹¹ Irion et al., 2022.

As emphasised in the study,¹² the Council of Europe's Recommendation on a new notion of media¹³ proves to be especially useful in providing the criteria for identifying media, namely: (1) intent to act as media, (2) media purposes and objectives (providing space for public debate, public interest content, and influencing public opinion), (3) editorial control and processes, (4) adherence to professional standards, (5) outreach and dissemination as mediated public communication, and (6) meeting the public's expectations with professional and ethical standards.

The definition of journalism has evolved along similar lines, as well as the considerations of content that is relevant for civic discourse. It is not only a question of *who* produces content, but also *what* type of content falls under the new notion of media, especially in a policy context. As the Study on Media Plurality and Diversity Online showed, media content increasingly extends beyond news and current affairs to include cultural, educational, entertainment, and local content. All these types of content blend in the production of *newsfluencers*¹⁴ whose methods and motivations may be widely different from journalistic ones, but with a significant influence over the public debate and individual's (political) opinion forming.

In its preamble, the Council of Europe's 2011 Recommendation on a New Notion of Media cites the late media scholar Karol Jakubowicz, who cautioned against classifying the emerging forms of communication as media, given the challenges of assessing the trustworthiness of the information they provide. The definition of "media" is of critical importance, as it determines inclusion or exclusion from specific rights and privileges, as well as corresponding obligations, responsibilities, and potential liabilities. An overly broad definition, in which various actors are labelled as media or journalism, risks diluting the core notion of media and journalism. Furthermore, it may pose significant challenges for policy design and implementation, since various actors within the contemporary information ecosystem operate on fundamentally different premises and pursue divergent objectives.

While the Recommendation ultimately advises member states to adopt a broad notion of media – encompassing a wide range of actors involved in content production and dissemination – it simultaneously calls for a graduated and differentiated approach in policymaking. It argues that there should be a policy framework for all actors – taking their peculiarities into account – that both guarantees an appropriate level of protection and clearly delineates their duties and responsibilities. This is a challenging evolution in policy design that may need to go beyond traditional areas and competencies in order to protect the integrity of the information sphere. On the other hand, it may be that an inherent feature of the evolving information environment is a degree of risk that cannot be resolved through policy interventions primarily targeting actors on the supply side, moreover as supply and demand increasingly blend in some cases. Namely, many modern-day influencers were once merely simple users of digital platforms.

¹² Ibid.

¹³ Council of Europe, [Recommendation CM/Rec\(2011\)7](#) of the Committee of Ministers to Member States. On a New Notion of Media. Council of Europe. 21 September 2011.

¹⁴ Hurcombe, 2024.

1.3. Evolving information ecosystem and its actors

Eurobarometer, as one of the longest-standing public opinion surveys in the European Union, also examines media habits and levels of trust in the media. When asking respondents which media they use most frequently, Eurobarometer¹⁵ offers the following response options: TV, online press/news platforms, radio, written (printed) press, social media, video platforms, messaging apps, podcasts, and blogs. While such a question and the provided answers yield relevant insights into the media habits of the EU population, they also illustrate the conceptual and definitional confusion surrounding what counts as media today.

There is, in fact, a structural difference between traditional media (such as the press, radio, television, or even native digital media) and social media or video-sharing platforms. Whereas media organisations produce content and bear editorial responsibility for it, online platforms distribute content created by their (various) users and, as they have been primarily regarded as intermediaries, they have largely been exempted from liability for the content they transmit.¹⁶ Furthermore, when respondents indicate that they inform themselves primarily through social media or other intermediary platforms, the answer lacks insights into who they actually get their information from.

Platforms and digital technologies more broadly, thanks to their appeal, ease of use, and reach, have enabled the proliferation of diverse voices and influencers in the information sphere. Some of these are experts who contribute to the quality and plurality of public debate, while others disseminate unverified information or even deliberate manipulation, thereby polluting and polarizing public discourse.

The rise of *newsfluencers* illustrates not only changing patterns of news consumption, but also the ways in which journalism, influencer culture, and the platform-driven content creator economy intersect and reshape one another.¹⁷ Yet regulation has not evolved equally across these domains and actors as traditional media remain subject to high professional standards and legal liability, while platforms and influencers operate with far fewer obligations, creating structural asymmetries in accountability as illustrated in the table below:

Table 1. Information space: Roles, characteristics, and accountability of key actors

Actor	Content production	Distribution power & reach	Liability	Professional standards
Media	Main producers of costly high-quality journalistic content	Lost control over distribution and reach	High liability	High normative professional standards
Platforms	No content production	Concentrating and architecting distribution	Low liability	Nascent self-regulation

¹⁵ [Eurobarometer website](#).

¹⁶ Nenadić et al., 2024.

¹⁷ Hurcombe, 2024, p. 2.

Actor	Content production	Distribution power & reach	Liability	Professional standards
		power and content visibility		
Influencers	High content production tailored to platform logic and engagement	Wide reach based on “authenticity” and content optimized for engagement	Low liability	Underdeveloped professional standards

Source: Created by the author of this chapter

The power of platforms stems from their extensive control over the distribution and visibility of content in today’s information environment. What citizens encounter on social media, video-sharing platforms, and search engines is algorithmically curated and ranked based on a user’s expressed and inferred characteristic and preferences, but also in line with each platform’s content policies and underlying business model. In this way, platforms may amplify content produced by influencers over that of professional media. The guiding criterion has become attention and engagement rather than the public interest and accuracy.

Influencers and creators tailor their content to platform logic, achieving high levels of visibility while operating significantly outside professional or normative frameworks established for journalists. Within such an information infrastructure, the integrity of the information space faces serious challenges: malicious voices become difficult to distinguish from informative ones, and manipulated content circulates alongside relevant and authentic material. Neither platforms nor influencers are held to the same professional standards or legal responsibilities as traditional media. Furthermore, additional actors, such as politicians or issue advocates, can collaborate with or exploit this evolving and increasingly complex matrix of technology and (alternative) opinion makers, particularly as new media consumption patterns and news habits develop among younger generations.

1.4. New generations, new media relationships

Young people in particular are moving away from traditional media and turning to other formats, forcing media organisations to develop their own online offerings and on-demand content, or distribute their material across different platforms.¹⁸ Eurobarometer shows that older age groups still rely on traditional media (TV, digital media, and radio), while young people meet most of their information needs through online platforms.¹⁹ Nearly 60 percent of young people aged 15 to 24 primarily use social media for news, and among other age

¹⁸ Hagedoorn, B. et al., *The ‘youthification’ of television*. *Critical studies in television* 16.2: 83-90, 2021.

¹⁹ Eurobarometer, *Media and News Survey*, 2023.



groups, social media is also recording the fastest growth in popularity as a source of information.²⁰ It is important to recall that social networks and other online platforms were not primarily designed for information and news distribution, but for connection, communication, and entertainment.

Another regular large-scale survey, the Reuters Institute Digital News Report, noted that by 2021, social media had overtaken direct access to news websites as the main access point for news. The 2025 report highlights the “rise of an alternative media ecosystem: YouTubers, TikTokers, and podcasters”.²¹ It describes these actors as “media voices”, even if noting that they function as alternatives to traditional news publishers from whom they divert audiences. Such alternative voices, particularly online influencers, are identified as leading sources of false or misleading information, alongside national politicians.²² Yet, they played an important role in the 2024 US presidential elections with both main candidates giving interviews to “personalities and creators who have been building significant audiences via online platforms such as YouTube and X”.²³

In the US, where trends often originate, YouTube users paid more attention to creators and influencers than to mainstream news brands,²⁴ and a 2024 Pew Research Center survey found that nearly 40 percent of adults under 30 get their news from news influencers. These alternative voices resonate particularly well with young men, right-leaning audiences, and those who distrust mainstream media, often perceiving it as biased or aligned with a liberal elite.²⁵ This trend has a pronounced gender dimension, reinforced by the fact that the majority of leading creators discussing politics are men.²⁶

Looking beyond just the US, young French creator Hugo Travers (HugoDécrypte) has built a successful brand on YouTube and TikTok, where he tries to explain the news to under-35 audiences, with a reach comparable to or exceeding many mainstream French news organisations.²⁷

The evolving information ecosystem reflects a clear generational shift from traditional media to online platforms and alternative voices, which increasingly appear to override mainstream media. These new actors benefit from widespread public distrust in traditional institutions, including the journalistic institution. To some extent, this mistrust can be attributed to the media themselves, which have long remained closed and distant from their audiences.²⁸ Many outlets have struggled to adapt effectively to digital transformation and continue to grapple with issues such as political independence.²⁹

²⁰ Ibid.

²¹ *Reuters Institute Digital News Report 2025*, p. 5.

²² Ibid.

²³ Newman, N., *Overview and key findings of the 2025 Digital News Report*, 17 June 2025.

²⁴ Newman, N., *Overview and key findings of the 2024 Digital News Report*, 17 June 2024.

²⁵ Newman, 2025; Grbeša, M., *From Newsrooms to Newsfluencers: Mapping the Shift in Information Power*, Report, Adria Digital Media Observatory, 27 June 2025.

²⁶ Newman, 2024.

²⁷ Newman, 2025.

²⁸ Nenadić, I. and Kovačević, P., *Relationship Status of Journalists with Their Audiences on Social Media: It's Complicated*. *The Routledge Companion to Media Audiences*. Routledge, 160-177, 2024.

²⁹ Blagojev, T. et al., *Monitoring media pluralism in the European Union: results of the MPM2025*. European University Institute, 2025.



In contrast, emerging figures like *newsfluencers* are explicitly political and promote certain ideologies, forging “authentic” relationships with their audiences by building personal, “passion-led” brands.³⁰ This approach fundamentally differs from the traditional journalistic ideals of neutrality and objectivity. The business models of *newsfluencers* and content strategies are also more in line with the logic of online platforms than the ones of traditional media, which additionally helps to explain their success in reaching and engaging audiences, but does not necessarily advance the democratic information space. The more open communication becomes, the more open it is for demagoguery and misinformation³¹ – a dynamic that ultimately may undermine democracy itself.

1.5. Erosion of a shared information space and collective understanding of reality

The key democratic functions of traditional media stem from their role in creating a common information space by reporting on public interest issues, holding institutions of power accountable, and providing editorial platforms where diverse viewpoints and social and political groups can be represented and debated. However, this traditional media infrastructure is increasingly being dismantled and replaced by a new ecosystem dominated by technology companies with different priorities and governance models.

Today, information spaces are more fragmented and tailored to individual preferences, driven more by commercial interests than the public good. Traditional media are losing their central role, as new voices, particularly on social media and online platforms, are becoming more influential in shaping public opinion, especially among younger audiences.

While online platforms have played a role in fragmenting the public sphere, generative AI takes this fragmentation even further by enabling hyper-personalised experiences and producing unique outputs for each user, based on their prompts (requests) and other factors. When interacting with generative AI through applications such as ChatGPT, Perplexity, Gemini and others, users are doing this in an isolated, often conversational way. This creates an “audience of one”, which by design contradicts the democratic need for a shared information space.³² This evolution is also referred to as an “Age of Multiple Realities”,³³ characterised by a fractured information ecosystem without a common basis for understanding and deliberating growingly complex issues and realities.

Through varying levels of interaction with users and autonomy, generative AI systems generate human-like expressions or outputs, including text, images and audiovisuals, based on the patterns identified in the data they are trained on. As elaborated in the draft Council of Europe Guidance Note on the implications of generative AI for freedom

³⁰ Hurcombe, 2024.

³¹ Gershberg, Z. and Illing, S. *The paradox of democracy: Free speech, open media, and perilous persuasion*. University of Chicago Press, 2024.

³² The concept of “audience of one” is developed within the work of the Council of Europe’s Committee of Experts on the *Implications of Generative Artificial Intelligence for Freedom of Expression (MSI-AI)*.

³³ Miyake, E., *Virtual Influencers: Identity and Digitality in the Age of Multiple Realities*. Routledge, 2024.



of expression, these probabilistic systems often conflict with facts and are well-documented to produce false answers or cite non-existent sources by statistically generating content to fill gaps. Further to the design shortcomings that can lead to widespread misinformation, and which are more difficult to observe due to the closed setup in which this technology is used (audience of one), the misuse of generative AI by various actors poses a serious risk to public discourse and the integrity of information if left unaddressed.

Another feature of generative AI is its latent persuasiveness that can achieve opinion shifts, and even nudge some harmful actions, with very limited potential for observability of such structural implications and systemic risk. The technology is increasingly used in the commercial sector, but also in the political sector, with AI or virtual influencers, as computer-generated virtual personalities, that engage with audiences on social media like human influencers. This is increasingly blurring the line between authentic and synthetic communication and actors online. In the absence of legal frameworks governing non-human actors, and at the very start of understanding and addressing risks posed by AI through regulation such as the EU's AI Act³⁴ or the Council of Europe's Framework Convention on AI,³⁵ the rise of virtual influencers raises a set of pressing issues about the integrity of information online.³⁶ Even with those challenges, the Digital News Report 2025 notes the growing use of AI chatbots as a news source, especially among younger audiences.

Generative AI technology is offered both through chatbots and specialised applications, as well as integrated into social media and search engines. In 2024, Google introduced AI Overviews, a feature that places AI-generated summaries at the top of search results. Research has found that such summaries reduce clicks to the original sources, further diminishing already-fragile website traffic for news publishers.³⁷ The implications for media organisations are twofold. First, generative AI companies often use media content to train their models, frequently without the publishers' knowledge or compensation for such use that may result in commercial gains. Second, AI-generated summaries embedded in search results further disconnect media content from its producers, undermining both the economic sustainability of journalism and its democratic role.

1.6. Concluding remarks

Both digital platforms and generative AI have contributed to the disintegration of the traditional news ecosystem, separating high-cost news production from its economic foundations in distribution and advertising. This structural shift has had profound economic

³⁴ EU, [Regulation \(EU\) 2024/1689](#) of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, etc.

³⁵ Council of Europe, [Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law](#), 2024.

³⁶ Khaki, A. and Srivastava, V., [AI-generated influencers: A new wave of cultural exploitation](#), The Conversation, 20 February 2025.

³⁷ Chapekis, A. and Lieb, A., [Google users are less likely to click on links when an AI summary appears in the results](#), Pew Research Center study, 22 July 2025.

consequences for the sustainability of media organisations, which remain the cornerstone institutions of professional journalism. Traditional media organisations remain the primary institutional framework providing the safety, ethical standards, and economic resources necessary for producing analytical and investigative journalism, which is both costly and time-intensive but of the highest democratic value. While journalistic investigations are also taking place within transnational initiatives and national civil society frameworks, or are even conducted by influencers, these models are complementary to the role of traditional media, not a replacement of it. However, the future of journalism with editorial standards and accountability remains uncertain as traditional media, especially in weaker and local markets, continue to lose economic ground.

Editorial autonomy, understood as the newsroom's ability to self-govern and operate free from undue political or commercial influences, remains a foundational principle of independent journalism, paired with editorial responsibility. Editorial independence has emerged as one of the key concepts in the European Media Freedom Act (EMFA),³⁸ regarded as a cornerstone of media integrity and a decisive factor in assessing and safeguarding media market pluralism. Under the EMFA, the exercise of editorial responsibility (not always the same as liability) over content is a key criterion in defining what constitutes a media service provider. In the digital media environment, this definition may also encompass video-sharing platforms and very large online platforms, as they increasingly exercise forms of editorial control over sections of their services.

The concepts of editorial autonomy and independence are undergoing profound transformation. Online platforms are increasingly recognised as exerting significant influence over the visibility, prioritisation, and circulation of news (and other) content, effectively assuming certain editorial functions such as content moderation and curation. This marks a shift from their earlier role as neutral intermediaries which exempted them from liability for the content they carry. The EMFA and the Digital Services Act (DSA)³⁹ begin to address these emerging tensions and the uneven playing field between media organisations and online platforms, but the latter's growing power over information ecosystems still remains largely unmatched by equivalent levels of responsibility and accountability.

Given the profound transformations in news and information infrastructures, the troubling economics of the media sector, and the wider social and democratic implications of an information ecosystem increasingly shaped by actors with limited accountability, policymakers should be more ambitious in envisioning and supporting an information space that truly serves democracy, one in which the core values and democratic contributions of journalism are preserved and strengthened.

Rather than merely reacting to the risks generated by technological innovation or attempting to correct course within infrastructures already dominated by large technology companies, there is a need for greater proactivity in imagining and developing alternative

³⁸ EU, [Regulation \(EU\) 2024/1083](#) of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act).

³⁹ EU, [Regulation \(EU\) 2022/2065](#) of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) OJ L 277, 27.10.2022.



public interest or public service digital news and information infrastructures that build on technology, but are not captured by it.



2. Market Dynamics in the News Media Sector

Maria Luisa Stasi – Head of Law and Policy for Digital Markets at ARTICLE 19

2.1. Introduction

Media is not simply an industry or a sector of the economy. A free, independent, and pluralist media sector is also a pillar of democracy. As such, when looking at market dynamics in the news media sector, economic, social and public interest considerations have to be included.

News markets differ from others because news is a merit good: a good that society needs, but that individuals tend to undervalue, and markets tend to underproduce if left unchecked.⁴⁰ As such, in many areas of the world, and especially in Europe, media markets are regulated to guarantee the public interest, and public support has been traditionally used to sustain journalism and universal access to news.⁴¹

The media sector has changed profoundly in the past 20 years, as new players have appeared at the different layers of the value chain and new technologies have disrupted both news production and distribution, significantly altering market dynamics. While this evolution can be looked at from different perspectives (institutional, economic, etc.), this chapter focuses on the changes in the business models adopted by the news media players.

Section I presents the traditional media business models as a two-sided market and introduces the digital disruption the sector has undergone since the mid-2000s. Section II concentrates on the emergence and growing dominance of digital intermediaries and their impact on news markets. Section III looks at the policy and regulatory responses put in place in different areas of the world to deal with this impact. Section IV offers some final considerations on new trends and developments, which are already heralding the new transformation phase.

This chapter provides a concise overview of the main developments, issues and responses observed. The discussion on the impact of AI-driven processes on the news media business model draws heavily on the extensive analysis in Chapter 10 of this report.

⁴⁰ Ali C., “The Merits of Merit Goods: Local Journalism and Public Policy in a Time of Austerity.” *Journal of Information Policy* 6(1), 2016, pp. 105–28. Olsen et al. 2020. “Communal News Work: COVID-19 Calls for Collective Funding of Journalism.” *Digital Journalism* 8(5), 2020, pp. 673–80.

⁴¹ Picard R., “Funding Digital Journalism: The Challenges of Consumers and the Economic Value of News.” In *The Routledge Companion to Digital Journalism Studies*, edited by Franklin B. and Eldridge S., Routledge, London, 2017, pp. 147–54.

2.2. News business models and digital disruption

2.2.1. Economic characteristics of news media markets

News is a public good. As a product, it is non-excludable and non-depletable: consumption by one individual does not interfere with availability for another individual and does not reduce its value for the latter.⁴² News is therefore non-rivalrous. It is also an experience good: one has to experience it to judge its value. This information asymmetry has an impact on consumers' willingness to pay.⁴³ Furthermore, while there is no scarcity of media products,⁴⁴ news consumption from traditional media providers and publishers is in decline, which inevitably leads to a reduction in advertising revenue, one of the main sources of income for these providers.

Journalism traditionally operates in two markets: selling news to audiences and selling audiences to advertisers. Although news operators might seek income from both, advertisers typically sustain most costs. Under this two-sided market model, journalism has long been the platform where advertisers reach their audience, and it has benefited from substantial network effects (the larger the audience, the more attractive the platform becomes for advertisers).⁴⁵

Journalism is an expensive activity. News products have high fixed costs, and low variable costs: it is expensive to produce the first product, but inexpensive to produce copies of it.⁴⁶ Throughout the years, news organisations have tried several strategies to reduce fixed costs; increasingly, one of these strategies has been to scale. The following sections of this chapter elaborate further on this point.

2.2.2. Two waves of digitalisation and the establishment of the platform economy

Digitalisation, and especially the diffusion and widespread adoption of AI, have had a disruptive impact on the news sector. On the one hand, news providers have lost their role

⁴² Chan-Olmsted S. M. "Issues in Strategic Management." In *Handbook of Media Management and Economics*, edited by Albarran A. B., Chan-Olmsted S. M., and Wirth M. O., Lawrence Erlbaum Associates, Mahwah, NJ, 2006, pp. 161–80. Hamilton, J., *All the news that's fit to sell: How the market transforms information into news*. Princeton University Press, 2004.

⁴³ O'Brien D., Wellbrock C. M., and Kleer N., "Content for free? Drivers of past payment, paying intent and willingness to pay for digital journalism—A systematic literature review." *Digital journalism* 8(5), 2020, pp. 643–672.

⁴⁴ Evens T., "Media Economics and Transformation in a Digital Europe." In *Comparative Media Policy, Regulation and Governance in Europe: Unpacking the Policy Cycle*, edited by d'Haenens L., Sousa H., and Trappel J., Intellect, Bristol, 2018, pp. 41–54.

⁴⁵ Rochet J. C., Tirole J., "Two-sided Markets: A Progress Report." *The RAND Journal of Economics* 37(3), 2006, pp. 645–67.

⁴⁶ Brogi E., Sjøvaag H., *Good practices for sustainable news media financing*. 2023.

as the platform linking audience and advertisers, which has been taken over by digital intermediaries like social media, search engines and, more recently, chatbots and AI agents. On the other hand, news has lost its special value as a public good and has become just a type of content competing with many others that the algorithms used by the new digital intermediaries match with the users and readers.

In the early 2000s, journalism had to adjust to content migrating online, and new forms of interaction with it. This phase was characterised by new potential for audience engagement, user-generated content and the widespread possibility to comment and discuss. The adjustment also impacted on the economics in the media ecosystem as the expectation of “free” content appeared and vastly spread,⁴⁷ with substantial consequences for readers’ willingness to pay and for news revenue streams.

From the mid-2010s, digital platforms became the new intermediaries and imposed data-driven personalisation. It was a fast process: by 2013, the Reuters Institute Digital News Report⁴⁸ described search engines and social media as the “new gatekeepers” of news, and by 2016 social media had become the main channel for news access, according to the same source. The report also showed that the growth of news accessed and increasingly consumed via social networks, portals and mobile apps led to the originating news brand being clearly noticed less – a trend that has remained stable over the past eight years.

These dynamics have substantially impacted on news organisations’ business model.⁴⁹ Among these changes, digital intermediaries have replaced the two-sided market structure of news with a multi-sided model.⁵⁰ They mediate content production, search and delivery, hosting, moderating and curating content and social interactions without producing (most of) it.⁵¹ Every time users transact with other users on the platform, they also transact with the platform, which intercepts value that shifts from the network to the platform.⁵²

Digital intermediaries act like marketplaces, and their core business is to facilitate external interactions and sell advertising. To maximise advertising value, they extract, analyse and monetise personal data.⁵³ The dominant narrative presents these platforms as

⁴⁷ Sjøvaag H., *The Markets for News. Enduring Structures in the Age of Business Model Disruption*, Routledge, London, 2023. 2023, op cit.

⁴⁸ Newman N., Levy D. A. L., *Reuters Institute digital news report 2013: Tracking the future of news*. Reuters Institute for the Study of Journalism, 2013.

⁴⁹ There is a vast body of literature coming from various areas of the globe addressing digital intermediaries’ disruptive impact. For example: *Digital Dominance. The Power of Google, Amazon, Facebook and Apple*, Ed by Moore M. and Tambini D., Oxford University Press, 2018; Bradford A., *The Digital Empires. The global battle to regulate technology*, Oxford University Press, 2023; Zuboff S., *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power.*, Profile Books, London, 2019.

⁵⁰ Nieborg D. B., and Poell T., “The Platformization of Cultural Production: Theorizing the Contingent Cultural Commodity.” *New Media & Society* 20(11), 2018, pp. 4275-4292.

⁵¹ Gillespie T., *Custodians of the Internet: Platforms, content moderation and the hidden decisions that shape social media*, Yale University Press, 2018.

⁵² Karimi J., Walter Z., The role of dynamic capabilities in responding to digital disruption: A factor-based study of the newspaper industry, *Journal of Management Information Systems* 32(1), 2015, pp. 39-81.

⁵³ Hinzt A. et al., *Digital citizenship in a datafied society*, John Wiley & Sons, 2018.

exploiting user data without their knowledge or consent, to manipulate their behaviours through personalisation for profit.⁵⁴ Scholars have called it surveillance capitalism.⁵⁵

Digital intermediaries are attention gatekeepers; they control and monetise the attention of users by consistently matching billions of their requests with content, services or products of suppliers.⁵⁶ The more user data they have, the better the match – whether for e-commerce, transport, or personalised social media feeds.

As noted by scholars, “better” can be explained by using a variety of metrics, and the algorithm-based information-matching marketplaces can be extremely efficient, if kept fair.⁵⁷ However, these markets show winners-take-most or winners-take-all dynamics, making them prone to gatekeeping and abuse.⁵⁸ Scholars argue that dominant intermediaries in a given attention market use the scarcity of attention to appropriate an increasing share of the returns, including by providing lower-quality resources or by forcing ecosystem participants to pay for visibility.⁵⁹ This harms both the demand side (users and readers) and the supply side (news media and advertisers).⁶⁰

2.2.2.1. Digital intermediaries’ impact on the news business model

This section discusses three closely interrelated dimensions of the multi-faceted impact of digital intermediaries’ business model and the platform economy on the news business model. A good understanding of their overall impact requires a holistic assessment of all three.

2.2.2.2. Relationship with advertisers

Digital intermediaries have become the place where users and advertisers meet, while in parallel the advertising ecosystem has shifted substantially towards programmatic advertising. Traditionally, advertising relied on long-term brand awareness and was entirely contextual: advertisers chose publications based on their readership. Large advertisers targeted national or regional newspapers, while smaller businesses, unable to afford these outlets, turned to local newspapers. The latter produced a unique, un-substitutable product (i.e. local information), that shielded them from competition at other layers.⁶¹ This model was typically described as the umbrella market model for publishers.⁶²

⁵⁴ Moore M. and Tambini D., 2018, op. cit.; Bradford A., 2023, op. cit.

⁵⁵ Zuboff S., 2019, op. cit.

⁵⁶ O’Reilly T., Strauss I. and Mazzucato M., *Algorithmic Attention Rents: A theory of digital platform market power*, [UCL Institute for Innovation and Public Purpose](#), Working Paper Series, 2013 (IIPP WP 2023-10)

⁵⁷ O’Reilly T. et al., 2023, op. cit.

⁵⁸ Wu T., “*The oligopoly problem*”, *The New Yorker*, 14 April 2013; Petit N., *Big Tech and the Digital Economy: The Mologopoly Scenario*, Oxford University Press, Oxford, 2020.

⁵⁹ Nielsen R. K., Ganter S. A., *The power of platforms: shaping media and society*, Oxford University Press, 2022.

⁶⁰ Hovenkamp H., “Antitrust and platform monopoly”. *Yale Law Journal* 130(8), 2020, pp. 1952–2051.

⁶¹ Bridges J., Litman B. R., Bridges L. W., “Rosse’s model revisited: Moving to concentric circles to explain newspaper competition”, *The Journal of Media Economics* 15(1), 2002, pp. 3-19. Picard R. G., *The economics of journalism and news provisions*, in Vos T. (ed.) *Journalism*, De Gruyter, 2018.

⁶² Sjøvaag H., “The business of news in the AI economy”, *AI Magazine* 45(2), 2024, pp 246-255.



Today, most advertising campaigns are run through multinational agencies using AI-powered programmatic data-driven advertising (by many referred to as real-time bidding, or the RTB system), targeting audiences via algorithmic profiling.⁶³ Advertisers bypass the platform once provided by the news industry and pay for direct access to consumers online through auctions that last milliseconds, with dynamic pricing – rather than selling audiences in bulk – charging different prices for different customers.⁶⁴ Moreover, content differentiation loses some of its economic value in AI-driven markets and has become less important than reaching the right users.⁶⁵

This shift has transformed local, regional and national news markets into a global arena where all actors compete for users' attention and where decisions are no longer taken at local level, undermining the traditional umbrella model described above.⁶⁶ Also, digital intermediaries are in control of users' data. Yet, most news organisations remain anchored to the two-sided market model, but they need better data, audience measurement, platform-ready content, better reach, and scale to compete with giants like Google, Facebook or Tik Tok.

2.2.2.3. Impact of AI-driven processes

As scholars note, news media have engaged with digital intermediaries at every opportunity and have tried to adapt to their business models.⁶⁷ However, these changes have come at a cost. Because platforms mediate the audience – journalism relationship, the news industry has to make content platform-ready,⁶⁸ ensuring that it is modular, alterable and optimised for platform monetisation.⁶⁹ This entails a shift from linear production to an iterative, data-driven process, where content is consistently optimised for platform distribution and made data-ready to enable complementary functionalities offered by social media platforms or search engines.⁷⁰ New concepts like platform dependence or infrastructure capture are used to describe this dynamic from different angles.⁷¹

⁶³ Bodó B., "Selling news to audiences – A qualitative inquiry into the emerging logics of algorithmic news personalization in European quality news media" *Digital Journalism* 7(8), 2019, pp. 1054-75.

⁶⁴ For an explanation of what RTB is, and how it works, see: Irish Council of Civil Liberties Enforce, [RTB Online ad auctions](#).

⁶⁵ Sjøvaag H., 2024, op cit.

⁶⁶ Sjøvaag H., Owren T., "The non-substitutability of local news? Advertising and the decline of journalism's umbrella market model", *Nordicom Review* 42(1), 2021, pp. 1-15.

⁶⁷ Kleis Nielsen R., Ganter S. A., "Dealing with Digital Intermediaries: A Case Study of the Relations Between Publishers and Platforms", *New Media & Society* 20(4), 2018, pp. 1600-1617.

⁶⁸ Russell F. M., "The New Gatekeepers: An Institutional-Level View of Silicon Valley and the Disruption of Journalism.", *Journalism Studies* 20(5), 2019, pp. 631-48.

⁶⁹ Nieborg D. B., Poell T., "The Platformization of Cultural Production: Theorizing the Contingent Cultural Commodity." *New Media & Society* 20(11), 2018, pp. 4275-92.

⁷⁰ Sjøvaag H. 2024, op cit.

⁷¹ For a recollection, see: Sjøvaag H., 2023, chapter 5; Nechushtai E., "Could Digital Platforms Capture the Media Through Infrastructure?" *Journalism* 19(8), 2018, pp. 1043–58. 2018; Pickard V., "Can Journalism Survive in the Age of Platform Monopolies? Confronting Facebook's Negative Externalities", in *Digital Platform Regulation*, 2022, pp. 23-41; Simon F. M., "Escape Me If You Can: How AI Reshapes News Organisations' Dependency on Platform Companies", *Digital Journalism* 12(2), 2023, pp. 149-70.

Such adaptation and infrastructure capture have an impact on news media independence, editorial choices, and the quality and diversity of the content produced. This impact is sector-wide. Indeed, news media are not technology makers but technology takers.⁷² They rely largely on off-the-shelf solutions – from cloud computing to data analytics – invalidating their capacity to remain autonomous in the digital ecosystem. Indeed, there is an intrinsic conflict between the business interests of a handful of powerful private actors who shape this ecosystem and the public values upheld by independent media.⁷³

For some news media (usually large legacy outlets with global brand recognition), the situation is not so grim. They have managed to retain more autonomy in platform-driven engagement and have substantially profited from the introduction of AI processes to optimise tasks and reduce costs. They have been able to enter agreements with AI companies to improve their digital infrastructure and even to launch “generative AI experiments built by news for news”.⁷⁴ They also hold some bargaining power in negotiations over access to their content for AI and, especially, Generative AI training purposes. However, most news media lack such leverage and don’t have enough resources to retreat from disempowering relationships.⁷⁵ Local media in particular cannot afford to withdraw content from intermediaries like Open AI or Facebook, or any intermediary (which has become the new vehicle by which users can reach the news provider’s content), as their website cannot compete with these platforms for users’ attention. Nor can they realistically opt out of AI scraping by Google, among others, notwithstanding the clear copyright breaches involved.⁷⁶ As the OSCE Representative on Freedom of the Media recently noted, there is a vast unauthorised, unattributed and uncompensated use of journalistic content to train AI systems.⁷⁷ This phenomenon, and the responses provided, are examined further in Chapter 10 of this report.

A further challenge lies in adjusting to AI-driven processes, which is a difficult and costly exercise not only for production, but also for distribution. News media have to introduce operational units capable of handling programmatic advertising and audience analytics.

2.2.2.4. Visibility and content curation/moderation

The third dimension of the impact of digital intermediaries on the news business model concerns their activities and policies influencing the visibility of news content, and particularly those referred to as content curation or recommendation and, to a lesser extent, content moderation. Broadly speaking, these policies establish the boundaries and basic rules for the platform’s algorithmic matching described earlier and have been abundantly

⁷² Kleis Nielsen R., Ganter S. A. cit., 2022.

⁷³ A. Ferrari Brown, “*Independent media has an infrastructural problem*”, Tech Policy Press, 8 April 2025.

⁷⁴ WashPostPR, “*The Washington Post partners with OpenAI on search content*”, The Washington Post, 22 April 2025.

⁷⁵ Nechushtai E., 2018, op cit.

⁷⁶ Tobit C., “*How Google forced publishers to accept AI scraping as price of appearing in search*”, PressGazette, 12 May 2025.

⁷⁷ UN, OSCE, OAS et al., *Joint statement on Artificial Intelligence and Freedom of Expression*, Brussels, 7 May 2025.

commented on by scholars and experts. This section focuses on their impact on news media business sustainability.

Recommendation and curation parameters are often neutral with regard to the public value of news,⁷⁸ being mostly optimised for engagement purposes. While there is mixed evidence on both positive and negative effects on news consumption,⁷⁹ the public debate in recent years has concentrated on recommendations' impact on public discourse, particularly regarding content diversity and accuracy of information.⁸⁰

When digital intermediaries use moderation or recommendation policies to remove or reduce the visibility of content, they substantially impact on news outlets' ability to reach users, and therefore on their monetisation capabilities. The impact on the visibility of news content extends beyond social media to search engines, where indexing, ranking and self-preferencing practices all contribute to this impact. The challenge is intensified by high market concentration, which in the case of search engines results in a monopolistic scenario.⁸¹

2.2.3. Policy and regulatory responses

This section provides a short overview of the main regulatory and policy actions that governments and regulators in different areas of the world have taken in response to changes and challenges brought about by digitalisation and the establishment of the platform economy.

2.2.3.1. Advertising-related issues

In the past decade, the advertising technology (ad tech) system that fuels the platform economy has been at the centre of regulators' scrutiny for several reasons. Experts highlight widespread data breaches in the RTB system: when users visit websites and see behavioural ads, personal data – such as browsing habits, location, device info, and even sensitive profile details – is broadcast unlawfully to numerous companies, violating the EU's General Data Protection Regulation (GDPR)⁸² and similar laws elsewhere.

In the EU, legal challenges against RTB began in 2018, when complaints were filed with European data protection authorities against Google and other ad tech firms. The case has been pending ever since, with the Irish Data Protection Commission commencing its own inquiry into Google's RTB system in 2019, which is also still ongoing. RTB has been in

⁷⁸ For an extensive analysis of the topic see: Helberger N. et al., "[Building Human Values into Recommender Systems: An Interdisciplinary Synthesis](#)", in *ACM Transactions on Recommender Systems* 2(3)(20), 2024, pp. 1 – 57.

⁷⁹ Fletcher R. and Kleis Nielsen R., "[Are people incidentally exposed to news on social media? A comparative analysis](#)", *New Media & Society* 20 (7), 2018, pp. 2450–2468.

⁸⁰ Helberger N. et al, 2024, op cit.

⁸¹ *United States, et al. v. Google, LLC*, No. 20-cv-3010 (APM) (D.D.C. Aug. 5, 2024), Dkt. No. 1033.

⁸² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), *OJ L 119*, 4.5.2016, p. 1–88.

the spotlight lately. In May 2025, the Belgian Court of Appeal established that the “Transparency & Consent Framework” (TCF) to obtain “consent” for data processing, on which the entire advertising industry relies, is illegal.⁸³ Also, in May 2025, Microsoft faced its first Irish class action over an alleged Ad Tech data breach.⁸⁴

The ad tech system also raises competition concerns and has been under the scrutiny of several competition authorities. The main issue is monopolisation: Google holds a dominant position both over the publishers’ ad server (sell-side) and over programmatic ad buying (buy-side), and uses this dominant position to give its own intermediation service AdX a competitive advantage over competitors.⁸⁵

The first warnings regarding Google’s ad tech practices emerged in 2021, starting with the French competition authority’s investigation that led to a EUR 220 million fine and forced Google to make “operational changes”.⁸⁶ Since then, calls for tougher action have grown louder, in the EU and elsewhere. The European Commission issued in 2023 a statement of objections claiming that Google abused its monopolistic position, and, absent real incentives for the company to change its business model, it is considering imposing structural remedies in addition to a fine.⁸⁷ Scholars and experts argue that structural change is needed to break this monopoly and create a competitive market where incentives are changed (including with regard to data protection).⁸⁸

Similarly, in the United States, the Department of Justice prevailed in a landmark decision, which the District Court for the Eastern District of Virginia issued in April 2025, stating that Google violated antitrust law by monopolising open-web digital advertising markets. According to the Court, Google harmed Google’s publishing customers, the competitive process, and, ultimately, consumers of information on the open web.⁸⁹

Google’s practices in the ad tech sector have been scrutinised also in the United Kingdom, where the Competition and Markets Authority issued a statement of objections in September 2024 and is currently considering representations on it.⁹⁰

Ad tech is also regulated under digital services laws like the EU Digital Services Act (DSA),⁹¹ which mentions advertising, risk mitigation, transparency, standards and codes of conducts. Furthermore, Article 27 of the DSA requires very large online platforms (VLOPs)

⁸³ Irish Council for Civil Liberties, *EU ruling: tracking-based advertising by Google, Microsoft, Amazon, X, across Europe has no legal basis*, 14 May 2025; Tar J., Newman M., “*Belgian court upholds IAB Europe’s fine for breaching EU data privacy rules (update)*”, MLex, 14 May 2025. For a more comprehensive explanation, see also Ryan J., Santos C., “*An Unending Data Breach Immune to Audit? Can the TCF and RTB Be Reconciled with the GDPR?*”, 23 March 2022.

⁸⁴ Tar J., “*Microsoft hit with first Irish class action over alleged adtech data breach*”, Mlex, 26 May 2025.

⁸⁵ European Commission, “*Antitrust: Commission sends Statement of Objections to Google over abusive practices in online advertising technology*”, 14 June 2023.

⁸⁶ Kayali L., “*Google agrees to advertising changes after €220M French antitrust fine*”, Politico, 7 June 2021.

⁸⁷ European Commission, *Antitrust: Commission sends Statement of Objections to Google over abusive practices in online advertising technology*, 14 June 2023.

