The EMFA and safeguards to media pluralism

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The EMFA and safeguards to media pluralism

Enrico Albanesi, Philippe Bailly, Tijana Blagojev, Danielle Borges, Francisco Rui Cádima, Marius Dragomir, Stéphanie Lukasik, Tarlach McGonagle, Marie Palmer, Francesca Pellicanó, Melinda Rucz, Sofia Verza

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Foreword

In his 1994 book, *The Myth of the Framework: In Defence of Science and Rationality*,[1] Austrian-British philosopher Karl Popper wrote: "The growth of knowledge depends entirely upon disagreement." It is true with human interactions, but also with regard to the media environment which shape our thoughts. What better way to grow than to confront our ideas with others, and how to do so without a pluralistic media sector?

It is interesting to note just a few years before Popper's book was published, an apparently unrelated Council Regulation of the European Economic Community on the control of concentrations between undertakings[2] foresaw that member states would be granted the right to take measures to protect legitimate national interests, including for reasons of "plurality of the media". Later caselaw from the European Court of Human Rights[3] and Council of Europe Recommendations[4] have all reiterated the importance of media pluralism.

The longtime knowledge of the challenges and extensive literature, caselaw and soft law instruments dealing with the matter however have not eradicated the danger. What was true in 1994 still is true today. The recent entry into force of the European Media Freedom Act[5] is proof that all the preexisting framework was deemed insufficient to effectively ensure media pluralism within the European Union, prompting EU policymakers to give birth to a new piece of legislation ambitioning to strengthen guarantees in favour of media pluralism.

Numerous factors explain the persistence of challenges to media pluralism even today. Attempts by political actors to interfere with the media's independence are not a new phenomenon but one that can still be observed at varying degrees within Europe. The means of exerting pressure are numerous, from insufficient funding of the public service media to the lack of protections for journalists.

The emergence of AI has not made the task of media outlets any easier either, making the generation of low-quality news content virtually effortless and heralding a new era of struggles for quality media outlets.

---

[1] Popper, K.,*The Myth of the Framework: In Defence of Science and Rationality*, *Routledge*, 1994.

[2] *EC Merger Regulation (Council Regulation (EEC) No 4064/89)*, later updated by *Regulation (EC) No 139/2004*; refer to Article 21(4) of the consolidated Regulation.

[3] *Informationsverein Lentia v. Austria*, no. 17207/90, ECtHR, 24 November 1993; *Manole and Others v. Moldova*, no. 13936/02, ECtHR, 17 September 2009.

[4] Recommendation No. R (99) 1 on Measures to Promote Media Pluralism; Recommendation CM/Rec(2007)2 on Media Pluralism and Diversity of Content; Recommendation CM/Rec(2018)1 on Media Pluralism and Transparency of Media Ownership.

[5] *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 – EMFA), *EUR-Lex*, *JO L* 2024/1083.

In this context and following the publication of last year's Observatory report on news media, pluralism and journalism in the digital age,[6] we are pleased to present this new report focusing this time on safeguards to media pluralism.

I would like to warmly thank all authors contributing to this report for their engaged participation and excellent work (by order of chapter): Philippe Bailly, Danielle Borges, Stéphanie Lukasik, Tarlach McGonagle, Melin Rucz, Francesca Pellicanò, Tijana Blagojev, Marie Palmer, Sofia Verza, Francisco Rui Cádima, Enrico Albanesi and Marius Dragomir.

Enjoy the read!

Strasbourg, October 2026

Maja Cappello

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European Audiovisual Observatory

[6] Cappello M. (ed.), *News media, pluralism and journalism in the digital age*, IRIS, European Audiovisual Observatory, Strasbourg, December 2025.

Table of contents

Executive Summary 1

PART I – Foundations and framework for media pluralism 4

1. Funding and visibility at the heart of the challenges of maintaining pluralism 3

1.1. A very strong correlation between the level of pluralism and trust in information 4
1.2. Europe divided into three groups 7
1.3. Services of general interest: prominence guarantee yet to materialise 11
1.4. Streaming platforms as new actors in news distribution 14

2. Media pluralism in Europe: mapping the European acquis framing media pluralism 16

2.1. Media pluralism: an evolving concept 16
2.2. Translating the concept into policy and regulatory measures 18
2.2.1. Council of Europe 18
2.2.2. European Union 18
2.3. The EU media acquis 20
2.4. The MPM as a methodological choice for mapping the media pluralism legal framework in Europe 21
2.5. The media-pluralism legal framework in Europe: a mapping of legal instruments 22
2.6. Conclusions: from regulation to implementation 23

3. Media pluralism put to the test 25

3.1. Introduction: the effects of media concentration on media pluralism and editorial independence 25
3.2. Article 22 of the EMFA: rules for assessing media concentrations 26
3.3. The role of the European Board for Media Services 28
3.4. The discretion available to member states with regard to the implementation of Article 22 of the EMFA 29
3.5. Guarantees of editorial independence: the case of Luxembourg 30
3.6. Conclusion 31

PART II - Practices, actors and social dimensions 32

4. Media pluralism and political independence on the European scene Chapter 33

4.1. Introduction 33
4.2. Independent journalism in an era of converging pressures 33
4.2.1. Media capture and political-economic interference 34
4.2.2. Legal pressures and SLAPPs 35
4.2.3. Financial vulnerabilities and precarious working conditions 36
4.2.4. Informal intimidation and hostile socio-cultural climate 36
4.2.5. The cumulative impact of converging pressures 37
4.3. European legal and policy responses 38
4.3.1. Human rights foundations 38
4.3.2. EU legislative instruments 39
4.4. Relevant policy initiatives 41
4.4.1. Council of Europe 41

4.4.2. European Union 43
4.5. Conclusion 43

5. ENSURING A PLURALISTIC MEDIA ENVIRONMENT AT THE NATIONAL LEVEL 45
5.1. Introduction 45
5.2. The role of NRAs under the EMFA 45
5.3. The European Board for Media Services 48
5.4. Regulatory coordination, monitoring media markets and the protection of media pluralism 52
5.5. Conclusions 54

6. The social side of media pluralism: geographical, cultural and gender inclusiveness 56
6.1. Gender equality as an essential pillar of pluralism 57
6.2. Diversity in practice: cultural and linguistic inclusion in the media 60
6.3. Local media 64
6.4. Conclusion 67

PART III - Structural safeguards, support measures and developments 68

7. Public support measures for the media and media pluralism 69
7.1. Public funding vs media pluralism 70
7.2. Public intervention through media funding mechanisms 72
7.2.1. Public intervention in the media sector 72
7.2.2. Public support in different jurisdictions 73
7.3. Support measures, implementation and compatibility with European rules 75
7.4. State advertising and social and political influence 76
7.5. Final remarks 79

8. MEDIA PLURALISM IN PUBLIC SERVICE MEDIA 80
8.1. The rationale underpinning public service media 80
8.2. Safeguards for the independence of PSM providers: the general European legal framework 81
8.3. Appointment/dismissal of governing boards and funding procedures: European legal standards in detail 82
8.4. Analysis of case studies 85
8.4.1. Italy 85
8.4.2. Slovakia 88
8.4.3. Hungary 88
8.4.4. Ukraine 89
8.5. Conclusions 90

9. Enforcing Safeguards for Media Pluralism 92
9.1. Framing: from rules on paper to enforcement in practice 92
9.2. The EMFA enforcement architecture at EU level 93
9.3. Enforcement at national level: regulators, implementation and divergence 94
9.4. Platforms exercising editorial control 97
9.5. Enforcement models in the wider European framework 100
9.6. Conclusion: conditions for effective enforcement 101

Figures

Figure 1. Risk of harm to pluralism and trust in the media 4
Figure 2. Use of difference sources of information and trust in the media 5
Figure 3. PSM resources and Advertising revenue and trust in information 6
Figure 4. Cultural and linguistic diversity in the media indicator (MPM2026) - Map of risks 62
Figure 5. Local/regional and community media indicator (MPM2026) – Map of risks 65

Tables

Table 1. Level of use of different sources of information, and level of confidence in the medias 5
Table 2. Response regarding services of general interest included in the user interface 13
Table 3. MPM areas and respective indicators 21

Executive Summary

Media pluralism is a vital pillar of democratic stability across Europe, ensuring that citizens have access to diverse, independent, and trustworthy information necessary for informed civic participation. As declared by the Committee of Ministers of the Council of Europe, media freedom and pluralism "are central to the functioning of a democratic society as they help to ensure the availability and accessibility of diverse information and views, on the basis of which individuals can form and express their opinions and exchange information and ideas".[7]

However, the European media landscape is experiencing profound transformations. With platforms and algorithms now occupying a key role in news distribution, changing audience consumption habits and intense market concentration, a host of new challenges have joined older well-known risks like political pressure on public-service media (PSM) and financial instability, resulting in growing threats to journalistic independence and ultimately public trust. In this context, the role of technology and the associated risks of mismanagement of platforms facilitate the appearance of amplified risks. It is clear that the complementary nature of the different media types can promote pluralism and can contribute to creating and maintaining diversity of media content, but safeguards are needed to avoid the inherent risks.