⁸⁸ See, among others: Open Markets Institute et al., *Letter to the European Commission on the EU ad tech case*.

⁸⁹ U.S. Department of Justice, *Department of Justice Prevails in Landmark Antitrust Case Against Google*, 17 April 2025.

⁹⁰ Competition and Markets Authority, *Investigation into suspected anti-competitive conduct by Google in ad tech*, 6 September 2024.

⁹¹ EU, *Regulation (EU) 2022/2065*, op. cit., pp. 1-102.

and very large online search engines (VLOSEs) that use recommender systems to provide at least one option for these systems that is not based on profiling. If widely used – which is not happening, also due to lack of incentives by big companies to make this option attractive for their user base – these recommender systems could put limits on the widespread use of programmatic advertising.

Overall, while regulatory focus on the ad tech sector is growing, there is no clear proposal for an alternative system designed to benefit all actors, including publishers and readers. The possible use of contextual advertising as a remedy for ethical and legal concerns around data-driven targeted advertising based on users' personal data is contested, and research on this topic is underdeveloped.⁹² Moreover, the wide adoption of a different advertising system alone may not resolve current bottlenecks, which make value extraction possible.

2.2.3.2. AI-related issues

As mentioned, the adaptation of news outlets to AI-driven processes and their efforts to make news content platform-ready comes with dependency and capture costs. Some journalists have organised to harness AI's benefits while resisting these risks, as seen in initiatives like Generative AI in the Newsroom.⁹³ Yet, most news outlets, especially at local level, lack the resources to surf this wave without being transformed by it.

Scholars are starting to examine these challenges but tend to look more generically at the structural and economic AI dependencies across sectors, while the media-specific impact is still underexplored.

At the regulatory level, the European Union introduced the European Media Freedom Act (EMFA),⁹⁴ mandating the inclusion of a “media plurality test” in case of mergers involving media actors and/or taking place in the media sector. The test analyses the impact on media pluralism and the formation of public opinion, editorial independence, and economic sustainability. Researchers have extensively reasoned around this test,⁹⁵ and it remains to be seen how the test will be implemented in practice across the EU.

⁹² Irish Council for Civil Liberties, *Sustainable without surveillance*, October 2021; Häglund, E., Björklund, J., “AI-Driven Contextual Advertising: Toward Relevant Messaging Without Personal Data”, *Journal of Current Issues & Research in Advertising*, 45(3), 2024, pp. 301–319.

⁹³ Xiao Q., 2025, op cit.

⁹⁴ EU, *Regulation (EU) 2024/1083* of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act), OJ L, 2024/1083.

⁹⁵ Among others, see: Manganelli A., Mariniello L., *Blurring boundaries: the EMFA's new framework for media concentration and pluralism* 9 May 2025; Parcu P. L., Carlini R., *How article 22 aims to tackle market power in the platformed media environment. A critical test for European media*, 18 December 2024; Stasi M. L., “Media mergers between competition law and the European Media Freedom”, in *Research Handbook in Competition and Technology*, Edward Elgar, 2025.

2.2.3.3. Visibility and content-curation/recommendation-related issues

As seen in Section II, a key component of the disruptive impact of digitalisation on news media comes from the activities and policies used by digital intermediaries to influence or control content visibility. Similar to what happens for the ad tech sector, these activities have been under the attention of several media regulators and approached from different angles.

In the EU, content moderation and recommendation practices adopted by the major platforms must comply with the DSA. Articles 34 and 35 therein call on these platforms to perform a risk assessment of the impact of their algorithmic systems on, among other things, freedom and pluralism of the media, and to put in place adequate instruments to mitigate this impact. The DSA is still in its first years of implementation, and while it has a high potential for changes, regulators seem to agree on the fact that these changes will take time to realise.

However, the most relevant EU regulatory solution is to be found in the EMFA. Article 18 provides for special treatment of media content by VLOPs. The rule aims to protect content coming from media service providers from arbitrary suspension or restriction of visibility by the platforms. This provision, which was hardly fought for by the publishers and journalists, is designed to be a key tool to re-balance the relationship among digital intermediaries and news media, by guaranteeing the visibility of news content and thus the sustainability of media service providers.⁹⁶ Nevertheless, enforcement challenges remain, especially with regard to the media self-declaration system it relies on.⁹⁷ In addition, some scholars have questioned the capacity of this rule to deal with the root cause of the imbalance between digital intermediaries and media operators.⁹⁸

A third line of interventions to rebalance this relationship concerns the adoption of bargaining codes. The first example was Australia, where legislators issued, in 2021, a mandatory bargaining code to help support the sustainability of public interest journalism in the country.⁹⁹ The code is meant to address bargaining power imbalances between digital platforms and Australian news businesses by enabling eligible news businesses to bargain individually or collectively with digital platforms over payment for inclusion of news on the platforms and services. This route has been followed by Canada, which in 2023 issued similar legislation.¹⁰⁰

⁹⁶ See, among others: European Federation of Journalists et al., *EMFA: Media sector urges to vote for a journalist's privilege over content moderation*, 26 September 2023.

⁹⁷ Brogi E., et al, *The European Media Freedom Act: media freedom, freedom of expression and pluralism*, July 2023; Tambini D., *The EU is taking practical measures to protect media freedom. Now we need theory*, 9 May 2023.

⁹⁸ Stasi M. L., *Journalism and social media: The role of the EU's Media Freedom Act*, 21 April 2023.

⁹⁹ Australian Government, *Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code)*, Act 2021, No. 21, 2021.

¹⁰⁰ Government of Canada, *Online News Act (S.C. 2023, c. 23)*, Justice Laws Website.



A fourth and final line of interventions relies on copyright or neighbouring rights to protect journalistic work and make sure that digital intermediaries adequately remunerate rights holders for the use of such work.¹⁰¹

As noted in Section II, the impact on news content visibility does not concern social media only but includes search engines. Once again, the unbalanced relationship among these digital intermediaries and the news media is rooted in a heavily concentrated market structure where it becomes extremely difficult, if not impossible, to find sustainable alternatives. VLOSEs, too, are subject to the DSA rules, and fall within the scope of the bargaining codes of Australia and Canada. As of now, though, they are not subject to Article 18 EMFA.

Competition authorities in different states are looking at anti-competitive behaviours put in place by dominant search engines. In particular, Google self-preferencing practices have long been subject to antitrust scrutiny. The EU, United Kingdom and the United States are but a few examples.¹⁰² Moreover, German publishers recently filed an antitrust complaint before the European Commission over Google's recent policy targeting certain search engine optimisation practices. According to the complainant, these changes penalise legitimate publishers and content providers and harm not only individual websites but also the broader digital ecosystem by concentrating power in Google's hands.¹⁰³

2.2.4. Final remarks

This Chapter presented a brief overview of the main changes the news media sector faced in the past two decades in order to react to digitalisation and to the establishment of the platform economy. While there is vast literature around these changes, the focus of this contribution has been on the impact they have had on the news media business models.

Based on this overview, a few considerations can be put forward.

First, the diffusion and widespread adoption of AI changed the economic logic journalism relies on.¹⁰⁴ Adaptation and infrastructure capture permeate not only the way news is produced and distributed but also the incentives behind these processes. In other words, it has an impact on both the operational independence and the editorial independence of news media. Although it hits local media harder, this impact is perceived also at regional and national level, and across countries.

Second, many, if not all, the challenges described in Section II have their root causes in the substantial concentration of the relevant markets. Indeed, the platform economy, which news media are dependent on, is heavily concentrated, with vertical integration,

¹⁰¹ EU, *Directive 2019/790 of the European Parliament* and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, OJ L 130, 17.5.2019, p.p. 92–125.

¹⁰² CJEU, Judgment – 10/09/2024 – *Google and Alphabet v Commission* (Google Shopping) Case C-48/22 P; UK Competition and Markets Authority, *SMS investigation into Google's general search and search advertising services*, 14 January 2025; *United States v Google, LLC*, 2024, op cit.

¹⁰³ CPI, *German Publisher Files EU Antitrust Complaint Over Google's Search Policy*, 15 April 2025.

¹⁰⁴ Sjøvaag H., 2024, op cit.



gatekeeping and lack of alternative being common scenarios across the ecosystem. A handful of players dominate the scene, moved by profit motives and acting neutrally (at best) with regards to public interest. This new form of private power, which some scholars describe as “modern bigness”,¹⁰⁵ encompasses market power, data power and technological capabilities, a combination of which leads to the exercise of that power in instrumental, structural and discursive dimensions.¹⁰⁶

Third, in this scenario, the public value of news media is lost, and the sustainability, independence and pluralism of the media is at constant risk. The responses coming from governments and regulators have been various, spanning new regulatory frameworks for platform services to competition law, IP law and mandatory bargaining codes. Yet, what seems to be lacking, still, is a more holistic approach to the challenges, as well as more coordination among the bodies enforcing the responses. Indeed, protecting the media sector as a pillar of a democracy requires more than the application of a single legal or regulatory instrument: it demands a sustained, concerted effort.

Fourth, certain aspects of both the transformation and related challenges remain understudied. This is particularly so with regards, for example, to structural dependencies, especially with respect to cloud services and generative AI.

Fifth, while the impact of digital intermediaries like social media and search engines on the media sector has been observed and discussed for a while, more and more readers are accessing news via generative AI applications. The latter are buying Internet search space at an incredible pace and are further disrupting the economic viability of the media. The conversation about these emerging news gates is still in its infancy and it is far from matching the speed of the latter’s uptake. Once more, a more detailed analysis of this phenomenon can be found in Chapter 10.

¹⁰⁵ Gerbrandy A., Phoa P., “The Power of Big Tech Corporations as Modern Bigness and a Vocabulary for Shaping Competition Law as Counter-Power” in Bennett M., Brouwer H., and Claassen R. (eds.), *Wealth and Power*, Routledge, 2022.

¹⁰⁶ Fuchs D., “Theorizing the Power of Global Companies” in Mikler J. (ed.), *The Handbook of Global Companies*, Wiley, 2013.



3. Measuring media pluralism in Europe: indicators and trends

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3.1. Introduction

Formerly a background principle of media policy to be pursued at the national level, mainly to curb media market concentration and allow fair political debate, media pluralism has recently been revamped as a frontline goal at the heart of Europe's democratic resilience. In the era of abundance of information, media freedom and pluralism are perceived as structural preconditions for a functioning democracy. Interestingly and paradoxically, there is now a new quest for policies that support media and information pluralism, driven by the need to access a plurality of quality information within an offering that is almost infinite, but at the same time dependent on the market power of large online companies, whose business models have significantly contributed to the disruption of the media market itself.

Lower barriers to entry into the online market have broadened participation and enabled new information formats, yet at the same time they have destabilised legacy revenue models, diverted advertising from print and local outlets, loosened bonds between newsrooms and audiences, and reduced the visibility, or findability, of quality journalism. Platforms now wield opaque influence over information flows, a dynamic that has been framed by academics as “opinion power”, difficult to curb even with policy initiatives that focus on the societal responsibility of the private companies themselves.

Online platforms function as critical infrastructure, with internal architectures, ranking systems, and design choices determining who sees what, when, and how often, also thanks to the massive use of users' personal data. Their alignment, or misalignment, with democratic objectives directly affects public debate and the position of professional journalism.

Debates over freedom of expression and media pluralism are now also placed in this context. The freedom of expression of online platforms sits at the intersection of constitutional law, media regulation, democratic theory and geopolitics. Legal and policy discussions have long considered whether platforms should be recognised as private speakers, granted freedom of expression, or, considering the market and opinion power they have gained as information intermediaries, if they should be neutral and have public-interest obligations because of their economic and gatekeeping power over digital discourse. The interpretation adopted implies consequences, particularly regarding platform liability and accountability. Distinct legal traditions yield different models and, by extension, different approaches to pluralism. Rights entail responsibilities; in the European context technology companies face mounting expectations that they live up to those responsibilities, including those related to risks to media pluralism.



This chapter introduces the concept of media pluralism and how it has evolved across academic, policy, and regulatory perspectives, tracing its development in response to Europe's changing media environment, particularly the rise of powerful online platforms. It also presents the 2025 Media Pluralism Monitor (MPM) methodology and results, which offer a holistic picture of where Europe stands and where vulnerabilities remain most acute.

The chapter begins by examining the theoretical underpinnings of media pluralism, from the original market-oriented perspectives focusing on limits to media market concentration, to the distinction between internal and external dimensions, the role of public service media, and key scholarly debates on how pluralism should be defined and assessed in the digital age. It addresses the debate and the challenges related to understanding and measuring media pluralism in a market that is facing the consolidation of “private powers” online, for example big-tech companies positioning themselves as intermediaries in the distribution of information. It will then briefly focus on how media pluralism is conceived under the Council of Europe standards and, more recently, by the European Union through, in particular, the European Media Freedom Act (EMFA) and the Digital Services Act (DSA).

At the European Union level, the DSA, alongside the implementation of the Code of Practice (now Conduct) on Disinformation, the EMFA, the Regulation on political advertising online, and to some extent the AI Act, seek to restore a rights-centred equilibrium in a communication environment increasingly mediated by digital intermediaries. Together, these instruments aim to regulate entrenched power asymmetries between private intermediaries, public authorities, and users while fostering the conditions for a genuinely pluralistic public sphere.

Adopted in 2024, the EMFA constitutes the EU's most integrated framework to date for safeguarding editorial independence, securing ownership transparency, and strengthening media pluralism across the single market. It aims at protecting media (including public service media) against arbitrary state intervention, encourages structured cooperation among national regulators, and introduces buffers to protect news organisations against political pressure and economic fragility. Complementing this, the DSA addresses systemic risks in platform governance and, in particular, seeks to hold big-tech digital intermediaries (very large online platforms [VLOPs] and very large search engines [VLOSEs]) accountable for shaping information flows. These new categories of online intermediaries, as defined by the DSA, are, according to the Regulation, subject to additional obligations compared to smaller ones, because of their size and reach and the consequent influence and power they exert on public opinion.

The chapter then describes how these academic, legal, and policy standards are operationalised by the Media Pluralism Monitor (MPM). The MPM translates principles into measurable indicators that assess risks to media pluralism across EU member states and candidate countries. Particular attention is devoted to how the MPM is incorporating new dimensions to adapt to the evolving technology and to the European legal framework, such as platform regulation, algorithmic transparency, and systemic risks. To conclude, the chapter will analyse the 2025 MPM results to assess the latest trends regarding media pluralism in EU member states and candidate countries.

3.2. What is media pluralism?

Media pluralism is a normative ideal: democratic societies judge it desirable because it supports democratic deliberation, fair economic competition, cultural identity formation, and knowledge practices that rely on multiple standpoints.¹⁰⁷ In Europe, plurality is tied to the constitutional quality of public life, with the news media long understood as core institutions of the public sphere. States have a positive obligation to foster a plurality of voices through specific rules, as recalled by the standards of the Council of Europe,¹⁰⁸ not merely competition in a “free marketplace of ideas”.¹⁰⁹

At its simplest, media pluralism means a diverse supply of providers, formats, viewpoints, and user pathways. Two functions are pivotal. Firstly: a deliberative function that sustains public opinion-formation by validating competing perspectives on issues of public interest across local, national, and transnational arenas.¹¹⁰ Secondly: a representative function ensuring that heterogeneous groups and experiences appear in public communication. Yet plurality presupposes a “common ground”: shared values and standards that enable communicative freedom (for example, robust protections for expression and the rule of law) and a reservoir of background knowledge that exposes citizens to matters of public interest. Pluralism is therefore best understood as the dynamic balance between commonalities and differences, achievable only when opinion power is not concentrated in the hands of a few actors.¹¹¹

The concept is evolving rapidly due to the platformisation of communication. It is less a fixed blueprint than a moving target, shaped by the supply and demand for news and the justifications for regulation (such as whether to subsidise journalism, how to promote exposure to trustworthy content, or how to respond to failing business models). Traditionally, analysis proceeded across three dimensions: structural (media systems and ownership structures), institutional (including media governance at large and professional practices), and representation (including content diversity and representation of societal differences).¹¹² Policy further distinguished “external” pluralism (across outlets) from “internal” pluralism (within a single outlet, mostly public service media [PSM]). Ubiquitous

¹⁰⁷ Brogi E., Klimkiewicz B. and Parcu P. L., “Monitoring media pluralism in a comparative manner: a holistic and evolving instrument”, in *Media Pluralism in the Digital Era*, Routledge, 2024, pp. 1–16.

¹⁰⁸ Recommendation CM/Rec(2018)1, op.cit. “As the ultimate guarantors of pluralism, States have a positive obligation to put in place an appropriate legislative and policy framework to that end. This implies adopting appropriate measures to ensure sufficient variety in the overall range of media types, bearing in mind differences in terms of their purposes, functions and geographical reach. The complementary nature of different media types strengthens external pluralism and can contribute to creating and maintaining diversity of media content.” See also, European Court of Human Rights, *NIT S.R.L. v. the Republic of Moldova*, no. 28470/12, judgment of 5 April 2022; See also Spano, R., *The concept of media pluralism under the European Convention on Human Rights - substantive principles and procedural safeguards*, op.cit.

¹⁰⁹ Morelli, A. and Pollicino, O., *Metaphors, Judicial Frames and Fundamental Rights in Cyberspace* (2019). *American Journal of Comparative Law*, 2020, Vol. 68, No. 3 (FALL 2020), pp. 616-646

¹¹⁰ Brogi E., Klimkiewicz B. and Parcu P. L., “Monitoring media pluralism in a comparative manner: a holistic and evolving instrument”, op. cit., pp.2-4

¹¹¹ Helberger N.; Seipp T. J.; de Vreese C.; Ausloos J., *Dealing with opinion power in the platform world: Why we really have to rethink media concentration law*, *Digital Journalism*, 11(8), 2023, pp. 1542–1567.

¹¹² Brogi E., Klimkiewicz B. and Parcu P. L., “Monitoring media pluralism in a comparative manner: a holistic and evolving instrument”, op. cit.

connectivity now blurs these boundaries, as large intermediaries have assumed functions once held by news organisations, reconfigured social relations, and generated dependencies that must be reconciled with democratic principles.

Notable developments include competition from quasi-news initiatives that dilute access to quality journalism, the partial “deinstitutionalisation” of journalism’s “fourth estate” role, and the impact of artificial intelligence in reshaping editorial routines and performance. Consumption patterns reflect an attention-driven economy with rising news avoidance and marked generational gaps.¹¹³

Structural change is equally visible in market dynamics. Beyond traditional outlets and ownership groups, the field now includes aggregators, intermediaries, influencers, newsletters, blogs, podcasts, fact-checkers, investigative networks, citizen journalists, and more. Intensified competition for advertising is deepening the crisis of revenue, generating “news deserts”, dependence on municipal support, and “ghost newsrooms” reliant on recycled or synthetic copy.¹¹⁴ Ownership is increasingly influenced by opaque investment vehicles, politically connected business actors, and state interests, while major platforms are deprioritising news and rewarding creator content. Structural market pluralism can no longer be measured by ownership concentration alone, although this still matters; it must capture the viability and sustainability of news and journalism itself, as well as of fair platform-publisher relations.¹¹⁵

On the audience side, the scarcity is of attention, not content. Concerns about prominence, discoverability, news fatigue, and selective avoidance have become central concerns and call for strengthened media literacy, careful and fair governance of visibility, and inclusive strategies that promote exposure across communities.

While implementation remains challenging, there are a variety of suitable measures that can successfully enhance pluralism under these conditions.¹¹⁶ These themes align with the evolving analytical areas used to monitor media pluralism comparatively in Europe.

3.3. Media pluralism in the European Union: evolving standards and new challenges

This complexity is mirrored in the legal and policy framework of European states and the EU’s own digital acquis. Within this enlarged frame, the Rule of Law (RoL) Report infers

¹¹³ Reuters Institute for the Study of Journalism, *Digital News Report 2024*, Oxford, June 2024.

¹¹⁴ Verza, S. et al. (eds), “Uncovering news deserts in Europe: Risks and opportunities for local and community media in the EU”, Centre for Media Pluralism and Media Freedom (CMPF), European University Institute, Florence, 2024.

¹¹⁵ Carlini R., “[Market power and opinion power. Assessing the risks for media pluralism and editorial independence deriving from ownership’s concentration](#)”. RIID [Internet]. 2025 Jul. 2; 7(1):75-86.

¹¹⁶ European Commission, Directorate-General for Communications Networks, Content and Technology; Parcu P. L., Brogi E., Verza S. et al., “Study on media plurality and diversity online – Final report”, Publications Office of the European Union, 2022.

pluralism from institutional conditions:¹¹⁷ the independence, powers, and resources of media regulators; transparency of ownership; safeguards against political interference (including fair and transparent state advertising); independence and sustainable funding of public service media; effective access to information; and protections for journalists, including anti-SLAPP measures. Here, pluralism appears as the product of a resilient legal-institutional order.¹¹⁸

The EMFA converts much of that template into binding obligations. It starts from a rights-based premise that audiences should have access to a plurality of editorially independent content, and places on member states a duty to secure the necessary framework conditions (Article 3). It then assembles the building blocks: ownership transparency, fair allocation of state advertising, adequate funding and autonomy for public service media, independent regulators, and newsroom editorial independence (including internal pluralism). Article 21 of the EMFA refers to national measures that may affect pluralism or editorial independence, requiring them to be reasoned, proportionate, objective, transparent, and non-discriminatory.¹¹⁹ Article 22 addresses media market concentrations (through the so-called “Media Plurality Test”) that are likely to affect pluralism, through flexible criteria and procedures rather than a single formula, in line with the states’ positive obligation to safeguard media pluralism.¹²⁰ Because platforms mediate access to journalism, Article 18 of the EMFA aims at adding a safeguarded pathway for interactions between very large platforms and editorially independent media to reduce the risk of arbitrary demotion or takedown.¹²¹

The DSA aims at complementing this from the platform side. It requires intermediary services to apply their terms diligently, objectively, and proportionately with due regard to fundamental rights, expressly including freedom and pluralism of the media (Article 14). VLOPs and VLOSEs must identify and assess systemic risks stemming from their design and use, algorithmic systems included, covering, among other things, risks to freedom of expression and information and to media freedom and pluralism (Article 34), and then adopt appropriate mitigation measures (Article 35), subject to audits (Article 37)¹²² and, where relevant, codes of conduct (Article 45).

¹¹⁷ European Commission, “[2025 Rule of Law Report: The rule of law situation in the European Union](#)” (COM(2025) 900 final), 2025, Brussels.

¹¹⁸ Brogi E., “[Some quick reflections on the conceptualisation of media freedom and media pluralism in the Rule of Law Report, in the European Media Freedom Act, in the Digital Services Act](#)”, EMFA Observatory, 19 June 2025.

¹¹⁹ Kermer JE., “[The delicate balancing between media pluralism and market freedom: Analysing the procedural safeguards for the media under Article 21 of the EMFA](#)”, RIID [Internet]. 2025 Jul. 1; 7(1):177-93.

¹²⁰ Carlini R. and Parcu P. L., “[How Article 22 aims to tackle market power in the platformed media environment. A critical test for European media](#)”, EMFA Observatory, December 18, 2024.

¹²¹ For an analysis of the article, see Monti M., “[Why online public discourse needs a media privilege: in defence of Article 18 of the EMFA](#)”, EMFA Observatory, 1 November 2024; Monti, M., “[The missing piece in the DSA puzzle? Article 18 of the EMFA and the media privilege](#)”, RIID. 6, 2, 2024, pp. 195-212; Cesarini, P., De Gregorio, G., Pollicino, O., “[The Media privilege in the European Media Freedom Act](#)”, in MediaLaws, 2023.

¹²² Commission Delegated Regulation (EU) 2024/436 of 20 October 2023 supplementing Regulation (EU) 2022/2065 of the European Parliament and of the Council, by laying down rules on the performance of audits for very large online platforms and very large online search engines, OJ L, 2024/436, 20 October 2023.

What the DSA does not provide is a defined standard for assessing “risk to media pluralism”. Public reports by major platforms treat the idea unevenly, sometimes folded into a broad basket of fundamental rights, sometimes proxied by a diversity of perspectives which leaves significant discretion to platforms.¹²³ That discretion matters because risk assessments and mitigations can, even in good faith, shift visibility and commercial dynamics in the media field without triggering the EMFA’s more specific safeguards. Audits help, but they are not a substitute for shared standards. Coherence is nonetheless within reach because all three narratives anchor themselves, explicitly or implicitly, in Article 11 of the Charter of Fundamental Rights of the European Union. That common reference may suggest a practical path and encourage platforms to operationalise DSA risk duties with transparent, repeatable indicators that echo the EMFA’s building blocks and the RoL’s diagnostic template (effects of ranking on the prominence of editorially independent journalism; treatment of public-interest content). It may also be considered in media pluralism assessments when they affect the market and for the consequences of their design choices on exposure, prominence, and access.

3.4. The Media Pluralism Monitor 2025

3.4.1. Methodology

The Media Pluralism Monitor (MPM) is the European University Institute (EUI)’s comparative risk-assessment tool for gauging the health of media pluralism and media freedom across the EU, and in five candidate countries (Türkiye, North Macedonia, Montenegro, Albania, Serbia). Built by the EUI’s Centre for Media Pluralism and Media Freedom (CMPF) and inspired by the Independent Study on Indicators for Media Pluralism in the Member States – Towards a Risk-Based Approach¹²⁴ it has been refined since 2014 and, from 2020 onward, implemented annually. From 2000 too, this tool has been connected to the European Commission’s annual RoL Report, which uses its data as a key reference on the state of media freedom in Europe. The MPM takes a normative stance: it measures how far each country is from widely accepted standards on media pluralism, freedom of expression, and media freedom in the context of a holistic dimension of media pluralism, that considers not only the market concentration but takes into account dimensions and structural conditions of the information ecosystem at large.

The aim of the MPM is to assess the “risk levels” for media pluralism in the analysed countries, across four dimensions: fundamental protection, market plurality, political independence, and social inclusiveness, disaggregated into 20 indicators. Each area

¹²³ European Commission, *Communication: Commission Guidelines for Providers of Very Large Online Platforms and Very Large Online Search Engines on the Mitigation of Systemic Risks for Electoral Processes pursuant to Article 35(3) of Regulation (EU) 2022/2065*, 26 April 2024, Guidelines published 26 March 2024.

¹²⁴ Op. cit.

comprises variables (50 per area in MPM2025), grouped into sub-indicators and five main indicators per area.

The area of fundamental protection examines the essential conditions for media freedom and pluralism, including effective safeguards for freedom of expression, offline and online, access to information, the existence of an enabling environment for independent journalism, and the independence and effectiveness of national regulatory authorities that are relevant in the field, such as the media authorities and the digital services coordinators.

The area of market plurality focuses on the economic aspects of media pluralism, assessing the market's capacity to sustain diverse and independent information sources. It addresses risks such as opaque or concentrated media ownership, threats to financial sustainability, and commercial or owner influence on editorial content. Digital markets, including online intermediaries like search engines and social media, are fully integrated into the assessment.

The area of political independence assesses risks of political interference in the media sector, the independence of public service media, and public resource allocation to the media. It also examines safeguards for fair election campaigns against manipulative political advertising, including online, and the effectiveness of self-regulation.

The area of social inclusiveness measures the inclusion and diversity component of media pluralism, from the universality and inclusiveness of media access to representation and access for minorities, marginalised groups, regional communities, people with disabilities, and representation of women. It also considers media literacy as a key condition for effective media participation.

Fundamental protection	Market plurality	Political independence	Social inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of the media	Universal and inclusive access to media
Protection of information integrity	Plurality of media providers	Editorial autonomy	Representation of minorities in the media
Protection of right to information	Plurality in digital markets	Integrity of political information during elections	Local/regional and community media
Journalistic profession, standards and protection	Media viability	State regulation of resources and support to the media sector	Gender equality in the media
Independence and effectiveness of the national regulatory authorities	Editorial independence from commercial and owner influence	Independence of public service media	Media literacy

The MPM, as seen in the MPM2025, is, after some refinement, increasingly taking into account the evolution of the information ecosystem and the legislative reforms as described above, and they are being integrated into its structure. The MPM questionnaire has been updated to reflect changes in the information environment, in the new EU regulations, and new available data. About 40 variables were added or revised, a revision significant enough

to merit the caution that 2025 scores are not strictly one-to-one comparable with earlier results.¹²⁵

For the MPM2025, the CMPF kept the traditional normative four-pillar architecture but fine-tuned the indicator set and the scoring scale to better distinguish subtle differences between countries and trends over time (from three risk levels to six):

- Very low risk (rounded score between 0% and 16%)
- Low risk (rounded score between 17% and 33%)
- Medium-low risk (rounded score between 34% and 50%)
- Medium-high risk (rounded score between 51% and 66%)
- High risk (rounded score between 67% and 83%)
- Very high risk (rounded score between 84% and 100%).

The 2025 edition introduces a systematic pre-EMFA application lens. With the EMFA applying fully in August 2025, the instrument highlights the intersection between long-standing MPM variables and EMFA obligations. Sixty-three of 200 variables correspond directly to EMFA standards and have been tracked across multiple years, allowing a baseline picture as the EMFA was drafted and entered into force.

3.4.2. MPM2025 results and assessment

The MPM2025 results present a mixed landscape.¹²⁶ No member state occupies the extremes of the new scale overall: none is rated “very low” or “very high”. Most of the countries are positioned in the medium-risk band.

Geographically, the familiar typology persists, confirming past trends: states in Northern and Central Europe tend to fare better than those in Southern Europe and candidate countries, and many Central and Eastern European systems face higher risks; the Baltic states perform comparatively well.

The best-performing group is Germany, Sweden, Denmark and the Netherlands, which benefit from combining strong constitutional protections with solid safeguards against political interference, though they are not insulated from market concentration and gender-equality deficits.

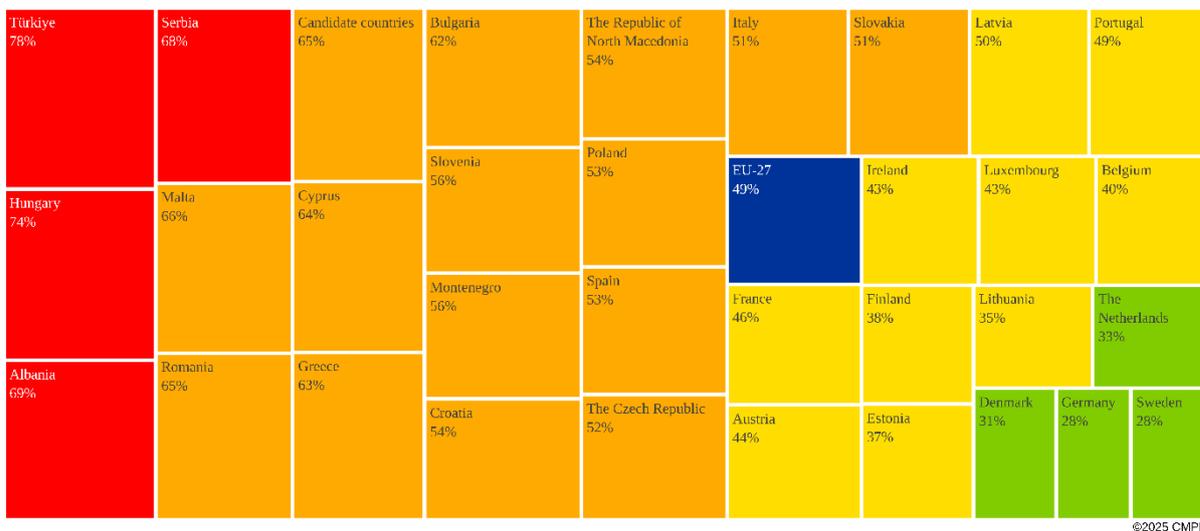
At the opposite end, Hungary nears the “very high” band overall and faces sustained pressures in the market and political dimensions, along with Serbia, Albania and Türkiye. Malta and Romania occupy the upper-medium range trending toward high risk, with distinct mixes of political influence, market fragility and inclusiveness deficits. Cyprus, Romania,

¹²⁵ For the full methodological note, including the formula to calculate the risk, see European University Institute, “[Monitoring Media Pluralism in the European Union – Results of the MPM2025](#)”, European University Institute, 2025.

¹²⁶ European University Institute, “[Monitoring Media Pluralism in the European Union – Results of the MPM2025](#)”, European University Institute, op.cit.

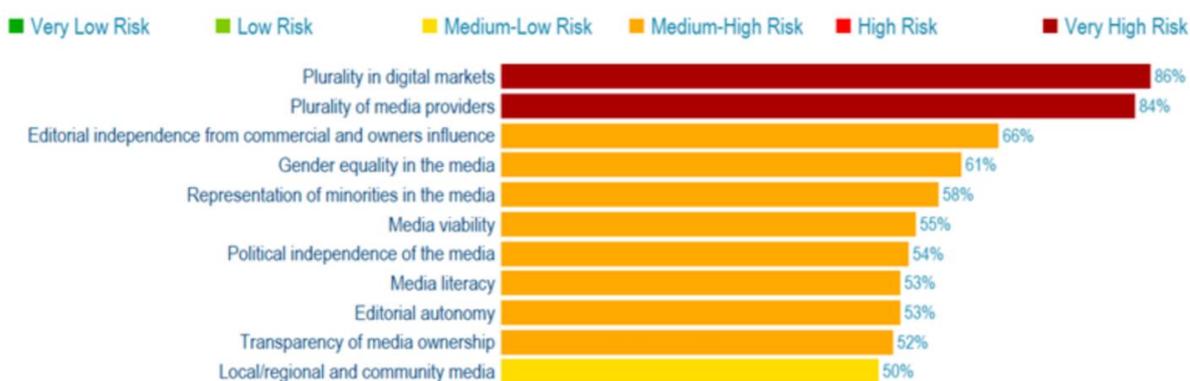
Bulgaria and Greece illustrate the intersection of concentrated ownership, digital-market dependency and inclusiveness challenges.

Figure 1. CMPF MPM2025 - Overall assessment - General tree-map ranking EU and candidate countries



Indicator patterns reveal the most acute vulnerabilities and the conditions of risk.. In the 32 countries analysed, 11 indicators exceed 50% on average and highlight common trends.

Figure 2. Centre for Media Pluralism and Media Freedom, The 10 most problematic indicators in MPM2025 (EU+candidate countries)



The first trend concerns market structure and power: concentration among content producers remains high and is compounded by concentration among digital intermediaries, VLOPs, VLOSEs and emerging AI aggregators, so that both the production and the distribution sides of the information chain exhibit oligopolistic traits. These dynamics are also relevant when considering content moderation and the implementation and practices of the DSA in EU member states. They also have predictable effects, including heightened

commercial pressure on editorial lines and greater susceptibility to owners' extra-media interests, often without adequate disclosure.

Market plurality remains the weakest pillar of media pluralism, with the EU average firmly within high-risk territory. Ownership transparency is inconsistent, particularly with respect to beneficial ownership in digital news, and consolidation continues to narrow diversity. Pluralism-sensitive merger controls are still absent in most jurisdictions, a gap that Article 22 of the EMFA aims to address through more flexible, context-sensitive criteria.

As shown by Figure 2, digital intermediation further exacerbates concentration (indicator on plurality of digital markets): a small number of dominant platforms concentrate control over advertising flows and audience referral, while audience-measurement standards remain fragmented and financial transparency limited at the national level. New bargaining conflicts over the remuneration of news content and, increasingly, of training data for AI, are being resolved unevenly, with deals concentrated in a few large markets and absent elsewhere.

Economic fragility compounds these risks. The crisis is most visible in print and local markets, where “news deserts” continue to expand and experiments in alternative revenue models remain insufficient to stabilise journalistic production. Editorial independence is persistently strained by native advertising, covert sponsorship, and ownership structures that intertwine media operations with broader political or economic interests. Together, these developments point to a structural weakening of the conditions necessary for pluralism where institutional independence, market diversity, and sustainable journalism are mutually reinforcing rather than eroding one another.

Another cluster concerns social inclusion: gender equality continues to be the weakest non-market dimension, with women under-represented in leadership and persistently stereotyped in content; representation of minorities is also uneven. The social inclusiveness dimension scores 53% on average among all the 32 countries analysed. Universal coverage obligations are broadly met, yet accessibility for persons with disabilities remains uneven across the countries analysed, with audio description and adaptive interfaces still rare. Persistent representation gaps endure: women remain underrepresented in newsroom leadership and as news subjects, and portrayals of minorities or marginalised groups often reproduce stereotypes rather than challenge them.

Additional area-specific results sharpen the picture. In the fundamental protection area, the overall pattern remains medium, yet several stressors are intensifying. Strategic lawsuits against public-interest reporting are proliferating, while criminal defamation laws continue to exert a chilling effect on speech. Threats and harassment, both offline and online, are on the rise even in long-established democracies, with smear campaigns, deepfakes, and the continued use of intrusive surveillance technologies prompting renewed concern. Transparency in online content governance remains limited: reports published by VLOPs provide only a partial view of enforcement practices, and the persistent shortage of moderators proficient in smaller or Eastern EU languages leads to skewed outcomes. Public authorities' reporting on content-restriction requests is often incomplete, while access-to-information frameworks show uneven progress and whistle-blower protections remain largely superficial.



The institutional dimension of media pluralism exhibits similar fragilities. The independence and capacity of national media regulators vary widely across Europe. Resource gaps, narrow remits, and weak enforcement powers undermine effective oversight in several countries, with Serbia, Hungary, Türkiye and Greece remaining high-risk cases. These institutional disparities intersect with deep structural imbalances in the media market.

The political independence area continues to expose deep-rooted vulnerabilities. Political influence manifests through intertwined ownership structures, partisan appointments, and selective funding streams. Newspapers remain the most exposed, but audiovisual media face similar pressures. Self-regulatory mechanisms, while consolidated in Northern Europe, remain weak or symbolic elsewhere. Allocation of state advertising and subsidies is frequently opaque, reinforcing politically aligned ecosystems rather than fostering pluralism. Public service media governance and financing are especially contested: appointment procedures often fall short of meritocratic standards, and budgetary stability remains fragile, leaving outlets vulnerable to government interference.

During election periods, audiovisual media regulation generally ensures balanced coverage, yet the online sphere remains largely unregulated. Political advertising on digital platforms characterised by micro-targeting, obscure sponsorship, and fragmented oversight has become a blind spot for pluralism and electoral integrity. At the sub-national level, municipal ownership or funding schemes frequently distort market competition and editorial autonomy, entrenching local patronage dynamics.

3.5. Synthesis and outlook: some conclusions

The analysis of the MPM highlights how increasingly concentration among producers and especially among digital intermediaries has become the baseline condition shaping all other risks, an element that has to be taken into consideration in any analysis of media pluralism. Political capture endures in adaptable forms: from opaque ownership and selective state funding to the instrumentalisation of public service media and the regulatory lag in online campaigning, influence over journalism adapts faster than safeguards do. Inclusiveness remains a weak link across the European media environment: it is both under-delivered and under-measured; without better data and sustained investment, representation gaps will persist and progress will remain uneven.

Within this framework, media pluralism stands as a benchmark that democratic societies have to pursue. As emphasised by the Council of Europe in Recommendation CM/Rec(2018), states are not merely encouraged but are under a positive obligation to establish the necessary legal and policy frameworks to uphold it. That responsibility involves taking concrete steps to guarantee pluralism, a task that is growing ever more challenging given the tangled and fast-evolving nature of today's information landscape.

Efforts to enhance media pluralism today cannot rely solely on reforming outdated regulations; they require the development of adaptive, forward-looking policy tools



grounded in reliable, multifaceted data.¹²⁷ Yet, this task is far from straightforward. The online environment, marked by rapid change, algorithmic opacity, and fragmented discourse, is notoriously difficult to analyse using conventional methodologies. As such, any meaningful regulatory approach must adopt a genuinely holistic framework, one that accounts for the complex and often unpredictable dynamics shaping digital media ecosystems.¹²⁸ The experience of the MPM may be useful to highlight research and policy needs and trends. For instance, an effective analysis of digital gatekeepers' behaviour in content moderation or their position in the media market requires comparable and transparent audience metrics, country-level transparency from VLOPs and enforceable frameworks for fair remuneration, including for AI training data and with participation beyond the largest incumbents. Moreover, editorial independence in fragile markets should be reinforced through conflict-of-interest disclosure, clear labelling of commercial content, conditionality regarding public support, and targeted measures for local news ecosystems. Moreover, the (now partial) regulatory gap around online political advertising should be closed by extending transparency and coordinated monitoring during elections. Finally, inclusiveness demands higher accessibility standards, continuous national monitoring of diversity in leadership and content, support for community media, and scaled media-literacy programmes.

¹²⁷ [Recommendation CM/Rec\(2022\)11 adopted by the Committee of Ministers of the Council of Europe, Principles for media and communication governance - Recommendation CM/Rec\(2022\)11 and explanatory report \(2022\)](#).

¹²⁸ See CM/Rec (2022)11 - Recommendation of the Committee of Ministers to member States on principles for media and communication governance, op. cit.

4. Right of access of users to a plurality of views and reliable sources of information in the digital age

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4.1. Introduction

Freedom of expression and free elections are of paramount importance for sustaining democratic societies characterized by respect for human rights and the rule of law.¹²⁹ This chapter focuses mainly on the availability and accessibility of a plurality of views and reliable sources of information, both of which, in turn, sustain freedom of expression and free elections. Viewed as such, a pluralistic range of views and reliable sources of information are the lifeblood of democratic societies.

This chapter will begin with a brief exploration of the growing importance, from a law and policy perspective, of the need to ensure the ready availability and accessibility of accurate and reliable information on matters of general interest to society, in particular so-called “quality journalism”, as well as true and effective media pluralism that sustains a real diversity of opinions in public debate. The “flooding of the zone” of public debate with disinformation and AI-generated – and often inaccurate – information raises fundamental questions about the epistemic and pluralistic nature of public debate. We will argue that media pluralism, a diversity of opinions and perspectives, and trustworthy, verifiable information on matters of general interest to society, have *intrinsic* democratic value, as well as *instrumental* democratic value for countering the effects of disinformation, news deserts, filter bubbles and algorithmic manipulation.

The second section of the chapter will set out the European-level regulatory and policy framework governing these issues. The overview will comprise different dimensions of regulation and policy: fundamental rights instruments, such as the European Convention on Human Rights (ECHR) and the EU Charter, and related jurisprudence; media-specific instruments, such as the Audiovisual Media Services Directive (AVMSD)¹³⁰ and the European Media Freedom Act (EMFA);¹³¹ media-relevant instruments, such as the Digital Services Act

¹²⁹ *Bowman v. the United Kingdom*, 19 February 1998, § 42, *Reports of Judgments and Decisions* 1998-I.

¹³⁰ Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities, OJ L 303/69, 28 November 2018.

¹³¹ Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market (Media Freedom Regulation) and amending Directive 2010/13/EU (European Media Freedom Act), OJ L, 2024/1083, 17 April 2024.

(DSA);¹³² and self- and co-regulatory mechanisms. Against the backdrop of this general overview, there will be more focused attention on specific regulatory provisions and policy angles, such as Council of Europe standard-setting or guidance on media pluralism and content prioritisation.

The third section of the chapter will examine selected European and national approaches to content prioritisation, including prominence, findability, and must-carry (and/or must-offer) obligations.

The concluding section will be forward-looking. It will set out how the main regulatory and policy focuses are likely to be developed in the coming period, pointing to possible opportunities and challenges.

4.2. The democratic importance of pluralistic viewpoints and reliable sources of information

Media freedom and media pluralism both play instrumental roles in fostering the diversity of viewpoints and opinions that should nourish public debate in democratic societies. Accurate, reliable information on matters of general interest to the public should also nourish public debate and feed into opinion-forming and decision-making processes. The media and journalists have traditionally been the purveyors of such information as the public watchdogs in democratic society. These roles are increasingly fulfilled by other actors in an online environment shaped by the dynamics of platformisation and (generative) AI. From this broader democratic perspective, attention will now shift to, in turn, pluralistic viewpoints and reliable sources of information.

4.2.1. Pluralistic viewpoints

According to the European Court of Human Rights (ECtHR), pluralism has been “dearly won over the centuries” and it is “indissociable from a democratic society”.¹³³ The Court moreover sees pluralism as one of the essential hallmarks of a democratic society, alongside tolerance and broadmindedness.¹³⁴ Given that pluralism is a defining characteristic of democratic society, it stands to reason that public debate, which underpins democratic society, should also be characterised by pluralism or more specifically a plurality of viewpoints.

Freedom of expression and media freedom facilitate the emergence of a plurality of viewpoints in public debate. As Eric Barendt has noted, freedom of expression both

¹³² Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act), PE/30/2022/REV/1, *OJ L* 277/1, 27 October 2022.

¹³³ *Serif v. Greece*, no. 38178/97, § 49, ECHR 1999-IX.

¹³⁴ *Handyside v. the United Kingdom*, 7 December 1976, § 49, Series A no. 24.



“reflects and reinforces pluralism”¹³⁵ and its “values of diversity and variety”.¹³⁶ Developing this normative angle, Barendt puts forward that the media should have “the objective of ensuring the access of citizens to a wide variety of opinion and sources of information”.¹³⁷

Under this conceptualisation, the media are cast as influential actors in public debate. They are instrumental in ensuring – or limiting – the wide dissemination and availability of a plurality of viewpoints. Other actors participating in public debate can also assume this instrumental role, to varying degrees. Online platforms (especially those with vast user-bases) have a different instrumental role: by controlling widely used networks and forums, they have emerged as gatekeepers or controllers of the free flow of information online. It is precisely this instrumentality or power of the media and platforms to influence access to a pluralistic range of viewpoints that tends to be the focus of regulatory and policy attention, not the breadth of the range of viewpoints that are ultimately available.¹³⁸

This explains why the evergreen concerns about viewpoint pluralism tend to be addressed under the notion of media pluralism. While the term “media pluralism” is widely used, there is no legally binding definition of the term at the European level, nor is there any widely accepted definition across European states. Traditionally, several facets of the term have been distinguished, such as ownership/source, outlet and content.¹³⁹ Pluralism in respect of media ownership and media outlets is a useful means by which the ultimate end-goal of pluralistic content may be achieved. An additional – and increasingly important – facet is distribution: how the pluralistic content is disseminated and subsequently accessed by individual users.

In the multimedia ecosystem, where there is an abundance of content, concerns about the availability of pluralistic content have diminished somewhat. Instead, concerns for pluralism have shifted to issues of prominence and accessibility: is the available pluralistic content findable and accessible for all groups in society? This shift has led to increased attention on how media content is disseminated and amplified, and the impact of new modes of dissemination and (de-)amplification on how users, individually and collectively, access, select and receive media content. This also entails a shift of emphasis from the media to other actors, in particular platforms, which largely determine the modalities and dynamics of distribution of online content, including media content.

The circulation of a plurality of viewpoints in public debate thus clearly has intrinsic democratic value in being representative of the different constituent groups of a pluralistic democratic society. Instrumentally, such plurality makes for inclusive deliberation on matters of interest to society and it enhances the possibility of connectivity and interaction at the level of opinions and ideas. In the face of increasing technological determination of

¹³⁵ Eric Barendt, *Freedom of Speech* (2nd Edition), Oxford, Oxford University Press, 2005., p. 34.

¹³⁶ *Ibid.*, p. 35.

¹³⁷ *Ibid.*, p. 430.

¹³⁸ This point will be developed further below.

¹³⁹ Thomas Gibbons, “Concentrations of Ownership and Control in a Converging Media Industry”, in Chris Marsden & Stefaan Verhulst, Eds., *Convergence in European Digital TV Regulation*, London, Blackstone Press Ltd., 1999, pp. 155-173, at 157. This distinction is replicated in the Joint Declaration on Diversity in Broadcasting, adopted by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE RFOM, the OAS Special Rapporteur on Freedom of Expression and the ACHPR Special Rapporteur on Freedom of Expression and Access to Information, 12 December 2007.

the viewpoints that circulate online, safeguards for a plurality of viewpoints take on added importance. As generative AI increasingly produces “viewpoints” and algorithmic engagement increasingly amplifies particular types of viewpoints, it becomes instrumentally important for democratic deliberation that authentic viewpoints continue to circulate freely and widely.

4.2.2. Reliable sources of information

The authenticity of content adverted to at the end of the previous section is also relevant for sources of information. Participation in public debate, as an essential activity in democratic society, is necessarily premised on a shared societal commitment to various epistemic values such as good faith, and truthful, accurate and fact-based information and ideas. Deception, distortion and disinformation are anathema to such values. This ideal of rational deliberation in democratic society demands that both the information and the sources of information that fuel public debate must be reliable.

Onora O’Neill has identified and developed three “presuppositions of communication”: accessibility, intelligibility and assessability.¹⁴⁰ All parties to a communicative activity must be able to access each other’s messages through physical and technical means. Communicative content must also be intelligible – everyone should be able to understand a message due to a shared language, code or frame of reference. Communicative content must also be assessable – everyone should be able to check or challenge the content, origin or motivation of a message. As public debate is essentially about the communication of information and ideas in a shared public context, O’Neill’s “presuppositions of communication” can also be seen as “presuppositions” of public debate.

O’Neill notes that despite unprecedented levels of digital connectivity and communication, it can be harder to assess and determine whether content is “true or false, honest or dishonest, reliable or flaky”.¹⁴¹ These observations point to the different, complementary dimensions of reliability, suggesting that sources must be reliable in the first place, if the information they provide is also to be reliable. This means that both sources of information and information must be assessable, which in turn pleads for transparency and ethical and epistemic responsibility.

In light of the foregoing observations it is clear that the reliability of sources of information is intrinsically important for the deliberative underpinnings of democratic society. As it becomes increasingly difficult to assess the reliability of sources of information in the online world where disinformation and generic AI content are increasingly pervasive, the availability and prominence of reliable sources of information can help to stem the spread of this epistemic oil slick. This underscores the instrumental importance of reliable sources of information from a democratic perspective.

¹⁴⁰ Onora O’Neill, *A Philosopher Looks at Digital Communication* (Cambridge, Cambridge University Press, 2022), pp. 3 *et seq.*

¹⁴¹ *Ibid.*, p. xii.

4.3. European law and policy frameworks

The inextricable links between freedom of expression, media freedom and pluralism are also reflected very clearly in the regulatory and policy frameworks of the Council of Europe and the European Union which together make up a shared European regulatory and policy space.

Media freedom and media pluralism are widely regarded as corollaries of the right to freedom of expression, as guaranteed by Article 10 of the European Convention on Human Rights (ECHR). While Article 10 does not contain an explicit reference to media freedom and pluralism, the ECtHR has consistently underscored their value in its case-law pertaining to freedom of expression. Media freedom and media pluralism are expressly included in Article 11 of the Charter of Fundamental Rights of the European Union (EU Charter).

This section will explore how, in turn, the Council of Europe and the European Union have developed principles on media freedom and media pluralism and used them as vectors for achieving the aim of ensuring or facilitating pluralistic viewpoints and reliable sources of information.

4.3.1. Council of Europe

It is settled ECtHR case-law that States have the positive obligation to foster a safe and favourable environment for everyone to participate in public debate without fear.¹⁴² This positive obligation or principle is widely used as a framework for the Court's approach to freedom of expression and public debate, as well as the Council of Europe's Committee of Ministers' standard-setting on such issues. It will also be used to frame the present analysis as it opens up space to examine the different dimensions of public debate, all of which need to be protected. They include: epistemic values underpinning public debate; participants in public debate; the structures and modalities of public debate; the substance and quality of public debate; and the ecosystemic health of public debate.

4.3.1.1. Pluralistic viewpoints

The ECtHR has consistently affirmed that States are the ultimate guarantors of pluralism, especially in the audiovisual media sector.¹⁴³ The emphasis on the audiovisual media sector reflects the Court's long-standing position that the audiovisual media are more powerful than the printed press, due to their reach and impact¹⁴⁴ (even if this rough distinction feels increasingly dated in an internet-dominated world¹⁴⁵). This entails a positive obligation for States; it implies that States should put in place legislative frameworks to ensure true and

¹⁴² *Dink v. Turkey*, nos. 2668/07 and four others, 14 September 2010.

¹⁴³ *Informationsverein Lentia and Others v. Austria*, 24 November 1993, Series A no. 276.

¹⁴⁴ *Jersild v. Denmark*, 23 September 1994, Series A no. 298.

¹⁴⁵ *Animal Defenders International v. the United Kingdom* [GC], no. 48876/08, ECHR 2013.



effective pluralism in respect of the audiovisual media.¹⁴⁶ Public service media (PSM) can play an important role in this context and where States opt for PSM systems (which is not mandatory), they must ensure that the PSM have the remit to provide pluralistic content to the public.¹⁴⁷ As already mentioned, States furthermore have the positive obligation to foster a safe and favourable environment for everyone to participate in public debate without fear,¹⁴⁸ which means that not only mainstream media, but also “small and informal campaign groups” and “individuals outside the mainstream” should be able to contribute to the public debate.¹⁴⁹ Participation in public debate is not limited to actively expressing oneself; it equally includes the right to receive information and ideas and a broad range of content.¹⁵⁰

These considerations from the Court’s case-law show a broad congruence between principles on media pluralism and a pluralistic public debate in which the rights to express and receive a plurality of viewpoints are safeguarded.

The Committee of Ministers’ Recommendation CM/Rec(2018)1 to member States focuses on media pluralism and transparency of media ownership.¹⁵¹ It aims to strengthen the structural aspects of public debate. The Recommendation sets out various ways in which States can fulfil their positive obligation to ensure pluralism in the audiovisual media sector, for example by ensuring that different media types contribute to overall media pluralism, with a special role for public broadcasting/media and community media. The Recommendation also explores various ways to improve the production and dissemination of diverse content through media and online platforms and how to support initiatives aimed at strengthening media pluralism. Moreover, it makes detailed, concrete recommendations on how to regulate media ownership, control and concentration, and on how to enhance the transparency of media ownership, organisation and financing. It suggests various ways in which media literacy and education can play an important role in operationalising transparency. The Recommendation is relevant for shaping the structures that allow pluralistic viewpoints to come to the fore.

4.3.1.2. Reliable sources of information

One of the most enduring principles established by the ECtHR in relation to media freedom and public debate is that the public has the right to be informed on matters of general interest and the media have the corresponding task to inform them.¹⁵² In its initial articulation of this principle in *Sunday Times v. the United Kingdom (no. 1)* in 1979, the Court used the phrase “properly informed”, arguably indicating an expectation that the

¹⁴⁶ *Informationsverein Lentia and Others v. Austria*, 24 November 1993, Series A no. 276.

¹⁴⁷ *Manole and Others v. Moldova*, no. 13936/02, ECHR 2009; *NIT S.R.L. v. the Republic of Moldova* [GC], no. 28470/12, 5 April 2022.

¹⁴⁸ *Dink v. Turkey*, nos. 2668/07 and four others, § 137, 14 September 2010.

¹⁴⁹ *Steel and Morris v. the United Kingdom*, no. 68416/01, ECHR 2005-II.

¹⁵⁰ *Khurshid Mustafa & Tarzibachi v. Sweden*, no. 23883/06, § 44 *et seq.*, 16 December 2008.

¹⁵¹ [Recommendation CM/Rec\(2018\)1 of the Committee of Ministers to member States on media pluralism and transparency of media ownership](#), 7 March 2018.

¹⁵² *The Sunday Times v. the United Kingdom (no. 1)*, 26 April 1979, Series A no. 30; *Observer and Guardian v. the United Kingdom*, 26 November 1991, Series A no. 216.

information provided by the media be accurate and reliable. While the Court did not continue to use the adverb “properly” in subsequent case-law, the expectation engendered by the phrase remains present.

The Court is rightly reluctant to pronounce on the quality of information, but it has consistently held that the freedom enjoyed by journalists, the media and other actors, when fulfilling their role of informing the public, is subject to the caveat that all such actors adhere to their relevant duties and responsibilities. Everyone who exercises their right to freedom of expression must do so in accordance with the duties and responsibilities referred to in Article 10(2). For journalists and other such actors, those duties and responsibilities include: abiding by (criminal) law;¹⁵³ adhering to professional ethics;¹⁵⁴ striving to provide information that is accurate and reliable;¹⁵⁵ engaging with different sides to a story.¹⁵⁶ These selected duties and responsibilities demonstrate a commitment to the epistemic values behind the task of informing the public. They moreover provide safeguards for providing accurate and reliable information. Editorial freedom helps to ensure the independence of (media and journalistic) sources of information.¹⁵⁷

The Committee of Ministers’ Recommendation CM/Rec(2022)4 to member States aims to promote a favourable environment for quality journalism in the digital age.¹⁵⁸ It focuses on the qualitative aspects of public debate, with an emphasis on funding, ethics and quality, and education and training. The Recommendation’s commitment to quality journalism can also be seen as a commitment to the epistemic and democratic values that underpin public debate. While it does not define “quality journalism”, it does refer to some key characteristics of quality journalism: “... its unwavering commitment to the pursuit of truth, fairness and accuracy, to independence, transparency and humanity, and a strong sense of public interest in promoting accountability in all sectors of society”. One of the Recommendation’s main focuses, “Ethics and quality: rebuilding and maintaining trust”, branches into more detailed focuses on the “production” of quality content and the “dissemination” of quality content.

4.3.2. European Union

At the level of the European Union, regulatory focuses are largely shaped by Article 11 of the EU Charter, which refers specifically to media freedom and media pluralism. As we will see, there is more general attention directed at media pluralism than at reliable sources of information, although the latter are sometimes coupled with broader notions of media freedom and pluralism. Recital 8 is key to the thinking behind the EMFA’s endeavours to enable media service providers to safeguard pluralistic viewpoints and reliable sources of information. It sets out that recipients of media services “should be able to enjoy pluralistic

¹⁵³ *Fressoz and Roire v. France* [GC], no. 29183/95, ECHR 1999-I.

¹⁵⁴ *Ibid.*

¹⁵⁵ *Bladet Tromsø and Stensaas v. Norway* [GC], no. 21980/93, ECHR 1999-III.

¹⁵⁶ *Flux v. Moldova (no. 6)*, no. 22824/04, 29 July 2008.

¹⁵⁷ *Jersild v. Denmark*, 23 September 1994, Series A no. 298.

¹⁵⁸ [Recommendation CM/Rec\(2022\)4 of the Committee of Ministers to member States on promoting a favourable environment for quality journalism in the digital age](#), 17 March 2022.

media content produced in accordance with editorial freedom”, which is crucial for “fostering public discourse and civic participation, as a broad range of reliable sources of information and quality journalism empowers citizens to make informed choices, including about the state of their democracies”. Member States should thus “respect the right to a plurality of media content and contribute to an enabling media environment by making sure that relevant framework conditions are in place”.

This excerpt resonates very clearly with States’ positive obligation under Article 10 ECHR to create a favourable environment for participation in public debate, while underscoring the important role of the media in ensuring a pluralistic offering of content that comprises reliable sources of information and quality journalism. This thinking informs the substantive obligation of States, set out in Article 3 EMFA, to “respect the right of recipients of media services to have access to a plurality of editorially independent media content and ensure that framework conditions are in place in line with this Regulation to safeguard that right, to the benefit of free and democratic discourse”. The references to ensuring framework conditions and the linkage to free and democratic discourse resonate with States’ positive obligation to ensure a favourable environment for participation in public debate. Article 4(2) shores up this right of recipients by setting out the rights of media service providers to effective editorial freedom and independence, including non-interference with their editorial policies and decisions. These points are further complemented by the European Commission’s Recommendation on internal safeguards for editorial independence and ownership transparency in the media sector.¹⁵⁹

Two other regulatory innovations in the EMFA are also relevant for pluralistic viewpoints and reliable sources of information. Article 18 instates a privileged position for self-declared media service providers that meet specified cumulative editorial and other criteria insofar as they are entitled to privileged communication from VLOPs when the latter intend to, or subsequently take, decisions affecting services or visibility of content. The assessment of media market concentrations envisaged under Article 22 is particularly concerned with any “significant impact” concentrations could have on media pluralism and editorial independence. As already discussed, both media pluralism and editorial independence can be influential in determining whether users have access to a plurality of viewpoints and reliable (sources of) information in practice.

For its part, the DSA requires all providers of intermediary services to have due regard for freedom of expression, media freedom and media pluralism in (enforcing) their terms and conditions (Article 14). The systemic risks envisaged under Article 34 include risks to these same rights and values, but also actual or foreseeable negative risks with regard to *inter alia* civic discourse and electoral processes, which points to, for example, systemic-level disinformation – the antithesis of reliable and accurate information.

¹⁵⁹ [Commission Recommendation \(EU\) 2022/1634 of 16 September 2022 on internal safeguards for editorial independence and ownership transparency in the media sector](#), OJEU L245/56, 22 September 2022.

4.4. European and national approaches to promotion and prioritisation of pluralistic and quality content

The previous sections have shown that media pluralism and quality content not only have an intrinsic democratic value, but are also a tool for countering the effects of several threats to the epistemic and pluralistic nature of public debate. As discussed, the importance of access to and the findability of quality content is broadly covered in various regulatory and policy instruments and mechanisms at the European level. Complementing the previous sections' focus on European instruments, this section will examine a selection of different national approaches to ensuring prominence of general interest content.

Importantly, several terms are commonly used when referring to promotion and prioritisation of certain types of content, such as prominence, exposure, visibility, accessibility, findability and discoverability. Rules concerning these notions can be implemented in distinct ways, including must-carry obligations, quotas or prescriptive standards of design of a service. Such rules are not new, but given the rapidly changing media consumption patterns and massive amounts of content being disseminated, different regulatory frameworks guarantee the right of access of users to a plurality of views and reliable sources of information.

As recent Observatory publications¹⁶⁰ and other reports and academic studies¹⁶¹ provide comprehensive analysis of these issues, we will focus specifically on the implementation of Article 7a AVMSD. To this day, a minority of the EU member states have adopted rules on the prominence of services of general interest when they transposed the 2018 AVMSD. This section explores recent developments at the national level regarding the implementation of prominence regimes for general interest content. Particular attention is paid to recent developments in France and Italy.

4.4.1. Prominence regimes for platforms and intermediaries

The interplay between media pluralism and general interest content is reflected in the 2018 revision of the AVMSD which introduced the possibility in Article 7a for member states “to take measures to ensure the appropriate prominence of audiovisual media services of general interest”. Recital 25 explains why prominence of general interest content can be justified in view of the aim to foster media pluralism, freedom of speech and cultural diversity. Unlike mandatory Article 13 on the prominence of European works in VOD

¹⁶⁰ Cappello M. (ed.), “[Prominence of European works and of services of general interest](#)”, *IRIS Special*, European Audiovisual Observatory, Strasbourg, 2022; Cappello M. (ed.), “[Public interest content on audiovisual platforms: access and findability](#)”, *IRIS Special*, European Audiovisual Observatory, Strasbourg, 2023; “[Prominence of audiovisual content and services of general interest](#)”, *Summary of EAO workshop*, Strasbourg, 5 December 2023, European Audiovisual Observatory, Strasbourg, 2023.

¹⁶¹ Mazzoli E. and Tambini D., “Prioritisation Uncovered: The Discoverability of Public Interest Content Online”, Council of Europe study DGI(2020)19, November 2020; Ledger M., “Towards Coherent Rules on The Prominence of Media Content on Online Platforms and Digital Devices”, Issue Paper, CERRE Centre on Regulation in Europe, December 2023.



services' catalogues, Article 7a is optional, and not all member states have (yet) implemented it.

The limited transposition of this article is partly due to the brief wording of Article 7a AVMSD. Policy makers and legislators are confronted with issues such as which services are of general interest, on which platforms those services should be made prominent, and how prominence should be ensured. An exchange of best practices among national regulatory authorities (NRA) shows that both the non-obligatory nature of the provision and the national legislators opting for a minimum transposition result in the fact that national implementation of Article 7a varies broadly between member states.¹⁶² This is illustrated, for example, by recent developments in France and Italy.

4.4.1.1. France

In French law, the Ordinance n° 2020-1642 of 21 December 2020¹⁶³ implemented a mechanism to ensure the appropriate prominence of audiovisual media services of general interest, in line with the provisions of Article 7a AVMSD. To this end, Article 20-7 of the Law of 30 September 1986 (Broadcasting Act)¹⁶⁴ provides that, as of 1 January 2022, operators that determine the modalities of presentation of services on user interfaces shall ensure appropriate visibility of all or part of services of general interest under conditions specified by the French broadcasting authority (*Autorité de régulation de la communication audiovisuelle et numérique*, ARCOM). Further, the law defines general interest services as the services provided by the French public service broadcasters, including *France Télévisions*, *Radio France*, *France Médias Monde*, *La Chaîne Parlementaire*, *Arte* and *TV5*. ARCOM is allowed to adopt a decision to include other audiovisual services if they contribute to media pluralism and cultural diversity.

On 26 September 2024, ARCOM adopted two resolutions: one on the list of services qualified as being of general interest; and one on the conditions for appropriate visibility of those services.¹⁶⁵ Firstly, as for general interest services, in addition to the public service broadcasters, national free-to-air television services available on digital terrestrial television (DTT), as well as on-demand audiovisual media services, made available free of

¹⁶² ERGA, Subgroup 1 – Consistent implementation and enforcement of the new AMSD framework, Workstream 1 – Best practice exchange: Analysis of implementing national measures. Deliverable: Overview document on the exchange of best practices regarding Art. 7a and 7b AVMSD, 2021, p. 18.

¹⁶³ Ordinance No. 2020-1642 of December 21, 2020 transposing Directive (EU) 2018/1808 of the European Parliament and of the Council of November 14, 2018 amending Directive 2010/13/EU aimed at the coordination of certain legislative, regulatory and administrative measures of the Member States relating to the provision of audiovisual media services, taking into account the evolution of the realities of the market, and modifying the law of 30 September 1986 relating to the freedom of communication, the cinema and animated image code, as well as the deadlines relating to the exploitation of cinematographic works.

¹⁶⁴ Law n° 86-1067 of 30 September 1986 on freedom of communication (Loi Léotard).

¹⁶⁵ Deliberation of 25 September 2024 on the list of services qualified as being of general interest, pursuant to the provisions of Article 20-7 of Law No. 86-1067 of 30 September 1986 on freedom of communication; Deliberation on the conditions for appropriate visibility of services of general interest and the methods for gathering the information mentioned in Article 20-7 of Law 86-1067 of 30 September 1986 on freedom of communication.

charge to the user and intrinsically linked to these television services, are considered services of general interest.

The second resolution specifies the conditions under which services of general interest must be given appropriate visibility on interface homepages, on the one hand, and in user recommendations and user-initiated search results, on the other. It also sets out the reporting procedures for operators subject to the prominence regime. It is worth mentioning that the resolution provides that the operations necessary for a user to access a service of general interest should not, by their nature or number, be more burdensome than those necessary to access any other audiovisual communication service of the same nature accessible from this same interface, unless they have been personalised at the initiative of the user, “as provided for in particular by the systems set up under application of Article 27 DSA”.¹⁶⁶

4.4.1.2. Italy

In Italy, Article 7a AVMSD is implemented by Article 29(1) of legislative decree no. 208/2021 (AVMS Code), which states that media services of general interest “provided via any means of reception or access and through any platform” have to be given “adequate prominence” in order to “guarantee to the widest possible audience pluralism, freedom of expression, cultural diversity and the effectiveness of the information”.¹⁶⁷ This article provides the general framework, and the Italian NRA (AGCOM) is tasked with setting the details.

Pursuant to Article 29, AGCOM, on 9 October 2024, adopted new guidelines on the prominence of audiovisual and radio media services of general interest.¹⁶⁸ Under these guidelines, the following services are considered to be services of general interest: the public service broadcaster, the national generalist, semi-generalist, and thematic services of commercial providers that offer news, as well as those programming the genre “children and youth” and “culture”, and the local commercial media services that offer news.

Furthermore, it is included that adequate prominence should be given to services of general interest on all devices and user interfaces that provide access to such services, including televisions that can be connected to the internet, terrestrial and satellite television set-top boxes, devices that connect to a television set or screen and offer access to audiovisual and radio media services such as dongles, consoles, and similar devices, devices that enable listening to radio services in DAB+, car radios and in-car infotainment systems, user interfaces that provide access to general interest services on the above-listed devices and other devices, such as smartphones, tablets, personal computers, and similar devices.

¹⁶⁶ Article 1 of the Deliberation on the conditions for appropriate visibility of services of general interest and the methods for gathering the information mentioned in Article 20-7 of Law 86-1067 of 30 September 1986 on freedom of communication, mentioned in the previous footnote.

¹⁶⁷ [Legislative Decree of 8 November 2021 implementing the revised EU AVMSD, *Decreto legislativo 8 novembre 2021, n. 208*](#).

¹⁶⁸ [Guidelines on the prominence of audiovisual and radio media services of general interest, Resolution No. 390/24/CONS](#).

Finally, AGCOM defined in great detail in the guidelines how prominence should be ensured. In short, relevant platforms must give prominence by providing an appropriate portion of space (in the form of a strip or line, no smaller in size than other strips or lines containing icons or boxes relating to other content on the homepage), immediately visible on the homepage of the device. It is noteworthy that Article 26 of the guidelines provides that these provisions are without prejudice to the possibility of use to customize the configuration of the interface “as provided for in the European Media Freedom Act”, and therefore to change the position of the icons in accordance with one’s preferences through autonomous and explicit user intervention.

After the initial implementation of the above provisions, AGCOM concluded that the guidelines needed to be revised.¹⁶⁹ Based on the guidelines adopted in 2024, it appeared that more than 700 commercial services could be classified as services of general interest whose prominence had to be ensured. On 13 May 2025, AGCOM launched a public consultation with the aim of revising the guidelines. Part of AGCOM’s proposal in the revision is to re-shape the range of audiovisual and radio media services that can be defined as being of “general interest”.

4.5. Looking ahead

Looking ahead, it is worth mentioning that the Steering Committee for Media and Information Society (CDMSI) adopted a Guidance Note on the Prioritisation of Public Interest Content Online in 2021.¹⁷⁰ The Guidance Note is based on an in-depth report from 2020, by Eleonora Mazzoli and Damian Tambini for the Council of Europe.¹⁷¹ This guidance note aims to establish best practice principles or a checklist to assist member States, public authorities, platforms, and intermediaries in developing their prominence regimes. Typically, the guidance note mentions the involvement of these multiple stakeholders in every aspect of the prioritisation regimes. The question remains how extensively and faithfully the Guidance Note will be implemented in practice.¹⁷²

The (former) ERGA has suggested that it could be advantageous to promote a harmonised approach on prominence regulation within the EU member states from a more technological standpoint. This would prevent manufacturers from having to frequently adjust the programming and settings of devices designed for the European market to

¹⁶⁹ E. Apa & E. Foco, Portolano Cavallo, “[IT] AGCOM Launches New Public Consultation on the Prominence of Audiovisual and Radio Media Services of General Interest”, *IRIS* 2025-6:1/20.

¹⁷⁰ Steering Committee for Media and Information Society, Guidance Note on the Prioritisation of Public Interest Content Online, 2 December 2021.

¹⁷¹ Mazzoli E. and Tambini D., “Prioritisation Uncovered: The Discoverability of Public Interest Content Online”, Council of Europe study DGI (2020)19, November 2020.

¹⁷² In its 2023 report, the Centre on Regulation in Europe (CERRE) concludes that the guidance note appears to be comprehensive and offers significant recommendations, yet these do not appear to be consistently implemented by policymakers at the EU or national levels. Consequently, the primary recommendation of this report is to ensure that these guidelines are systematically adhered to and integrated into the legal frameworks at both the EU and national levels. See: Ledger M., “Towards Coherent Rules on The Prominence of Media Content on Online Platforms and Digital Devices”, Issue Paper, Centre on Regulation in Europe (CERRE), December 2023, p. 37.



comply with varying regulations across the EU. Such divergent regulations could hinder technological advancements, so a harmonised approach might also benefit users who consistently seek new products and technologies.¹⁷³

While such focuses on technological aspects are important, it is clear from the analysis in this chapter that under the broader umbrella goal of ensuring prominence for general interest or public interest content, there is much merit in having tailored regulatory focuses on specific types of content, namely a plurality of views and reliable sources of information. Appreciation of the interplay between technological and (intrinsic and instrumental) democratic focuses makes for a more nuanced understanding of the dynamics involved.

¹⁷³ ERGA, Subgroup 1 – Consistent implementation and enforcement of the new AMSD framework, Workstream 1 – Best practice exchange: Analysis of implementing national measures. Deliverable: Overview document on the exchange of best practices regarding Art. 7a and 7b AVMSD, 2021, p. 16.

5. Rights and duties of (news) media services providers to ensure independence and transparency

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5.1. Introduction

For years, member states have adopted different approaches to safeguarding editorial freedom and media independence. Recent evidence provided by the Media Pluralism Monitor (MPM),¹⁷⁴ Rule of Law Reports¹⁷⁵ from the European Commission, and studies on media plurality and diversity online¹⁷⁶ all point to a worrying trend. Persistent structural issues continue to undermine media freedom in many member states, including increasing interference in editorial decisions from state actors, weak or politically dependent media regulators and opaque systems for allocating public funds to media outlets. The lack of a unified, media-specific regulatory framework has contributed to regulatory fragmentation across member states, which may, in turn, affect both the internal market and the quality of media services available to citizens and businesses.

In recent years, the European Commission has come to recognise the gravity of the threat media capture poses to European democracy and the rule of law across the EU. This recognition has underlined the urgent need for stronger, EU-level measures to address issues such as concentration of media ownership and erosion of editorial independence. In response to these challenges, the European Union adopted the European Media Freedom Act (EMFA).¹⁷⁷

Media service providers play a fundamental role in Europe's democratic landscape. They are not only economic actors but also custodians of public discourse. On the other hand, the EMFA also recognises the societal and economic reality of social media platforms acting as a gateway for providing access to media content and media services. To minimise the impact of any restriction of media content on the right of users to receive and impart

¹⁷⁴ Bleyer-Simon, K. et al., *Monitoring media pluralism in the digital era : application of the media pluralism monitor in the European member states and in candidate countries in 2023*, EUI, RSC, Research Project Report, Centre for Media Pluralism and Media Freedom (CMPF), 2024, Country Reports.

¹⁷⁵ European Commission, *2023 Rule of Law Report*, COM(2023) 800 final and *2022 Rule of Law Report, The rule of law situation in the European Union*, COM/2022/500 final.

¹⁷⁶ European Commission joint study, *Study on media plurality and diversity online – Final report*, Publications Office of the European Union, 2022.

¹⁷⁷ EU, *Regulation (EU) 2024/1083* of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act) *OJ L*, 2024/1083, 17.4.2024, ELI.

information, media services providers have special procedural rights. When media service providers cannot operate freely or safely, the public ultimately loses access to trustworthy and pluralistic information.

In response, the EMFA introduces a double safeguard – a dual commitment that reflects both the rights and duties of media service providers. On the one hand, the regulation strengthens the right to editorial independence. On the other, it grants the recipients of media services the right to know with certainty who owns and is behind the media and what the potential conflicts of interest are. The EMFA embeds both the rights and responsibilities of media service providers in EU secondary law. Rights without duties risk misuse; duties without rights leave providers exposed. Only by protecting both can Europe ensure an independent media sector that serves the public interest and strengthens democracy.

5.2. Who are media service providers?

Who are (not) media services has been one of the main discussion points of the EMFA.

The main criteria for defining a “media service” for the purposes of the EMFA are “professional activity” and “editorial responsibility” (Art. 2(1),(2) EMFA). This has been subject to criticism for many reasons. First, some legal experts consider it “quite [a] narrow approach to defining media”.¹⁷⁸ The service-based definition, with professional activity as its focus, arguably deviates from a broad notion of media which had become a benchmark for Council of Europe (CoE) standard-setting instruments, and which took into account many different actors in the media ecosystem.¹⁷⁹ According to the same experts, the EMFA’s definition “arguably runs completely counter to current standards on defining the media”.¹⁸⁰

Second, this service-based approach might limit the applicability of the EMFA for individual journalists, bloggers, non-profit news websites, or NGOs operating on a non-profit basis (e.g. grants or donations). These “other media actors” also contribute to public debate or fulfil public watchdog roles.¹⁸¹ It has been argued that excluding them from the guarantees provided by the EMFA is in contrast with ECtHR case law on Art. 10 ECHR.¹⁸² According to Recital 9 EMFA, the definition of media service provider should also cover “a wide spectrum of professional media actors falling within the scope of the definition of media service, including freelancers”.¹⁸³ At the same time, it excludes user-generated content uploaded to an online platform unless it constitutes a professional activity

¹⁷⁸ Seipp, T., Fathaigh, R. Ó., & van Druenen, M. (2023), “*Defining the ‘media’ in Europe: pitfalls of the proposed European Media Freedom Act*”, *Journal of Media Law*, 15(1), 39–51.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ *Study on media plurality and diversity online*, op. cit.

¹⁸² Brogi E. et al., (2023), *The European Media Freedom Act: media freedom, freedom of expression and pluralism.* “*Study requested by the LIBE Committee.*”

¹⁸³ European Parliament, *Amendments adopted by the European Parliament on 3 October 2023 on the proposal for a regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU*, Recital 9.

normally provided for consideration, be it of a financial or other nature.¹⁸⁴ It remains to be seen how the court(s) will sort out the dilemma relating to who is and is not a media service provider. This becomes crucial also with regard to (news) influencers or citizen journalists respecting professional standards or adhering to journalistic ethical codes.

It could also be said that the approach to defining media service providers reflects the grounding of the regulation within the internal market's legal base of Art. 114 TFEU.¹⁸⁵ According to this argument, excessively enlarging the EMFA's scope would not be feasible in terms of the legal basis of the Act.