For example, media capture is a risk that involves the media advancing the political or commercial interests of controlling entities rather than serving the public interest. Indeed, as highlighted by Recital 30 of the European Media Freedom Act (EMFA),[8] it remains as one of the most significant challenges across the European media services market.

In this context, both the EU and national legal frameworks rely on an extensive set of legal, regulatory, and policy safeguards designed to protect editorial independence and sustain a healthy public media sphere, with the EMFA counting as the latest addition to an already large legal framework.

Under European legislation, safeguarding media pluralism requires addressing new dynamics across traditional broadcasting, digital outlets, social media, and streaming platforms. As audience reliance on digital intermediaries continues to grow, algorithmic curation, interface prominence, and platform distribution agreements increasingly condition how news is presented, accessed and whom it reaches. To mitigate these risks the jurisprudence of the European Court of Human Rights, and EU legislation like the EMFA

[7] *Recommendation CM/Rec(2018)1* 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).
[8] *EMFA*, op. cit.

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and the Anti-SLAPP Directive, and to a certain extent the Digital Services Act (DSA), provide concrete safeguards. On the one hand, consolidated case law offers a solid background to sustain the essential foundations of the media sector and, on the other hand, new European legislation addresses the latest challenges.

In practice, and beyond market structures, protecting pluralism depends on shielding journalists and media outlets from political and economic pressure. Phenomena such as media capture, regulatory bias, and retaliatory legal actions undermine the capacity of journalists to act as public watchdogs. For example, fragile public support mechanisms, including state advertising and subsidies, can make the proper functioning of the public service media (PSM) very difficult, hence the importance of transparency in that regard, with objective criteria and independent oversight under the EU competition framework and EMFA to prevent political favouritism.

Furthermore, media pluralism is also vital to ensure that society is accurately represented. A truly pluralistic media space should reflect the society it serves by promoting equality and diversity in newsrooms and media representation, upholding cultural and linguistic diversity, and safeguarding local journalism. The decline of regional reporting and the growth of "news deserts" threaten community cohesion and create information voids vulnerable to mis- and disinformation, the spread of which is made exponentially larger by online platforms.

The combination of national media regulatory authorities (NRAs), the European Board for Media Services (EBMS), and clear guarantees regarding PSM governance are critical to countering those risks.

Finally, as statutory protections may remain ineffective without robust enforcement, establishing binding oversight for online platforms exercising editorial control, securing transparent ownership reporting, and ensuring well-resourced regulatory bodies represent the necessary conditions for guaranteeing that media pluralism remains a resilient reality across Europe.

To address these topics, this report explores three different areas. Firstly, in Part I it delves into the foundations and frameworks for media pluralism. In this part, the report explores the European media sector from the market point of view, looking at media ownership concentration, the role of platforms and the effects of AI-driven distribution on editorial choices. This part also maps the main European rules and case law, with a special focus on EMFA, DSA, political advertising rules and Council of Europe standards to show how the current framework fits together. Finally, this part explains the Article 22 EMFA mechanism for assessing media market concentrations that may threaten pluralism and editorial independence under the media plurality test.

In Part II, the report turns to practices, actors and social dimensions. In particular, it deals with political independence and the pressures that European journalists might face, covering also how abusive litigation can become a threat to the exercise of free journalism. Alongside this reflection, Part II also explores the role of national authorities in implementing rules on media pluralism and it also draws on the Media Pluralism Monito to compare how different national systems are performing. Finally, it turns to the role of media pluralism in social inclusiveness, focusing on the representation of minorities, local and community media and other related topics.

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Finally, Part III of the report analyses structural safeguards, support measures and developments, like public funding, subsidies and the role of advertising, as long as they can have the power to distort the market. Especially, it looks into safeguards in the context of PSM, a key pillar of pluralism because they can provide impartial, diverse, and high-quality information. Finally, it looks at implementation and enforcement, and at how EMFA rules work in practice at the EU and national levels, addressing the special case of very large online platforms that exercise editorial control and the safeguards needed to prevent harmful moderation decisions from narrowing access to media content.

Following the Committee of Ministers of the Council of Europe, "national legislative and policy frameworks should safeguard the editorial independence and operational autonomy of all media to ensure that they can carry out their key tasks in a democratic society".[9]

In this vein, this report aims to offer a comprehensive overview of the safeguards at hand by offering a complete overview of the sector and not just an analysis of the very relevant rules in force. It offers a complete analysis of rules, practices and risks, and therefore offers a complete picture of the media sector in Europe.

[9] *Recommendation CM/Rec(2018)1* of the Committee of Ministers to member States.

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PART I – Foundations and framework for media pluralism

A healthy media environment is crucial for the development of healthy democracies. Technological evolution and important changes in consumption habits, especially in the last decade, open new questions and discussions on how to address current challenges in the media sector and how to offer sufficient safeguards to guarantee media plurality. Digital access to news and, in the last four years, the rapid implementation of AI chatbots and algorithms in all kinds of platforms represent some of the principal challenges.

This first part of the report comprises three chapters that deal with the current state of play of media pluralism both at market and legal level, also looking at how to assess the quality of pluralism in a given jurisdiction.

***Chapter 1** focuses mainly on setting the scene of the European media sector, focusing on its structure, the main private and public players, the risks that arise from market concentration practices and the role of platforms in disseminating news content since these irrupted in the European markets. It also explains the three main European approaches to media plurality by geographical area and the role of specific platforms in the dissemination of information.*

***Chapter 2** completes this analysis by focusing on the relevant rules at European level that adjust to the market landscape. Particular attention is paid to safeguards established in the most recent European legislation, especially the EMFA, the DSA and the Council of Europe's recommendations and declarations, including the relevant case law from the European Court of Human Rights (ECtHR). Finally,*

***Chapter 3** complements the two previous chapters by exploring how Article 22 EMFA aims to provide for a common approach to assess media pluralism, explaining in detail the different criteria of assessment as well as the role of the European Board for Media Services in that regard.*

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1. Funding and visibility at the heart of the challenges of maintaining pluralism

Philippe Bailly, Founder of NPA Conseil and a member of the board of Respect Zone

The study of media pluralism — and how to preserve it — traditionally involves a two-pronged approach: external pluralism, which concerns the breadth of the information on offer and whether it provides a sufficient range of perspectives; and internal pluralism, which looks at whether an individual media outlet reflects different viewpoints in a balanced manner. In both cases, examining how governments protect pluralism in the media is not merely a matter of law or regulation. It is also — and perhaps just as much — an economic issue: the financial capacity of the sector as a whole, and of each publisher, to analyse and put into context reliable, factually accurate information.

The European Media Freedom Act (EMFA) reflects this situation when it states that it is necessary to "guarantee that (…) public service media providers benefit from (…) adequate and stable financial resources", while data from the European Broadcasting Union (EBU)[10] illustrates the scale of the challenge facing European public service broadcasters:[11] EUR 6 billion are spent on news production every year, representing 30% of programme expenditure.

While there are no comparable studies on private media, the situation in France, for example, demonstrates that the issue is just as significant for them, as shown by the study published by the Ministry of Culture (*Direction générale des médias et des industries culturelles* – DGMIC) and the French audiovisual regulator, Arcom, in January 2026.[12] In 2024, the cost of producing political and general news was estimated at EUR 2.9 billion, of which EUR 430 million was spent by private television and radio stations, and around EUR 900 million by public service media. Like the EBU report, this study points out that the human factor is decisive in the production of high-quality news, with salaries accounting for 70% of production costs. It also indicates that 56% of the media outlets studied were operating at a loss in 2024. "Producing honest, independent and pluralistic news is a costly business.

[10] European Broadcasting Union (EBU), *Public Service Media and News*, Media Intelligence Service, October 2022.
[11] Based on a total of 62 European public service media outlets and 46 markets.
[12] Arcom, *Étude sur le modèle économique de l'information en France* (in French) [Study on the business model for information in France], press release, 20 January 2026.