5.3. Rights of media service providers

According to Art. 4(1) EMFA, media service providers shall have the right to exercise their economic activities in the internal market without restrictions other than those allowed under EU law. Art. 4(1) EMFA essentially repeats the freedom to provide services enshrined in Art. 56 TFEU. However, incorporating this right into secondary legislation creates additional legal pathways for overseeing member states' compliance, to open potential infringement proceedings, or to send preliminary reference requests from national courts in cases involving media service providers.¹⁸⁶

Article 4(2) EMFA contains more concrete provisions. It obliges member states to respect effective editorial freedom and the independence of media service providers in the exercise of their professional activities, as well as to not interfere in nor try to influence their editorial policies and decisions. Art. 4(3)-(8) EMFA requires states to ensure effective protection of journalistic sources and confidential communications. As this is extensively dealt with in Chapter 6 of this report the focus here will shift to Article 21 EMFA.

5.4. National measures affecting media service providers

Article 21 EMFA requires that legislative, regulatory or administrative national measures that are liable to affect media pluralism or the editorial independence of media service providers shall be duly justified, proportionate, reasoned, transparent, objective, and non-discriminatory, and follow timeframes set out in advance. These criteria are derived from fundamental rights and freedoms, such as the Court of Justice of the European Union (CJEU) proportionality test. Additionally, Art. 21(3) EMFA grants media service providers the right to appeal to a national, independent appellate body (e.g. a court) against the national measures that concern them individually and directly. Such a body should be free from any external intervention or political pressure that could jeopardise its independence.

¹⁸⁴ Ibid.

¹⁸⁵ Cappello M. (ed.), *The European Media Freedom Act unpacked*, IRIS, European Audiovisual Observatory, Strasbourg, November 2024.

¹⁸⁶ Ibid.

A broad range of regulatory measures could potentially be subject to appeal, including, in certain cases, the decisions made by NRAs. Recital 60 EMFA explicitly mentions rules which limit the ownership of media undertakings or decisions related to revoking or making more difficult the renewal of media service providers' licences. This provision appears to address pre-EMFA cases where authorities appear to use delays or license denials strategically to silence independent media outlets. For example, in Poland, the National Broadcasting Council (KRRiT) has been accused of deliberately delaying the renewal of broadcasting licenses for media outlets such as TVN.¹⁸⁷ A similar case occurred in Hungary, where the Media Council of the National Media and Infocommunications Authority (NMHH) refused to renew the license for *Klubrádió*, prompting the European Commission to initiate infringement proceedings against the Hungarian government for violating EU law.¹⁸⁸

In addition, according to Article 21(4) EMFA, if a regulatory or administrative measure is likely to have a significant impact on how media service providers operate within the internal market, the European Board for Media Services (the "Media Board") can step in. The Media Board may, on its own initiative, at the request of the Commission or upon a duly justified and reasoned request of an individually and directly affected media service, draw up an opinion on the measure. The Commission may also issue its own opinion separately. Both opinions must be made publicly available. In order to prepare their opinions, the Board – and the Commission, if involved – can ask the national authority or body that issued the measure for all relevant information. This procedural framework raises certain questions. As pointed out in a 2023 study on the EMFA requested by the European Parliament's LIBE committee, "it is also not clear what happens in instances of disagreement between the Board and the Commission, and which of the two "opinions" carries more weight. It is also not clear which governing body is ultimately responsible for monitoring (non-) compliance of the Article: the "appellate body", the Board, the Commission, or the courts?"¹⁸⁹ These are important questions which for now lack clear answers.

5.5. Duties of media service providers

Article 6 EMFA also refers to duties of media service providers. Common information requirements for media service providers are introduced across the EU. According to the MPM 2024¹⁹⁰ (see also Chapter 3) most of the EU member states are considered high risk with regard to transparency under the "media ownership indicator" which assesses the existence and implementation of regulatory safeguards regarding transparency of media ownership.

¹⁸⁷ Ananicz Sz. (2021), *The politicisation of the Polish National Broadcasting Council (KRRiT): a new front in Poland's rule-of-law conflict with the European Union?* Commentary.

¹⁸⁸ Court of Justice of the EU, *Advocate General's Opinion in Case C-92/23, Commission v Hungary* (Right to provide media services on a radio frequency), 2025.

¹⁸⁹ Brogi E. et al., op. cit.

¹⁹⁰ *Monitoring media pluralism in the digital era*, 2024, op. cit.

5.5.1. Disclosure of information about ownership and beneficial ownership, public funds received for advertising

Article 6(1) EMFA requires media service providers to make up-to-date information easily and directly accessible, not only with regard to name and contact details but also ownership. This includes, in particular, information about direct or indirect owner(s) able to influence the operation and strategic decision-making of the media service, and beneficial owner(s). Additionally, media service providers must disclose the total annual amount of public funds for state advertising received as well as advertising revenues received from third-country public authorities or entities. One point of criticism related to the fact that the only private funding that must be disclosed is that coming from advertising from third-country entities.¹⁹¹ Hence, no comprehensive systematic information on media revenues, including private funding from sources other than advertising, is required.¹⁹²

The *ratio legis* behind this provision is explained in Recital 32 EMFA: It should provide the recipients of media services with certainty about who owns and is behind the media so that they can identify and understand potential conflicts of interest and put the content they are receiving in the right context and form the right impression of it. In practice, researchers remain sceptical about whether recipients will indeed make different choices regarding the media they use based on discovering who the owner is.¹⁹³ Transparency is also seen as a tool to disincentivise and thus to limit the risk of interference with editorial independence. It can act as a media accountability mechanism, ultimately contributing to the quality of media services in the internal market.¹⁹⁴

5.5.2. Media ownership database

Member states are also responsible for developing and maintaining national media ownership databases (Art. 6(2) EMFA). Such databases should work as a one-stop shop allowing recipients of media services to easily check the relevant information related to a given media service provider (Recital 33). It can also be a useful resource for regulators for example in the monitoring of media concentration (Art. 22 EMFA), the monitoring of state advertising (Art. 25 EMFA) or the general monitoring exercise by the Commission, as well as journalists, NGOs and academics.¹⁹⁵

It is worth noting that these provisions are not unlike those foreseen in the AVMS Directive, which led to the creation of the European Audiovisual Observatory's own

¹⁹¹ Tomaz, T. (2024), *Media ownership and control in Europe: A multidimensional approach*, European Journal of Communication, 39(5), 498-511.

¹⁹² Ibid.; Borges D., *Ownership transparency obligations under Article 6 of the European Media Freedom Act: opportunities and challenges*.

¹⁹³ Ibid.

¹⁹⁴ European Parliament, *Amendments to the EMFA*, Recital 32.

¹⁹⁵ Cappello M. (ed.) 2024, op. cit.

MAVISE¹⁹⁶ database on audiovisual services and their jurisdiction in Europe, which also contains information with regard to ownership.

It is worth adding that in the 2022 judgment in Joined Cases C-37/20 and C-601/20, the CJEU supported the non-disclosure of beneficial owners in business registries.¹⁹⁷ The Court ruled that granting the general public access to information about beneficial ownership represents a significant infringement on fundamental rights such as the protection of personal data and respect for private life enshrined in Articles 7 and 8 of the EU Charter of Fundamental Rights. The Court explained that while the EU legislature aims to combat money laundering and terrorist financing by increasing transparency, interference with fundamental rights must be strictly required to achieve the objective and be proportionate. To align with this ruling, the EC-funded Euromedia Ownership Monitor (EurOMo) chose not to disclose the names of natural persons in the ownership chains presented by its search engine and opted for alternative solutions.¹⁹⁸

Looking ahead, there is a potential risk in future enforcement regarding the public disclosure of media ownership. To address this, Recital 32 EMFA suggests that "the disclosure of targeted media ownership information would yield benefits that clearly outweigh any possible impact on fundamental rights, including the right to privacy and the protection of personal data". However, it remains to be seen – if such a case is brought before the CJEU – whether this interpretation would pass the scrutiny of the Court.

Prior to the adoption of the EMFA, certain member states had already established legislative frameworks requiring media service providers to disclose ownership information. Some countries enhanced their transparency requirements by enacting or amending legislation in line with the Anti-Money Laundering Directive.¹⁹⁹ However, without a harmonised, media-specific framework at the EU level, disclosure practices remain fragmented, with inconsistencies in the level of disclosure across member states, missing or outdated data, or data presented in user-unfriendly formats.²⁰⁰ Art. 6 EMFA can therefore be seen as a step towards addressing some of these issues. However, the challenge of how to standardise the information on ownership remains. Recital 32 provides some guidance, stating that information should be disclosed in an electronic format, for instance on websites, or another medium that is easily and directly accessible. It should also be mentioned that simple contact information requirements are not new for audiovisual media services under Art. 5(1) AVMSD.²⁰¹ The relationship between the EMFA and the AVMSD as

¹⁹⁶ European Audiovisual Observatory, [MAVISE database](#) – Database on audiovisual services and their jurisdiction in Europe.

¹⁹⁷ The Court of Justice of the European Union (CURIA), [Judgment of the Court \(Grand Chamber\) of 22 November 2022, WM and Sovim SA v Luxembourg Business Registers](#), Joined Cases C-37/20 and C-601/20, ECLI:EU:C:2022:912.

¹⁹⁸ Tomaz, T. (2024).

¹⁹⁹ EU, [Regulation \(EU\) 2024/1624](#) of the European Parliament and of the Council of 31 May 2024 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, OJ L, 2024/1624, 19.6.2024, ELI.

²⁰⁰ European Commission, [Study on media plurality and diversity online](#) (2022).

²⁰¹ EU, [Directive 2010/13/EU](#) of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive).

regards the transparency of ownership information will also be subject to guidelines from the EC with the assistance of the Board.²⁰²

If the aim is to build databases that allow for cross-country/cross-jurisdictional searches, this will require additional coordination efforts by the EC and the Board, as well as national authorities and governments.²⁰³ Useful guidance is also provided by the Council of Europe Recommendation CM/Rec(2018)1 on media pluralism and transparency of media ownership.²⁰⁴ It encourages states to develop and maintain a comprehensive media ownership regulatory framework that allows the public to have easy, swift and effective access to data about media ownership and control arrangements in the state, including disaggregated data about different types of media (markets/sectors) and regional and/or local levels, as relevant. Ideally, the data should be accessible and searchable, for example in the form of online databases. States should encourage the designated body or institution to publish regular reports on media ownership, together with the methodologies and an analysis of the impact of those changes on media pluralism. States should also facilitate co-operation and co-ordination, including the relevant exchange of information about media ownership held by different national authorities (such as media regulatory authorities, competition authorities, data protection authorities, company registers and financial supervisory authorities). Similarly, they should exchange information and best practices with equivalent authorities in other jurisdictions. Compared to this CoE standard, requirements provided by Article 6(1) to enhance transparency seem less extensive.²⁰⁵ A more specific provision can be found in Recommendation (EU) 2022/1634²⁰⁶ on internal safeguards for editorial independence and ownership transparency in the media sector, which encourages member states to effectively implement Recommendation CM/Rec(2018)1. The final text of Article 6(1) EMFA does not include an obligation for Member States to create and maintain media ownership databases in accordance with Section III of Recommendation (EU) 2022/1634.

5.5.3. Duties concerning independence of editorial decisions

Media service providers providing news and current affairs content²⁰⁷ are subject to further obligations under Art. 6(3) EMFA. They shall take appropriate measures to guarantee the independence of editorial decisions. In particular, they must aim to guarantee that editorial

²⁰² European Parliament, *Amendments to the EMFA*, Recital 46.

²⁰³ Borges D., 2024, op. cit.

²⁰⁴ Council of Europe, *CM/Rec(2018)1*, Recommendation of the Committee of Ministers to member States on media pluralism and transparency of media ownership (Adopted by the Committee of Ministers on 7 March 2018 at the 1309th meeting of the Ministers' Deputies).

²⁰⁵ Brogi E. et al., 2023.

²⁰⁶ European Commission, *Recommendation (EU) 2022/1634 of 16 September 2022 on internal safeguards for editorial independence and ownership transparency in the media sector*, C/2022/6536. OJ L 245, 22.9.2022, pp. 56–65.

²⁰⁷ European Parliament, *Amendments to the EMFA*, Recital 14 suggests that news and current affairs content “comprises a wide category of content of political, societal or cultural interest at local, national or international level (...) In that context, news and current affairs content should be understood as covering any type of news and current affairs content, regardless of the form it takes.”



decisions can be taken freely within the established editorial line and ensure that any actual or potential conflicts of interest that might affect the provision content are disclosed. Recital 34 draws a broader picture: the objective to shield editorial decisions, in particular those taken by editors-in-chief and editors, from undue interference contributes to ensuring a level playing field in the internal market for media services and their quality. The EMFA does not specify what such internal safeguards should look like. However, Commission Recommendation (EU) 2022/1634 provides a catalogue of voluntary internal safeguards that media undertakings can adopt in that regard. They include, in particular: (i) procedures to signal pressures they are exposed to; (ii) options for anonymous or confidential signalling of such pressures; (iii) conscience clauses protecting against disciplinary sanctions or arbitrary dismissals of editorial staff who refuse assignments that go against professional standards. The Recommendation, although not legally binding under EU law, can have important practical significance.

During the negotiation process, Art. 6(3) EMFA was one of the most controversial parts of the Act, opposed by many publishers.²⁰⁸ The final version of this provision is in line with standards to ensure the editorial autonomy of the newsroom: the right to determine the general editorial policy remains unaffected.²⁰⁹ One may say that the provision mainly takes the form of self-regulation.²¹⁰ Such an approach does not include enforcement or sanction mechanisms, nor does it provide any redress mechanism,²¹¹ which may raise challenges for editorial staff in case of disagreement with (private) media service providers.

5.5.4. Preferential treatment of media service providers

The EMFA, additionally, contains several rules addressing the provision of and access to media services in a digital environment and in particular the presence of media content on very large online platforms (VLOPs).²¹² The provision on the special treatment of media service providers was heavily criticized during the negotiation process for two main reasons: 1) that it would facilitate the spread of disinformation by media service providers, and 2) that it would undermine other provisions of the DSA addressing arbitrary content moderation by VLOPs.²¹³ Nevertheless, after some adjustments the provision on special treatment prevailed and is present in the final version of the regulation.²¹⁴

²⁰⁸ Brogi E. et al., 2023, op. cit.

²⁰⁹ Ibid.

²¹⁰ Cappello M. (ed.) 2024, op. cit.

²¹¹ Ibid.

²¹² Defined under the DSA as online platforms which have a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, and which are designated as very large online platforms (see [DSA](#), Art. 33(1)).

²¹³ For criticism, see: Collings P., Schmon C., Electronic Frontier Foundation, (2023), [EU Media Freedom Act: A Media Privilege in Content Moderation is a Really Bad Idea](#); and Article 19, [European Media Freedom Act: Content of media service providers on very large online platforms \(Article 17\)](#).

²¹⁴ Compare: [Final compromise text, Regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market](#) (European Media Freedom Act) and amending Directive 2010/13/EU, 2022/0277 (COD) Brussels, 19 January 2024; with COM(2022)457 final, "Proposal for a Regulation

Article 18 EMFA mandates that VLOPs provide a functionality for their users to declare their status as media service providers that are “editorially independent from Member States, political parties, third countries and entities controlled or financed by third countries”.²¹⁵ Next, those media service providers should declare that they are “subject to regulatory requirements for the exercise of editorial responsibility in one or more Member State and oversight by a competent national regulatory authority or body, or adhere[...] to a co-regulatory or self-regulatory mechanism governing editorial standards”. Media service providers should also declare that they “do not provide content generated by artificial intelligence systems without subjecting it to human review or editorial control”. VLOPs should respond to the filed declaration by stating whether or not they accept the declaration.

Media services that fulfil the criteria and are disseminated by VLOPs benefit from two main privileges. The first privilege applies when a VLOP intends to suspend the provision of its services to a media service provider or restrict the visibility of its content²¹⁶ on the grounds that the content is incompatible with the VLOP’s terms and conditions. In that case, the VLOP must communicate a statement of reasons for the intended decision *prior* to the suspension or restriction taking effect.²¹⁷ With this prior notification, VLOPs should give the media service provider the possibility to reply within 24h (this timeframe may be shorter in case of a crisis).²¹⁸ The content should stay available until the media organisation has been given time to respond.²¹⁹ The described procedure does not apply if suspension or restriction of visibility is triggered by the VLOP’s obligations in relation to specific types of content, such as various types of systemic risks defined in the DSA, protection of minors and the general public based on the AVMSD, or obligations relating to illegal content.²²⁰ The scope of the privileged treatment, therefore, is limited. Specifically, it does not apply to certain types of content, such as (illegal) hate speech, incitement to

of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU”.

²¹⁵ The Commission will issue guidelines to facilitate effective implementation of the functionality (Art. 18(9) EMFA).

²¹⁶ In the initial EC proposal the media privilege provision only referred to suspending the provision of the services “in relation to” content provided by a media service provider. The wording was inconsistent with the DSA, which distinguishes between restrictions on content accessibility and visibility (i.e. removal, blocking of access and downranking) and suspension of services or accounts. This omission was corrected in the final version of the act, which now refers to decisions suspending the provision of online services or restricting the visibility of content. Even though the terms “suspension” and “restriction” are not defined, they would likely cover measures such as removal and delisting (for suspension) and demotion (for restriction).

²¹⁷ Art. 18(4) EMFA.

²¹⁸ In line with *DSA*, Art. 36 (Crisis response mechanism).

²¹⁹ See more in Van Drunen M. et al., (2024) “*What can a media privilege look like? Unpacking three versions in the EMFA*”, *Journal of Media Law*.

²²⁰ Art. 18(4) EMFA lists specifically VLOPs’ obligations pursuant to Arts 28, 34 and 35 of *Regulation (EU) 2022/2065* and Art. 28b of *Directive 2010/13/EU* or their obligations relating to illegal content pursuant to Union law.

violence, or racist speech.²²¹ The privilege may also not apply in relation to content considered disinformation, in cases where systemic risks under the DSA are identified.²²²

The second privilege applies where a media service provider considers that a VLOP has repeatedly restricted or suspended the provision of its services without sufficient grounds. In this case, the VLOP shall “engage in a meaningful and effective dialogue with the media service provider, upon its request, in good faith with a view to finding an amicable solution” for terminating unjustified restrictions or suspensions and avoiding them in the future.²²³ The media service provider may notify the Board and the Commission about the outcome and the details of such exchanges. It may also request an opinion by the Board on the outcome of the dialogue, including recommended actions for the VLOP.²²⁴

The EMFA clarifies the available measures (e.g. in case a VLOP rejects or invalidates a declaration or ignores a response) by directly listing redress mechanisms available in the so-called Platform-to-business Regulation (2019/1150) as well as the DSA.²²⁵ The former instrument creates a procedural privilege for media services, by giving them priority in complaints handling, and thereby treating them as a special type of business user. The latter is meant for regular (non-business) users.

5.6. Conclusions

The EMFA establishes a balanced framework that safeguards editorial independence while ensuring transparency and accountability in media ownership. By embedding both rights and responsibilities into EU law, the EMFA aims to protect a free, pluralistic media environment – essential for informed public discourse and a resilient European democracy. How effective both provisions will be will much depend on the EMFA’s implementation. Additionally, Art. 21 EMFA setting the standard for national measures affecting media service providers sets a solid ground for the prevention of misuse of state power. Although much emphasis has been put on protection against media capture by state actors, the rules protecting media service providers against private gatekeeping power are less stringent. The “non-interference principle”²²⁶ of Art. 18 EMFA does not include any “must carry”

²²¹ There are, however, concerns that the special protection would apply in case of misleading or hateful-but-not-illegal information from the beneficiary media service provider, allowing it to remain online, amplifying it further and, as a result, threatening marginalized or vulnerable groups. See SA Alloui, *EU Media Freedom Act: the convolutions of the new legislation*, EU Law Analysis, 6 June 2024.

²²² For criticism, see EU DisinfoLab, *Fact-Checkers and Experts Call on MEPS to Reject a Media Exemption in the DSA*, 2021 ; For analysis of the further changes, see M Monti, “The missing piece in the DSA puzzle? Article 18 of the EMFA and the media privilege”, in E. Brogi (ed.), *EMFA Under the Spotlight: Towards a Common Regulatory Framework to Foster Media Pluralism?*, 14 October 2024, *Rivista italiana di informatica e diritto*, n. 2/2024, DOI 10.32091/RIID0173.

²²³ European Union, *European Media Freedom Act*, Art. 18(6).

²²⁴ If no amicable solution is found, the media service provider may use the mediation mechanism of Art. 12 of *Regulation (EU) 2019/1150* or the out-of-court dispute settlement of *DSA*, Art. 21.

²²⁵ The mediation mechanism under Art. 12 of *Regulation (EU) 2019/1150* or the out-of-court dispute settlement under Art. 21 of *Regulation (EU) 2022/2065*.

²²⁶ Papaevangelou Ch., *The non-interference principle: Debating online platforms’ treatment of editorial content in the European Union’s Digital Services Act*, *European Journal of Communication*, 38(5), (2023), 466-483.



obligation (beyond the 24-hour window) and leaves the extremely complex decision of whether a media outlet qualifies as a media service provider and is editorially independent to the discretion of platforms, as they may also reject the declaration. Arguably, as the ambition behind the EMFA is to “minimise the impact of any restriction to media content on users’ right to receive and impart information” (Recital 50), Art. 18 EMFA does not seem to (fully) remedy this issue.²²⁷

As with all EMFA provisions, whether the rights and duties of (news) media service providers are protected will much depend on member state compliance, rigorous enforcement, and effective collaboration between different actors.

²²⁷ Dutkiewicz L., Kuczerawy A., *Protecting media content on social media platforms in the EU*. [in:] Baker K., Juracz O. (eds) *Routledge Handbook of Social Media, Law and Society*, (2025).

6. Safeguards against political control of (news) media services and the role of public service media

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The democratic role of the media and journalism is to act as a public watchdog and to enable debates essential for peaceful transfers of power. Any political practice that hinders journalists and editorial offices from fulfilling this role undermines the democratic functioning of society. A wide range of legal instruments is designed to ensure that journalists can resist political interference, but their effectiveness relies on the quality of the rule of law and on soft conditions such as political culture and perceptions of the role of journalists. Ultimately, all legislation can only provide real protection if independent authorities and courts ensure that it is consistently enforced.

Political pressure frequently aims to make journalists and media organisations compromise their legal and professional obligations towards the public or their sources, serving the interests of those exerting such pressure. This can involve forcing journalists or media organisations to withhold, distort, exaggerate or falsify information or to reveal their sources, through threats of disadvantages or by offering them advantages. Even in Council of Europe member states, such pressure may take various forms, from physical violence and imprisonment, to wiretapping, vague legislation, and authorities ignoring journalists' questions. These pressures increase the risks for journalistic activity and ultimately hinder the ability to provide comprehensive, impartial information in the public interest.

The aim of this chapter is to present the various forms political pressure can take, illustrated with examples, and to highlight relevant examples of legal remedies against such pressure.

6.1. Formal and informal means of exerting pressure

Political pressure can be exerted through informal and formal means. Informal means include direct contact between politicians or government officials and journalists or editorial offices, as well as gifts. Smear campaigns, threats, and virtual or physical attacks are also informal means, without any formal procedures associated with these. In most cases, phone calls or dinner invitations from politicians remain invisible to the public, while the effects of smear campaigns, threats and attacks are visible although only rarely traceable to political actors with evidence.

Formal pressure appears in the form of legislation, official decisions, or procedures. These include legislation with a chilling effect, discriminatory decisions by media or tax



authorities, refusals to provide data of public interest, strategic lawsuits against journalists, but also refusals to grant interviews or exclusion from press conferences. The chances of obtaining legal remedies are generally better here than with informal pressure, though their effectiveness still depends on the state of the rule of law.

In practice, both forms of pressure are often combined. For example, state entities empowered by law to label certain individuals or organisations as “foreign agents” may also engage in smear campaigns against journalists and editorial offices. A specific instrument of pressure can involve several forms of pressure at once. Thus, such legislation that allows journalists to be labelled as foreign agents can promote self-censorship through the chilling effect, enable smear campaigns, and in some countries, even justify imprisonment.

6.2. Political pressure and regulation

Legal restrictions on political pressure are limited, as the most powerful forms of pressure originate from governing forces, who can misuse ruling power to formalise pressure and undermine democratic frameworks, including independent institutions meant to prevent abuse. Much political pressure often remains hidden, further reducing the impact of legal protections and undermining free journalism.

These circumstances highlight the crucial role of international organisations in regulatory oversight and fundamental rights protection. The European Union’s Media Freedom Act (EMFA) represents a decisive step in countering political abuses affecting journalists and the media. Its rules on journalistic independence and fair media markets aim to safeguard free and diverse journalism with strong, enforceable guarantees at the member state level and with accountability-holding by the EU.

This chapter does not analyse EMFA provisions in detail but outlines its relevant rules in relation to specific cases of political abuse. Article 4(2) is particularly important: it requires member states, including their national regulatory authorities and bodies, to respect editorial freedom and the independence of media service providers, and not to interfere with nor try to influence their editorial policies or decisions. This rule can also be invoked before national courts, and its enforcement is monitored by the European Commission at the member state level. It is especially significant where pressure and abuses against journalists cannot be quantified, and provides protection against all forms of pressure not specifically mentioned in the EMFA’s detailed rules. National courts may apply it when abuse against journalists does not violate a specific legal provision, including forcing politicians to respond. On the basis of this rule, the European Commission may act against restrictive legislation, such as foreign agent laws, increasingly adopted in some countries.

For decades, the European Court of Human Rights (ECtHR) has been a key safeguard for free and independent journalism under the European Convention on Human Rights (ECHR). Its extensive case law has built up a complex system of guarantees for the functioning of press freedom, ranging from the protection of journalistic sources to parliamentary reporting and freedom of information. The Court has repeatedly confirmed the media’s vital role as a “public watchdog” by imparting information and ideas on matters

of public interest.^{228,229} Protection for journalists, however, is conditional upon their acting in good faith to provide accurate and reliable information following the principles of responsible journalism. This includes acting lawfully in their interactions with public authorities.²³⁰ Thus, in the Court's interpretation, freedom of the press offers extensive protection for "responsible journalists".

6.3. Verbal and physical aggression

The most extreme cases of political pressure are violent attacks on journalists. The most direct form occurs when police or other armed forces turn against them, as seen during protests in Georgia (2024)²³¹ and Türkiye (2025).²³² Politicians' hateful and exclusionary political communication, especially when targeting journalists, can legitimise such physical violence. These attacks are not limited to authoritarian regimes: in Germany, supporters of the Alternative für Deutschland (AfD) party have repeatedly displayed aggressive behaviour towards journalists at public events.²³³

Slandering journalists and undermining their credibility is also an increasingly widespread tactic used by politicians. For example, in 2024, Slovak Prime Minister Robert Fico called journalists "bloodthirsty bastards" who were "possessed by the devil".²³⁴ While journalists can, in theory, take legal action to defend their honour and personal rights against such verbal attacks, as public figures they must tolerate more than private individuals. Moreover, many journalists are reluctant to initiate proceedings, which helps explain the rarity of such lawsuits.

6.4. Impunity

Another way of legitimising violence against journalists is the impunity of perpetrators - manifested in the failure to initiate investigations and criminal proceedings, disproportionate legal delays, and unfair trials. In Türkiye, in the case of Kurdish journalist Musa Anter, murdered in 1992, the court dismissed the case in 2022 due to the statute of limitations, leaving the perpetrators unpunished.²³⁵ Reporters Without Borders cites this case as a textbook example of a "culture of impunity". Impunity also points to a broader

²²⁸ [The Sunday Times v. the United Kingdom \(no 2\)](#), no. 13166/87, 26 November 1991.

²²⁹ [Axel Springer AG v. Germany](#), no. 39954/08, 7 February 2012.

²³⁰ [Brambilla and others v. Italy](#), no. 22567/09, 23 June 2016.

²³¹ [Statement](#) – Georgia: Press freedom partners condemn assault on journalists during demonstrations in Tbilisi, *Observatorio balcani e caucaso transeuropa*, 3 December 2024.

²³² [Journalists in Turkey arrested, beaten, deported amid government crackdown on opposition](#), Committee to Protect Journalists, 2 April 2025.

²³³ [Surge in Violent Attacks Against Journalists in Germany](#), *The Munich Eye*, 10 August 2025.

²³⁴ [Slovak PM Fico attacks journalists as 'possessed by the devil'](#), Committee to Protect Journalists, 11 October 2024.

²³⁵ [In Turkey, a brutal murder case is on the verge of impunity](#), Reporters Without Borders, 20 September 2022.

problem with the rule of law, which can only function if prosecution authorities and the judiciary are free from political influence.

6.5. Online attacks

DDoS attacks²³⁶ and other hacker activities pose serious challenges to the media, not only by paralysing content delivery, but also by creating distrust that may deter potential sources.

Examples are numerous: in Türkiye (2020), the phones and accounts of journalists Batuhan Çolak and Murat Ağirel were hacked after reporting on Turkish soldiers killed in Libya.²³⁷ In Hungary, at least 40 media outlets critical of the government have suffered DDoS attacks since 2023;²³⁸ in Serbia, the independent news site N1 faced major cyberattacks in 2020 traced to China;²³⁹ in Moldova (2024), the pro-Kremlin group NoName057(16) attacked more than 50 websites;²⁴⁰ and in the Baltic states, attackers linked to the Russian government have often been identified as being behind cyberattacks against journalists and media outlets.²⁴¹

Such acts are criminal offences in the Council of Europe's member states. The Council of Europe Convention on Cybercrime²⁴² was the first European-level regulation on cybercrime, covering all forms of hacker attacks, the spread of viruses and related IT crimes.

6.6. Direct political inquiries

The simplest form of informal attempts to influence is when a politician or government official directly asks a journalist or editorial office to publish or withhold information about them, pressuring journalists to act against professional and ethical standards.

Consistent editorial practices and clear ethical standards can provide effective protection against such interference, even in the absence of legal restrictions. In some countries, however, such acts may also constitute criminal offences as abuse of power or influence. For example, the Council of Europe's Criminal Law Convention on Corruption²⁴³

²³⁶ Distributed denial-of-service (DDoS) is a type of cyber attack seeking to make a machine or network resource unavailable to its intended users by temporarily or indefinitely disrupting services of a host connected to a network, typically by flooding it with superfluous request to overload the system.

²³⁷ [“Turkey: Two journalists hacked in cyber attack after tweeting about killed soldiers”](#), International Federation of Journalists, 27 February 2020

²³⁸ [“Hungary: DDoS cyberattacks pose major new threat to media freedom”](#), International Press Institute (IPI), 28 August 2024.

²³⁹ [“Serbia's Independent N1 Portal Buffeted by Cyber-Attacks”](#), *Balkan Insight*, 31 January 2020.

²⁴⁰ [“‘Unprecedented’ interference targets Moldova's elections”](#), *The Record Media*, 21 October 2024.

²⁴¹ [“Lithuania probing fake news story after TV station hacked”](#), *Financial Post*, 2025.; Šteinfelde, I., [“Neatkarīga and the NRA portal suffer the biggest cyber attack in its history”](#), NRA.lv, 2025; [“Estonia's media houses hit by intensified cyber attacks Friday morning”](#), *ERR News*, 2025.

²⁴² [Convention on Cybercrime \(Budapest Convention, ETS No. 185\)](#).

²⁴³ [Criminal Law convention on corruption \(ETS No. 173\)](#).

(Article 12 – Trading in influence) provides for the application of such criminal law restrictions. Yet criminal law alone is not an effective deterrent if courts fail to apply it against pressure on journalists, whether due to delays, interpretation or for other reasons.

Documented cases include leaked conversations in Türkiye showing President Erdoğan giving instructions or warnings to journalists and media owners,²⁴⁴ and in Croatia, where two thirds of journalists report pressure from members of the ruling party, ministers, and the prime minister.²⁴⁵ No legal proceedings have followed in these cases.

6.7. Corruption of journalists

Gifts to journalists and media owners, such as trips, dinners or other benefits, may fall under the criminal law provisions on corruption. Since most cases remain undisclosed, professional and ethical standards are key to combating such interference.

It is also common for political powers to corrupt the media through economic actors or oligarchs, who receive government contracts in other economic sectors and use their media outlets to advance their own financial interests and support the ruling political power structure.²⁴⁶ Regulations ensuring media ownership transparency can help to uncover such systemic interconnections, but addressing the economic and political abuses of oligarchic structures requires the complex application of a multitude of legal instruments.

6.8. Restricting access to public information

The enforcement of freedom of the press presupposes a willingness to cooperate on the part of the state, political actors and public institutions. It is the duty of the state to create the conditions for high-quality information, and guarantee broad, timely and non-discriminatory access to information needed for public oversight. The press and other public actors are responsible for making the best possible use of these opportunities.

The most obvious way for journalists to obtain information is by asking questions to politicians and public figures, and refusals to answer violate both press freedom and the public's right to information. However, neither the Council of Europe nor its member states

²⁴⁴ Kenez, L., "[Leaked memo reveals Erdogan gov't ordered psychological operations to deflect scandal, frame opposition](#)", *Nordic Monitor*, 2 May 2025.

²⁴⁵ "[Survey Shows Politicians, Advertisers Pressure Journalists](#)", *Total Croatia News*, 11 May 2023.

²⁴⁶ Nygren, G. and Johansson, KM., "The interplay of media and the political executive. Introduction and framework", in *Close and Distant Political Executive – Media Relations in Four Countries*, eds. Karl Magnus Johansson & Gunnar Nygren, 2019.

have adopted binding rules requiring such figures to respond, and refusals are not unlawful in any Council of Europe member states.²⁴⁷

6.9. Subsequent modification of interviews

Practices that restrict freedom of information include politicians modifying or withdrawing interviews after they have been conducted but before publication, treating interviews as serving their own interests, rather than the public's. In *Wizerkaniuk v. Poland* (2011),²⁴⁸ the ECtHR examined the application of a Polish law requiring journalists to obtain authorisation from politicians before publishing interviews, effectively giving interviewees the power to block publication. The Court found that when the factual content of the published interview is not disputed and the only issue is the absence of prior authorisation, imposing criminal penalties on the journalist constitute a disproportionate restriction on freedom of the press. It ruled, with general effect, that “a journalist cannot in principle be required to defer publishing information on a subject of general interest without compelling reasons relating to the public interest or the protection of the rights of others”.

6.10. Discriminatory access to press conferences

The specific context for journalists' questions is the press conference. Press conferences are intended to meet the needs of politicians and public figures to inform the public, but they also create opportunities for abuse, primarily in the form of unjustified discrimination between journalists – both in the selection of invited journalists and in the allocation of opportunities to ask questions.²⁴⁹

The Romanian Freedom of Information Act²⁵⁰ requires public authorities to hold press conferences at least every 30 days and answer all questions of public interest, and prohibits discrimination between journalists with regard to participation in press conferences.

In Hungary, the Equal Treatment Authority, which has since been abolished, stated in 2019 that it constitutes discrimination based on political opinion when state or local government bodies systematically fail to invite certain media outlets that are critical of them to their press conferences.²⁵¹

²⁴⁷ In the case of *Mándli and Others v. Hungary*, for example, the ECtHR did not dispute the Hungarian government's argument that “MPs did not have to answer a particular set of questions or maintain contact with members of the press”.

²⁴⁸ *Wizerkaniuk v. Poland*, no. 18990/05, 5 July 2011.

²⁴⁹ “[Three journalists silenced during government press conference](#)”, Mapping Media Freedom, 1 July 2021

²⁵⁰ [Law No. 544 of 12 October 2001 regarding the free access to information of public interest \(Lege nr. 544 din 12 octombrie 2001 privind liberul acces la informațiile de interes public\)](#) (in Romanian).

²⁵¹ Németh, L. [Jogszerűtlenül akadályozta a Pécsi Önkormányzat a Pécsi Stop munkáját](#) [The Pécs City Council unlawfully obstructed the work of Pécsi Stop], *Media.hu*, 28 November 2019.



6.11. Restrictions on parliamentary reporting

In some countries, parliamentary reporting is restricted through closed-circuit camera systems, accreditation rules, and restrictions on journalists' movement within parliament. These restrictions can be found in almost all European countries, including within the European Parliament. Yet, the ECtHR has held that such restrictions are not always proportionate or necessary in a democratic society. Thus, in 2017, the Court set out strict standards outlining that if the conduct of journalists is not likely to disrupt a parliamentary sitting and the life and physical integrity of journalists are not at risk, even violent disorder in parliament does not justify their removal from the chamber.²⁵²

Hungary is a striking example of disproportionate restrictions on parliamentary reporting: moving images from the chamber can only be broadcast via a closed-circuit camera system, journalists can move and ask questions only within a very restricted area inside the parliament,²⁵³ and the Speaker may even expel them from parliament for breaching rules. In 2020, the ECtHR found that banning journalists from the parliament building for an indefinite period, without a transparent procedure and without any possibility of appeal, was a disproportionate restriction on press freedom that was not necessary in a democratic society.²⁵⁴

6.12. Freedom of information

Besides the lack of any general obligation for public figures to respond, an increasing number of countries have in recent decades adopted freedom of information laws that guarantee access to data of public interest. For a long time, the ECtHR did not confirm whether such access fell under Article 10 ECHR, but a 2016 judgment marked a significant shift, expressly recognising this right as an integral part of freedom of expression, and thus an enforceable human right within the European legal system.²⁵⁵

Freedom of information laws enable the control of the exercise of public power and the use of public funds. While they do not guarantee an immediate response to the person requesting the data, access to data of public interest can be enforced through courts. Swedish legislation of 1766 was pioneering, as freedom of information laws were only introduced in the second half of the 20th century, from Finland to the Netherlands, Germany, Hungary, Georgia and Türkiye, and in many cases even in the 2000s.

National regulations vary considerably on the scope of data of public interest, request procedure and, even more so, enforcement of the rules. Freedom of information is not an unlimited fundamental right: state secrets, internal documents of public authorities, business secrets and personal data may justify limits to the disclosure of public interest

²⁵² [Selmani and Others v. The Former Yugoslav Republic of Macedonia, no. 67259/14, 9 February 2017.](#)

²⁵³ ["I Can't Do My Job as a Journalist": The Systematic Undermining of Media Freedom in Hungary, Human Rights Watch, 13 February 2024.](#)

²⁵⁴ [Mándli and Others v. Hungary, no. 63164/16, 26 May 2020.](#)

²⁵⁵ [Magyar Helsinki Bizottság v. Hungary, no. 18030/11, 8 November 2016.](#)

data. Ultimately, the effectiveness of regulation depends on the commitment of state and public authorities to ensure openness.

6.13. Protection of information sources

Among the legal instruments available to counter political pressure, the rules protecting information sources are of particular importance. These rules protect journalists from being directly compelled by the authorities to disclose their sources, and prevent the identities of their informants from being revealed in editorial documents or communications between sources and journalists. Extensive case law of the ECHR²⁵⁶ has confirmed that, without such protection, sources may be deterred from assisting the press in informing the public on matters of public interest.