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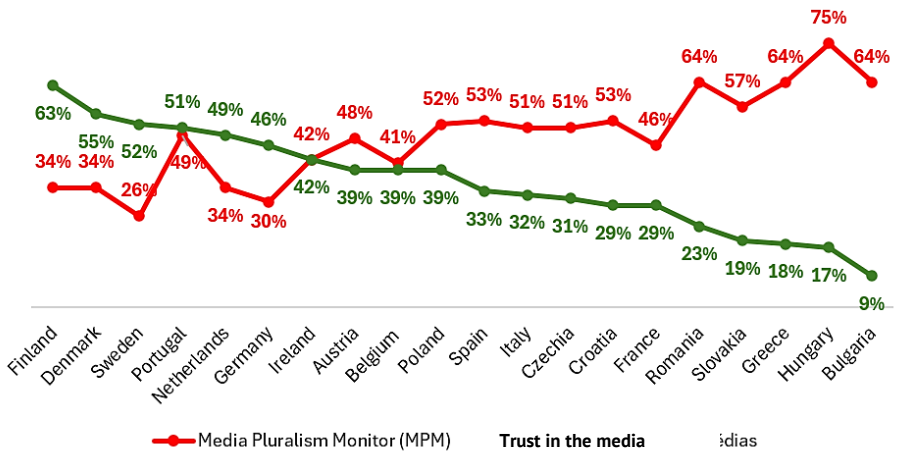
The demand for high-quality news cannot therefore be addressed without considering the economic conditions under which it is produced," states the Arcom report.

1.1. A very strong correlation between the level of pluralism and trust in information

The financial health of the media and the industrial dimension of the sector, along with press freedom and journalist safety, are among the 200 indicators that the Centre for Media Pluralism and Media Freedom (CMPF), affiliated with the University of Florence, takes into account in its *Media Pluralism Monitor* (MPM).[13] Published annually since 2014, the MPM assesses the risk to pluralism in 31 countries, expressed as a percentage that ranges from 26% in Sweden to 75% in Hungary.

When these figures are compared with the level of trust in the media, as expressed by members of the public in the Reuters Institute's *Digital News Report,*[14] there is a very pronounced negative correlation (coefficient of -0.87)[15] between the risk of harm to pluralism and the level of trust in the media. This shows, conversely, that pluralism and trust in the media go hand in hand. In other words, a high level of trust indicates that measures to protect pluralism have been effective.

Figure 1. Risk of harm to pluralism and trust in the media



Sources: CMPF, Reuters Institute

However, not all news sources appear to be equally effective in building trust: television (with a correlation coefficient of 0.57) and, in particular, newspapers (0.69) are associated

[13] CMPF, *Media Pluralism Monitor*, *European University Institute (EUI)*, June 2026.
[14] Reuters Institute, *Digital News Report 2026*, June 2026. A total of 48 countries (or markets) worldwide were studied, with 97,055 people surveyed between mid-January and the end of February 2026.
[15] The correlation coefficient measures the strength and direction of the linear relationship between two variables. Its value is always between -1 (strong negative relationship: when one variable increases, the other decreases) and 1 (strong positive relationship: both variables increase together).

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with higher levels of trust than websites (0.30), while there is an inverse relationship between social media use and the level of trust in the information it provides (-0.38).

Figure 2. Use of difference sources of information and trust in the media

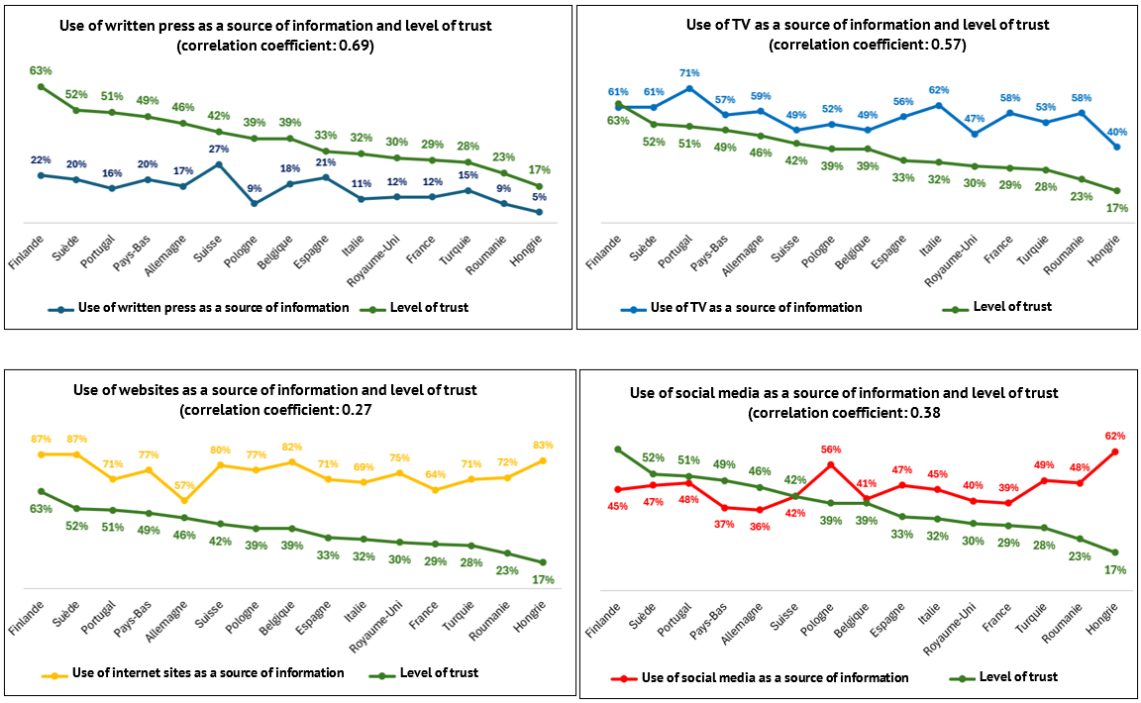


Table 1. Level of use of different sources of information, and level of confidence in the medias

	Finland	Sweden	Portugal	Netherlands	Germany	Switzerland	Poland	Belgium	Spain	Italy	Great Britain	France	Türquie	Romania	Hungary
Sources of information															
Press	22%	20%	16%	20%	17%	27%	9%	18%	21%	11%	12%	12%	15%	9%	5%
TV	61%	61%	71%	57%	59%	49%	52%	49%	56%	62%	47%	58%	53%	58%	40%
Online	87%	87%	71%	77%	57%	80%	77%	82%	71%	69%	75%	64%	71%	72%	83%
RS	45%	47%	48%	37%	36%	42%	56%	41%	47%	45%	40%	39%	49%	48%	62%
Level of confidence in the media															
Trust	63%	52%	51%	49%	46%	42%	39%	39%	33%	32%	30%	29%	28%	23%	17%
Avoidance*	31%	30%	37%	34%	40%	39%	46%	40%	37%	36%	50%	37%	60%	47%	45%

*: Avoids information often or sometimes

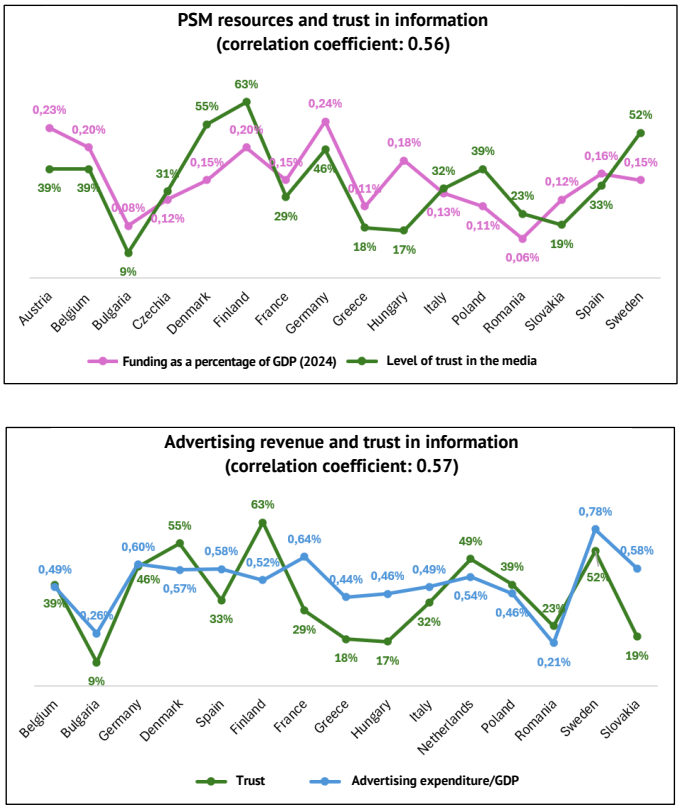
Source: Reuters Institute DNR 2026

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Ultimately, traditional media, i.e., television, print media and radio,[16] remain the greatest builders of trust and pluralism in the eyes of the public.

The data shows that the resources available to media play a decisive role, and that there is also a very strong link between the level of trust on the one hand and the percentage of GDP allocated to public service media funding and the amount spent on advertising as a proportion of GDP on the other.