However, it is also clear from the Court's case law that source protection is not absolute. National rules set out the conditions under which the authorities may lawfully obtain the identity of a source, typically only via a court – or another independent and impartial decision-maker – and only in the case of serious criminal offences, balancing the public interest in the investigation against the interest in keeping the identity of the informant secret.

The EMFA provides a uniform framework for the effective protection of journalistic sources and confidential communications across EU member states. Despite its form as a regulation, the legislation allows member states some leeway. The obligation to disclose information sources, coercive measures against journalists to obtain information from sources, and the use of intrusive surveillance software that jeopardises source protection are only lawful if the conditions laid down in the EMFA are met.

6.14. Secret surveillance of journalists

Journalistic sources can be exposed through secret surveillance of journalists. While strict safeguards are necessary to protect all citizens, the lack of such safeguards in the case of journalists can have a deterrent effect on potential sources of information, thereby hindering the exercise of the right to freedom of information.

The ECtHR first ruled in 2012 that secret surveillance of journalists does not violate freedom of the press if the decision to conduct surveillance is subject to prior review by an independent body with the power to prevent or terminate it.²⁵⁷ In addition to procedural

²⁵⁶ See eg. *Ressiot and Others v. France*, no. 15054/07 and 15066/07, 28 June 2012 (in French); *Goodwin v. the United Kingdom*, no. 17488/90, 27 March 1996; *Roemen and Schmit v. Luxembourg*, no. 51772/99, 25 February 2003; *Ernst and Others v. Belgium*, no. 33400/96 (15 July 2003) (in French); *Tillack v. Belgium*, no. 20477/05, 27 November 2007; *Sanoma Uitgevers B.V. v. the Netherlands*, no. 38224/03, 14 September 2010. For a summary, see Polyák, G., "Verhindert Art. 10 EMRK den gläsernen Journalisten?" *Osteuropa-Recht* 60. 43-49. 2014.

²⁵⁷ *Telegraaf Media Nederland Landelijke Media B.V. and Others v. the Netherlands*, no. 39315/06, 22 November 2012.

guarantees, the Court also requires that the interception of journalists' communications be subject to an "overriding requirement in the public interest" that is stronger than the interests in protecting sources.²⁵⁸

In a groundbreaking international investigation involving 17 newsrooms and Amnesty International, the investigative journalism network Forbidden Stories revealed that more than 50,000 phone numbers had been selected for surveillance using Pegasus, a spyware developed by the Israeli company NSO to hack into smartphones. This global surveillance case, which affected more than 50 countries, included the use of Pegasus against journalists in countries such as Hungary, Greece, Spain, France and Latvia.²⁵⁹

The EFMA regulates intrusive surveillance software primarily to protect journalistic sources (Article 4 (5)-(6)). It does not prohibit installing such software but restricts its use to the purpose of investigating specific crimes, provided that less intrusive measures are not sufficient to achieve the investigative objective. In addition, the installation of intrusive surveillance software must be subject to regular review by a judicial or independent and impartial decision-making authority to determine whether the conditions justifying its use continue to be met. However, in some member states, questions remain regarding the independence and impartiality of these decision-making authorities, particularly in contexts where adherence to the rule of law is challenged.

6.15. Strategic litigation

Among formal means of exerting pressure, the EU has already initiated legislative measures to prevent certain cases of abusive litigation. Directive 2024/1069 on strategic lawsuits against public participation (SLAPPs)²⁶⁰ provides procedural and corrective safeguards against court proceedings "which are not brought to genuinely assert or exercise a right, but have as their main purpose the prevention, restriction or penalisation of public participation, frequently exploiting an imbalance of power between the parties, and which pursue unfounded claims". However, the scope of the Directive is limited to civil proceedings with cross-border implications and does not extend to public law proceedings.

In 2024, the Council of Europe's Committee of Ministers adopted a recommendation on countering the use of strategic lawsuits against public participation (SLAPPs).²⁶¹ Unlike the EU directive, the recommendation covers a wider range of abusive proceedings,

²⁵⁸ [Sedletska v. Ukraine, no. 42634/18, 1 April 2021.](#)

²⁵⁹ European Parliament, Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware, Rapporteur Sophie in 't Veld, "[Report of the investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware](#)", 2022/2077(INI), 22. May 2023.

²⁶⁰ [Directive \(EU\) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings \('Strategic lawsuits against public participation'\).](#)

²⁶¹ Council of Europe, Committee of Ministers, [Recommendation CM/Rec\(2024\)2 of the Committee of Ministers to member States on countering the use of strategic lawsuits against public participation \(SLAPPs\)](#), 5 April 2024.

specifically mentioning misdemeanours, administrative measures and criminal charges, and is not limited to cross-border proceedings. However, it is non-binding.

The first ECtHR judgment to refer to SLAPPs was *OOO Memo v. Russia*²⁶² (2022). In this defamation case against a media outlet that had exposed corruption, the Court expressly stated that “court proceedings instituted with a view to limiting public participation bring risks (...) for democracy”. This judgment may become a key benchmark for the exercise of fundamental rights in the fight against abusive litigation.

SLAPP lawsuits are most commonly brought in cases involving personal rights and defamation. Examples include the lawsuits brought by the *Turkish Demirören Media Group against Canan Kaya*, editor-in-chief of Medya Koridoru.²⁶³ The journalist published investigative articles about the media company's financial situation, and in both cases, in 2021 and 2023, the Turkish court dismissed Demirören Media Group's claim for damages.

Although civil society has long called for the decriminalisation of defamation, only five EU member states (Cyprus, Estonia, Ireland, Malta, and Romania) have fully implemented it. In Hungary, defamation via press products or media services has been punishable only in exceptional cases since 2023. In some countries, penalties are limited to fines, but defamation remains a criminal offence and can still be used to threaten journalists.

6.16. Threatening administrative proceedings

Political pressure can also be exerted by increasing administrative burdens. Frequent inspections by tax, fire safety, or labour authorities consume significant resources at editorial offices, even when they do not lead to sanctions. While such procedures are lawful, they become abusive when applied discriminatorily or more stringently than to other organisations. Critical local media outlets in Bosnia and Herzegovina, for example, are often subjected to unannounced inspections for alleged violations of building, fire safety or health regulations.²⁶⁴

6.17. Politically biased legal practice by media authorities

The politically biased and discriminatory operation of media authorities is a significant concern among administrative barriers. The independence of media authorities is crucial to ensure that all actors in the media system receive equal and professionally justified treatment. When media authorities exercise biased control and sanctioning, certain actors face stricter scrutiny, which, through the sanctions imposed, can restrict their editorial and

²⁶² [OOO Memo v. Russia, no. 2840/10, 15 March 2022.](#)

²⁶³ [“Turkey: SLAPP Case Against Journalist Canan Kaya With A Demand of 20 Thousand Turkish Liras Begins”](#), Coalition for Women in Journalism, 9 November 2023.

²⁶⁴ [“A Difficult Profession: Media Freedom Under Attack in the Western Balkans”](#), Human Rights Watch, 15 July 2015.

financial freedom. Decisions on market entry and media concentration also have a decisive impact on the editorial and economic freedom of individual players.

For example, in 2025, the Turkish media authority imposed a 10-day broadcasting ban on the opposition channel Sozcu TV following live coverage of protests after the arrest of the mayor of Istanbul.²⁶⁵ In 2023, the Mertek Media Monitor identified the Hungarian Media Council's consistently biased decisions on market entry and media concentration as key tools in the transformation of the media market.²⁶⁶

Since 2018, the independence of media authorities has been regulated by the EU's Audiovisual Media Services Directive. The Committee of Ministers of the Council of Europe also adopted a recommendation on the subject in 2020.²⁶⁷ While these frameworks provide an important foundation, challenges to effective implementation remain in some member states, as noted annually by the European Commission in its Rule of Law Report.²⁶⁸

6.18. Foreign agent laws

Foreign agent laws are increasingly used as a means of exerting administrative pressure. These laws restrict the activities of individuals and organisations involved in domestic public life who receive support for their work from foreign organisations. Restrictions vary from country to country, ranging from mandatory registration as a foreign agent and mandatory declaration of foreign funding to the withdrawal of the organisation's financial resources, dissolution, and even criminal prosecution of the individuals concerned.

Since 2012, Russia has imposed restrictions on civil society organisations engaged in politically relevant activities and receiving foreign funding.²⁶⁹ From 2017, these restrictions were extended to media organisations receiving foreign funding, which have been classified as foreign agents. In 2020, private individuals were also included; those designated as foreign agents must be identified as such in all media mentions. The regulations on foreign agents were further tightened in 2022, and from 2025, they have allowed measures that could lead to the complete financial ruin of targeted journalists.²⁷⁰ Similar laws have already been passed in Georgia and Kyrgyzstan.²⁷¹ Countries such as

²⁶⁵ [“Turkish Regulator Slaps Harsh Penalties on TV Channels for Covering Protests”](#), Balkan Insight, 27 March, 2025.

²⁶⁶ Mertek Media Monitor, [“The Frozen Media System”](#), Mertek Booklets Vol. 36, 2024.

²⁶⁷ Council of Europe, Committee of Ministers, [Rec\(2000\)23 - on the independence and functions of regulatory authorities for the broadcasting sector](#), 20 December 2000.

²⁶⁸ European Commission, [2025 Rule of Law Report - The rule of law situation in the European Union](#), 8 July 2025.

²⁶⁹ [“Russia Labels Meduza CEO Timchenko 'Foreign Agent'”](#), The Moscow Times, 30 August 2024.

²⁷⁰ [“Russia preps to block income of 'foreign agent' journalists”](#), Committee to Protect Journalists, 11 February 2025.

²⁷¹ Dzhuraev, E. [“‘Foreign Agent’ Laws in Georgia, Kyrgyzstan Show Pitfalls of Turning Local Governance Issues into Geopolitical Battles”](#), PONARS Eurasia, 9 December 2024.

Türkiye, Bosnia and Herzegovina and Hungary have already initiated the legislative process, but their laws have not yet been enacted.²⁷²

6.19. The chilling effect of laws

Not only can court and administrative proceedings pose a threat to editorial offices, but the wording of legislation itself can have a chilling effect. The deterrent impact of harsh sanctions, the lack of clarity in the legislation's wording, and limited legal remedies create opportunities for the arbitrary application of the law. This forces journalists to exercise excessive caution and self-censorship, even if the law is seldom enforced in practice.

The chilling effect resulting from the wording of the legislation can be remedied by constitutional or ECtHR review of the law. Disproportionate sanctions may constitute unconstitutional restrictions on freedom of expression. Insufficiently clear wording of the text of the legislation is also a disproportionate restriction on freedom of expression.

In particular, in its case law, the ECtHR has also made clear that Article 10 ECHR requires that laws restricting speech must be “clear and precise” and must indicate with clarity the scope of any legal discretion.²⁷³ The ECtHR stated in the case of *Ahmet Yildirim v. Turkey*: “The question here is whether, at the time [the limiting freedom of speech] was issued, a clear and precise rule existed enabling the applicant to regulate his conduct in the matter.”

One example of unclear legal wording is the use of the term “disinformation”. While combating disinformation is fundamental for protecting democracy, there is a risk that broadly defined measures may be applied to restrict legitimate criticism of the government. Türkiye’s 2022 disinformation law provides for penalties of up to three years’ imprisonment for the dissemination of “false information” with the intention of causing fear, panic or disorder. Due to the law’s broad scope, information that diverges from the official government position can be classified as “disinformation”. Since 2022, the Media and Law Studies Association has documented at least 66 investigations targeting 56 journalists, writers and media workers under this legislation.²⁷⁴ In Hungary, the Sovereignty Protection Office has been empowered by law to investigate activities aimed at manipulating information and spreading disinformation carried out by investigated bodies or persons in the interests of foreign countries. Observers have expressed concern that these measures have been used to stigmatise investigative journalists, human rights and anti-corruption civil society organisations.²⁷⁵

²⁷² Holland, C., “[Foreign Agent Laws: A Worrying Trend](#)”, St Andrews Law Review, 26 November 2024.; Allsop, J., “[The insidious spread of foreign agent laws continues](#)”, Columbia Journalism Review, 2023.

²⁷³ [Ahmet Yildirim v. Turkey, No. 3111/10 18 December 2012.](#)

²⁷⁴ “[Journalists criticize Turkey’s disinformation law: Any information not from the government is labeled false](#)”, MLSA Turkey, 2025.

²⁷⁵ “[The Sovereignty Protection Office launched an investigation against Atlatszo](#)”, Atlatszo English, 25 June 2024.

6.20. The specific risks of public service media

From a journalistic perspective, public service media are, in principle, a guarantee of free and high-quality information. The lack of exposure to market competition, the public service mandate, institutional and financial guarantees, and strict internal professional rules all serve to enable public service media journalists to carry out their work without interference and to a high standard. However, at the same time, public funding, state influence over the appointment of managers and potential organisational restructuring at any time pose specific risks to their proper functioning.

The EMFA codifies in the form of a regulation and binds EU member states to uphold these principles that are fundamental to the maintenance of free and independent public service media. It requires member states to ensure that public service media providers offer their audiences a diversity of information and opinions in an impartial manner, according to their public service remit as defined at national level (Article 5(1)). While the nature of impartial and diverse information as a fundamental right and a category of media studies is fairly well documented,²⁷⁶ its enforceability under law remains subject to interpretation.

The EMFA requires member states to ensure editorial and functional independence (Article 5(1), first half-sentence). This provision does not create an enforceable obligation before a court but rather sets out a legislative task. Article 5(2) elaborates on this by regulating the election of the heads and board members of public service media. It provides that such appointments must be made on the basis of transparent, open, effective and non-discriminatory procedures and transparent, objective, non-discriminatory and proportionate criteria laid down in advance at national level. The duration of their term of office shall be sufficient for the effective independence of public service media providers. These are mainly legislative tasks for member states, as not all member states meet these conditions (for example, in Hungary, there is no competitive selection process). However, the regulation of the procedure in the EMFA is not detailed enough to fully replace national rules. Organisational guarantees include determination of the terms of office and the principles of dismissal, which are not detailed enough for judicial enforcement at the member state level. The European Commission is responsible for monitoring the compliance of member state regulations with the EMFA.

Regarding financing guarantees, the EFMA requires member states to ensure that the financing procedures for public service media are based on pre-defined, transparent, and objective criteria. These financing procedures must ensure that public service media operators have sufficient, sustainable and predictable financial resources to fulfil their public service mission and develop within that mission.

While EU competition law protects competitors from the over-funding of public service media, the EMFA protects public service media providers from governmental misuse

²⁷⁶ [Barnett, S. and Townend, J. \(eds.\), "Media power and plurality - From Hyperlocal to High-Level Policy", Palgrave MacMillen, 2015; Iosifidis, P., "Pluralism and concentration of media ownership: measurement issues", *Javnost - The Public*, 17\(3\), 2010, 5-21; Karppinen, K. "Journalism, Pluralism, and Diversity", *Journalism*, edited by Tim P. Vos, Berlin, Boston: De Gruyter Mouton, 2018, pp. 493-510.](#)



of funding as leverage. However, detailed rules and adequate funding criteria are lacking, which can lead to ongoing conflict between some member states and the Commission.

In order to ensure the independence of public service media service providers, the EMFA requires member states to designate one or more independent authorities or bodies to enforce the above requirements, or to establish mechanisms free from political interference by governments. True independence of these bodies is sustainable only within democratic frameworks upholding the rule of law.

7. Rights, duties and working conditions of journalists

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7.1. Introduction

In democratic societies, journalists play an essential role as “public watchdogs”, ensuring transparency, holding those in power accountable, and facilitating informed public debate. This chapter first assesses the legal protections available to journalists, focusing on international, regional, and national instruments that safeguard freedom of expression and the right to information. Special attention is given to the evolving jurisprudence of the European Court of Human Rights, which has been instrumental in delineating the rights and duties of journalists under Article 10 of the European Convention on Human Rights. Second, the chapter explores the ethical standards that underpin responsible journalism, including the role of self-regulatory bodies, codes of conduct, and emerging initiatives designed to promote transparency, accuracy, and independence in reporting. Finally, it addresses the socio-economic challenges that increasingly affect journalists' ability to perform their role effectively. Issues such as precarious employment, inadequate remuneration, gender disparities, and the growing precarity faced by freelance journalists are analysed, highlighting their impact on media freedom and the quality of journalism.

7.2. Legal and ethical foundations of journalism in Europe

This section provides an analysis of the rights, duties and responsibilities of journalists in Europe, examining the interplay between legal protections, ethical obligations, and socio-economic realities. In doing so, it considers how laws, jurisprudence and professional standards interact to shape the environment in which journalists operate.

7.2.1. Legal protections for the exercise of journalistic function under European Law

In Europe, journalists exercise their functions under legal frameworks that aim to protect their right to inform the public while carrying responsibility. These frameworks – international, regional, and national – affirm that the role of the journalist is not only to inform but to contribute to public debate, ensure accountability of those in power, and uphold democratic values.

At the international level, the International Covenant on Civil and Political Rights (ICCPR) sets a foundational standard. Article 19 of the ICCPR affirms that everyone shall have the right to freedom of expression, including the freedom to seek, receive and impart information and ideas.²⁷⁷ For journalists, this is a foundational right. The UN Human Rights Committee, in its General Comment No. 34, reinforces the special function of the press in a democratic society, emphasising that the free flow of information is essential to enabling journalists to meet their ethical obligations.²⁷⁸

At the European level, the European Convention on Human Rights (ECHR) equally offers strong guarantees. Article 10 of the Convention protects the right to freedom of expression while ensuring that the exercise of the right to impart information comes with conditions.²⁷⁹ Article 10(2) ECHR acknowledges that restrictions may be necessary for reasons such as national security, the protection of public order, or the rights of others, including the right to privacy under Article 8. Striking the right balance between these interests is a recurring challenge in journalistic practice and legal interpretation. The rulings of the European Court of Human Rights (ECtHR)²⁸⁰ have clarified that limits to freedom of expression should only be accepted in narrowly defined, exceptional circumstances.

Further strengthening these rights is the EU Charter of Fundamental Rights, particularly Article 11, which mirrors the protections found in the ECHR and reinforces them in the context of EU law.²⁸¹ This becomes especially relevant with the introduction of new legislative instruments, such as the EMFA, which entered into force on 7 May 2024, and the rules of which have fully applied since 8 August 2025.²⁸²

The EMFA represents a significant shift in the European media landscape and is the first instrument specifically dedicated to upholding media freedom. It is designed to bolster media pluralism and independence by addressing longstanding vulnerabilities within the sector. Among its innovations are explicit protections for journalistic sources.²⁸³ Under the new regulation, authorities are barred from compelling journalists and editors to reveal their sources through coercive measures such as detention, office searches, sanctions, or the installation of surveillance software. Although the regulation allows the use of spyware in exceptional cases – subject to judicial authorisation and only in relation to serious crimes

²⁷⁷ [International Covenant on Civil and Political Rights](#), opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976), Art. 19.

²⁷⁸ The UN Human Rights Committee, [General Comment 34 on States parties' obligations under Article 19 of the ICCPR: Freedoms of opinion and expression](#) (CCPR/C/GC/34). See para. 13

²⁷⁹ [Convention for the Protection of Human Rights and Fundamental Freedoms](#) (European Convention on Human Rights, as amended) (ECHR), Art. 10.

²⁸⁰ The EAO's [VERBO database](#) comprises all of the EAO's IRIS Newsletter articles on Article 10 ECHR case-law.

²⁸¹ [Charter of Fundamental Rights of the European Union](#), 2012 O.J. C 326/391.

²⁸² Regulation (EU) 2024/1083 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU ([European Media Freedom Act](#)).

²⁸³ IPI, [IPI position on the European Media Freedom Act](#) (2023).

– strong safeguards are in place. Those affected must be notified post-surveillance and have the right to challenge the decision in court.²⁸⁴

These legal instruments are complemented by media *self-regulation*, which stems from the idea that laws often offer broad definitions of what constitutes “security”, “order” or “reputation” while strict and narrow definitions would disproportionately restrict the right to freedom of expression. Hence, media structures are encouraged to develop ethics protecting individuals or group interests from unacceptable abuse in the media. In this area, state interventions are not necessary while journalists should be encouraged to make themselves accountable to the public by correcting their mistakes.²⁸⁵ In other words, to act *ethically*.

These standards form a multilayered framework that not only protects journalists in the exercise of their functions but also promotes an enabling environment in which they can thrive professionally and ethically.

7.2.2. Responsible journalism in ECtHR jurisprudence

A cornerstone of legal protection for journalists in Europe is the evolving jurisprudence of the European Court of Human Rights (ECtHR), which has built up a detailed body of case-law clarifying the extent and limits of freedom of expression as it pertains to the function of journalists. Under Article 10 of the Convention, journalists enjoy protection as “public watchdogs” on the condition that they comply with the duties and responsibilities connected to the journalistic function. Through its rulings, the ECtHR has consistently emphasised that the role of “public watchdog” carries a consequent obligation to perform “responsible journalism”.

One of the foundational concepts developed by the ECtHR is that the right to freedom of expression not only protects journalistic output but extends to the entire process of news production, including information-gathering. In *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland*,²⁸⁶ the ECtHR ruled that the collection of data for journalistic purposes falls under the protection of Article 10 ECHR. Similarly, in *Magyar Helsinki Bizottság v. Hungary*,²⁸⁷ the ECtHR affirmed that access to public data is often essential for journalists to carry out their work in the public interest.

²⁸⁴ EDRI, [Challenges ahead: European Media Freedom Act falls short in safeguarding journalists and EU fundamental values](#) (2024); see also IPI, [“Watching the Watchdogs: Spyware surveillance of journalists in Europe and the ongoing fight for accountability”](#) (2024).

²⁸⁵ Council of Europe, Commissioner for Human Rights, [“Ethical Journalism and Human Rights”](#), Comm DH/Issue Paper (2001) 1, p. 7.

²⁸⁶ *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland* [GC], § 128; see also Voorhoof, D., IRIS Newsletter [2015-8, 2017-8](#).

²⁸⁷ *Magyar Helsinki Bizottság v. Hungary* [GC], § 130, see also Voorhoof, D., IRIS Newsletter [2017-1](#); *Guseva v. Bulgaria*, § 37.



Access to physical spaces and institutions has also been frequently addressed in the ECtHR's jurisprudence. In cases like *Gsell v. Switzerland*²⁸⁸ and *Karácsony and Others v. Hungary*,²⁸⁹ the ECtHR examined restrictions on journalists within parliamentary premises. Meanwhile, *Selmani and Others v. North Macedonia* involved the removal of journalists from a public gallery in parliament, which was found to violate Article 10 ECHR.²⁹⁰ The rulings in *Pentikäinen v. Finland*²⁹¹ and *Mandli v. Hungary*²⁹² dealt with journalists covering public demonstrations, emphasising that such reporting often serves a crucial democratic function. *Szurovecz v. Hungary*,²⁹³ involving denied access to an asylum reception centre, underscored that withholding access without compelling justification can inhibit transparency and public accountability.

The ECtHR has also drawn clear lines regarding the conditions under which journalistic protections apply. Central to its approach is the idea of "responsible journalism", a concept that links journalistic freedom with lawful conduct. In *Pentikäinen v. Finland*,²⁹⁴ the ECtHR ruled that a journalist's arrest during a demonstration did not violate Article 10 ECHR because the journalist had failed to comply with police instructions. This case set an important precedent: journalists are expected to adhere to the law and behave responsibly, even when covering contentious or high-risk events. Similar conclusions were drawn in *Amaghlobeli v. Georgia*²⁹⁵ and *Stoll v. Switzerland*,²⁹⁶ where journalists were sanctioned for breaching legal norms during their reporting.

Crucially, the ECtHR has stressed that legal protection is not available for those who abuse their journalistic status. In the *Satakunnan* case, the misuse of journalistic exemption to circumvent data protection rules led the Court to rule in favour of regulatory intervention. The proportionality of state responses to journalistic misconduct is always scrutinised: Penalties must not be excessive to the point of discouraging investigative reporting.

Balancing rights and duties is perhaps one of the most complex aspects of the ECtHR's jurisprudence. Freedom of the press must often be weighed against other fundamental rights, such as the right to privacy or protection of reputation.²⁹⁷ In *Flux v. Moldova*,²⁹⁸ the Court found that disproportionate defamation penalties could deter journalists from engaging in public interest reporting, thereby having a chilling effect on media freedom. On the other hand, cases like *Iltalehti, Flinkkila, Soila, and Tuomela v.*

²⁸⁸ *Gsell v. Switzerland*, §§ 49 and 61.

²⁸⁹ *Karácsony and Others v. Hungary*, §§ 151 to 159.

²⁹⁰ *Selmani and Others v. the former Yugoslav Republic of Macedonia*, §§ 73 to 85.

²⁹¹ *Pentikäinen v. Finland* [GC] judgment, §§ 89 and 107.

²⁹² *Mandli and Others v. Hungary*, § 66.

²⁹³ *Szurovecz v. Hungary*, §§ 61-62; see also Voorhoof, D., IRIS Newsletter [2019-10](#).

²⁹⁴ *Pentikäinen v. Finland* [GC], § 90; see also Voorhoof, D., IRIS Newsletter [2014-4](#), [2014-7](#), [2016-1](#).

²⁹⁵ *Amaghlobeli and Others v. Georgia*, § 36.

²⁹⁶ *Stoll v. Switzerland* [GC], § 154.

²⁹⁷ Council of Europe, Commissioner for Human Rights, "[Ethical Journalism and Human Rights](#)", Comm DH/Issue Paper (2001) 1, p. 13.

²⁹⁸ *Flux nr. 6 v. Moldova*; see also Voorhoof, D., IRIS Newsletter [2008-9](#).



*Finland*²⁹⁹ highlight the delicate line between public interest journalism and unwarranted intrusions into private life.

The ECtHR has also been attentive to the accuracy and use of official sources. In *Selistö v. Finland*,³⁰⁰ a journalist was convicted for publishing inaccurate information received from a police source. The ruling underscored the journalist's duty to verify facts – even when sourced from official channels. Other cases, such as *Axel Springer AG v. Germany*,³⁰¹ *Yordanova and Toshev v. Bulgaria*,³⁰² *Editorial Board of Pravoye Delo v. Ukraine*,³⁰³ and *Kacki v. Poland*,³⁰⁴ collectively reinforce the idea that using official documents does not exempt journalists from applying editorial judgment and verifying the information's public interest value.

Another major theme in ECtHR case law is the protection of journalistic sources.³⁰⁵ This principle was firmly established in *Goodwin v. United Kingdom*, where the Court held that compelling a journalist to reveal a confidential source without an overriding public interest violated Article 10 ECHR.³⁰⁶ This landmark judgment has been influential across Europe, but implementation varies significantly. Some countries, including Belgium, France and Italy, have strict rules that limit state interference while recognising in some exceptional circumstances that a judge can order a journalist to disclose their sources in strictly limited and narrowly defined circumstances. However, recent concerns over wiretapping and exposure of sources during judicial proceedings, particularly of journalists covering migration issues in Italy,³⁰⁷ have exposed vulnerabilities and the need for stronger enforcement of source protection norms.

Finally, the ECtHR has underscored the importance of editorial ethics and decision-making. In *Axel Springer*,³⁰⁸ the Court set out several criteria to evaluate whether journalistic reporting serves a public interest and is conducted ethically. These include the journalist's adherence to professional standards, the veracity of the facts, and the method of information acquisition. In *Bladet Tromsø and Stensaas v. Norway*,³⁰⁹ the Court highlighted

²⁹⁹ *Iltalehti and Karhuvaara v Finland*; *Flinkkila and Others v Finland*; *Soila v Finland* and *Tuomela and Others v Finland*; see also Voorhoof, D., IRIS Newsletter [2010-5](#).

³⁰⁰ *Selistö v. Finland*, § 60.

³⁰¹ *Axel Springer AG v. Germany* [GC], § 105; see also Voorhoof, D., IRIS Newsletter [2012-3](#).

³⁰² *Yordanova and Toshev v. Bulgaria*, § 51

³⁰³ *Editorial Board of Pravoye Delo and Shtekel v. Ukraine*, § 63; see also Iacino, G., IRIS Newsletter [2011-6](#).

³⁰⁴ *Kacki v. Poland*, § 52.

³⁰⁵ See ECHR, [Key Theme - Article 10 Protection of Journalists and Journalistic Activities](#) (last updated on 31/08/2024).

³⁰⁶ *Goodwin v. The United Kingdom*; see also Voorhoof, D., IRIS Newsletter [1996-4](#).

³⁰⁷ See for example: The Guardian, "[Sicilian prosecutors wiretapped journalists covering refugee crisis - Conversations recorded ahead of cases in which rescuers from charities charged with collaboration with people smugglers](#)", 6 April 2021.

³⁰⁸ *Axel Springer AG v. Germany* [GC], § 93, see also Voorhoof, D., IRIS Newsletter [2012-3](#); *Bladet Tromsø and Stensaas v. Norway* [GC], § 65.

³⁰⁹ *Bladet Tromsø and Stensaas v. Norway*, § 65; see also Voorhoof, D., IRIS Newsletter [1999-6](#).

the role of the press as a watchdog, reinforcing its special status under Article 10 ECHR. Meanwhile, in *Steel and Morris v. United Kingdom* - the so-called "McLibel case" - the Court acknowledged the right of advocacy journalists to express strong opinions but reiterated that even such journalism must meet minimum standards of fairness and factual accuracy.³¹⁰

Taken together, this body of jurisprudence illustrates the ECtHR's nuanced understanding of the journalistic profession. The Court case-law has provided a detailed roadmap for navigating the legal and ethical boundaries of journalism in Europe, offering both protection and guidance for those committed to serving the public through accurate and ethical reporting.

7.2.3. Ethical principles and codes of conduct

While legal frameworks provide the formal architecture of protections for journalists, it is often professional ethics that guide their everyday decision-making. Across Europe, ethical codes and principles serve as a compass, helping journalists navigate dilemmas that laws alone cannot resolve.³¹¹ These codes emphasise the values of truth, accuracy, independence, and fairness - ideals that lie at the heart of journalism's public mission.³¹²

Ethical journalism begins with a commitment to accuracy and truthfulness.³¹³ Journalists are expected to verify facts rigorously, consult multiple sources, and be transparent about uncertainties in the information they publish. The obligation to correct errors promptly and prominently is also a key tenet of ethical reporting. Independence is another cornerstone: Journalists must avoid conflicts of interest, resist external pressures, and maintain editorial autonomy even in politically or commercially sensitive situations.

Across Europe, self-regulation is the preferred model for upholding journalistic standards. This is often implemented through press councils, ombudspersons, and internal codes adopted by news organisations. These mechanisms not only promote accountability but also help reinforce public trust in journalism as a democratic institution.

One of the most widely recognised international frameworks is the IFJ Global Charter of Ethics,³¹⁴ which outlines universal principles for journalistic integrity. It enshrines commitments to respect facts, ensure fairness, and protect the confidentiality of sources.

³¹⁰ *Steel and Morris v. the United Kingdom*, § 90; see also Voorhoof, D., IRIS Newsletter [2005-4](#).

³¹¹ Council of Europe, Commissioner for Human Rights, "[Ethical Journalism and Human Rights](#)", Comm DH/Issue Paper (2001) 1, p. 17.

³¹² See a [database](#) with 55 codes of ethics from 45 countries.

³¹³ See for example Foreign Press Correspondents USA, "[On the Rights, Duties, Obligations, and Responsibility of Journalists and the Media](#)", (2024).

³¹⁴ IFJ, "[Global Charter of Ethics for Journalists](#)", adopted at the 30th IFJ World Congress in Tunis on 12 June 2019. It completes the IFJ Declaration of Principles on the Conduct of Journalists (1954), known as the "Bordeaux Declaration".



National codes build on these principles, tailoring them to local media cultures and legal systems. In the United Kingdom, for instance, the Editors' Code of Practice provides detailed guidance on accuracy, privacy, and the right to reply. In France, the *Charte d'éthique professionnelle des journalistes* articulates similar values, with an added emphasis on journalists' social responsibilities.³¹⁵

New initiatives have also emerged to address the evolving challenges faced by journalism in the digital age. The Journalism Trust Initiative (JTI),³¹⁶ led by Reporters Without Borders, sets benchmarks for transparency, independence, and professional standards that media outlets can adopt voluntarily. By making compliance with ethical practices measurable and visible, the JTI seeks to counter disinformation and bolster audience trust.

Best practices in ethical journalism include ensuring the reliability of sources and verifying claims through independent and secondary checks. Journalists are encouraged to prioritise public and verifiable sources, such as those obtained through access to information laws, whenever possible. Ethical guidelines also stress the importance of minimising harm, whether by protecting vulnerable individuals in reporting, avoiding sensationalism, or showing sensitivity in coverage of trauma and conflict.

Transparency in editorial processes is becoming increasingly important in today's fragmented media environment. Journalists and news outlets are urged to disclose potential conflicts of interest, explain how stories are sourced and verified, and maintain open lines of communication with their audiences. This kind of transparency not only enhances credibility but also strengthens the relationship between the press and the public it serves.

Ultimately, ethical journalism is about more than just compliance; it is a continual process of reflection and responsibility. In combination with legal protections and judicial safeguards, these ethical principles form a holistic framework that empowers journalists to fulfil their vital role in democratic society with both freedom and responsibility.

7.3. Working conditions in the media sector

Journalists are increasingly facing challenging working conditions across Europe, shaped by a confluence of economic pressures, technological disruption, and structural inequalities. While journalism plays a vital role in sustaining democratic societies, the people behind the profession often experience unstable and under-regulated labour environments. This section explores the legal and institutional frameworks governing media work, identifies persistent structural challenges, and considers how deteriorating

³¹⁵ France, Press Council, "[Declaration of the Rights and Duties of Journalists](#)".

³¹⁶ Designed as an ISO standard, the "[Journalism Trust Initiative](#)", initiated by Reporters without Borders (RSF), was developed by a panel of 130 international experts under the aegis of the European Committee for Standardisation (CEN) and published as Workshop Agreement CWA 17493 to reward trustworthy journalism and compliance with professional norms. More than 1,700 media outlets in over 100 countries are involved in the Journalism Trust Initiative mechanism.

conditions can impact journalistic independence and the quality of public interest reporting.

7.3.1. Legal and institutional framework

Although journalists enjoy strong protections regarding freedom of expression under international and regional human rights law, labour protections specific to the media sector are uneven and often inadequate. In recent years, various European institutions have raised concerns about the working conditions of media professionals and proposed reforms to address them.

The Parliamentary Assembly of the Council of Europe (PACE), in its Resolution 2213 (2018),³¹⁷ underscored the urgent need to improve protections for freelance journalists, who now make up a significant share of the media workforce. The resolution calls for greater union representation and social security protections for freelancers, alongside stronger mechanisms to defend their professional rights in the face of precarious employment and intimidation.

Similarly, the European Economic and Social Committee (EESC), in its 2022 Opinion on Labour Rights for Journalists,³¹⁸ highlighted a growing disparity between full-time, contract-based journalists and freelancers or gig workers.³¹⁹ It recommended minimum standards for employment contracts, fair pay, social protections, and access to training and mental health services. The EESC emphasised that without targeted reforms, the precarious conditions faced by many journalists risk undermining the viability and integrity of the entire media ecosystem.

7.3.2. Structural challenges

Journalists across Europe contend with a range of structural challenges that affect their job security, well-being, and professional autonomy. One of the most commonly reported issues is the prevalence of long working hours in high-pressure environments.³²⁰ Tight deadlines,

³¹⁷ Parliamentary Assembly of the Council of Europe (PACE), Resolution 2213 (2018), "[The status of journalists in Europe](#)", adopted on 25 April 2018.

³¹⁸ European Economic and Social Committee (EESC), Opinion on "Labour rights of journalists" (SOC/705), adopted on 18 May 2022.

³¹⁹ Freelance journalists pitch and produce stories independently for various media outlets, often developing long-term relationships with editors. Gig workers in journalism may take on short, one-off assignments, like event coverage or content tagging. Those are typically arranged through platforms or agencies with limited editorial input.

³²⁰ IFJ, "[Working Conditions of European Journalists](#)", (2009).

constant connectivity through digital tools, and the expectation of real-time news production contribute to high levels of burnout and psychological stress.³²¹

Media restructuring and layoffs have also become routine in many countries, particularly in the aftermath of the 2008 financial crisis and the more recent economic shocks associated with the COVID-19 pandemic.³²² As traditional advertising revenues shrink and digital platforms absorb a larger share of audience engagement, many media outlets have downsized or restructured their operations.³²³ These shifts often lead to increased workloads for remaining staff, reduced editorial resources, and diminished investigative capacities.³²⁴

Stagnating or declining wages further exacerbate the situation.³²⁵ In several EU countries, average journalist salaries have not kept pace with inflation or living costs,³²⁶ especially for early-career professionals and regional reporters. The deterioration in income security has made journalism less attractive as a long-term career path, leading to concerns about talent retention and generational renewal within the sector.

7.3.3. Gender inequality in journalism

Gender inequality remains a persistent issue in the media sector. Despite progress in some areas, women journalists continue to earn less than their male counterparts and are underrepresented in decision-making roles.³²⁷ The gender pay gap is often exacerbated by opaque salary structures, a lack of transparent promotion processes, and the prevalence of short-term contracts.³²⁸

Research also points to gender-based discrimination in newsroom culture and editorial assignments.³²⁹ Women journalists are often assigned "softer" topics or lifestyle coverage, while investigative and political beats remain male-dominated. Harassment, both in the workplace and online, is another significant barrier, with women journalists frequently targeted for abuse when covering contentious issues.³³⁰

³²¹ OSH Wiki, "[Journalism and psychosocial risk factors](#)".

³²² Jana Rick & Thomas Hanitzsch, "Journalistic Work During a Pandemic:

[Changing Contexts and Subjective Perceptions](#)", *Journalism Practice*, (2024).

³²³ National Union of Journalists (NUJ), DM2023: "[Artificial Intelligence](#)", (2023).

³²⁴ OSH Wiki, "[Journalism and psychosocial risk factors](#)".

³²⁵ Jana Rick & Thomas Hanitzsch, "Journalistic Work During a Pandemic:

[Changing Contexts and Subjective Perceptions](#)", *Journalism Practice*, (2024).

³²⁶ OSH Wiki, "[Journalism and psychosocial risk factors](#)".

³²⁷ Reuters Institute, "[Female journalists under-represented in European media](#)".

³²⁸ European Parliament, Directorate General for internal policies, Gender Equality in the Media Sector (2018), p. 18-19.

³²⁹ Reuters Institute, Amy Ross Arguedas, Mitali Mukherjee, Rasmus Kleis Nielsen, "[Women and leadership in news media 2024: Evidence from 12 markets](#)".

³³⁰ EJO, "[Where are the Women Journalists in Europe's Media?](#)", (2018).

Freelance women journalists are especially vulnerable. They face the dual challenge of insecure employment and gender bias, often lacking access to maternity leave, childcare support, or legal recourse in cases of discrimination. These disparities not only harm individual careers but also restrict the diversity of voices and perspectives in the media.³³¹

7.3.4. Precarity of freelancers

Freelance journalists represent a growing segment of the media workforce, often as a result of waves of redundancies.³³² They are often paid by the piece, with rates that do not reflect the time and risks involved in producing quality journalism. Payment delays are common, and contracts may lack basic protections such as sick leave, health insurance, or pension contributions.³³³

This income instability has a direct impact on professional choices.³³⁴ Freelancers may be forced to accept multiple assignments simultaneously or supplement their income with unrelated work, which compromises their capacity to pursue in-depth, investigative reporting. The lack of institutional support also exposes freelancers to heightened personal risk, particularly when covering conflict zones, protests, or controversial topics.³³⁵ Without the backing of a media outlet, they often lack access to legal aid, safety training, or protective equipment.

Professional organisations have repeatedly called for reforms to protect freelancers and include provisions allowing negotiation of collective agreements, fair remuneration, and access to collective bargaining.³³⁶ However, progress has been slow, and the freelance model continues to operate in a largely unregulated space. What is more, most European countries have actively pushed back on collective negotiation and unionisation of freelancers.³³⁷

³³¹ IFJ, “Equal Pay Day: Global gender pay gap in journalism must be addressed immediately”.

³³² ETUI, H  l  ne Br  dart, “[Freelancers: instruments and victims of deregulated working conditions](#)”.

³³³ See for example: Mark Spilsbury, “[Exploring Freelance Journalism: Report for the National Council for the Training of Journalists](#)”, (2016); EFJ, “[Denmark: New study shows media over-reliance on freelance journalists](#)”, (2025).

³³⁴ Jana Rick & Thomas Hanitzsch, “[Journalistic Work During a Pandemic: Changing Contexts and Subjective Perceptions](#)”, *Journalism Practice*, (2024).

³³⁵ Maja Œimunjak and Manuel Menke, “[Workplace well-being and support systems in journalism: Comparative analysis of Germany and the United Kingdom](#)”, (2022).

³³⁶ EFJ, “[Declaration of Freelance Journalists in Europe](#)”, (2025); outlines the fundamental measures necessary to ensure fair working conditions, equal treatment and suitable livelihoods for freelance journalists across Europe.

³³⁷ ETUI, H  l  ne Br  dart, “[Freelancers: instruments and victims of deregulated working conditions](#)”.

7.3.5. Copyright and remuneration

An important but often overlooked component of journalists' working conditions is the issue of fair remuneration for their intellectual labour. The Directive on Copyright in the Digital Single Market (DSM Directive), adopted in 2019, aimed to rebalance the relationship between content creators and digital platforms.³³⁸ Article 15 of the DSM Directive introduced a new right for press publishers, allowing them to claim compensation when their content is used by online services such as news aggregators and search engines.

While the directive marked a positive step in acknowledging the value of press content in the digital age, its implementation has been inconsistent across EU member states. Some countries, such as France and Germany, have adopted licensing agreements that allow journalists to benefit from revenue sharing. Others have yet to establish effective mechanisms for distributing payments, leading to concerns about transparency and fairness.

Moreover, the benefits of Article 15 have often accrued to publishers rather than individual journalists. Without clear contractual arrangements, journalists may see little or no return from licensing deals, even when their work is widely reproduced online. Advocates have called for clearer rules to ensure that journalists receive a fair share of the compensation, particularly in the freelance sector.

7.3.6. Impact on independence

The deterioration of working conditions in journalism has serious implications for media independence. Economic insecurity makes journalists more susceptible to external pressures, whether from advertisers, political actors, or editorial management. In extreme cases, the fear of losing one's job or income may lead to self-censorship, as reporters avoid topics that could provoke backlash or controversy.³³⁹

This erosion of editorial freedom is particularly pronounced in environments where media capture or ownership concentration limits the diversity of viewpoints.³⁴⁰ Journalists working under precarious conditions may lack the necessary support from media organisations or professional structures – such as legal assistance, editorial independence policies, trade unions, or secure employment contracts – to challenge censorship or editorial interference, weakening the media's ability to act as a watchdog over power.³⁴¹

³³⁸ [Directive \(EU\) 2019/790 on copyright and related rights in the Digital Single Market](#) and amending Directives 96/9/EC and 2001/29/EC,.

³³⁹ ETUI, Ricardo Gutierrez, "[The market is detrimental to the free and independent production of information](#)".

³⁴⁰ See EUI, [Media Pluralism Monitor 2024](#).

³⁴¹ Mirjam Gollmitzer, "[Employment Conditions in Journalism](#)", (2019).



Financial precarity also reduces the time and resources available for in-depth reporting. Journalists may be forced to prioritise quantity over quality, relying on press releases, wire services, or unverified information to meet output demands. This shift undermines the depth, accuracy, and accountability that characterise public interest journalism.³⁴²

In sum, the working conditions of journalists are not merely a labour rights issue. They are central to the health of democratic societies. Ensuring fair pay, job security, and professional autonomy is essential not only for those in the profession but for all citizens who depend on a free and independent press.

7.4. Conclusion

This chapter has outlined the complex landscape in which journalists in Europe operate, highlighting key legal, ethical and socio-economic challenges. While robust international and regional legal protections exist to safeguard freedom of expression and the right to information, gaps in implementation and enforcement persist. Ethical standards continue to serve as essential guides for professional integrity, but they must be actively promoted and updated to reflect new technological realities. At the same time, precarious employment, stagnant wages, gender disparities, and insufficient labour protections increasingly threaten journalists' ability to perform their watchdog role independently and effectively.

Amid these challenges, promising practices offer hope. The promotion of rigorous codes of ethics, and efforts to extend inclusive labour protections to freelance and precarious media workers represent significant steps forward.

However, to safeguard the democratic function of journalism, European countries should adopt a more harmonised and coherent approach by strengthening and consistently enforcing legal and labour protections for journalists. Coordinated action at both national and regional level is essential to ensure that journalists across the continent can work freely, independently, and under fair conditions, thereby reinforcing the role of journalism as a cornerstone of democratic societies.

³⁴² Reuters Institute, Philipp Rottwilm, "[The Future of Journalistic Work: Its Changing Nature and Implications](#)", (2014).

8. Safety of journalists and other media actors

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8.1. Introduction

Statistics and accompanying analysis paint a very grim and alarming picture: journalists and other media actors face widespread threats and attacks across Europe (and beyond). The big-picture view of threats to freedom of expression and media freedom is overwhelming, due to the sheer number and volume of the threats, their relentless nature and their intensity.³⁴³

Since 2015, 52 journalists have been killed in Council of Europe member States and as of this writing, 87 journalists are in detention and there are 24 cases of impunity for murders of journalists.³⁴⁴ The war in Ukraine “remained the most pressing concern in 2024”, a year in which 266 alerts of threats to the safety of journalists were recorded in Europe.³⁴⁵

In its 2025 Rule of Law Report, the European Commission drew on the latest findings of the Media Pluralism Monitor which revealed an overall picture of “deteriorating conditions for journalists in several countries, with increased physical violence during protests, more online harassment and smear campaigns by politicians”.³⁴⁶

A surge of efforts to ameliorate this recalcitrant problem over the past decade has not yet managed to stamp it out. Those efforts have been driven at the international, European and national levels and they span legal and political standard-setting, growing jurisprudence, as well as increased monitoring and a host of steering and practical measures, such as protocols, action plans, trainings, information and publicity campaigns.

This chapter provides an overview and analysis of the recent and ongoing efforts at the European level to expand and strengthen the protection of journalism and safety of journalists and other media actors. The point of departure for the analysis is the realisation that the safety of journalists and other media actors is a prerequisite for protection of the activity of journalism, which includes a cycle of gathering information, producing news and analysis, and disseminating journalistic content.

³⁴³ Partner organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists, “[Europe Press Freedom Report 2024: Confronting Political Pressure, Disinformation, and the Erosion of Media Independence](#)”, Strasbourg, Council of Europe, 2025.

³⁴⁴ Data available on the Platform to Promote the Protection of Journalism and Safety of Journalists on 15 September 2025.

³⁴⁵ “Europe Press Freedom Report 2024”, op. cit.

³⁴⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, “[2025 Rule of Law Report - The rule of law situation in the European Union](#)”, COM(2025) 900 final, 8 July 2025, p. 24; see also, *ibid.*, pp. 26-27.

The efforts to strengthen frameworks of protection and their implementation have led to renewed understandings of the safety and protection of journalists. These terms are no longer understood as being limited to (i) the physical safety of journalists, or to (ii) (professional or institutional) journalists. Safety and protection are 360-degree concepts; physical safety can only be effectively secured in a broader context of protection that pays due attention to psychological, legal, financial and other dimensions. Given that journalism, as an activity, is carried out by a range of different actors, it is essential that the safety of everyone who conducts such activities is guaranteed.

Another renewed insight is that the regular architecture of protection is relevant but insufficient to deal with the exigencies of reporting on or from war and conflict situations. To tackle the specific needs of such situations, it is necessary to look to supplementary frameworks of protection.

8.2. Mapping, monitoring, categorising and analysing the threats

Recent years have seen a growth in (specialised) monitoring and reporting that contribute to evidence-based law- and policy-making in the multimedia ecosystem.³⁴⁷ These reporting and monitoring mechanisms help to shed light on actual practice, offline and online; they help to expose the barrage of threats to media freedom. As they gain increased recognition as reliable sources of information and analysis, these mechanisms are being increasingly used to shape regulation and policy at the European and national levels. This is a valuable contribution to the quality of media-specific and media-relevant regulation and policy.

The Platform to Promote the Protection of Journalism and Safety of Journalists, established under the aegis of the Council of Europe in April 2015, has developed a categorisation of threats that is useful for analytical purposes. Those categories, and the number of alerts per category in the period 2015-2024, are as follows: attacks on the physical safety and integrity of journalists (483 alerts); detention and imprisonment of journalists (348 alerts); harassment and intimidation of journalists (568 alerts); impunity (for crimes against journalists) (42 alerts); and other acts having chilling effects on media freedom (529 alerts).³⁴⁸ Whereas most of the categories focus on journalists, the final category opens up space for a wider documentation of threats to media freedom. Examples include: restrictive legislation; censorship and interference with editorial freedom; threats to the confidentiality of journalists' sources; breaches of digital security; illegal surveillance or interception of journalists' communications (data). Other monitoring mechanisms are

³⁴⁷ Leading examples at the European level include the Platform to Promote the Protection of Journalism and Safety of Journalists, the Media Pluralism Monitor, the European Commission's Rule of Law reporting, the Media Freedom Rapid Response Monitor, the Euromedia Ownership Monitor, Digital News Reporting and the World Press Freedom Index.

³⁴⁸ "Europe Press Freedom Report 2024", op. cit.

more overtly concerned with threats to media freedom, such as media capture and threats to media pluralism.³⁴⁹

The overall picture painted by the various monitoring mechanisms is consistent: freedom of expression, journalistic independence, media freedom and pluralism all face a range of threats, which affect them at different levels and with different levels of intensity. The media are not alone in bearing the brunt of these threats; the wider target is public debate. The threats target: participants in public debate; the underlying epistemic values of public debate; the structures and modalities of public debate; the scope and content of public debate; and the ecosystemic health of public debate. If media freedom is to be meaningful, then it must be protected against this onslaught of threats to public debate.

This section has given, by way of overview and broad-strokes analysis, a sense of the scale, range and severity of threats to the safety of journalists and other media actors, as well as to media freedom and pluralism more generally. The next section will set out the multi-dimensional framework that has been developed at the European level to counter those threats.

8.3. Law and policy standards to counter the threats

8.3.1.1. International framework

At the international level, key legally-binding instruments are the International Covenant on Civil and Political Rights (ICCPR)³⁵⁰ and the Geneva Conventions and their Additional Protocols.³⁵¹ The ICCPR guarantees various rights that ensure the safety of journalists and other media actors in general. The right to life (Article 6); the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Article 7); the right to liberty and security of person (including the right not to be subjected to arbitrary arrest or detention) (Article 9), and the right to liberty of movement (including the right to leave a country) (Article 12) are prerequisites for journalists and other media actors to be able to effectively exercise their right to freedom of expression (Article 19).

The Geneva Conventions and in particular their Additional Protocols set out that journalists in armed conflicts are to be protected as civilians and if captured, they are

³⁴⁹ See, for example, the [Media Pluralism Monitor](#) and [the European Commission's Rule of Law Reporting mechanism](#).

³⁵⁰ [International Covenant on Civil and Political Rights](#), United Nations General Assembly Resolution 2200A (XXI), 16 December 1966 (entry into force: 23 March 1976).

³⁵¹ The [Geneva Conventions](#) of 12 August 1949, and their Additional Protocols. For more extensive overviews and analysis, see: McGonagle, T., "[How to address current threats to journalism?: The role of the Council of Europe in protecting journalists and other media actors](#)", Expert paper, Doc. No. MCM 2013(009), the Council of Europe Conference of Ministers responsible for Media and Information Society, "Freedom of Expression and Democracy in the Digital Age: Opportunities, Rights, Responsibilities", Belgrade, 7-8 November 2013; Parmar, S., "The international human rights protection of journalists", in Andreotti, O. (ed.), [Journalism at risk: Threats, challenges and perspectives](#), Strasbourg, Council of Europe Publishing, 2015, pp. 37-80.

entitled to prisoner-of-war status and to be humanely treated. These rights and principles are binding on States, but they are lacking in detail.

Other instruments, such as UN Human Rights Council and General Assembly resolutions, which are politically influential, but not legally binding, have been developed to operationalise relevant principles and provide meaningful and detailed guidance to States and other stakeholders on how best to protect journalists in a variety of contexts.³⁵²

A key instrument is the UN Plan of Action on the Safety of Journalists and the Issue of Impunity.³⁵³ The main objective of the Plan of Action is to work “toward the creation of a free and safe environment for journalists and media workers in both conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide”.³⁵⁴ The UN Plan of Action is shaped by a number of principles,³⁵⁵ such as joint action and collaborations within and beyond the UN system. It is characterised by a human rights-based approach that is context-sensitive (with particular focuses on gender and disability) and multi-disciplinary towards the root causes of threats to journalists and impunity. It strives to use “[r]obust mechanisms (indicators) for monitoring and evaluating the impact of interventions and strategies reflecting the UN’s core values”.³⁵⁶

8.3.2. Council of Europe framework

8.3.2.1. The European Convention on Human Rights and case-law of the European Court of Human Rights

Journalists and the media can fulfil a number of important democratic roles in society. First, by disseminating information and ideas widely, they contribute to individual and collective opinion-forming processes. Second, by creating shared forums for the exchange of views and opinions, they contribute to and facilitate public debate on matters of interest to society. Third, by investigating and reporting on governments and other powerful actors in society, they become public watchdogs and hold power to account.

Increasingly, these important roles are played not only by professional journalists and institutional media, but also by other actors, such as NGOs, academics and bloggers.³⁵⁷ The European Court of Human Rights (ECtHR) has developed the concept of “public watchdog” in its case-law and it consistently holds that the public has the right to receive information and ideas on matters of public interest and the media have the task of

³⁵² For an overview, see: Chocarro, S., Harrison, J., McGonagle, T., Parmar, S. and Torsner, S., “[Closing the normative gap: What ten years of Human Rights Council Resolutions tell us about its approach to the safety of journalists](#)”, Working paper, the seventh Academic Conference on the Safety of Journalists, jointly organised by the University of the Republic and UNESCO, World Press Freedom Day in Punta del Este, Uruguay, 3 May 2022.

³⁵³ [UN Plan of Action on the Safety of Journalists and the Issue of Impunity](#).

³⁵⁴ *Ibid.*, Paragraph 4.1.

³⁵⁵ *Ibid.*, Section 3.

³⁵⁶ *Ibid.*, Paragraph 3.11.

³⁵⁷ [Magyar Helsinki Bizottság v. Hungary](#) [GC], no. 18030/11, 8 November 2016.

imparting such information and ideas.³⁵⁸ To enable journalists and the media to carry out this task, the ECtHR has recognised that they may benefit from a number of specific freedoms and privileges under the right to freedom of expression, as guaranteed by Article 10 of the European Convention on Human Rights (ECHR).³⁵⁹ Examples of such freedoms include: editorial and presentational freedom;³⁶⁰ protection of confidential sources;³⁶¹ and recourse to a degree of exaggeration and provocation.³⁶² The enjoyment of those freedoms is subject to the proviso that journalists, the media and other public watchdogs fulfil their duties and responsibilities, i.e., that they: abide by the (criminal) law;³⁶³ adhere to professional ethics;³⁶⁴ strive to provide information that is accurate and reliable;³⁶⁵ and engage with different sides to a story.³⁶⁶

However, journalists and other media actors will not be able to fulfil their public watchdog role effectively if they fear for their safety and do not enjoy effective protection; or if they are deprived of their liberty or freedom of movement. These baseline protections and freedoms must be secured as a precondition for securing the freedom of journalists and other media actors to report and to inform.

Under the ECHR, the safety of journalists and other media actors is guaranteed by a cluster of rights: the right to life (Article 2), prohibition of torture or inhuman or degrading treatment or punishment (Article 3), right to liberty and security (Article 5). In its case-law, the ECtHR has developed a corpus of principles safeguarding different aspects of the safety and protection, liberty and security, and freedom of expression of journalists, the media, and other actors who contribute to public debate. States have the negative obligation not to interfere with these rights, but they also have the positive obligation to (pro-)actively take measures to safeguard these rights.³⁶⁷

States' relevant positive obligations comprise a substantive limb and a procedural limb. Substantively, there is "a primary duty on the State to secure the right to life by putting in place effective criminal-law provisions to deter the commission of offences against the person, backed up by law enforcement machinery for the prevention, suppression and punishment of breaches of such provisions". This can also extend to a positive obligation "to take preventive operational measures to protect an individual or individuals whose lives are at risk from the criminal acts of another individual".³⁶⁸ For such a positive obligation to be triggered, "it must be established that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual

³⁵⁸ *The Sunday Times v. the United Kingdom (no. 1)*, 26 April 1979, Series A no. 30; *Observer and Guardian v. the United Kingdom*, 26 November 1991, Series A no. 216.

³⁵⁹ *Convention on the Protection of Human Rights and Fundamental Freedoms*, ETS No. 5, 4 November 1950 (entry into force: 3 September 1953).

³⁶⁰ *Jersild v. Denmark*, 23 September 1994, Series A no. 298.

³⁶¹ *Goodwin v. the United Kingdom*, 27 March 1996, Reports of Judgments and Decisions 1996-II.

³⁶² *Prager and Oberschlick v. Austria*, 26 April 1995, Series A no. 313.

³⁶³ *Fressoz and Roire v. France* [GC], no. 29183/95, ECHR 1999-I.

³⁶⁴ *Fressoz and Roire v. France*.

³⁶⁵ *Bladet Tromsø and Stensaas v. Norway* [GC], no. 21980/93, ECHR 1999-III.

³⁶⁶ *Flux v. Moldova* (no. 6), no. 22824/04, 29 July 2008.

³⁶⁷ McGonagle, T., "Positive obligations concerning freedom of expression: mere potential or real power?", in Andreotti, O. (ed.), *Journalism at risk: Threats, challenges and perspectives*, Strasbourg, Council of Europe Publishing, 2015, pp. 9-35.

³⁶⁸ *Gongadze v. Ukraine*, no. 34056/02, § 164, ECHR 2005-XI.



or individuals from the criminal acts of a third party, and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk”.³⁶⁹

The procedural limb of States’ positive obligations under Articles 2, 3 and 5 involves a positive obligation on the State to carry out effective, independent and prompt investigations into alleged unlawful killings or ill-treatment, either by State or non-State actors, with a view to prosecuting the perpetrators of such crimes and bringing them to justice. The Court has given detailed guidance on the criteria that have to be met in order for such an investigation to be considered effective. An investigation must, for instance, be “capable of leading to the establishment of the relevant facts as well as the identification and, if appropriate, punishment of those responsible”.³⁷⁰ In addition, the authorities “must have taken all the reasonable steps available to them to secure all the evidence concerning the incident” and the investigation’s conclusions “must be based on thorough, objective and impartial analysis of all the relevant elements”.³⁷¹

States have an obligation to take all necessary steps to bring the perpetrators of these kinds of crimes to justice. Investigations and prosecutions should consider all of the different (potential) roles in such crimes, such as authors, instigators, perpetrators and accomplices, and the criminal liability that arises from each of those roles.³⁷² In the same vein, state authorities should also pay attention to the vulnerable position in which a journalist who covers politically sensitive topics places himself/herself *vis-à-vis* those in power.³⁷³ They are moreover obliged to investigate the existence of a possible link between the crime against the journalist and the pursuit of the journalist’s professional activity.³⁷⁴

The ECtHR has provided its most far-reaching statement to date of states’ positive obligations to secure the right to freedom of expression in its *Dink v. Turkey*.³⁷⁵

*States are obliged to put in place an effective system of protection for authors and journalists as part of their broader obligation to create a favourable environment for participation in public debate by everyone and to enable the expression of opinions and ideas without fear, even when they are contrary to those held by the authorities or by a significant section of public opinion and even if they are annoying or shocking for the latter.*³⁷⁶

This principle renders explicit the intrinsic link between safety and protection and the right to freedom of expression on the other hand; it has been consolidated in subsequent case-law, such as *Khadija Ismayilova v. Azerbaijan*.³⁷⁷ More recently, in *Milashina and others v.*

³⁶⁹ *Ibid.*, § 165; *Kılıç v. Turkey*, no. 22492/93, §§ 62-63, ECHR 2000-III; *Osman v. the United Kingdom*, 28 October 1998, § 116, Reports of Judgments and Decisions 1998-VIII; *Özgür Gündem v. Turkey*, no. 23144/93, § 45, ECHR 2000-III.

³⁷⁰ *Enukidze and Girvliani v. Georgia*, no. 25091/07, § 242, 26 April 2011.

³⁷¹ *Ibid.*

³⁷² See further in this regard, *ibid.*, §§ 254 and 255.

³⁷³ *Gongadze v. Ukraine*, op. cit., § 168.

³⁷⁴ *Huseynova v. Azerbaijan*, no. 10653/10, § 115, 13 April 2017; *Mazepa and Others v. Russia*, no. 15086/07, § 73, 17 July 2018; *Khadija Ismayilova v. Azerbaijan*, nos. 65286/13 and 57270/14, §§ 159 and 164, 10 January 2019.

³⁷⁵ *Dink v. Turkey*, nos. 2668/07, 6102/08, 30079/08, 7072/09 and 7124/09, § 137, 14 September 2010.

³⁷⁶ Author’s translation of *ibid.*, paragraph 137.

³⁷⁷ Op. cit.

Russia, the ECtHR found that a number of verbal threats against journalists reporting on Chechen affairs, in the form of statements by high-level political and religious figures, amounted to a concerted campaign of intimidation against the journalists.³⁷⁸ The statements included language that was “dehumanising”. The ECtHR found that the applicants’ right to freedom of expression and to respect for private life had been violated. The recognition of a possible link between verbal violence and physical violence is another important dimension to the growing case-law on safety and protection of journalists.

8.3.2.2. Committee of Ministers’ standard-setting texts

The ECtHR’s various principles on the safety of journalists are not self-executing; they need to be further operationalised. The Council of Europe’s Committee of Ministers – the organisation’s decision-making body – plays a leading role in translating these principles into political recommendations directed at the 46 member States. Those recommendations tease out different ways to give practical effect to the ECtHR’s principles at the national level. The Committee of Ministers’ recommendations are not legally binding on states, but they are formal political commitments and they can prove very influential in practice. The Committee of Ministers also adopts political declarations on various themes, recalling existing standards and/or making observations on their subject matter.

In the Committee of Ministers’ wide corpus of standard-setting texts, only a handful of instruments focus centrally on the safety of journalists.³⁷⁹ Other texts underscore the importance of (specific types of) journalism or aspects of journalism, such as investigative journalism;³⁸⁰ the right of journalists not to disclose their sources of information;³⁸¹ and gender equality and the media.³⁸² Those instruments clearly contribute to the protection of the range of functional freedoms that journalists need in order to carry out their public watchdog role, but they are only of indirect relevance for the safety of journalists.

8.3.2.2.1. *Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors*

The Council of Europe’s flagship standard-setting instrument on the safety of journalists is the Committee of Ministers’ Recommendation CM/Rec(2016)4 to member States on the

³⁷⁸ *Milashina and others v. Russia*, no. 75000/17, 4 March 2025.

³⁷⁹ [Recommendation No. R \(96\) 4 of the Committee of Ministers to member States on the protection of journalists in situations of conflict and tension](#), 3 May 1996; [Declaration on the protection of journalists in situations of conflict and tension](#), 3 May 1996; [Guidelines of the Committee of Ministers of the Council of Europe on protecting freedom of expression and information in times of crisis](#), 26 September 2007; [Declaration of the Committee of Ministers on the protection of journalism and safety of journalists and other media actors](#), 30 April 2014; [Recommendation CM/Rec\(2016\)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors](#), 13 April 2016.

³⁸⁰ [Declaration by the Committee of Ministers on the protection and promotion of investigative journalism](#), 26 September 2007.

³⁸¹ [Recommendation No. R \(2000\) 7 of the Committee of Ministers to member States on the right of journalists not to disclose their sources of information](#), 8 March 2000.

³⁸² [Recommendation CM/Rec\(2013\)1 of the Committee of Ministers to member States on gender equality and media](#), 10 July 2013.

protection of journalism and the safety of journalists and other media actors.³⁸³ It was preceded by an identically-titled Declaration, adopted by the Committee of Ministers in 2014.³⁸⁴ The Recommendation is more expansive and more detailed than the Declaration.

The central aim of the Recommendation is to help states to fulfil their positive obligation under the ECHR to ensure a safe and favourable environment for everyone to be able to participate in public debate, online and offline, and without fear. The Recommendation offers detailed guidance to states on how to further improve their laws, policies and practice dealing with the safety of journalists and other media actors. It promotes the idea that protection has to be a 360-degree concept. Protection is needed against the threats that come from all angles and it should comprise physical, psychological/emotional, practical, financial and legal protection.

In the Recommendation, the Committee of Ministers urges states to regularly review relevant national laws – and their implementation – to ensure they are in conformity with the legal obligations created by Article 10 ECHR. Such reviews should be independent and substantive and should be carried out at regular periodic intervals. They should “cover existing and draft legislation, including that which concerns terrorism, extremism and national security, and any other legislation that affects the right to freedom of expression of journalists and other media actors, and any other rights that are crucial for ensuring that their right to freedom of expression can be exercised in an effective manner”.

The guidance to states is organised around four pillars: prevention; protection; prosecution (with a special focus on impunity); and promotion of information, education and awareness-raising. The prevention pillar is concerned with ensuring a safe and favourable environment for journalism, with rule-of-law safeguards and a legislative framework that provides for protection of journalists, access to information and a pluralistic media offering. It is this pillar that develops the independent and substantive periodic review of laws and practice.

The protection pillar expands on law enforcement, redress mechanisms, gender-specificity, safety trainings and digital security. The prosecution pillar sets out general requirements for investigations into crimes against journalists, based on the case-law of the ECtHR, and pays particular attention to strategies for tackling and ending impunity for such crimes. Finally, the promotion pillar calls on states to promote the Recommendation, its goals, underlying values and main provisions, domestically and in relevant European and international fora.

The Recommendation seeks to develop themes that had – at the time – only received limited attention in relevant European and international standards, such as the gender-specific dimension to violence, threats and abuse targeting female journalists and commentators, especially online. Another such theme is the “digital security” of journalists, including confidentiality of communications and freedom from surveillance.

³⁸³ [Recommendation CM/Rec\(2016\)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors](#), 13 April 2016. See: McGonagle, T., “[Committee of Ministers: New Recommendation on protection of journalism and safety of journalists and other media actors](#)”, IRIS 2016-5:1/3.

³⁸⁴ [Declaration of the Committee of Ministers on the protection of journalism and safety of journalists and other media actors](#), 30 April 2014.

The road towards effective implementation of the Recommendation at the national level has been paved by various Council of Europe initiatives and documents, including: an initial Implementation Strategy,³⁸⁵ an Implementation Guide,³⁸⁶ and an Extended Implementation Guide.³⁸⁷ Whereas the initial Implementation Strategy was a first attempt to map out a range of good practices and possible concrete measures, the dynamic of the implementation efforts has since largely shifted to the detailed Implementation Guides. The first Implementation Guide focused on protection and prosecution, while the subsequent Extended Implementation Guide focuses on prevention and promotion (of information, education and awareness-raising).

“Journalists Matter”, the ongoing Council of Europe Campaign for the Safety of Journalists (2023-2027) is centrally concerned with enhancing the protection of journalists and other media actors, which dovetails with the aim of ensuring the effective implementation of Recommendation CM/Rec(2016)4.³⁸⁸ The campaign is being coordinated by the Council of Europe in close cooperation with national focal points and campaign committees.

8.3.2.2.2. *Recommendations and guidance on the safety of journalists in the context of war, conflicts and crisis*

Recommendation CM/Rec(2016)4 contains only a few references to the safety of journalists reporting from or about conflict zones or situations.³⁸⁹ In light of “the specific nature and democratic value of the role played by journalists and other media actors in [...] in conflict zones”,³⁹⁰ States ought to encourage media organisations to adopt “in-house guidelines and procedures for the deployment of journalists and other media actors on difficult or dangerous assignments, for instance in conflict zones” and to provide (as relevant) “trauma counselling on return from assignments”.³⁹¹ The Committee of Ministers recalls that States “should not unduly restrict the free movement of journalists and other media actors, including cross-border movement and access to particular areas, conflict zones, sites and forums, as appropriate, because such mobility and access is important for news and information-gathering purposes”.³⁹² Finally, the Committee of Ministers stresses the “heightened risks” for journalists and other media actors, as well as the complications for ensuring effective protection where “State authorities may experience difficulties in exerting *de facto* control over the territory”.³⁹³

³⁸⁵ [Implementation Strategy for Recommendation CM/Rec\(2016\)4 on the protection of journalism and safety of journalists and other media actors](#), CDMSI(2018)005REV, 28 March 2018,

³⁸⁶ [Implementation Guide to Recommendation CM/Rec\(2016\)4 on the protection of journalism and safety of journalists and other media actors](#), DGI(2020)11, June 2020.

³⁸⁷ [Extended Implementation Guide to selected topics under Prevention and Promotion Pillars of the Guidelines of Recommendation CM/Rec \(2016\)4 on the protection of journalism and safety of journalists and other media actors](#), DGI(2023)05, July 2023.

³⁸⁸ See the Campaign website: <https://www.coe.int/en/web/freedom-expression/safety-of-journalists-campaign>.

³⁸⁹ Its four references can be found in Guidelines 14 and 16 and in Principles 26 and 27.

³⁹⁰ Guideline 14.

³⁹¹ Guideline 16.

³⁹² Principle 26.

³⁹³ Principle 27.

One of the reasons for the scant number of references is that the Committee of Ministers provides more explicit and more detailed focuses, in particular in its Recommendation No. (96)4 on the protection of journalists in situations of conflict and tension.³⁹⁴ The Recommendation's three main aims are to guarantee the:

- 1) Physical safety of journalists in conflict situations;
- 2) Free movement and information and communication rights of journalists so that they can fulfil their public watchdog role in conflict situations;
- 3) Effectiveness of investigations into instances of attacks on journalists in conflict situations.

For A), the Recommendation stresses the importance of prevention through practical information and training and protective equipment (Principle 1), and also adequate insurance (Principle 2) and access to emergency hotlines (Principle 3).

For B), the Recommendation insists that journalists' rights to access information, free movement and confidentiality of correspondence, sources and means of communication are all protected under the ECHR and may only be limited in accordance with the limitations envisaged under Article 10(2) and the ECtHR's standard test (Principles 4 – 7). The Recommendation calls on States to ensure that their military and police forces give necessary and reasonable protection and assistance to journalists when they request such help (Principle 8). More generally, authorities should treat journalists in a non-discriminatory and non-arbitrary way and they should not restrict journalists' access to the territory of a state (Principles 9 and 10, respectively). Accreditation systems for journalists should only be used to the extent necessary in particular situations and they should facilitate and not impede journalistic activities (Principle 11).

Under C), state authorities should investigate attacks on journalists effectively and bring the perpetrators to justice; states should provide mutual cooperation in such criminal matters (Principle 12).

Overview of the principles set out in Recommendation No. (96)4:

PRINCIPLE	FOCUS
A	Protection of the physical safety of journalists
1	Prevention
2	Insurance
3	Hotlines
B	Rights and working conditions of journalists working in situations of conflict and tension
4	Information, movement and correspondence
5	Confidentiality of sources
6	Means of communication
7	Checks on limitations

³⁹⁴ [Recommendation No. R \(96\) 4 of the Committee of Ministers to member States on the protection of journalists in situations of conflict and tension](#), 3 May 1996.

8	Protection and assistance
9	Non-discrimination
10	Access to the territory of a state
11	Use of accreditation systems
C	Investigation
12	[No title]

The 1996 and 2016 Recommendations should be read as complementary texts. Whereas the 1996 Recommendation has a detailed focus on conflict situations, the 2016 Recommendation addresses contemporary priorities that either did not really exist or were largely unrecognised or not properly understood in the mid-1990s. Examples include: the protection of a wider range of contributors to public debate and not only journalists; the mental and emotional well-being of journalists; gender-specific threats to female journalists; and the fast-growing digital security dimension.

Following the Russian invasion of Ukraine in 2022, the Council of Europe devised an overview / dedicated guidance for addressing the exigencies and perils of reporting on and from conflict situations.³⁹⁵ This overview/guidance is informed by legal and policy standards and it is geared towards practical solutions.³⁹⁶ It comprises an array of operational measures. The guidance is targeted at the different stakeholders with varying obligations and responsibilities for ensuring the safety of journalists and other media actors in conflict situations. The most extensive (and legally-binding) obligations are for states, but journalists themselves, media organisations and civil society, also have responsibilities. The following table provides an overview of the Council of Europe’s selected focuses in its dedicated guidance:

Responsibilities of:	Focuses
Member States	<ul style="list-style-type: none"> • Guarantee of safety • Freedom of movement and access to information • Provision of information to the media • Protection of journalists’ sources of information and journalistic material • Guarantees against undue limitations on freedom of expression • Accreditation • War correspondents / embedded journalists • Derogations under Article 15 of the European Convention on Human Rights
Journalists	<ul style="list-style-type: none"> • Adherence to professional and ethical standards • Countering the spread of propaganda and disinformation

³⁹⁵ Council of Europe, “[Freedom of expression in times of conflict](#)”, [overview and resources](#).

³⁹⁶ For further practical perspectives, see, for example: Horsley, W., *Safety of journalists guidebook* (3rd edition), Vienna, OSCE Representative on Freedom of the Media, 2020.

Media organisations	<ul style="list-style-type: none"> • Deploying journalists to conflict zones • Adequate working conditions
Civil society	<ul style="list-style-type: none"> • Safety training • Insurance for freelance journalists

8.3.2.3. Parliamentary Assembly of the Council of Europe (PACE)

The Parliamentary Assembly of the Council of Europe (PACE) has long been a steadfast advocate for the safety of journalists and media freedom. It has adopted over 30 texts (resolutions and recommendations) in which the safety of journalists and media freedom are given central or considerable attention. These texts typically document patterns and individual cases of threats and violence against journalists, as well as killings of journalists. They provide contextual detail and personalise the statistics by naming the targets and victims and giving insights into their circumstances. The tenor of these texts is consistently resolute and condemnatory; the texts raise awareness and call for follow-up action to ensure the perpetrators of crimes against journalists are prosecuted or otherwise brought to justice and to bring an end to impunity for such crimes. Relevant PACE texts also routinely call out states in which crimes against journalists are perpetrated and call on the authorities to fulfil their positive obligations by taking effective action to tackle such crimes.³⁹⁷

The PACE's approach essentially entails documenting specific cases in detail and calling for specific action to deal with documented cases and wider patterns of crimes against journalists and threats to media freedom. This approach complements that of the Committee of Ministers, which usually refrains from referring to individual cases or specific countries in its recommendations and declarations, seeking instead to devise general guidance that covers the diversity of situations in the 46 member States.

The PACE has also addressed the specific theme of safety of journalists in war and conflict zones and in times of crisis.³⁹⁸ As already noted in the context of the Committee of Ministers' standard-setting focuses, these specific situations require more detailed engagement than the recommendations and guidelines developed for general application in (largely) peaceful situations. In October 2025, the PACE continued this focus, turning its attention to the safety of journalists in Ukraine and Gaza.³⁹⁹

³⁹⁷ See, for example, [PACE Resolution 2317 \(2020\)](#) and [PACE Recommendation 2168 \(2020\)](#), both entitled, Threats to media freedom and journalists' security in Europe, 28 January 2020; [PACE Resolution 2213 \(2018\)](#), The status of journalists in Europe, 25 April 2018; [PACE Resolution 2141 \(2017\)](#) and [PACE Recommendation 2111 \(2017\)](#), both entitled, Attacks against journalists and media freedom in Europe, 24 January 2017.

³⁹⁸ [PACE Resolution 1438 \(2005\)](#) and [PACE Recommendation 1702 \(2005\)](#), both entitled, Freedom of the press and the working conditions of journalists in conflict zones, 28 April 2005; [PACE Resolution 2419 \(2022\)](#), The role of the media in times of crisis, 25 January 2022.

³⁹⁹ PACE Resolution 2618 (2025), Journalists matter: the need to step up efforts to liberate Ukrainian journalists held in captivity by the Russian Federation, 1 October 2025; PACE Resolution 2623 (2025), Urgent call to put an end to the devastating humanitarian catastrophe and the killing of journalists in Gaza, 2 October 2025.

8.3.2.4. Ministerial Conferences on Media and Information Society

Since 1986, 10 Council of Europe Conferences of Ministers with responsibility for media-related and (more recently) information society issues have been organised. These conferences typically result in political decisions and thematic resolutions which give direction to the media-related standard-setting activities of the Committee of Ministers in the following period (until the next Ministerial Conference). Until the mid-1990s, there was very little attention paid to the safety of journalists. The 1994 Ministerial Conference adopted a Resolution on journalistic freedoms and human rights, which focused on the importance of journalism in genuine democracies.⁴⁰⁰ The Resolution only addressed safety issues in a peripheral way – it contained one reference to the need to ensure conditions for the protection of journalists in dangerous missions or situations.⁴⁰¹ Its emphasis was more on guarantees of journalistic independence and the ethical principles that guide journalism.