Figure 3. PSM resources and Advertising revenue and trust in information



Sources: EBU, Reuters Institute, IMF, European Audiovisual Observatory

For their part, purely online players[17] only bear a small proportion of editorial costs (2% of the total in France, for example, according to Arcom[18]), while social media platforms bear none at all. On the other hand, social media and the internet more broadly play an essential role in the distribution of content — including news — to the extent that they are considered sources in their own right and therefore contribute to, or threaten, pluralism.

By mapping the media landscape, we can identify the various information ecosystems that coexist in Europe, based on the extent to which the media are embedded in people's habits and the level of trust in them, the economic vitality of public and private

[16] Radio is not included in the Reuters Institute study, but is associated with a level of trust similar to that of other traditional media according to similar studies of national databases.
[17] Purely internet players produce and distribute journalistic content exclusively on the internet, with no printed paper version or traditional form of dissemination (such as television or radio).
[18] *Étude sur le modèle économique de l'information en France*, op. cit.

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media groups, use of digital media, as well as the political climate and any potential threats to pluralism. We can then examine how digital platforms help to distribute information, as well as prominence-related issues, including those associated with the implementation of Article 7a of the Audiovisual Media Services Directive (AVMSD).[19]

1.2. Europe divided into three groups

If European countries are mapped on the basis of the various factors that demonstrate and/or contribute to media pluralism, three groups emerge.

The first group, characterised by a deeply rooted media and democratic model, primarily includes north European countries (Finland, Sweden, Norway, Denmark and the Netherlands) and the German-speaking countries of Germany, Austria and Switzerland.

Media consumption — both paid and free — remains strong in these countries, and the transition from print to digital media is well underway: Norway (40–42%)[20] and Sweden (31–32%) have, by far, the highest proportions of people paying for digital news. The use of other traditional media for access to news is also high in these countries. Finland has the highest trust rate in the world (67%), while the Swiss reaffirmed their commitment to public broadcasting in two referendums (2018 and 2026).[21]

The media sector comprises strong public and private groups: public service media, whose funding remains comparatively robust, operate alongside private groups whose activities often extend beyond national borders. Germany is a good example of this, with public broadcasters ARD and ZDF — which together account for more than half of all content investment and hold a 45% to 50% audience share — on the one hand, and the RTL Group, which completed its acquisition of the leading German pay-TV provider, Sky Deutschland, on 1 June 2026, and ProsiebenSat1, which is now part of MFE-MediaForEurope, on the other.

In the second group, which includes Spain, France, Italy, Portugal and the United Kingdom, the largely TV-centric model is currently under significant economic, and potentially political, pressure.

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[19] *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 in view of changing market realities (Audiovisual Media Services Directive – *AVMSD*), *EUR-Lex*, COM/2022/177 final, 28 November 2018, Article 7a*:* "Member States may take measures to ensure the appropriate prominence of audiovisual media services of general interest", Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018, *OJ* L 303, 28 November 2018.

[20] Percentage taken from the Reuters Institute's *Digital News Report 2026*, along with the other figures showing people's willingness to pay for news.

[21] Reporters Without Borders (RSF), *La Suisse sauve son audiovisuel public avec le rejet de l'initiative No Billag* (in French) [Swiss voters reject "*No Billag*" initiative, save public broadcasting], 7 March 2018; RSF, *Suisse : l'initiative « 200 francs ça suffit » clairement rejetée, une marque de confiance dans le journalisme et le service public*, [Swiss voters reject the "200 francs is enough" initiative : an encouraging sign for journalism and public service broadcasting], 9 March, 2026.

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In Mediterranean countries, the historical weakness of the daily press, which was highlighted as early as 2004 by Hallin and Mancini[22] as a defining feature of the "polarised-pluralist" model, is today reflected in a strong reluctance to pay for digital news (only 8% are willing to pay in Italy, for example). Print media circulation was historically stronger in the United Kingdom, mainly thanks to tabloid newspapers, but has fallen dramatically. Television coverage remains significant in the UK, although the country has experienced the highest level of digital disruption in Europe in terms of the shift in advertising spending.

Although historically regarded as a model example of a solidly funded public broadcaster, the BBC endured a cycle of cutbacks that reduced its resources by 7.1% in real terms between 2014 and 2024. The trend was even more unfavourable in Portugal (-7.6%), Italy (-9.5%) and France (-9.9%). As for private media groups, the forthcoming acquisition of the ITV channels by Sky (Comcast), following Paramount's earlier takeover of Channel 5, will bring a second public-service media group under US control.[23] In France, the competition authority prevented the consolidation of the broadcasting landscape by blocking the proposed merger between TF1 and M6 in 2022,[24] and Article 42-3 of the law of 30 September 1986[25] could delay it further until 2032. A market leader in Italy and Spain, the MFE-MediaForEurope group has prioritised expansion into new territories through the aforementioned acquisition of ProsiebenSat1 in Germany and the purchase of a one-third stake in the Portuguese market leader, Grupo Impresa.[26] A joint streaming platform for the group's various subsidiaries, due to be launched in January 2027, is expected to be the first combined project made possible by this strategy. However, the markets are yet to be fully convinced, with the group losing 40% of its value between the beginning of 2022 and the end of June 2026.

In addition to this mixed sociological and economic environment, several countries in this second group are experiencing political tension, in which certain media outlets are active participants rather than merely observers. GB News is an example of this in the United Kingdom. However, France offers the most striking example, notably with the decision not to renew the broadcasting licence of C8, frequent interventions by Arcom regarding CNews[27] or, perhaps most importantly, the National Assembly's commission of inquiry on public broadcasting, at the conclusion of which the "highly controversial (rapporteur Charles Alloncle), a member of the Union of the Right for the Republic (far right) group, put forward a number of shocking proposals such as the merger of France 2 and

[22] Hallin D., Mancini P., *Comparing Media Systems: Three Models of Media and Politics*, 2004.
[23] In the sense of public service broadcasting (PSB), i.e., traditional TV and radio with a broad public service remit.
[24] *Abandon du projet de fusion des groupes TF1 ET M6* [Planned merger of TF1 and M6 groups abandoned], press release of the Bouygues, M6, RTL and TF1 groups, Paris, 16 September 2022.
[25] Legifrance.gouv.fr, *Law no. 86-1067 of 30 September on the freedom of communication (Léotard law)*, version in force since 27 October 2021: "The Regulatory Authority for Audiovisual and Digital Communications may not approve a change in direct or indirect control, as defined in Article L. 233-3 of the Commercial Code, of a company holding a licence issued pursuant to Article 30-1 of this law that occurs within five years of the licence's issuance, unless there are economic difficulties threatening the company's viability".
[26] Pezet G., *Après l'Allemagne avec ProsiebenSat1, le groupe Berlusconi (MFE) se tourne vers le Portugal, et Grupo Impresa* [After Germany with ProSiebenSat1, Berlusconi group (MFE) turns to Portugal and the Grupo Impresa], *Insight NPA*, 2 October 2025.
[27] Two formal notices and a EUR 200,000 fine in June and July 2026 alone.

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France 5, the elimination of France 4, Slash, and Mouv', or the return to the political appointment of heads of public broadcasting".[28]

Portugal stands out as a notable exception within this group. Despite low funding for public service media and a press facing structural economic difficulties, overall trust in the media is among the highest in Europe outside the Nordic countries, and the public broadcaster RTP remains the most trusted media brand, according to the *Digital News Report 2026*.[29] Portugal illustrates that an economically fragile model does not automatically lead to mistrust. The institutional factor plays its own role.

Finally, the third group includes Bulgaria, Croatia, Greece, Hungary (where the future is uncertain following the political upheaval of April 2026) and Poland, which combines a weak democratic and media culture with very heavy social media use.

News avoidance rates in these countries are among the highest in Europe (60% in Greece, surpassed only by Turkey (61%), Croatia (61%) and Bulgaria (63%)). Conversely, willingness to pay for digital news is among the lowest (Croatia 6%, Greece 7%).

The level of trust in the media is low — or even very low — particularly when it comes to public service media, which are suspected of bias and of acting as mouthpieces for those in power: in Hungary, Greece (both 22%) and Bulgaria (25%), it is among the lowest in Europe.

The Hungarian case is the best documented: the *Media Pluralism Monitor 2025*[30] identified a very serious threat to independence from national authorities (with a politicised regulatory body, nine-year terms and biased frequency allocation), while the April 2026 election campaign saw deepfakes targeting opposition candidate Péter Magyar viewed 650 million times on YouTube and Facebook, funded by an entity close to Viktor Orbán that had become the top political advertiser on YouTube in the EU.