At the 2005 Ministerial Conference, there was pronounced attention directed at the safety and security of journalists and media professionals in times of crisis.⁴⁰² A Resolution on these topics reaffirmed the need for journalists to be able to operate in a safe and unhindered manner particularly in times of crisis, such as war and terrorism, when threats to them and their work tend to increase in number and in intensity. This was the beginning of a longer engagement with the themes of safety and protection.

At the Ministerial Conference in 2013, this attention was expanded and it became more detailed.⁴⁰³ The language of the resolutions became more condemnatory and the texts demonstrated clear resolve to take firm action against threats and violence targeting journalists, including specifically women journalists, and against impunity for crimes against journalists. The Resolution on safety of journalists called on the Committee of Ministers to elaborate guidelines on the topic, which led to the drafting and adoption of Recommendation CM/Rec(2016)4.⁴⁰⁴

The Participating Ministers at the 2021 Conference called on member States to fully and effectively implement CM/Rec(2016)4 and they continued to prioritise impunity, threats and violence against women journalists on account of their gender, while adding threats and violence against journalists on grounds of other characteristics.⁴⁰⁵ The Participating Ministers also committed “to devise, based on [...] CM/Rec(2016)4 and best practices of Council of Europe member States and other jurisdictions, dedicated national action plans on the safety of journalists, setting a comprehensive and effective programme of activity,

⁴⁰⁰ [Resolution No. 2, Journalistic freedoms and human rights, 4th European Ministerial Conference on Mass Media Policy](#) – The media in a democratic society, Prague, 7 and 8 December 1994.

⁴⁰¹ Principle 5(c), *ibid.*

⁴⁰² [Resolution No. 1, Freedom of expression and information in times of crisis, 7th European Ministerial Conference on Mass Media Policy](#), Kyiv, 10-11 March 2005.

⁴⁰³ [Council of Europe Conference of Ministers responsible for Media and information society - Freedom of Expression and Democracy in the Digital Age](#) – Opportunities, Rights, Responsibilities, Belgrade, 7-8 November 2013.

⁴⁰⁴ Resolution No. 3, Safety of Journalists, *ibid.*

⁴⁰⁵ Final Declaration and Resolutions, Council of Europe Conference of Ministers responsible for Media and Information Society, [“Artificial Intelligence – Intelligent Politics: Challenges and opportunities for media and democracy”](#), 11 June 2021.

with urgency-based priorities and adequate resources for their implementation”.⁴⁰⁶ To date, 11 countries have adopted such national action plans.⁴⁰⁷

8.3.3. European Union framework

Over the past few years, the European Union, spearheaded by the European Commission, has engaged increasingly with the problem of threats and violence against journalists and other media actors. The European Democracy Action Plan,⁴⁰⁸ launched in December 2020, provided particular impetus for various legislative initiatives with (partial) focuses or relevance for media freedom.

8.3.3.1. The Anti-SLAPP Directive

Directive (EU) 2024/1069 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (“Strategic lawsuits against public participation”) (Anti-SLAPP Directive)⁴⁰⁹ aims to counter cross-border strategic lawsuits in Europe, through means such as early dismissal of unfounded claims⁴¹⁰ and protection against third-country judgments.⁴¹¹ As SLAPPs typically target public watchdogs, the measures set out in the Directive may provide relevant opportunities for journalists to counter cross-border SLAPP-procedures from the start, for example through early dismissal of unfounded claims⁴¹² and protection against third-country judgments.⁴¹³

8.3.3.2. The European Media Freedom Act

The European Media Freedom Act (EMFA)⁴¹⁴ contains various measures that aim to strengthen the independence and pluralism of media services, most of which are directed at member states. The protection of journalists is not the primary focus of the majority of these provisions.

⁴⁰⁶ Resolution on the Safety of Journalists, Conference of Ministers responsible for Media and Information Society, jointly organised by the Council of Europe and the Republic of Cyprus and held online on 10-11 June 2021, Resolution on the Safety of Journalists, paragraph (d); see also, paragraph 8.

⁴⁰⁷ Croatia, Denmark, Lithuania, Luxembourg, Montenegro, the Netherlands, Portugal, Sweden, Switzerland, Ukraine and the United Kingdom. Source: Council of Europe, [Repository of national action plans for the safety of journalists](#).

⁴⁰⁸ [The European Democracy Action](#), European Commission, 2 December 2020.

⁴⁰⁹ [Directive \(EU\) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings](#).

⁴¹⁰ *Ibid.*, Article 11.

⁴¹¹ *Ibid.*, Chapter V. For further commentary and analysis on Directive 2024/1069, see: Borg-Barthet, J. and Farrington, F., “The EU’s Anti-SLAPP Directive: A Partial Victory for Rule of Law Advocacy in Europe”, *German Law Journal* 2024 (25)6, pp. 840-855.

⁴¹² *Ibid.*, Article 11.

⁴¹³ *Ibid.*, Chapter V.

⁴¹⁴ [Regulation \(EU\) 2024/1083 of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU \(European Media Freedom Act\)](#).

A notable exception is Article 4(3) of the EMFA, which contains prohibitions against the obligation on the part of media service providers to disclose journalistic information or sources, the use of investigative powers or the deployment of intrusive surveillance software against journalists by member states. Although Recitals 23 to 26 of the EMFA recognise the risk that intrusive surveillance software poses to journalists and their sources, member states may derogate from these prohibitions if complying with the criteria set out in paragraphs 4 and 5 of Article 4. These criteria aim to provide for continuous checks and balances through, for example, preliminary judicial authorisation and regular judicial review (Article 4(6) EMFA), as well as adherence to the principle of proportionality (Article 4(4) EMFA). The employment of surveillance software is further limited to investigating more serious offences and crimes that can lead to a prison sentence of a maximum of at least three to five years (Article 4(5) EMFA). For derogations from the prohibitions against the obligation on the part of media service providers to disclose journalistic information and the use of investigative powers, however, no such limitation exists.

8.3.3.3. The Digital Services Act

The Digital Services Act (DSA)⁴¹⁵ provides various opportunities to strengthen the protection of the safety of journalists, the most relevant of which is the mechanism of so-called “trusted flaggers” (Article 22 DSA).⁴¹⁶ Under Article 16 of the DSA, providers of hosting services, such as very large online platforms (VLOPs), are obligated to construct and uphold a notification mechanism, through which any individual or entity can notify the provider of the presence of (possible) illegal content.⁴¹⁷ If the provider does not act on the notification, it becomes liable for the illegal content that it is hosting (Articles 6(1) and 16(3) DSA). Within the notification mechanism of Article 16 of the DSA, trusted flaggers hold a privileged position. Trusted flaggers are entities, such as non-governmental organisations or national law enforcement agencies, that have shown that they possess particular expertise and competence in specific content areas, including terrorism or child sexual abuse material (Recital 61 DSA). Trusted flaggers are appointed by the Digital Services Coordinator of the member state on the basis of the criteria in Article 22(2) of the DSA. Notices submitted by trusted flaggers have to be given priority and must be “processed and decided upon without undue delay” by providers of hosting services (Article 22 DSA).

Although individual journalists cannot be appointed as trusted flaggers, media rights organisations or journalists’ associations can. This offers opportunities concerning the safety of journalists. A trusted flagger could, for instance, notify providers of threats against journalists or instances of doxing, which is illegal in several member states. Due to their privileged position, notifications by trusted flaggers are likely to be more effective

⁴¹⁵ [Regulation \(EU\) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC.](#)

⁴¹⁶ For other examples of possible opportunities, see: Buijs, D. “[The Digital Services Act & the Implications for the Safety of Journalists \(Part 2\)](#)”, [dsa-observatory.eu](#), 2022.

⁴¹⁷ “Illegal content” refers to content which is not in compliance with Union or member state law (Article 3(h) DSA).



than those submitted by individual journalists. At the time of writing, however, member states have yet to appoint trusted flaggers that focus on intimidation or violence against journalists.⁴¹⁸

8.3.3.4. Other legislative instruments

Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law (“Whistleblowing” Directive)⁴¹⁹ aims to strengthen the protection of persons who report breaches of Union law in areas of, for instance, product safety, protection of the environment, and public health (Article 1(1)(a)). As such persons – commonly known as whistleblowers – are important sources for (investigative) journalists, the Directive may play a meaningful role in defending this aspect of the freedom of the press.⁴²⁰ The Directive requires member states to take the necessary measures to prohibit retaliation against whistleblowers, as well as various support and protective measures.⁴²¹

Directive (EU) 2024/1385 on combating violence against women and domestic violence⁴²² is of specific relevance for female journalists. It lays down rules “to prevent and combat violence against women and domestic violence”⁴²³ and it recognises that cyber violence and cyber harassment particularly target women politicians, journalists and human rights defenders.⁴²⁴ The Directive obliges member states to criminalise forms of gender-based violence that are often used to intimidate and harass female journalists, like cyber stalking,⁴²⁵ cyber harassment⁴²⁶ and cyber incitement to violence or hatred by reference to gender⁴²⁷ – and indeed inciting, aiding and abetting and attempting to commit such offences.⁴²⁸ Under Article 11(n) of the Directive, if an offence was committed against a person because of their journalistic identity, member states may regard this as an aggravating circumstance.

⁴¹⁸ European Commission, [Trusted flaggers under the Digital Services Act \(DSA\)](#).

⁴¹⁹ [Directive \(EU\) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ L 305/17, 26 November 2019.](#)

⁴²⁰ *Ibid.*, Recital 46.

⁴²¹ *Ibid.*, Articles 19, 20, 21 and 22.

⁴²² [Directive \(EU\) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence, OJ L, 2024/1385, 24 May 2024.](#)

⁴²³ *Ibid.*, Article 1(1).

⁴²⁴ *Ibid.*, Recitals 17 and 24, respectively.

⁴²⁵ *Ibid.*, Article 6

⁴²⁶ *Ibid.*, Article 7.

⁴²⁷ *Ibid.*, Article 8.

⁴²⁸ *Ibid.*, Article 9. See for more information on (online) violence against female journalists: Posetti, J. and Shabbir, N. (eds.), *The Chilling: A global study of online violence against women journalists* (Washington D.C.: ICFJ and UNESCO 2022).

8.3.3.5. European Commission recommendations

The European Commission has also issued various recommendations relating to the safety of journalists. The 2021 Recommendation on the safety of journalists⁴²⁹ complements existing legislative instruments, such as the Audiovisual Media Services Directive (AVMSD) and the DSA. It urges member states to take action to bolster the protection of journalists in the EU. It focuses on, *inter alia*: the prosecution of criminal acts against journalists (paragraphs 4-5); protection of journalists during demonstrations (paragraphs 19-23); and strengthening the online safety of journalists (paragraphs 24-26). It places special emphasis on the protection and empowerment of female journalists and journalists belonging to minority groups, for example by calling on member states to support awareness-raising initiatives by civil society (paragraph 31). The Recommendation also provides for a State reporting mechanism so that the Commission can monitor compliance with the Recommendation – a key difference compared to Recommendation CM/Rec(2016)4.⁴³⁰

In 2022, the European Commission issued Recommendation (EU) 2022/758 as a measure complementing its (then) proposal for a new Directive on SLAPPs.⁴³¹ The Recommendation calls on member states to implement measures against domestic SLAPPs (paragraph 4), to support training opportunities for legal and judicial professionals (paragraph 10 ff.), and to establish focal or reporting points for SLAPPs (paragraph 25). The scope of the Recommendation is broader than that of the Anti-SLAPPs Directive as it covers all abusive procedures against public participation, whereas the Directive applies only to cross-border procedures. The Recommendation may therefore prove to be a relevant supplement to the Anti SLAPPs Directive in light of the protection of journalists against domestic abusive legal proceedings.

8.3.4. Organization for Security and Co-operation in Europe

The Organization for Security and Co-operation in Europe (OSCE) has also elaborated various political standards on the safety of journalists.⁴³² Since the founding of the OSCE in 1975, its participating States have entered into extensive political commitments to uphold freedom of the media, freedom of expression and the free flow of information.⁴³³ The OSCE

⁴²⁹ [Commission Recommendation \(EU\) 2021/1534 of 16 September 2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union, OJEU L331/8, 20 September 2021](#). See: McGonagle, T., “[European Commission Recommendation on Safety and Protection of Journalists](#),” IRIS 2021-9:1/5.

⁴³⁰ European Commission: Directorate-General for Communications Networks, Content and Technology, Intellera Consulting, Open Evidence and PwC, “[Study on putting in practice by Member States of the recommendation on the protection, safety and empowerment of journalists – Final report](#)”, Publications Office of the European Union, 2024.

⁴³¹ [Commission Recommendation \(EU\) 2022/758 of 27 April 2022 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings](#) (Strategic lawsuits against public participation), OJEU L138/30, 17 May 2022.

⁴³² These standards, being political in nature, and not creating legally binding obligations for Participating States, and also due to constraints of space, are addressed only briefly here.

⁴³³ The [OSCE Commitments on Freedom of Expression, Freedom of the Media and the Free Flow of Information, 1975–2017](#) (4th Edition).

Representative on Freedom of the Media routinely engages with the safety of journalists, by way of communiqués, annual joint declarations with other international and regional specialised mandates on freedom of expression, statements and interventions.⁴³⁴

Since its adoption in 2018, the OSCE Ministerial Council Decision No. 3/18 – Safety of Journalists has been widely regarded as the most important prong of the OSCE’s approach.⁴³⁵ The Council Decision draws on or reflects some of the substantive focuses of various UN Human Rights Council resolutions, joint declarations by the specialised international and regional mandates, and the Council of Europe’s Committee of Ministers’ Recommendation CM/Rec(2016)4.⁴³⁶ Thus the Decision calls on participating States to align their laws with international standards and OSCE commitments; to tackle impunity for crimes against journalists and to condemn violence against journalists, including women journalists.

But the Decision also contains a number of provisions that are either novel in their own right, or novel in the specific, detailed way in which they have been developed. For instance, it calls on participating States to “[u]rge the immediate and unconditional release of all journalists who have been arbitrarily arrested or detained, taken hostage or who have become victims of enforced disappearance” (paragraph 5). It also calls for the establishment, or strengthening, where possible, of “national data collection, analysis and reporting on attacks and violence against journalists” (paragraph 10). Another call is for participating States to “[r]efrain from arbitrary or unlawful interference with journalists’ use of encryption and anonymity technologies” (paragraph 8).

The Tallinn Guidelines on National Minorities and the Media in the Digital Age also stress the importance of the safety of journalists, even though this is not their central focus.⁴³⁷ The Guidelines, which were issued by the OSCE High Commissioner on National Minorities in 2019, seek to foster robust, public debate in which everyone, including persons belonging to national minorities, can participate effectively and without fear.

8.4. Conclusion

This chapter has pieced together the key – and at times somewhat disparate – legal and political standards that govern the protection of journalism and the safety of journalists and other media actors at the European level. Especially in the last decade, there has been a proliferation of new standard-setting and monitoring initiatives, which are broadly congruent, but which sometimes have different emphases, levels of detail, or (non-)binding

⁴³⁴ McGonagle, T., “[Doubling down on safety of journalists – An analysis and positioning of OSCE Ministerial Council Decision No. 3/18 - Safety of Journalists \(2018\) in a wider context](#)”, Study commissioned by the OSCE Representative on Freedom of the Media, OSCE, Vienna, 22 July 2022.

⁴³⁵ OSCE Ministerial Council Decision No. 03/18, “Decision on the Safety of Journalists” (MC.DEC/3/18. Milan, 7 December 2018. For analysis, see: Richter, A. and Yazici, D., “Pioneer Decision on Safety of Journalists in the Preceding Context”, in Czech, P., Heschl, L., Lukas, K., Nowak, M. and Oberleitner, G. (eds.), *European Yearbook on Human Rights* 2019, pp. 339-368.

⁴³⁶ Op. cit.

⁴³⁷ OSCE High Commissioner on National Minorities, [The Tallinn Guidelines on National Minorities and the Media in the Digital Age](#), 2019.

legal or political status. This makes it difficult to see both the overall picture and particular patterns of priorities. This chapter has sought to provide such an overall and patterned picture.

It is clear that the ECtHR has played an important role in developing the positive obligations of States to secure a safe and favourable environment in which everyone can participate in public debate. Several Committee of Ministers' recommendations and declarations seek to operationalise that positive obligation by providing States with detailed guidance on how to fulfil their obligations in practice.

A cluster of recommendations and declarations are the mainstay of the Committee of Ministers' engagement with the safety and freedom of journalists and other media actors. Those texts focus, broadly, on the protection of journalism and related safety issues in a general sense, as well as, more specifically, in the context of crisis, war and conflict. The latter complement the former.

The Council of Europe Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors has become the established central reference point for the protection of journalism and the safety of journalists and other media actors. It has been a catalyst for accelerated development in the field at the European level. The European Commission and the OSCE have adopted their own recommendations on the safety of journalists, largely following the thrust of CM/Rec(2016)4, while adding their own emphases. Taken together, these standards form a comprehensive, coherent and detailed law and policy framework for the protection of journalism and journalists at the pan-European level.

But it is important to also look beyond the dedicated legal and political instruments. The EMFA, the DSA and the Directive on combating violence against women and domestic violence, for instance, all contain specific measures of protection that are applicable in particular contexts, such as the protection of journalists against intrusive surveillance and the prioritisation of effective action against online threats and violence targeting journalists.

The mapping and analysis of standards in this chapter shows that the European system of protection is continuously growing in scope and sophistication. Looking towards its further development and refinement, it remains a challenge to keep one eye on the bigger picture and the other eye on the potential of specific, focused measures, to further strengthen the whole, for example by providing guidance to cover the specific context and exigencies of reporting from and on conflicts, wars and other crises.

9. Investigative sports journalism: the perspective of a sports journalist

Philippe AUCLAIR – Sports journalist

This chapter presents the view of a sports journalist on the current challenges specific to this field of journalism. There are no academic references, due to the fact that there is a lack of academic studies on the subject of investigative sports journalism (and its future).

Investigative sports journalism has always been a minority pursuit, and a recent one at that.

It was not until the British journalist Andrew Jennings published his groundbreaking, best-selling investigation into the Olympic movement *The Lords of the Rings: Power, Money and Drugs in the Modern Olympics*⁴³⁸ in 1992, a foundation stone of this type of journalism in its modern form, that the genre acquired credibility, and European print media, particularly in Great Britain, Germany and Scandinavia, widened the remit of their "sports news reporters" to add a specific investigative dimension to the scope of their work. Broadcasters followed suit soon after.

Jennings was a pioneer. He was also in sync with his time. The new focus on investigations into sport, and corruption within the International Olympic Committee⁴³⁹ and FIFA⁴⁴⁰ in particular, happened as the global sport business experienced an unprecedented financial boom. Its worth grew from a few hundred billion USD at the most in the early 1990s to reach an estimated USD 2.6 trillion in 2024,⁴⁴¹ according to Dr Roger Best and Dr Dennis Howard. FIFA's revenue in Men's World Cup years jumped from USD 10 million in 1978 to USD 1.9 billion in 2014 and USD 7.6 billion in 2022, with the 2026 tournament expected to generate USD 10 billion.⁴⁴² The increase in financial flows generated greater incentives and opportunities for potential bribery and corruption. This was exacerbated by the fact that sport's institutional regulators (governing bodies such as the IOC, FIFA or the IAAF) lacked the resources, the framework and, according to some, the will to effectively address these risks. As a result, sport and sports-related activities such as online sports betting became, and continue to serve as, conduits of choice for cross-border money-laundering in particular, as highlighted in a 2024 report by the United Nations Office on Drugs and Crime.⁴⁴³ Overall, institutional oversight remains minimal and under-funded.

The suspicions around the awarding of the 2018 and 2022 FIFA World Cup hosting rights to Russia and Qatar on 2 December 2010 was arguably the single most important

⁴³⁸ V. Simson, A. Jennings, *The Lords of the Rings: Power, Money and Drugs in the Modern Olympics*, 1992.

⁴³⁹ See also: A. Jennings, *The New Lords of the Rings: Olympic Corruption and how to Buy Gold Medals*, 1996.

⁴⁴⁰ A. Jennings, *The Secret World of FIFA: Bribes, Vote Rigging and Ticket Scandals*, 2007.

⁴⁴¹ R. Best, D. Howard, *Show Me The Money - The Scope, Structure and Size of the 9th Largest Global Industry*, The Business of Sport Publishing, 2025.

⁴⁴² M. Slater, "FIFA revenues projected to surpass \$10bn with 2026 World Cup", 11 June 2025, [The Athletic](#).

⁴⁴³ "Casinos, Money Laundering, Underground Banking, and Transnational Organized Crime in East and Southeast Asia: A Hidden and Accelerating Threat". UNODC, January 2024.



factor in the growth of sports investigative journalism in Western Europe if not necessarily elsewhere. The ensuing "FIFAgate" scandal exposed corruption within FIFA, after Swiss police and the FBI raided Zurich's Baur au Lac in May 2015,⁴⁴⁴ the palatial hotel where FIFA officials used to gather, and conduct business, when their organisation convened a Congress at its Swiss headquarters. Until then, investigations into sport had tended to be "one shot" operations which focused on specific cases. Examples include the 1980 totonero affair⁴⁴⁵ in Italy, in which eight professional football clubs were found guilty of manipulating their games; doping scandals in cycling, the most notorious of which remains the Lance Armstrong case, which was made public by the Franco-Irish team of Pierre Ballester of *L'Equipe* and David Walsh of the *Sunday Times* from 2003 onwards; and tax evasion and corruption, such as the attempted bribing of an international referee by Juventus FC, known as "the Solti-Lobo case",⁴⁴⁶ which was exposed by Brian Glanville in the *Sunday Times* in 1974 or the "*caisse noire*"⁴⁴⁷ ("black accounts") of AS St Etienne in France, which were revealed by the regional French newspaper *Loire-Matin* in 1982. Those investigations were the work of either "normal" sports journalists who had received a lead or investigative reporters who were usually covering other fields. Jennings himself had already spent close to three decades investigating topics such as cocaine trafficking, corruption in the British police or the Iran-Contra affair for *The Times* and Granada Television before devoting his attention solely to the world of sport.

FIFAgate changed all that. Traditional print media recruited or "re-purposed" journalists who were now tasked with concentrating on sports-related investigations, with FIFA very much the heart of their focus. Broadcasters did the same. From 2010 to 2022, over a dozen documentaries (one-offs as well as series) about the FIFAgate affair were commissioned by major networks in France (Canal +), the UK, Germany (ARD), Argentina (TPA), Spain and Denmark among other countries.⁴⁴⁸ *EL PRESIDENTE*, an eight-part dramatization of the scandal filmed by a Chilean production company was aired on Amazon Prime in 2020. Even American media got into the game for a while, as late as 2022, when Netflix broadcast its four-part exposé of corruption within FIFA, *FIFA Uncovered*,⁴⁴⁹ which was all the more remarkable since sports are barely ever the subject of serious investigation in the USA

The interest in investigative sports journalism was also given a jolt by the tremendous impact of Hajo Seppelt's documentary "*Geheimsache Doping: 'Wie Russland seine Sieger macht'*"⁴⁵⁰ ("The Doping Secret: 'How Russia Creates its Champions'"), aired by the German public broadcaster ARD in December 2014, which revealed the true extent of Russia's state-sanctioned doping programme. The revelations of the *Football Leaks* website, reprised by German magazine *Der Spiegel*, which published thousands of confidential,

⁴⁴⁴ V. Silver, C. Gretler, H. Miller, "FIFA Busts at Baur au Lac: Inside the Five-Star Takedown", Bloomberg, 27 May 2015.

⁴⁴⁵ S. Vernazza, "*Totonero, gli arresti in diretta e le 'loro' prigionie: la Serie A finisce a Regina Coeli*", La Gazzetta dello Sport, 20 March 2020.

⁴⁴⁶ K. Radnedge, *CA potted guide to corruption in football*, Sports Journalists' Association, 20 June 2006.

⁴⁴⁷ Laurent M., "*Caisse noire de l'AS Saint-Etienne : le scandale qui a détruit les Verts*", TOPICFOOT, 14 April 2025.

⁴⁴⁸ See for instance: "*Coupe du Monde et corruption : au cœur du scandale (Canal+)*"; "*FIFA Gate, Por el Bien del Fútbol*" (Televisión Pública Argentina).

⁴⁴⁹ *FIFA Uncovered* (Netflix).

⁴⁵⁰ "*Wie Russland seine Sieger macht(e): Die Chronik eines Skandals*", WDR 5 Sport inside, 31 July 2021.

incriminating emails from some of football's best-known actors between 2015 and 2019, also contributed to the unprecedented interest directed at sports-specific investigations.

The landscape has changed dramatically over the past few years, however. This boom was short-lived. Editors felt that the general public was starting to experience what some called "FIFA fatigue", a catch-all expression for the disinterest in stories which stained the image of sport. They assumed that the appetite for stories of that kind had receded, and the same editors who had been urging their reporters to "outscoop" rival publications with regard to Qatar 2022 were now reacting negatively to proposals of a similar nature.

Because of this, investigative sports journalism now faces not only a crisis but an existential threat, at a time when it is as relevant and necessary as ever. A 2024 report by the human rights organisation Fairsquare, "*Substitute: The case for the external reform of FIFA*"⁴⁵¹ is one of many studies which came to the conclusion that self-regulation in sports is ineffective. It should be noted that the recommendations of Fairsquare were based in part on the work of investigative sports journalists.

Governing bodies have the power to investigate themselves but self-interest does not generally encourage them to do so. The "independent" Ethics Committees which were put in place for this purpose and are supposed to identify and eliminate wrongdoing and wrongdoers, seem to target rebels and dissenters more often than officials in positions of power. When they do act, it often seems to be because law enforcement agencies or investigative journalists have left them no alternative. It is therefore vital to understand why investigative sports journalism is now under threat, how this threat manifests itself, and what measures might best be taken in response.

9.1. The funding crisis

The greatest challenge sports investigative journalism faces today is a lack of funding. The growing - and seemingly unstoppable - priority given to cheap-to-produce, clickable digital content has led media outlets which had devoted resources to sports investigations, to abandon them altogether. Investigations require substantial time, with no guarantee that they will result in articles fit for publication. Most leads do not result in significant findings, and many of the hard-earned words and images often end on the cutting-room floor. Investigations are more costly than any other kind of reporting, and not just because the words-per-day ratio of an investigative journalist is a small fraction of what a news reporter's is, but also because the work itself demands significant resources. Open-source intelligence (OSINT) techniques and data analysis now constitute key tools for investigative journalists, but they are not enough by themselves. Direct person-to-person contact with sources remains as essential as ever. Trips to Congresses and conventions held by sports bodies and the sports business in general are prohibitive in terms of cost - yet attending them is essential. Few media organisations could afford to send reporters to Kigali, Bangkok or Asuncion over three years (2023-2025) to cover FIFA Congresses - especially as press

⁴⁵¹ "[Substitute : The case for the external reform of FIFA](#)", FairSquare, October 2024.

conferences at these events have largely disappeared. FIFA's next two Congresses, in Vancouver (2026) and Tokyo (2027), will likewise be costly to attend.

Fewer and fewer media outlets are willing or able to invest thousands of euros in trips which may not lead to concrete results, especially now that opportunities to engage with officials at these gatherings have become tightly controlled and restricted. At the 2025 FIFA Congress in Asuncion, 5000 police officers - and even a few tanks - were deployed,⁴⁵² many stationed around the hotel where FIFA dignitaries were staying, forming a cordon which prevented journalists from having any direct contact with them. But if journalists are not present on site, they risk missing the information that really matters.

Moreover, in 2025, embezzlement of funds intended for building training centres or football pitches have attracted little attention. The deep distrust of perceived "elites" - administrators and politicians alike - (one of the characteristics of populism) has blunted the public's desire to be informed about what it already holds to be true. Stories which, 10 years ago, would undoubtedly have resulted in resignations, bans and indictments, now disappear quickly, further contributing to making the vast efforts necessary for such investigations appear futile.

Investigations are also risky in legal terms. More and more media outlets are wary of falling foul of libel laws or of the possibility of a lawsuit which they cannot afford, even when confident of being in the right. British media, which used to lead the way in investigative sports journalism, have become particularly sensitive to that risk after English courts issued ruinous rulings⁴⁵³ in cases of that kind. In this context, it is far easier, cheaper and more rewarding in financial terms to provide non-controversial or promotional pieces, especially now that clubs, leagues and federations restrict access to their players, managers and officials more tightly than ever. As a result, publications self-censor as a matter of course.

Media outlets are increasingly concerned about antagonising their main sources of content if they produce pieces perceived to be harmful to the "brand", and lose all-important access because of it. There are countless examples of this. Manchester United's legendary manager Alex Ferguson famously barred the BBC from attending his press conferences for seven years⁴⁵⁴ after they had made allegations about the transfer dealings of his son Jason. Similarly, FIFA President Gianni Infantino no longer gives interviews or takes questions from the media.

There are laudable exceptions to this unspoken rule. German public networks ARD and ZDF, with documentaries such as *Wettbetrug im Fußball – Milliardengeschäft für die Mafia*,⁴⁵⁵ which focused on the illegal sports betting industry, carry on producing investigative sports documentaries of great depth and quality, particularly about football,

⁴⁵² [Orrabalís S., "FIFA Congress Lands In Paraguay: 5.000 Police Officers Deployed", Asunción Times, 12 May 2025.](#)

⁴⁵³ [Banks v Cadwalladr Judgment, CA-2022-001390, Royal Courts of Justice, 28 February 2023.](#)

See also: [A. Antoniou, "Libel trial against investigative journalist concludes before the High Court: A landmark test of the public interest defence", IRIS Newsletter, European Audiovisual Observatory, IRIS 2022-3:1.](#)

⁴⁵⁴ ["Manchester United boss Sir Alex Ferguson ends BBC ban", BBC, 25 August 2011.](#)

⁴⁵⁵ [B. Best, „Wettbetrug im Fußball – Milliardengeschäft für die Mafia“, Das Erste, first episode of the documentary series aired on 2 March 2016.](#)

despite being broadcasting partners of the elite soccer league in the country, the Bundesliga. But ARD and ZDF stand almost alone in that regard. Save for a case study of abuse inflicted by a swimming instructor, the BBC's flagship investigative programme *Panorama*, which had broadcast some of Andrew Jennings' most impactful work, has not devoted a single programme to sport since 2021.

Cost-conscious media outlets which used to play a leading role in investigative sports journalism have moved away from sports investigations in the past few years. In the United Kingdom, *The Daily Mail* terminated the contracts of two of its most experienced sports news reporters in 2024. In France, *France Football* magazine, which had been on the "Qatargate" trail since 2013, closed down its investigative team four years later. The trend has affected investigative journalism as a whole, but it has hit this particular field especially hard, as it had always remained the preserve of not more than a handful of full-time specialists, perhaps fewer than a hundred individuals worldwide, both in print and broadcasting. Consequently, many investigative reporters who were formerly employed by established outlets have had to go freelance. They now finance and publish their work independently through channels such as Patreon, Substack or YouTube, relying on support/crowdfunding from their audience to support their work. This model, however, is not a viable system. On one hand, it can only bring rewards if the journalists in question are already well-known enough to persuade their audience to follow them on a new medium; on the other, aspiring investigative sports journalists face near-insurmountable challenges to make their names and their work known to an audience big enough to sustain them. The reach of the investigations will also be limited, regardless of their quality, and it is very unlikely that their content will be given an echo in traditional media.

There is no sign that this trend will be reversed in the future. It is noteworthy that there is only one investigative sports media outlet worldwide dedicated to football, the most popular sport of all: the Norwegian website and magazine *Josimar*,⁴⁵⁶ which survives on a subscription-driven model and had to launch a public appeal in June 2025 to stave off immediate bankruptcy.

9.2. An almost complete lack of specific training

Whilst the Global Investigative Journalism Network, a journalist-led organisation founded in 2003, which now comprises 263 member organizations in 97 countries, reported in 2021⁴⁵⁷ that a rising number of students were joining investigative journalism courses in Europe and the USA, journalism schools offering specific training for sports investigations worldwide are close to non-existent. Sports-specific modules offered within investigative journalism courses are just as rare.

Dataharvest,⁴⁵⁸ also known as The European Investigative Journalism Conference, one of the largest gatherings of its kind in the world, which is held yearly in Mechelen,

⁴⁵⁶ [Josimar website](#).

⁴⁵⁷ [O. Holmøy, "The Global Rise of University-Based Investigative Journalism Centers", Global Investigative Journalism Network, 9 March 2021.](#)

⁴⁵⁸ [Dataharvest: The European Investigative Journalism Conference website](#).

Belgium, proposed just one workshop on sports-related matters in 2023 and 2024. It is more often than not left to individual lecturers to set up ad hoc specific workshops within their allotted timetable, as St Mary's University in Twickenham has done in the past. The (English) Football Writers Association, the oldest organisation of its kind in the world, has been trying for years to set up sports investigation workshops and training programmes with colleges and universities in the United Kingdom, without success. It is telling that the *Ecole Supérieure de Journalisme de Lille*, the only French university to offer a BA ("licence") in sports journalism,⁴⁵⁹ does not include investigations in its curriculum, and that its (non-sports) "investigative journalism" training consists of a two-day workshop which does not deal with sports.

Yet investigative sports journalism differs from other types of investigative journalism to such a degree that specialised training is essential. While the methodology and "techniques" may appear superficially similar, what sets it apart is the opaque environment in which practitioners must operate – one where establishing personal working relationships with figures who are themselves often compromised is difficult to avoid. Teaching how to do this requires first-hand experience in the field, which is why training new investigative sports journalists must include mentoring. Unfortunately, this type of mentoring is unavailable in traditional academia.

This stands in stark contrast with the number of courses dealing with "geopolitics in sport", from Birmingham⁴⁶⁰ to Syracuse, New York,⁴⁶¹ a very popular subject in the academic world, despite the fact that many practitioners of investigative sports journalism would argue that studying or teaching "geopolitics in sport" in 2025 demands a solid grounding in investigative methodology - which those courses do not offer.

More generally, there seems to be what one may consider a worrying lack of awareness within the academic community that investigating sport is a privileged route to investigating international finance, political corruption, money-laundering, organised crime and, as mentioned above, geopolitics. The problem, here, is cultural, and possibly a form of aversion within academia to taking sport as seriously as other branches of business or human activity. A telling illustration of this is the space given to sport, all of it, in historian Eric Hobsbawm's monumental *The Age of Extremes: The Short Twentieth Century, 1914–1991*. Hobsbawm, a keen football fan, who decorated the entrance hall of his London home with football photographs and had defined sport as "the lay religion of the proletariat", still referred to sport on just *one* of the 640 pages of his seminal text. In this, he was typical of a generation of historians who, regardless of their own proclivities, could only find a space for humanity's most popular leisure and pursuit in the 20th and 21st centuries in the footnotes of their work. It must be added that there has been progress in this regard in the last two decades, with British and US Universities such as Leicester's De Montfort or East Lansing's Michigan State University two of dozens of academic institutions now devoting a large space to sports studies in their graduate and post-graduate history curriculums,

⁴⁵⁹ [Université de Lille website: Licence professionnelle Métiers de l'information : Métiers du journalisme et de la presse – Parcours Journalisme de sport.](#)

⁴⁶⁰ [University of Birmingham website: Politics and Sport Programmes.](#)

⁴⁶¹ [Syracuse University – Maxwell School of Citizenship & Public Affairs website.](#)

though what investigative dimension they may have tends to be retrospective, more post-mortem than practical. Journalism schools unfortunately still have to follow suit.

As job opportunities for sports investigators in established media outlets have all but disappeared, and as no specialist lecturers are available to mentor or teach the specific methods required to do the job, there is no clear academic or professional pathway which aspiring sports investigative journalists can follow in the academic world to learn their trade. The few new names which have appeared on the sports investigations scene and managed to publish significant work in recent years had to rely solely on themselves and the goodwill of established colleagues to gain any kind of foothold in the industry. A famous senior football writer, the late Patrick Barclay, once told an aspiring sports journalist who had asked him for advice: "get into television". Today, he would have said "get into comms". In other words, become a "content provider" for the industry. This is precisely what most young people studying sports journalism end up doing, as it provides them with a chance to earn a living, which investigative sports journalism cannot do.

9.3. The collusion between established media and global sports business

Many of the world's most important media groups now have a vested interest in sport and have become rightsholders for the most popular sporting competitions and events. Consequently, they are reluctant to expose corrupt or criminal activity within sport. They are unlikely to allocate funding to investigative journalism in this area, nor are they inclined to echo the findings of independently led investigations which could potentially harm the value of the rights they have invested millions, sometimes hundreds of millions, to secure. Examples include the partnerships between Rupert Murdoch's NewsCorp and the Premier League, or between Time-Warner/Discovery and the Olympics, the World Cycling Tour and the UEFA Champions League. It is commonplace for journalists to be discouraged from digging into controversial matters which could affect their employer's relationship with a governing body or a sponsor.

Moreover, in many European countries, mainstream media have direct connections with sports entities. In Spain, for instance, the most popular sports publications have special relationships with the two giants of *La Liga*. Real Madrid have *Marca* and *As* on their side, whilst FC Barcelona can rely on *Sport* and *Mundo Deportivo* to show them in a positive light. In Italy, the *Corriere della Sera* is "close" to AC Milan. In France, the Amaury group, which owns *L'Equipe* (among other titles) is also the organiser of the *Tour de France*, the Paris-Dakar Rally, the Paris Marathon and the French Golf Open through its subsidiary, the Amaury Sports Organisation. The growing concentration of media within a few multinational groups has exacerbated this phenomenon. This may explain why some sports journalists can be discouraged from investigating controversial matters potentially involving entities related to their employer.

In parallel, the numerous organisations, most of them established recently, which claim to focus on "sports integrity" and champion investigative journalism and would normally provide outlets for sports investigations, are by and large either part of sport's

global eco-system themselves and/or supported by nation states which use sport for geopolitical purposes. The International Centre for Sport Security (ICSS),⁴⁶² the *Association internationale de la presse sportive* (AIPS), the International Sports Press Association,⁴⁶³ and the Sport Integrity Global Alliance (SIGA)⁴⁶⁴ are all funded at least in part by the Qatar, the owner of current European football champion Paris Saint-Germain FC and of the beIN sports TV network, as well as the host of dozens of major international competitions over the past quarter of a century. They may offer prizes and awards to journalists, but will not commission the pieces which might have earned them.

9.4. The importance of institutional funding

Although a number of opinion pieces have dealt with the challenges facing investigative journalism as a whole, as stated at the outset of this chapter, almost no in-depth academic research has been devoted specifically to investigative sports journalism. The little that exists is both out of date and disconnected from the brutal realities of working in the field, as most papers tend to focus almost exclusively on the financial side of the problem, which unfortunately leaves aside the key issues of training and publication opportunities. There are exceptions, such as the 2020 EMRG “Deep-rooted economic crises challenge investigative journalism worldwide” report,⁴⁶⁵ albeit five years old, but these are exceedingly rare; and that too is part of the problem.