In this third group, distrust of the media is fed by a tradition of political practices (pressure, manipulation, etc.) and is therefore different from that in the western Mediterranean countries of the second group, where the use of platforms is explained more by the structural weakness of the press than by active distrust of institutions.

Looking more broadly, all European countries face a number of common challenges.

Firstly, an economic crisis is exacerbating a structural crisis. The decline in advertising revenue linked to one-off political and economic crises (such as the US offensive in Iran and rising oil prices) is compounded by a structural shift in consumer behaviour and brand investments in digital environments, as well as their concentration on a small number of global platforms (for example, the GAFAM companies[31] captured 76% of digital

[28] Blondel A. et al., *Rapport Alloncle sur l'audiovisuel public : quatre chiffres-clés exagérés ou décontextualisés* [Alloncle report on public broadcasting: four key figures exaggerated or taken out of context], *Le Monde*, 5 May 2026.

[29] Reuters Institute, *Digital News Report 2026*, June 2026.

[30] Bleyer-Simon K., Polyak G., Urban A., *Monitoring media pluralism in the European Union: results of the MPM2025. Country report: Hungary*, *EUI*, RSC, Research Project Report, Centre for Media Pluralism and Media Freedom (CMPF), 2025.

[31] Google, Apple, Facebook, Amazon and Microsoft.

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advertising investments in France in 2025[32]). As video-sharing platforms — much like social media networks — these industry leaders face no constraints regarding content funding due to their status as hosts and, therefore, no such constraints where news content is concerned.

However, illustrating the crucial role they have come to play in the distribution of this content, the Reuters Institute notes that 2026 marks an important milestone: for the first time, social media and video platforms "surpass other news sources as the most widely used source globally (54% of all audiences)."

Secondly, public broadcasters are finding it increasingly difficult to maintain their funding levels. This trend is clearly widespread: in 59% of EBU member countries, the increase in public service media (PSM) funding is below the rate of inflation. The consequences include programming budget cuts, channel or service closures, and job losses.

This challenge is compounded by the growing political and societal need for public broadcasters to reach young audiences, who are watching less and less linear programming, in order to justify continued funding.

This requires public media groups to make major investments in the development and maintenance of their streaming platforms, as well as to employ more and more people to manage their various digital channels.

The associated expenses, which publishers rarely report in detail, further increase the need for cost-cutting in programming, and potentially in news coverage.

Thirdly, numerous challenges stand between production and access, including discoverability, visibility and prominence.

In the world of linear television, programming is in itself a form of editorial control, generally organised in the form of a schedule designed to attract new viewers without driving away those who were already watching, and ultimately to maximise the overall audience.

When it comes to news programmes, this approach of optimising content based on the available audience is, of course, accompanied by a hierarchy of news that determines the order in which stories are covered and the amount of airtime allocated to them. In both cases, the publisher retains the ability to "channel" access to its content. Streaming, however, introduces three levels of disruption, not least through the sudden abundance of available content. A non-leap year, for example, is 8,760 hours long, but Atresmedia claims to offer more than 8,000 hours of available content in Spain via Atresplayer; the BBC and ITV each say they have 15,000 hours of content on their BBC iPlayer and ITVX platforms in the United Kingdom; Joyn (ProsiebenSat1) has 24,000 hours in Germany; and TF1+ (TF1) has 35,000 hours in France.

Secondly, the presentation of content in the form of thumbnails and mosaics tends to blur the hierarchy between content and reduces the broadcaster's ability to ensure that a given programme will be seen; and finally, personalisation represents the most decisive

[32] *Syndicat des Régies Internet* (SRI), (in French) [Union of Internet Boards], *35ème Observatoire de l'e-pub* (in French) [35th Digital Advertising Report, no. 25, 10 February 2026.

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break with the concept of editorial control, as it potentially results in as many different versions of the interface as there are users.

The 2018 revision of the AVMSD sought to address the resulting risk of invisibility in Article 7a, which is devoted to the "prominence of audiovisual media services of general interest".

1.3. Services of general interest: prominence guarantee yet to materialise

"It is not easy to stand out in a crowded market, especially if your competitors are taller and have broader shoulders and a louder loudspeaker," wrote the author of the December 2022 edition of the IRIS Special on the prominence of European works and of services of general interest[33] in new digital environments.

While traditional channel packages ensured a degree of relative equality among content providers (notwithstanding the issue of channel numbering), the user interface of streaming platforms combines tree-based navigation and grid layouts, organised in a way specific to each platform (thumbnails at the top of the screen, programme selection bars, etc.) and based on the user's profile rather than on the recognised intrinsic value of a given programme. The same applies to news content.

Article 7a of the AVMSD authorises member states to make their own adjustments, but this is entirely optional, and no more than 10 member states[34] had transposed it into their domestic law by spring 2026. The provision has proven difficult to implement for three main reasons:

- Since the directive does not define the concept of "audiovisual media services of general interest" (SGI), governments and regulators have been unsure about which criteria to use, wavering between the service's nature (audio or audiovisual), status (public or private), scope (national or local), and even the broadcasting technology used.[35]
- It also does not specify which devices (remote controls, smart TVs, smartphones, tablets, set-top boxes, multimedia gateways, etc.) and interfaces (app stores, search engines, recommendation tools, programme guides, etc.) it covers.
- Like almost all of the AVMSD's provisions,[36] the application of Article 7a is governed by the country-of-origin principle. The authority (government, regulator, etc.) that has the best understanding of the environments in which "appropriate prominence" should be given to the services of general interest that it has defined has no direct

[33] Cappello M. (ed.), *Prominence of European works and of services of general interest*, *IRIS Special*, European Audiovisual Observatory, Strasbourg, December 2022.
[34] Germany, Belgium (Flanders and Wallonia), Bulgaria, Cyprus, France, Greece, Ireland, Italy, Portugal and Romania.
[35] Presence on free national DTT in France.
[36] Article 13(2) is the exception.

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jurisdiction over manufacturers of smart TVs, dongles, OTT boxes, etc. and providers of operating systems or audiovisual platforms that are not legally domiciled within its territory, even if they target its population.

The failure to specify the nature of the "appropriate measures" that may be adopted has also hindered the implementation of the new rules.

Some countries (France and Italy) did not propose implementing the provisions until 2024 or 2025.

In Italy, decisions 294/23/CONS[37] and 390/24/CONS, issued by the Italian Communications Regulatory Authority (*Autorità per le Garanzie nelle Comunicazioni* – AgCom), entered into force on 6 June 2025. They primarily require:

- the presence of at least one numeric keypad (0–9) on the remote control provided with the television;
- direct access to DTT channels via this numeric keypad;
- a dedicated DTT button identified by a standardised icon on the remote control (a stylised television screen with the letters "TV" and the words "CANALI TV" on a blue background);
- a DTT icon visible in the smart TV interface.

In France, in two decisions issued on 25 September 2024, Arcom[38] defined the scope of services of general interest as equivalent to that of free-to-air national DTT channels and their free streaming platforms.

Furthermore, adopting an approach similar to that of Italy, Arcom recommended that these services should be accessed via a common app, positioned prominently within connected environments (home screen, etc.).

However, whilst Italy has opted for a mandatory approach, Arcom simply encouraged broadcasters on the one hand to set up a common app, and device manufacturers and interface providers on the other to negotiate its inclusion. The common app has not yet been launched.

[37] AgCom, *Delibera 294/23/CONS* of 22 November 2023 and *Delibera 390/24/CONS* of 9 October 2024 (in Italian) [*Decision 294/23/CONS* of 22 November 2023 and *Decision 390/24/CONS* of 9 October 2024].

[38] Arcom, *Délibération du 25 septembre 2024 relative à la liste des services qualifiés d'intérêt général, en application des dispositions de l'article 20-7 de la loi n°86-1067 du 30 septembre 1986 relative à la liberté de communication* (in French) [Decision of 25 September 2024 on the list of services of general interest in accordance with the provisions of Article 20-7 of law no. 86-1067 of 30 September 1986 on freedom of communication], published on 26 September 2024, and *Délibération n° 2024-19 du 25 septembre 2024 relative aux conditions de visibilité appropriée des services d'intérêt général et aux modalités de recueil des informations mentionnées à l'article 20-7 de la loi n° 86-1067 du 30 septembre 1986 relative à la liberté de communication* (in French) [Decision no. 2024-19 of 25 September 2024 on appropriate prominence for services of general interest and means of gathering the data mentioned in Article 20-7 of law no. 86-1067 of 30 September 1986 on freedom of communication], French official gazette no. 0230 of 27 September 2024.

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On 23 June 2026, Arcom published its first annual review of the implementation of the rules governing services of general interest.[39] According to the information it received from manufacturers and OS operators – none of which have their headquarters in France – none currently comply with the list it has drawn up, and none have integrated a common app bringing together channels and applications.

Table 2. Response regarding services of general interest included in the user interface

Platform	Response
Prime Video	**France Télévisions**: France 2, France 3, France 4, France 5, franceinfo, France 3 Région and Okoo (free VoD) **M6 Group**: M6, W9, 6TER, GULLI and M6+ (free VoD) **INA**: Madelen (VoD)
Fire TV Stick	**Featured apps: Arte, France 24, france.tv, M6+, TF1+, TV5 MondePlus**
LG	Presence of SGI channels in the programme guide Possibility for viewers to create their own list of SGI apps
Samsung	Live DTT app only / SGI app / announced for April 2026 but not to be found in July 2026 **Featured apps**: Arte, France 24, france.tv, M6+, TF1+
Sony Interactive Entertainment	Not applicable
VIDAA	Presence of SGI channels in programme guide Featured apps: Arte, France 24, france.tv, Okoo, M6+
TCL	**Featured apps**: Arte, France TV, Okoo, Canal+, M6+, TF1+, INA madelen, L'Équipe, RMC BFM Play, TV5 Monde Plus, Radio France
Google	TF1, France Télévisions, Canal +, M6, ARTE, NextInteractive, L'Équipe 24/24, TV5, Radio France

In its response to the European Commission's call for evidence to help it evaluate the AVMSD,[40] the French regulator suggested three ways to improve the SGI framework: a clearer definition of SGIs, the extension of the rules governing them to include video-sharing platforms, and a shift to the "country of destination" principle.

Pending more effective promotion of services of general interest in connected environments, audiovisual groups are seeking to strengthen their presence in the world of online platforms through private negotiations.

[39] Arcom, *Bilan 2026 relatif à l'application et à l'effectivité des mesures de visibilité des services d'intérêt général sur les interfaces utilisateurs : lancement d'une consultation publique* (in French) [2026 review of the implementation and effectiveness of the prominence measures for services of general interest on user interfaces: launch of a public consultation], 23 June 2026.
[40] European Commission, *Call for evidence*, feedback period 23 November 2025 - 21 December 2025.

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1.4. Streaming platforms as new actors in news distribution

The agreements reached with Amazon Prime Video appear to be the most comparable to the distribution contracts that have historically shaped the sector.

In Germany, the public broadcasters ARD and ZDF have been featured in Prime Video's "Live TV" section since 2020, and their premium services, ARD Plus and ZDF Select, are available via Prime Video Channels. The RTL+ service (RTL Group) has also been available there (as in Austria) since October 2025.

In France, Prime Video has provided access to the full france.tv catalogue since July 2025, and to the M6 Group's catalogue since January 2026.

In Spain, the RTVE channels La 1, La 2, Canal 24H, Clan and Teledeporte have been available on Prime Video, which also distributes the premium services of Mediaset and Atresmedia (Mitele Plus and Atresplayer), since January 2026.

In the United Kingdom, collaboration appears, at this stage, to be limited to the distribution of the ITVX Premium paid service and, in certain international markets, the BBC Select paid service.

Research also carried out in Belgium, Denmark, Italy, Norway, the Netherlands, Poland, Portugal and Sweden failed to identify any structured collaboration in these countries.

In three major European markets, Prime Video has nonetheless become a key player in audiovisual distribution and, by extension, access to information, i.e., news bulletins and magazine shows of partner general-interest channels, as well as their 24-hour news channels (franceinfo in France, Tagesschau24 and ZDFinfo in Germany, Canal 24 Horas in Spain).

News has also been at the heart of the agreements announced by YouTube since the start of 2026. In January, a deal was reached with the BBC, aimed at "delivering trusted news" via new global channels, live news feeds and innovative narrative formats for news. Also in January, YouTube signed an agreement with CMA Media, which envisaged the online release of around 1,000 hours of content produced by the editorial teams at RMC, BFM and Brut, as well as the broadcasting of BFM2, the news channel linked to BFM TV. In April, YouTube launched a partnership with France Télévisions aimed at "spreading the editorial excellence of the France Télévisions news offering wherever audiences are and on all screens",[41] and the broadcasting of the *franceinfo* channel.

In Spain, no such partnership has been announced to date, but the news channel of the public broadcaster RTVE, Noticias, is available live on YouTube.

In the United Kingdom, before reaching its agreement with the BBC, YouTube had signed agreements on programme distribution and advertising monetisation with Channel 4 (May 2022) and ITV (December 2024) within a framework that allowed both broadcasters to retain control over the marketing of their advertising inventory.

[41] France•TV groupe, *France Télévisions et YouTube annoncent un partenariat stratégique* [France Télévisions and YouTube announce a strategic partnership], press release, 23 April, 2026.

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In Germany, Italy, Belgium, the Netherlands, Sweden, Poland, Norway, Denmark and Portugal, no strategic distribution agreements have been signed with YouTube, but the trade press reports a growing trend towards collaboration with the platform and/or content creators.

Finally, two other leading streaming services have chosen France for their first global agreements with broadcasters.

Since 11 June, French subscribers have been able to watch the full range of L'Équipe's programmes, both live and on catch-up.

Most importantly, since 19 June, Netflix customers have had access to the entire range of programmes from the TF1 group, including its catalogue of 35,000 hours of on-demand content, as well as its live DTT channels TF1, TMC, TFX, TF1 Séries Films and 24-hour news channel LCI.

In France, therefore, Prime Video (franceinfo), YouTube (franceinfo, BFM2, France 24) and Netflix (LCI) have all started distributing national news channels in the space of a few months. For a more comprehensive picture of how news channels are making inroads into digital environments, the broadcasting of BFM TV via the AVoD/Fast packages offered by Samsung (Samsung TV Plus) and LG (LG Channels) should also be taken into account.

These agreements raise fundamental questions about pluralism because they partly entrust decisions on which news content to highlight to the recommendation algorithms of global platforms.

Voluntary partnerships also do not provide the same level of stability and sustainability as a framework enshrined in law and implemented under the supervision of a regulator.

In the past, we have seen how changes in strategy by certain platforms have affected the prominence given to news. Facebook, for example, removed the Facebook News tab in the United Kingdom, France and Germany, and reduced the prominence of news in content feeds, claiming that its users were not interested in this type of content. A scenario in which streaming partners turn their backs on news and terminate the agreements signed in recent months is not out of the question.

The ongoing discussion on improving the rules governing services of general interest could help to ensure the long-term visibility of news in all digital environments.

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2. Media pluralism in Europe: mapping the European acquis framing media pluralism

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2.1. Media pluralism: an evolving concept

Media pluralism is a multi-faceted and key concept in media studies and policy in Europe. It has been employed to achieve various objectives in different contexts, ranging from the outcome of media policy and regulation to being a characteristic or pillar of modern democratic societies, a normative principle of governance,[42] a corollary of the right to freedom of expression, as in Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and an established protected right, as set out in Article 11(2) of the Charter of Fundamental Rights of the European Union (CFR).

Additionally, the notion of media pluralism may vary depending on the issues examined. From a sociological perspective, for example, it can refer to the representation of socio-geographical and cultural diversity in the media, including through public service media, with the aim of ensuring an unbiased representation of the full demographics of society, so that a diverse range of voices, viewpoints and information sources are heard and reflected in public debate. From a market perspective, media pluralism is associated with diverse media ownership to prevent a concentrated market, which could limit the range of voices offered by commercial media.

These two perspectives have led to two other important notions in media studies and policy: those of internal and external media pluralism.[43] Internal pluralism thus refers to the diversity of content, viewpoints, social representations and experiences provided by a single media outlet; it is also associated with the remit of public service media when such media were the only operators in the market, but in current mixed media markets the notion of internal pluralism is used to measure the diversity of content offered in oligopolistic or monopolistic media markets. External (or structural) pluralism, for its part, refers to a plurality of autonomous and independent media belonging to different owners. Therefore,

[42] Council of Europe, *Principles for media and communication governance - Recommendation CM/Rec(2022)11 and explanatory report (2022)*, adopted by the Committee of Ministers on 6 April 2022, *Documents and Publications Production Department (DPDP)*, June 2022.
[43] Brogi E. et al., *The European Media Freedom Act: media freedom, freedom of expression and pluralism*, study requested by the European Parliament (LIBE Committee), July 2023.