The one ray of light in a bleak landscape is provided by the grants allocated by bodies such as IJ4EU⁴⁶⁶ and Journalismfund Europe⁴⁶⁷ within the EU. Outside of Europe, the situation is critical as well. These dedicated funds have become increasingly aware of how sport is as worthy of investigation as any other area of human activity. Without what bodies such as these distribute each year, many ground-breaking sports investigations would never have seen the light of day. A handful of semi-independent organisations such as Play The Game are also meaningful contributors. Yet the under-funding of sports investigative journalism at institutional level remains chronic, when lack of resources is the single most-important challenge facing it today. The de-funding of USAID⁴⁶⁸ by the Trump administration in the US, which includes the freezing of grants to independent media in more than 30 countries, despite the funding having already been approved by Congress, will have had a devastating impact on those outlets and ad hoc investigative groups which depended on it to finance their work. These groups include the Organized Crime and Corruption Reporting Project (OCCRP) and the International Consortium of Investigative Journalists (ICIJ), who had devoted funds to a growing number of sports-specific reports in the recent past. The global shortfall will be in the region of USD 265 million per year and

⁴⁶² [ICSS website](#).

⁴⁶³ [AIPS website](#).

⁴⁶⁴ [SIGA website](#).

⁴⁶⁵ [Policy brief, “Deep-rooted economic crises challenge investigate journalism worldwide”, The Media for Democracy Monitor, 11 November 2020.](#)

⁴⁶⁶ [Investigative Journalism for Europe \(IJ4EU\) website](#).

⁴⁶⁷ [Journalismfund Europe website](#).

⁴⁶⁸ [USA: “Trump’s foreign aid freeze throws journalism around the world into chaos”, Reporters Without Borders, 3 February 2025.](#)



will affect 6 000 journalists worldwide.⁴⁶⁹ This makes it all the more vital that Europe amplifies its efforts in this regard. To do this, institutions, including those from the world of academia, must first recognise how vital it is to investigate sport, and there is a very long way to go before they do.

⁴⁶⁹ [D. Kenner, S. Ellefson, Foreign aid freeze decimates investigative news outlets internationally, International Consortium of Investigative Journalists, 12 February 2025.](#)



10. Artificial intelligence (AI) in journalism: negative and positive implications

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The role of artificial intelligence (AI) in journalism has expanded significantly in recent years, permeating nearly every stage of the news production process, from gathering and production to distribution and personalisation. For clarity purposes, the definition of AI in this context builds on the following; “it typically takes the form of ‘narrow’ computer systems that focus on specific tasks and problems usually associated with human abilities.”⁴⁷⁰ This definition aligns with how the term is commonly used in the news industry, where “AI” serves as an umbrella term encompassing various technologies and techniques that automate tasks traditionally requiring humans.⁴⁷¹

This integration has made AI a core infrastructural and editorial force in the industry.⁴⁷² AI and algorithms now influence editorial choices, content moderation, news recommendation, and readership analytics, blending economic, technological and editorial logics.⁴⁷³ However, the adoption of AI in journalism is not without debate. While some view AI as a revolutionary tool that could transform the industry, others argue that its impact is “hyped” – a dynamic that may distort expectations and policy priorities.⁴⁷⁴

There is a pressing need for stability and resilience in the face of technological hype, in particular in the journalism industry. The growing integration of AI into journalism is triggering multifaceted problems, possible solutions to which require examining different stakeholders, technologies, and business models. There is also a growing focus on structural and infrastructural dependencies on tech providers and ethical issues related to, for example, diversity, public trust, and responsibility.⁴⁷⁵

⁴⁷⁰ Dodds, T. et al., “[Knowledge Silos as a Barrier to Responsible AI Practices in Journalism? Exploratory Evidence from Four Dutch News Organisations](#)” *Journalism Studies* (2025) 1; Meredith Broussard, “[Artificial Unintelligence: How Computers Misunderstand the World](#)” (MIT Press 2018); Melanie Mitchell, “[Artificial Intelligence: A Guide for Thinking Humans](#)” (Published in paperback, Pelican, an imprint of Penguin Books 2020).

⁴⁷¹ Simon, F., “[AI in the News: Retooling, Rationalizing, and Reshaping Journalism and the Public Arena](#)” (2024) *Tow Center for Digital Journalism*.

⁴⁷² Diakopolous, N., “[Automating the News: How Algorithms Are Rewriting the News](#)” (Harvard University Press 2019); Simon (n 2).

⁴⁷³ Simon (n 2); Dodds, T., Lewis, S.C., and Zamith, R., “[The AI Turn in Journalism](#)” (2025) *Journalism*.

⁴⁷⁴ Porlezza, C., “[Promoting Responsible AI: A European Perspective on the Governance of Artificial Intelligence in Media and Journalism](#)” (2023) 48 *Communications* 370; Dodds, Lewis and Zamith (n 4).

⁴⁷⁵ Porlezza (n 5); Helberger, N., “[FutureNewsCorp, or How the AI Act Changed the Future of News](#)” (2024) 52 *Computer Law & Security Review* 105915; Simon, F., “[Escape Me If You Can: How AI Reshapes News](#)”



This Chapter explores the impact of AI on journalism, examining both positive and negative effects. It focuses on two main areas: implications within newsrooms and the broader societal impacts. While factors such as media market structures, concentration, and competition are important in understanding how newsrooms adopt AI and how society is affected, this Chapter builds on the other chapters, particularly Chapter 2, where these topics are explored in detail.

10.1. Negative impacts: How does AI impact journalism?

10.1.1. Inside newsrooms

AI has long played a role in newsrooms, and its importance continues to expand, leading to new dynamics of power and responsibility.⁴⁷⁶ While the growing integration of AI may lead to facilitated and faster production, thereby saving time, money, and manual labour, some potentially negative implications persist⁴⁷⁷ For example, some newsrooms use AI-driven analytics to decide which stories get more prominent placement on their websites, a practice that can unintentionally prioritise click-friendly or sensational content over in-depth local reporting, thereby narrowing editorial diversity and shifting journalistic priorities towards popularity metrics rather than public interest.⁴⁷⁸ In this context, AI's impact on journalistic values, editorial independence, the journalistic profession, and resource allocation in the media ecosystem raises significant concerns.

10.1.1.1. Bias, lack of transparency, and journalistic values

The growing reliance on AI may amplify embedded biases, as AI systems trained on unrepresentative or historically biased data may result in errors and the marginalisation of minority perspectives.⁴⁷⁹ For instance, when a journalist employs AI systems to produce stories, the underlying archives or datasets might overrepresent perspectives from affluent,

Organisations' Dependency on Platform Companies' (2023) Digital Journalism 1; Seipp, T.J., et al., "Dealing with Opinion Power in the Platform World: Why We Really Have to Rethink Media Concentration Law" (2023) Digital Journalism; Van Drunen, M.Z., Fechner, D., "Safeguarding Editorial Independence in an Automated Media System: The Relationship Between Law and Journalistic Perspectives" (2023) 11 Digital Journalism 1723; Helberger, N., et al., "Towards a Normative Perspective on Journalistic AI: Embracing the Messy Reality of Normative Ideals" (2022) 10 Digital Journalism 1605.

⁴⁷⁶ Beckett C, "New Powers, New Responsibilities: A Global Survey of Journalism and Artificial Intelligence" (LSE, POLIS and Google News Initiative 2019), Beckett, C., Yaseen, M., "Generating Change A Global Survey of What News Organisations Are Doing with AI" (JournalismAI Polis 2023); Simon (n 2).

⁴⁷⁷ Simon (n 2); Cools, H., Diakopoulos, N., "Uses of Generative AI in the Newsroom: Mapping Journalists' Perceptions of Perils and Possibilities" (2024) Journalism Practice 1.

⁴⁷⁸ Dodds, T., et al., "Popularity-driven Metrics: Audience Analytics and Shifting Opinion Power to Digital Platforms" (2023) Journalism Studies 1.

⁴⁷⁹ Cools and Diakopoulos (n 8); Schjøtt Hansen, A., et al., "Initial White Paper on the Social, Economic, and Political Impact of Media AI Technologies" (2020); Porlezza (n 5).



urban populations. This imbalance can result in biased coverage that marginalises rural areas or underrepresented groups, thereby diminishing the value of local journalism and weakening its civic role. Likewise, algorithms optimised for engagement metrics—such as click-through rates—may privilege sensational or emotionally provocative content, perpetuating stereotypes while marginalising substantive, public interest reporting.

These biases can reinforce systemic inequalities and undermine the diversity that journalism strives to uphold. Even when developed in-house, AI tools present challenges if not guided by clear editorial principles. The opacity of many AI systems complicates editorial oversight, leading to new governance dilemmas about accountability for news accuracy and ethics.⁴⁸⁰ In addition, translating journalistic values such as diversity into computational parameters is challenging, as these values are multifaceted, context-dependent, and lack universally agreed-upon definitions.⁴⁸¹ Current AI models cannot exercise journalistic judgment,⁴⁸² which makes it hard to operationalize diversity in measurable terms without overlooking its essential normative and societal dimensions.⁴⁸³

Beyond these difficulties, monitoring and auditing for editorial values require explainability and transparency of AI models, resources that smaller local and regional news organisations often lack. In short, biases embedded in AI systems pose significant threats to journalistic integrity, as these systems frequently perpetuate and amplify existing societal prejudices through their training data and algorithmic design, potentially marginalising minority voices and reinforcing dominant narratives in news coverage.

The lack of transparency in AI systems presents significant challenges to journalistic integrity, as the “black box” nature of these technologies makes it increasingly difficult to detect and correct algorithmic biases and errors in news content.⁴⁸⁴ This concern has become particularly acute with the rise of generative AI models, where the complexity of the systems and their decision-making processes can obscure potential distortions or inaccuracies in reporting, potentially compromising journalists’ professional autonomy.⁴⁸⁵ Furthermore, reliance on external AI providers exacerbates these challenges, as news organisations often lack the technical expertise to scrutinise these systems effectively, potentially surrendering critical editorial control to technological imperatives rather than journalistic values.⁴⁸⁶ Scholars characterise this dynamic as one in which newsrooms must carefully navigate the tension between realising the operational efficiencies afforded by AI adoption and preserving professional autonomy and editorial independence.⁴⁸⁷ Both industry and academic debates highlight that AI is increasingly framed as an economic and

⁴⁸⁰ Dodds and others (n 1); Porlezza (n 5).

⁴⁸¹ Vrijenhoek et. al. (n 12).

⁴⁸² Simon (n 2); Schjøtt Hansen and others (n 10); Vrijenhoek, S., et. al., "Diversity of What? On the Different Conceptualizations of Diversity in Recommender Systems", The 2024 ACM Conference on Fairness, Accountability, and Transparency (ACM 2024); Vrijenhoek, S., et. al., "RADio* – An Introduction to Measuring Normative Diversity in News Recommendations" (ACM 2023); Helberger and others (n 6).

⁴⁸³ Helberger et. al. (n 6); Vrijenhoek et. al. (n 12).

⁴⁸⁴ Simon (n 2).

⁴⁸⁵ Cools and Diakopoulos (n 8).

⁴⁸⁶ Dodds and others (n 1).

⁴⁸⁷ Cools, H., De Vreese, C., "From Automation to Transformation with AI-Tools: Exploring the Professional Norms and the Perceptions of Responsible AI in a News Organization" (2025) Digital Journalism 1; Cools and Diakopoulos (n 8).

competitive imperative. In practice, this framing can pressure journalists to adopt such tools, even amid concerns about editorial quality and other core aspects of journalism.⁴⁸⁸ At the same time, as scholars and practitioners observe, the realistic possibility for news organisations to abstain from AI use is rapidly diminishing, prompting urgent reflection on the ethical responsibilities, rights, and governance structures needed to safeguard the integrity of journalism.⁴⁸⁹

10.1.1.2. Professional identity, audience relationship and opinion power shifts

The automation of routine tasks, such as sports, finance, and weather reporting, has saved time but also risks deskilling journalists and potentially reducing opportunities for entry-level or junior journalists.⁴⁹⁰ As routine reporting becomes increasingly automated, journalists may lose opportunities to develop foundational skills essential for more complex investigative and analytical work, thereby weakening the profession's talent pipeline.⁴⁹¹ Hence, automation can lead to a loss of professional identity and diminish the human touch that is essential for nuanced storytelling. Especially in local, regional, and community journalism, maintaining a direct connection with the audience and community is often essential for uncovering stories, building trust, and fostering a sense of inclusion and participation.⁴⁹² While AI can assist in understanding, tailoring, and targeting audiences, it also risks undermining personal connections, reducing representation, and eroding trust.

Furthermore, the role of AI in content curation and trend identification may reframe journalistic priorities, shifting editorial attention towards topics amplified by algorithms.⁴⁹³ This shift may be at odds with traditional gatekeeping roles, where journalists are expected to prioritise public interest over social media trends.⁴⁹⁴ Accordingly, journalists and editors may increasingly prioritise decisions that cater to a "datafied audience", shaped by data analytics rather than the needs and expectations of society regarding journalism's role in serving the public interest.⁴⁹⁵

⁴⁸⁸ Beckett and Yaseen, p. 22 (n 7); Simon (n 2); Cools, H., Van Gorp, B., and Opgenhaffen, M., "[When Algorithms Recommend What's New\(s\): New Dynamics of Decision-Making and Autonomy in Newsgathering](#)" (2021) 9 Media and Communication 198.

⁴⁸⁹ Cools, H., "[AI Is No Longer Optional, and That's a Problem](#)" (28 April 2025, Medium).; Newman, N. et al., "[Reuters Institute Digital News Report 2025](#)", Reuters Institute for the Study of Journalism, Oxford, UK.

⁴⁹⁰ Cools and Diakopoulos (n 8); Simon (n 2).

⁴⁹¹ Cools and Diakopoulos (n 8).

⁴⁹² Borchardt, A., "[Go, Robots, Go! The Value and Challenges of Artificial Intelligence for Local Journalism](#)" (2022) 10 Digital Journalism 1919; European University Institute, Verza, S., Blagojev, T., Borges, D., Kermer, J. et al., "[Uncovering news deserts in Europe – Risks and opportunities for local and community media in the EU](#)", Verza, S.(editor), Blagojev, T.(editor), Borges, D.(editor), Kermer, J.(editor), Trevisan, M.(editor) and Reviglio, U.(editor), Publications Office of the European Union, 2024; LeBrun, B., Todd, K., and Piper, A., "[Buying the News: A Quantitative Study of the Effects of Corporate Acquisition on Local News](#)" (2024) 26 New Media & Society 2189; Stroud, N.J. and Van Duyn, E., "Curbing the Decline of Local News by Building Relationships with the Audience" (2023) 73 Journal of Communication 452.

⁴⁹³ Eder, M. and Sjøvaag, H., "[Artificial Intelligence and the Dawn of an Algorithmic Divide](#)" (2024) 9 Frontiers in Communication; Cools and Diakopoulos (n 8); Sjøvaag, H., "[The Business of News in the AI Economy](#)" (2024) 45 AI Magazine 246; Dodds and others (n 1).

⁴⁹⁴ Dodds, Lewis and Zamith (n 4).

⁴⁹⁵ Dodds and others (n 9).

In the context of news distribution and consumption, a key concern arises regarding the extent to which platform-driven tools embed corporate or commercial logics that stand in tension with the normative journalistic values of impartiality and diversity – an incompatibility that is especially problematic given journalism’s democratic function.⁴⁹⁶ Algorithmic tailoring of news flows based on user profiles and preferences may therefore lead to selective exposure.⁴⁹⁷ Additionally, shifts in control over editorial decision-making and the manner in which content and news are recommended and presented to audiences – particularly regarding content production shaped by audience analytics and distribution tailored to platform logics – may result in a shift of opinion power, transferring power over opinion formation processes from legacy media to platforms and AI and tech companies.⁴⁹⁸

10.1.1.3. Resource disparity, local and regional newsrooms and algorithmic divide

Resource disparity significantly affects AI implementation in newsrooms, with large, well-resourced organisations developing proprietary systems, thereby reinforcing a “winners and losers” dynamic in the news ecosystem.⁴⁹⁹ Well-resourced news organisations gain competitive advantages through their capacity to invest in AI infrastructure, talent, and product development⁵⁰⁰ Hence, they are better positioned to negotiate favourable terms with technology providers and shape the integration of AI into their workflows, while smaller and less-well-resourced outlets risk marginalisation, reduced bargaining power, and limited access to the strategic gains offered by AI technologies. In contrast, smaller local and regional newsrooms often lack the means for in-house AI development, relying on third-party vendors, which increases dependency and may exacerbate marginalisation.⁵⁰¹

Skills, training, and maintenance are ongoing hurdles, with upskilling not evenly distributed, which leads to risks of an “algorithmic divide” in both production and service delivery to different populations.⁵⁰² Research indicates that, as a result, AI adoption in local and regional newsrooms remains relatively slow, even as the use of easily accessible tools like ChatGPT and other large language models (LLMs) continues to grow.⁵⁰³ Overall, resource inequalities may increase concentration and threaten the sustainability of

⁴⁹⁶ Van Drunen and Fechner (n 6); Helberger, H., "[Challenging Diversity - Social Media Platforms and a New Conception of Media Diversity](#)" in Damian Tambini and Martin Moore (eds), *Digital Dominance* (Oxford University Press 2018); Seipp and others (n 6); Helberger, N., "[The Political Power of Platforms: How Current Attempts to Regulate Misinformation Amplify Opinion Power](#)" (2020) 8 *Digital Journalism*.

⁴⁹⁷ Porlezza (n 5).

⁴⁹⁸ Nielsen, R.K. and Ganter, S.A., *The Power of Platforms* (Oxford University Press 2022); Helberger (n 28); Seipp et.al. (n 6).

⁴⁹⁹ Sjøvaag (n 25); Eder and Sjøvaag (n 25); Piasecki, S. and Helberger, N., "[A Nightmare to Control: Legal and Organizational Challenges around the Procurement of Journalistic AI from External Technology Providers](#)" (2025) *The Information Society* 1; Wilczek, B., Haim, M. and Thurman, N., "[Transforming the Value Chain of Local Journalism with Artificial Intelligence](#)" (2024) *AI Magazine*.

⁵⁰⁰ Simon, p. 37 (n 2).

⁵⁰¹ Borchardt (n 24).

⁵⁰² Eder and Sjøvaag (n 25).

⁵⁰³ Rinehart, A. and Kung, E., "[Artificial Intelligence in Local News: A Survey of US Newsrooms' AI Readiness](#)" (Associated Press 2022); Eder, M. and Sjøvaag, H., "[Falling behind the Adoption Curve: Local Journalism's Struggle for Innovation in the AI Transformation](#)" (2025) *Journal of Media Business Studies* 1.

independent journalism. Ensuring fair competition over economic and technological resources is crucial, as well as preventing the concentration of power in AI-driven media ecosystems. These goals may be achieved through measures such as national media concentration rules and digital markets regulations, as discussed in more detail in Chapter 2.

10.1.2. Societal aspects

These dynamics and the growing reliance on AI in journalism are perceived differently by audiences and society, but they undeniably shape society. Empirical research on audience perceptions of AI in journalism shows mixed attitudes: while audiences often fail to recognize when AI is used in content creation, awareness of its use tends to heighten concerns about manipulation and a loss of authenticity,⁵⁰⁴ although cross-national research shows that the intensity of these concerns varies significantly across regions, age groups, and socioeconomic categories.⁵⁰⁵

As such, the notion of a broad “authenticity crisis” should therefore be understood as context--specific, reflecting particular populations rather than a uniform or global consensus.⁵⁰⁶ People generally desire transparency about AI-generated content, with studies indicating that a majority of users would feel manipulated if not informed about AI use, regardless of content quality or accuracy.⁵⁰⁷ However, current transparency requirements, such as those outlined in Article 50 of the AI Act, fall short of meeting audience expectations by providing only basic disclosure without offering meaningful information about the AI system’s capabilities, limitations, or trustworthiness – underscoring the need for more comprehensive transparency measures.⁵⁰⁸

Furthermore, the impact of AI on disinformation and deepfakes on social media appears to be a double-edged sword. Generative AI enhances efficiency for legitimate actors but can also be “weaponised” to generate deepfakes, spam, and misinformation at scale.⁵⁰⁹ The scale and plausibility of AI-generated misinformation challenge existing verification practices and threaten to overwhelm traditional journalistic gatekeeping.⁵¹⁰ Public concern over the spread of AI-driven disinformation is high, but regulatory and journalistic responses lag behind technical advancements, which could negatively affect society at large. This can lead to a decline in trust and lower the quality of news if professional standards do not guide the use of AI-based systems. As some research indicates, there

⁵⁰⁴ Piasecki, S. and others, “[AI-Generated Journalism: Do the Transparency Provisions in the AI Act Give News Readers What They Hope For?](#)” (2024) 13 *Internet Policy Review*; Thomson, T.J. et al., “[Generative AI and Journalism: Content, Journalistic Perceptions, and Audience Experiences](#)” (figshare, 2025); Thomson and others (n 38); Etzrodt, K. et al, “[What HMC Teaches Us About Authenticity](#)” (2024) 8 *Human-Machine Communication* 227.

⁵⁰⁵ [Nic Newman and others, ‘Reuters Institute Digital News Report 2024’ \(Reuters Institute for the Study of Journalism 2024\)](#) accessed 18 August 2025. (n 21)

⁵⁰⁶ Dodds, Lewis and Zamith (n 4).

⁵⁰⁷ Piasecki and others (n 36).

⁵⁰⁸ *ibid.*

⁵⁰⁹ Cools and Diakopoulos (n 8).

⁵¹⁰ Cools and De Vreese (n 18); Cools and Diakopoulos (n 8); Wilczek, Haim and Thurman (n 31).

appears to be a general decline in audience trust in news, partly attributed to concerns about “robots” replacing human editors and worries about errors or inaccuracies in AI-generated content.⁵¹¹

10.2. Positive impacts: How does AI impact journalism?

10.2.1. Inside newsrooms

AI doesn't only impact journalism negatively, though. It does offer some opportunities related to personalisation, automation, and data journalism, although with limitations. For example, AI systems can efficiently analyse large volumes of financial data – an otherwise time-consuming task for humans – to identify potential news stories, such as those related to discrepancies in a company's quarterly earnings. However, while AI can support specific tasks of this nature, it cannot replace the complex, non-routine dimensions of investigative journalism or the nuanced, trust-based relationships essential for gathering, interpreting, and contextualising information effectively.⁵¹²

Still, automated news generation for routine reporting, combined with machine translation, transcription, and analytics, can enable journalists to focus on more complex, investigative, or creative tasks, provided that editorial oversight remains robust.⁵¹³ Furthermore, AI can support new interactive forms of journalism, including multimedia and modular or adaptive news formats. Accordingly, the potential to adopt new forms of digital media, which are typically more interactive, could also improve the experience for news consumers.⁵¹⁴ This could help retain consumers by keeping them engaged with the news brand rather than shifting to social media or other non-journalistic platforms.

Ultimately, AI can facilitate synergies and enhance journalistic work by analysing social media trends, automating lead identification, and uncovering underreported stories.⁵¹⁵ While observing audience behaviour online can help identify emerging trends, journalists must remain vigilant about the danger of losing touch with their audiences in real life.⁵¹⁶ As previously mentioned, this connection is particularly vital for local and regional journalism, where a personal relationship to local communities is often crucial for obtaining authentic information and cultivating contacts that can lead to impactful stories.⁵¹⁷

⁵¹¹ Caswell, D., "[Audiences, Automation, and AI: From Structured News to Language Models](#)" (2024) 45 AI Magazine 174.

⁵¹² Simon (n 2); Stroud and Van Duyn (n 24).

⁵¹³ Simon (n 2); Mathias-Felipe de-Lima-Santos, Wang Ngai Yeung and Tomás Dodds, 'Guiding the Way: A Comprehensive Examination of AI Guidelines in Global Media' (2025) 40 AI & SOCIETY 2585.

⁵¹⁴ Cools and Diakopoulos (n 8).

⁵¹⁵ Dodds and others (n 9); Simon (n 2).

⁵¹⁶ Beckett and Yaseen (n 7); Cools and Diakopoulos (n 8).

⁵¹⁷ [Alexandra Borchardt and others, 'Trusted Journalism in the Age of Generative AI: EBU News Report 2024' \(Eurovision News, European Broadcasting Union 2024\)](#).

10.2.2. Societal aspects

Furthermore, while AI cannot replace the essential human interactions and relationships that are critical in journalism, it can enable more direct and engaging interactions between audiences and news content. Through tools like chatbots, text messages, generative AI, and recommendation systems, AI can enable dynamic, personalised, and interactive experiences for news consumers.⁵¹⁸ This shift can make news consumption more accessible and engaging, particularly for younger, digital-first audiences.

In the news publishing and distribution phase, AI adoption is viewed as a means to enhance efficiency, profitability, analytical depth, and creativity, particularly as the industry navigates persistent economic sustainability challenges and ongoing debates about its societal role and value.⁵¹⁹ Innovative applications of AI, such as modular journalism and context-aware news delivery, have the potential to enrich civic engagement and broaden news consumption, provided these tools are used responsibly.⁵²⁰ For instance, a context-aware recommendation system could tailor article suggestions to a reader's specific location and current events, increasing the relevance and immediacy of news coverage. Similarly, modular journalism could allow complex investigative pieces to be broken down into customizable, interactively assembled story components, enabling audiences to explore topics in the depth or format that best suits their interests and knowledge level.⁵²¹

10.3. Policy and governance perspectives

10.3.1. Normative challenges

The previous section highlighted both the negative and positive implications of AI in journalism. Building on this, it is crucial to clearly identify and understand the specific normative challenges involved to effectively tailor policy and governance responses.⁵²² Three primary areas of concern can be identified: structural (resource) inequalities; increasing technological and infrastructural dependencies; and the implications for journalistic and professional values, including editorial independence. All of these require careful consideration through both regulatory and non-regulatory frameworks.

First, resource disparities between news organisations and between legacy media and AI and technology companies create fundamental inequalities in their capacity to

⁵¹⁸ Caswell (n 43).

⁵¹⁹ Simon (n 6); [Nic Newman and others, 'Digital News Report 2023' \(Reuters Institute for the Study of Journalism 2023\)](#).

⁵²⁰ Caswell (n 43); Thomson and others (n 36).

⁵²¹ Neil Thurman, Seth C Lewis and Jessica Kunert, 'Algorithms, Automation, and News' (2019) 7 *Digital Journalism* 980; Cools and Diakopoulos (n 8).

⁵²² Popiel, P., "[Regulating Datafication and Platformization: Policy Silos and Tradeoffs in International Platform Inquiries](#)" (2022) 14 *Policy & Internet* 28; Helberger (n 6); Porlezza (n 5).

develop, implement, and control AI technologies.⁵²³ As mentioned in relation to the negative aspects, while major media conglomerates possess the financial and technical resources to invest in proprietary AI systems, smaller outlets frequently lack these capabilities, leading to imbalances and concentrations within the industry. This disparity threatens media pluralism and diversity, potentially undermining the role of journalism in democratic discourse.⁵²⁴ Second, research indicates that news organisations' growing reliance on external providers for technology, AI and infrastructure may lead to substantial risks to journalistic independence and autonomy, as well as to media freedom.⁵²⁵ Reliance on third-party AI tools could lead to lock-in effects, whereby newsrooms become increasingly subject to the commercial imperatives and technological constraints of these providers.⁵²⁶ Such dependencies are particularly problematic because these systems often embed values and priorities that may conflict fundamentally with core journalistic principles and the public interest. As AI becomes more deeply integrated into newsrooms, it is likely to prompt not only journalists but also regulators and society at large to re-evaluate the roles of journalism in democratic societies, along with their professional values and standards. This process would necessitate an evolution in journalism itself – in how it is perceived, practiced, and taught.⁵²⁷

To address these challenges involves both regulatory and non-regulatory approaches. Existing regulatory frameworks, such as the EU's AI Act,⁵²⁸ the Digital Services Act (DSA),⁵²⁹ the Digital Markets Act (DMA),⁵³⁰ and the European Media Freedom Act (EMFA)⁵³¹ establish safeguards for transparency, accountability, fair competition, media sustainability, and editorial independence. Complementing these, non-regulatory and soft law initiatives plays an equally vital role.

10.3.2. Hard law

Hard law approaches, encompassing legally binding regulations, are essential for addressing these challenges and safeguarding the integrity, diversity, and independence of journalism. The European Union (EU) regulates AI primarily through the AI Act, which

⁵²³ Wilczek, Haim and Thurman (n 32); Sjøvaag (n 25).

⁵²⁴ Seipp, T.J., et al., "[Between the Cracks: Blind Spots in Regulating Media Concentration and Platform Dependence in the EU](#)" (2024) 13 Internet Policy Review.

⁵²⁵ Møller Hartley, J., et. al., "[Autonomies and Dependencies: Shifting Configurations of Power in the Platformization of News](#)" (2023) 11 Digital Journalism 1375; Ferrari Braun, A., "[Independent Media Has an Infrastructural Problem](#)" (Tech Policy Press, 8 April 2025). Van Drunen, M. "Safeguarding media freedom from infrastructural reliance on AI companies: The role of EU law" (2025) 49 Telecommunications Policy 7.

⁵²⁶ Simon (n 2).

⁵²⁷ Dodds, Lewis and Zamith (n 4).

⁵²⁸ [Regulation \(EU\) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence](#)

⁵²⁹ [Regulation \(EU\) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services](#)

⁵³⁰ [Regulation \(EU\) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector](#)

⁵³¹ [Regulation \(EU\) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market](#)

establishes a comprehensive framework. It employs a risk-based approach, categorising AI applications according to their potential societal impact, with high-risk applications subject to stringent requirements for transparency, human oversight, and accountability.

Rather than directly regulating journalistic practices, the AI Act influences journalism through its governance of AI systems, some of which are used in news production and distribution. In fact, the EU AI Act provides only limited indirect protections for journalism through general transparency requirements for AI systems and basic safeguards surrounding synthetic content generation. Most journalistic AI applications, however, fall under minimal or low-risk categories with limited oversight.⁵³² In particular, journalistic applications such as AI-assisted drafting, transcription, or personalization generally fall into the minimal or limited risk categories, which carry either no binding requirements or only light transparency obligations under the AI Act, such as informing users when they are interacting with AI or when synthetic content is being generated (e.g., AI-written articles or deepfakes). Accordingly, the AI Act does not address crucial journalism-specific concerns such as editorial independence, algorithmic bias in news production, and the growing power imbalance between news organisations and AI providers. This regulatory gap leaves media organisations vulnerable to increasing technological dependence on external AI providers while lacking the necessary frameworks to protect journalistic values and editorial autonomy.⁵³³

In addition, the EU passed the DSA and DMA, which focus on platform accountability and fair digital market practices. The DSA and DMA broadly require very large online platforms (VLOPs) and “gatekeepers” to provide transparency about their content moderation and recommendation algorithms. Furthermore, the DMA and the EMFA impose transparency obligations requiring platforms and technology companies to share information about their audience measurement systems with media organisations. While these measures could, in theory, give media organisations more control over how audience metrics are designed and used, they fall short of addressing the deeper power imbalances between technology and legacy media –leaving in particular smaller media outlets at a disadvantage.

Finally, the EU’s data governance framework—the GDPR,⁵³⁴ the Data Governance Act,⁵³⁵ and the Data Act⁵³⁶—establishes rules for data protection, access, sharing, and control. These provisions are relevant for AI in journalism, as they could address the concentration of data resources among technology and AI companies and promote more equitable access for media organisations. In addition, the creation of the Common European

⁵³² Helberger, N., “Relevance of the AI Act and the Council of Europe Convention on AI in Public Communication, and on the Use of AI in the Production, Distribution, and Utilization of Journalism in Particular” (Expertise on behalf of the Federal Media Commission (FMEC), 2024).

⁵³³ *ibid.*

⁵³⁴ [Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC \(General Data Protection Regulation\)](#)

⁵³⁵ [Regulation \(EU\) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation \(EU\) 2018/1724 \(Data Governance Act\)](#)

⁵³⁶ [Regulation \(EU\) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation \(EU\) 2017/2394 and Directive \(EU\) 2020/1828 \(Data Act\)](#)

Media Data Space (EMDS)⁵³⁷ aims to provide a platform that enables media organisations to share data and thereby overcome the technological and data resource gaps. The extent to which such initiatives are successful must still be assessed.

In short, the EU's regulatory framework represents a significant step toward ensuring responsible AI use in journalism. By combining direct regulation of AI systems with broader measures to protect media independence and data rights, a comprehensive approach is created to safeguard journalistic integrity in the digital age. Nevertheless, gaps remain and need to be complemented by soft law and other non-regulatory approaches.

10.3.3. Soft law

10.3.3.1. Ethical guidelines for responsible AI in journalism

The integration of AI in journalism necessitates a comprehensive governance approach, including robust self-regulatory codes and ethical guidelines for responsible implementation. Soft-law measures – particularly those developed by the Council of Europe (CoE) – play a crucial role in navigating these complexities.⁵³⁸ The AI Act and other EU digital laws primarily follow a market-driven, risk-based approach. In contrast, guidelines from human rights organisations such as the CoE – particularly the Guidelines on responsible AI implementation in journalism – provide clear principles to safeguard fundamental rights, including journalistic and media freedom, pluralism, diversity, and non-discrimination.⁵³⁹ These guidelines emphasize transparency, accountability, and diversity in AI design, deployment, and monitoring.⁵⁴⁰

Nevertheless, implementing these guidelines effectively in newsrooms requires addressing several critical dimensions. First, research shows that “knowledge silos” in newsrooms – defined as the segmentation and isolation of information, expertise, and communication across departments or groups – can limit collaboration and knowledge exchange, thereby obstructing the effective and responsible adoption of AI technologies.⁵⁴¹ To overcome these barriers, newsrooms are establishing dedicated “AI task forces” and implementing training programs.⁵⁴² These initiatives may help bridge the gap between technical expertise and journalistic practice, but they also necessitate a shared responsibility among all professionals within the news media ecosystem to uphold and implement these standards.⁵⁴³

⁵³⁷ [European Commission Directorate-General for Mobility and Transport website – Creating a common European mobility data space.](#)

⁵³⁸ Porlezza (n 5); Helberger (n 6).

⁵³⁹ Helberger (n 6)

⁵⁴⁰ [Council of Europe. 2023. Guidelines on the Responsible Implementation of Artificial Intelligence \(AI\) Systems in Journalism. ; Cools, H., and N. Diakopoulos. July 10, 2023. Towards Guidelines for Guidelines on the Use of Generative AI in Newsrooms.](#) Medium.

⁵⁴¹ Dodds and others (n 1).

⁵⁴² Cools and De Vreese (n 18).

⁵⁴³ *ibid.*

In a nutshell, the success of ethical guidelines depends on their practical implementation within newsrooms. Effective governance therefore requires a combination of clear principles and guidelines, as well as effective organisational and institutional strategies, team cooperation and collaboration to overcome silos, and stronger AI literacy.⁵⁴⁴

10.3.3.2. Journalistic training and AI literacy, transparency and AI disclosures, and collaborations

Journalists' roles are evolving, requiring increased AI literacy and specialised training. Simultaneously, widening resource gaps have sparked important trends towards sharing tools, data, and expertise, fostering more innovative and collaborative practices.⁵⁴⁵ This development is particularly significant for local and regional journalism, where consolidating resources, sharing technology, and pooling knowledge and skill can be essential for overcoming disparities and preventing acquisitions by larger media companies, which would further increase media concentration trends, as detailed in Chapter 2.

As previously mentioned, the growing integration of AI into journalistic processes necessitates a fundamental reassessment of the profession's identity.⁵⁴⁶ Enabling this transformation requires better and robust interdisciplinary education, building AI literacy for journalism.⁵⁴⁷ Doing so requires going beyond merely knowing about AI. It makes necessary an understanding of its normative dimension and an ability to apply it responsibly, creatively, and efficiently in journalistic contexts, for instance, understanding where it is useful and where it should be avoided.⁵⁴⁸ Additionally, the way journalism schools teach about AI requires reform: there is a need for a combination of journalism, computer science, and critical AI studies - the current lack of which potentially leads to knowledge gaps.⁵⁴⁹

Finally, as alluded to, AI systems can reinforce existing biases and discrimination, with news workers expressing significant concerns about algorithmic bias and the potential for AI to hallucinate or generate inaccurate information. A recent study emphasises that increasing AI literacy through workshops and training is crucial for debunking myths about these technologies, while transparency is considered essential both internally (helping

⁵⁴⁴ Dodds and others (n 1).

⁵⁴⁵ Wilczek, Haim and Thurman (n 31); Borchardt (n 23); Nikki Usher and others, 'Media Policy for an Informed Citizenry: Revisiting the Information Needs of Communities for Democracy in Crisis' (2023) 707 *The ANNALS of the American Academy of Political and Social Science* 8; Dodds and others (n 1); Oscar Westlund, Arne H Krumsvik and Seth C Lewis, 'Competition, Change, and Coordination and Collaboration: Tracing News Executives' Perceptions About Participation in Media Innovation' (2021) 22 *Journalism Studies* 1.

⁵⁴⁶ Dodds, Lewis and Zamith (n 4).

⁵⁴⁷ [Mark Deuze and Charlie Beckett, 'Imagination, Algorithms and News: Developing AI Literacy for Journalism.' \(2022\), 10 *Digital Journalism*, 1913-1918.](#)

⁵⁴⁸ *ibid.*

⁵⁴⁹ Dodds and others (n 1).



journalists understand algorithmic decision-making) and externally (disclosing AI tool usage to the public).⁵⁵⁰

10.4. Conclusion

The integration of AI into journalism presents opportunities and profound challenges. AI has entered all stages of news production and distribution, reshaping editorial processes and audience interactions. While AI-driven automation facilitates efficiency, allowing journalists to dedicate more resources to investigative and creative tasks, substantial normative concerns remain. AI systems, particularly when externally sourced, can amplify biases and diminish transparency, complicating editorial oversight and threatening journalistic integrity and independence. Automation risks deskilling journalists, weakening professional identities, and eroding crucial audience connections, especially in local and community journalism.

Resource disparities further exacerbate these challenges, creating uneven AI adoption opportunities and reinforcing power imbalances favouring larger, better-resourced media organisations. These inequalities risk increasing media concentration, undermining pluralism, and diminishing diversity within the journalistic ecosystem. Moreover, societal implications, such as audience distrust and the growing challenge of AI-generated disinformation, underscore the urgent need for comprehensive governance frameworks.

Effective governance demands a balanced approach, combining robust regulatory measures like the EU's AI Act, DSA, DMA, and EMFA with ethical guidelines and soft-law initiatives from organisations like the CoE. Crucially, the successful implementation of these frameworks relies on enhanced AI literacy, interdisciplinary training, and collaborative strategies within (and between) newsrooms. Only through such coordinated efforts – integrating technological expertise with strong journalistic values and governance mechanisms – can journalism harness the potential of AI responsibly, preserving its essential democratic function, public trust, and editorial independence.

⁵⁵⁰ Cools and De Vreese (n 18).