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the higher the number of independent media in a certain market, the higher the likelihood that diverse viewpoints will be offered.[44]

However, the concept of media pluralism is not static. It has evolved over time to reflect changes in society, as well as the recent evolution of new technologies, the internet, and the *platformisation* of communication. These changes include competition from quasi-news initiatives that reduce access to quality journalism,[45] the impact of artificial intelligence on editorial routines and performance, and consumption patterns in an attention-driven economy characterised by an increasing tendency among audiences to avoid news and decline engagement.[46] This raises concerns about prominence, discoverability, news fatigue, and selective avoidance. In terms of market structure, traditional media now compete with various other service providers and players, including aggregators, intermediaries, influencers, newsletters, blogs, podcasts, fact-checkers, investigative networks and citizen journalists. This intensifies competition for advertising revenue and exacerbates the revenue crisis.[47] In this context of abundance and choice, which is mediated by recommendation systems and content moderation, new discussions have arisen. The idea of 'exposure diversity', i.e. the notion that audiences are exposed to, and thus find, discover and consume a diverse array of content,[48] has faced scrutiny as AI-powered recommender systems increasingly shape what users see.[49] Therefore, despite the abundance of content, audiences may still be exposed to content that they have not chosen to see, creating the need for measures and rules that ensure the prominence or discoverability of content of public interest.[50]

Considering this background, this chapter maps Europe's policy and regulatory efforts to ensure and foster media pluralism. It first examines the earliest policy and regulatory instruments adopted in Europe, then explains the methodological choice to systematise this mapping using Media Pluralism Monitor (MPM) area classification. Finally, it describes the regulatory framework and offers implementation examples, with particular attention paid to EU candidate countries.

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[44] Parcu P. L. et al., *Study on Media Plurality and Diversity Online*, report, European Commission, Luxembourg, 2022, p. 19.
[45] These initiatives can take different forms, including website portals, blogs or social media accounts.
[46] Reuters Institute for the Study of Journalism, *Digital News Report 2025*, June 2025.
[47] Cappello M. (ed.), *News media, pluralism and journalism in the digital age*, IRIS, European Audiovisual Observatory, Strasbourg, December 2025.
[48] Napoli P., *Exposure Diversity Reconsidered*, *Journal of Information Policy* 1 January 2011; 1 246-259.
[49] Ranaivoson H. and Domazetovikj N., *Platforms and Exposure Diversity: Towards a Framework to Assess Policies to Promote Exposure Diversity*, *Media and Communication*, Vol 11(2) 2023.
[50] Parcu P. L. et al., *Study on Media Plurality and Diversity Online*, op. cit., p. 20.

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2.2. Translating the concept into policy and regulatory measures

2.2.1. Council of Europe

The evolution in the concept of media pluralism is reflected in the policies and regulatory instruments adopted by the Council of Europe, although in its policy and regulatory documents from the late 1980s onwards[51] media pluralism was initially not a core topic. More concrete action in terms of adopting a framework aimed at protecting media pluralism only began to emerge with Recommendation No. R (94) 13, which recalls the risks of media concentration with regard to media pluralism, and proposes transparency measures in the media sector.[52] and was followed by Recommendation No. R (99) 1 on measures to promote media pluralism.[53] In 2007, Recommendation CM/Rec(2007) 2 expanded the notion of media pluralism to include the ideas of internal, external and exposure diversity.[54] Finally, Recommendation CM/Rec(2018)1 on media pluralism and transparency of media ownership establishes a comprehensive and concrete set of guidelines with regard to the requirements and measures related to fostering media pluralism at the national level.[55]

Other legal instruments issued by the Council of Europe that refer to media pluralism, but do not treat it as a primary objective, such as Recommendation CM/Rec(2011)7 on a new notion of media,[56] can also be considered part of the framework that has shaped the concept of media pluralism as we know it today.

2.2.2. European Union

At the EU level, the translation of media pluralism into policy and regulatory measures has developed in a distinct manner, shaped by EU competences and the principle of conferral

[51] See, for instance, Council of Europe, *European Convention on Transfrontier Television*, 5.V.1989, Strasbourg (Preamble and Article 10bis).
[52] Recommendation No. R (94) 13 of the Committee of Ministers to member states on measures to promote media transparency, adopted by the Committee of Ministers on 22 November 1994, at the 521st meeting of Ministers' Deputies.
[53] Council of Europe, *Recommendation No. R (99) 1* of the Committee of Ministers to member states on measures to promote media pluralism, adopted by the Committee of Ministers on 19 January 1999, at the 656th meeting of the Ministers' Deputies.
[54] *Recommendation CM/Rec (2007)2* of the Committee of Ministers to member states on media pluralism and diversity of media content, adopted by the Committee of Ministers on 31 January 2007 at the 985th meeting of Ministers' Deputies: Declaration Decl-31.01.2007 of the Committee of Ministers on protecting the role of the media in democracy in the context of media concentration was adopted on the same date.
[55] *Recommendation CM/Rec(2018)1 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.
[56] *Recommendation CM/Rec(2011)7* of the Committee of Ministers to member states on a new notion of media, adopted by the Committee of Ministers on 21 September 2011 at the 1121st meeting of the Ministers' Deputies.

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as established in Article 5 of the Treaty on the European Union (TEU).[57] Consequently, when approached from a non-economic perspective, media pluralism falls under the umbrella of media policy and is considered part of the cultural sector. This is one of the areas in which the EU's competence is limited to supporting, coordinating, or supplementing the actions of the member states, without superseding their competence or harmonising their laws or regulations.[58] Article 167 of the Treaty on the Functioning of the European Union (TFEU) further clarifies that EU action in this area is restricted to adopting incentive measures and recommendations in order to encourage cooperation between member states, and to supporting and supplementing their action.

The recognition of media pluralism in Article 11(2) CFR does not affect the EU's competences in the field of culture. Although the Charter has the same legal value as the EU Treaties, according to Article 6(1) TEU and Article 51(2) CFR it shall not in any way extend the competences of the EU. Therefore, the only area left in which the EU may regulate media pluralism is that of economic perspective, which is especially aimed at preventing a concentrated market that could affect the functioning of the internal market.[59]

Against this backdrop, the European Commission (EC) published a green paper on pluralism and media concentration in the internal market in 1992.[60] However, it took several years for the issue of pluralism to return to the centre of attention. Following the 2005 Liverpool Audiovisual Conference, in 2007 the EC published the working paper *Media Pluralism in the Member States of the European Union*, in which it recognises that "[a]lthough pluralism of ownership is important, it is a necessary but not sufficient condition for ensuring media pluralism. Media ownership rules need to be complemented by other provisions."[61]

In 2011, the EC established a High Level Group on Media Freedom and Pluralism tasked with providing recommendations on how to respect, protect, support and promote pluralism and freedom of the media in Europe.[62] In 2013, the group presented a report containing several recommendations, including the suggestion that the EU should take action where common rules in the internal market are necessary to prevent distortions in the functioning of the media arising from divergent national laws that impact media freedom and pluralism.[63]

In 2018, the European Parliament approved a resolution on media pluralism and freedom in the European Union. Among other things, it called on member states to take appropriate measures to safeguard and promote a pluralistic, independent and free media

[57] According to this principle, the EU may only legislate in policy areas where it is explicitly authorised to do so by the EU treaties.
[58] *Treaty on the Functioning of the European Union* (TFEU), *JO UE*, C 326/47, 26 October 2012, Articles 2(5) and 6(c).
[59] Parcu P. L. et al., *Study on Media Plurality and Diversity Online*, op. cit., p. 35.
[60] *Pluralism and Media Concentration in the Internal Market. An Assessment of the Need for Community Action*. *green paper,* COM (92) 480 final/annex, 23 December 1992.
[61] Commission staff working document, *Media Pluralism in the Member States of the European Union*, European Commission SEC(2007), 32.
[62] See *https://ec.europa.eu/information_society/media_taskforce/doc/pluralism/hlg/hlg_tor.pdf*.
[63] High Level Group on Media Freedom and Pluralism, *A free and pluralistic media to sustain European democracy*, report, 2013, p. 4.

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landscape in the service of democratic society, including ensuring adequate public funding.[64]

2.3. The EU media acquis

Even though its powers to legislate around the media are restricted, the EU can adopt harmonising measures under Article 114 TFEU.[65] Furthermore, a broad interpretation of Article 114 TFEU can be justified by the need to safeguard democracy and uphold fundamental rights.[66]

In 2020, the EC launched the European Democracy Action Plan[67]which aims, among other things, to strengthen media freedom and pluralism. In the same year, the EC also began publishing the annual Rule of Law Report, which monitors positive and negative developments across EU member states across four pillars: the justice system, the anti-corruption framework, media pluralism, and other institutional issues related to checks and balances.

In this context, the EC also began proposing legal measures in the field of media. In 2021, various recommendations were published related to the protection and safety of journalists.[68] These initial recommendations resulted in the proposal for a directive against strategic lawsuits against public participation (SLAPPs) and the proposal for the European Media Freedom Act (EMFA),[69] accompanied by a recommendation on internal safeguards for editorial independence and ownership transparency in the media sector.[70] These two proposals were approved in 2024. The EMFA is the first comprehensive piece of EU legislation addressing media pluralism. Using Article 114 TFEU as its main legal basis — the same basis used for revising the Audiovisual Media Services Directive (AVMSD)[71] — it puts measures in place to protect media pluralism. These measures ensure that public and commercial media can operate more easily across the EU internal market without undue pressure, while taking into account the digital transformation of the media landscape. Its

[64] European Parliament, *Resolution of 3 May 2018 on media pluralism and media freedom in the European Union* (2017/2209(INI)).
[65] See *Germany v Parliament and Council*, Case C-376/98, [2000] ECLI:EU:C:2000:544 and *The Queen v Secretary of State for Health, ex parte British American Tobacco (Investments) Ltd and Imperial Tobacco Ltd*, Case C-491/01, [2002] ECLI:EU:C:2002:741.
[66] Longo E., *Grounding media freedom in the EU: The legal basis of the EMFA*, *Rivista italiana di informatica e diritto*, 2025, 7(1), pp. 111-124.
[67] On the site of the European Commission, *European Democracy Action Plan*.
[68] European 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; European 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").
[69] *EMFA*, op. cit.
[70] European Commission, *Recommendation (EU) 2022/1634* of 16 September 2022 on internal safeguards for editorial independence and ownership transparency in the media sector.
[71] *AVMSD*, op. cit.

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aim is to safeguard media freedom, pluralism, and editorial independence as essential democratic values and key conditions for a healthy media market to function properly.

2.4. The MPM as a methodological choice for mapping the media pluralism legal framework in Europe

The MPM is a comprehensive monitoring tool designed to evaluate potential risks to media pluralism within EU member states and candidate countries using a normative approach. It takes a broad view of media pluralism, accounting for the complex factors that shape the media ecosystem. The assessment is conducted through an extended questionnaire divided into four main areas: fundamental protection, market plurality, political independence, and social inclusiveness. These components aim to capture the multiple dimensions of "media pluralism" and are grounded in existing standards, such as those promoted by the Council of Europe, the European Union and the United Nations.[72]

Given the MPM's comprehensive approach, its areas of focus and indicators provide a strong basis for a broad overview of the various legal documents affecting media pluralism in all its dimensions. Table 1 shows the different MPM areas of focus and the indicators associated with them. These thematic indicators will be considered in the mapping of the various legal documents at European and EU levels.

Table 3. MPM[73] areas and respective indicators

Fundamental protection	Market plurality	Political independence	Social inclusiveness
Freedom of expression	Transparency of media ownership	Political independence of the media	Universal and inclusive access to the media
Protection of information integrity	Plurality of media providers	Editorial autonomy	Cultural and linguistic diversity in the media
Protection of the 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 for the media sector	Gender equality in the media

[72] For information on the project, including the full 2026 report and its methodology, see https://cmpf.eui.eu/projects-cmpf/media-pluralism-monitor/

[73] Blagojev, T. et al., *Monitoring Media Pluralism in the European Union: results of the MPM2026*, report, *EUI*, San Domenico di Fiesole, June 2026, p. 10.

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Fundamental protection	Market plurality	Political independence	Social inclusiveness
Independence and effectiveness of the media authority	Editorial independence from commercial and owner influence	Independence of public service media	Media literacy

2.5. The media-pluralism legal framework in Europe: a mapping of legal instruments

As discussed in the first section of this chapter, the foundational legal basis supporting media pluralism in Europe and the EU is established respectively by Article 10 ECtHR and Article 11 of the CFR as interpreted by the ECtHR and the Court of Justice of the European Union (CJEU). However, further legal instruments detail and expand upon the elements of, and requirements necessary for, the development and realisation of media pluralism at national level and more recently also within the EU internal market.

This chapter categorises and maps these legal instruments in relation to the areas and indicators of the MPM as identified in the section above, highlighting their direct or indirect role in supporting media pluralism. Each area is accompanied by a systematic table annexed to the chapter which lists the legal instruments per indicator according to its role in supporting and guaranteeing media pluralism. Regarding the EMFA, as the entire regulation focuses on media pluralism, the relevant topics and provisions relating to the MPM areas are indicated. The same applies to other EU legislation containing provisions that impact media pluralism directly or indirectly, such as the AVMSD and the Digital Services Act (DSA).[74]

The fundamental protection area considers legal instruments aimed at protecting: freedom of expression; the right to seek, receive and impart reliable and accurate information; the conditions for the free and independent conduct of journalistic work; and the independence and effectiveness of national regulatory authorities. More specifically, the aim is to identify instruments that offer protection against restrictions on freedom of expression as interpreted by the ECtHR.[75]Apart from Article 10 ECRH and Article 11 CFR, other legal instruments play a role in safeguarding freedom of expression. This includes: the EMFA, which protects journalists and their work while also establishing rules for media regulatory authorities; Directive (EU) 2019/1937,[76] which protects whistleblowers; Directive 2024/1069, which protects journalists against strategic lawsuits against public

[74] *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 – DSA).
[75] See, for instance, ECtHR cases: *Pedersen and Baadsgaard v. Denmark* [GC], no. 49017/99, 17 December 2004, par. 71; *Oberschlick v. Austria* [Plenary], no. 11662/85, 23 May 1991, par. 57.; and *Stoll v. Switzerland* [GC], no. 69698/01, 10 December 2007, par. 131. For a broader view on the interpretation per topic, see European Court of Human Rights, *Guide on Article 10 of the European Convention on Human Rights*, updated on 28 February 2026.
[76] *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.

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participation (SLAPPs);[77] and other EU legislation applying to specific issues affecting the journalistic profession or journalistic content, such as the General Data Protection Regulation (GDPR)[78] and the DSA.[79]

The market plurality area considers legal instruments aimed at protecting the diversity of media offerings, including measures to avoid high market concentration and media dependency on online intermediaries. It also considers rules to safeguard transparency of media ownership and to prevent undue influence of commercial interests and ownership over editorial choices. This area therefore includes recommendations and legislation setting minimum information disclosure requirements necessary for effective transparency of media structures, disclosure requirements concerning conflicts of interest on the part of media service providers and legislation establishing rules to prevent concentration in the media sector, as is the case with the EMFA.

The political independence area examines protections against: politicisation of resource distribution to the media; political interference within media organisations and the public service media; and manipulative practices in political advertising in audiovisual media and on online platforms. It considers regulatory safeguards that protect news production, distribution and access from political influence, aimed at ensuring editorial independence and the availability of a plurality of political information and viewpoints, particularly during electoral periods. This area therefore considers not only EMFA rules and CoE and EC recommendations providing safeguards to guarantee editorial independence, but also those related to political advertising, such as Regulation (EU) 2024/900.

The social inclusiveness area focuses on universal, inclusive and safe access to the media, in particular on the part of specific groups, such as minorities, marginalised communities, local and regional communities, women and people with disabilities, and on the levels of media literacy within a population, as key aspects of a participatory media system. It therefore considers legal instruments and safeguards aimed at protecting universal access to the media, including on the part of minorities and marginalised groups, local/regional communities, women and people with disabilities, as well as those promoting media literacy as a precondition for using the media effectively

2.6. Conclusions: from regulation to implementation

The legal framework outlined in the tables of the annex contains the main legal instruments supporting media pluralism in Europe and the EU. The different “areas” are interconnected and together form a comprehensive set of rules addressing the various facets, elements, and objectives of media pluralism.

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[77] *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).

[78] *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.

[79] *Regulation (EU) 2022/2065*, op. cit.

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This robust framework reflects the centrality of media pluralism as a pillar of democracy in the European context. It is for this very reason that media pluralism constitutes one of the pillars of the rule of law assessment conducted and published by the European Commission.[80] However, the conditions associated with effectively upholding media pluralism depend considerably on implementation at national level.

The current state of media pluralism across Europe presents a heterogeneous picture. According to MPM2026 data, at the EU level only Germany and Sweden are considered as having a low level of risk; most EU member states present a medium level of risk, while Cyprus, Hungary and Malta present a high level. The picture is similar for candidate countries: Albania, Türkiye, and Serbia present high levels of risk, while Montenegro and North Macedonia present medium levels.[81] The comparatively better performance of the latter two countries is linked to the adoption of media laws aligned with the EU acquis.

This situation shows that the challenges to achieving media pluralism are manifold. A holistic understanding of the concept, coupled with a comprehensive policy approach that draws on the European and EU legal and policy frameworks, and collaborative efforts in implementation, are crucial to building a more pluralistic media ecosystem.

[80] European Commission, *2026 Rule of law Report: The rule of law situation in the European Union*, Communication COM/2026/900/final.
[81] Blagojev T. et al. *Monitoring Media Pluralism in the European Union: results of the MPM2026*, op. cit., p. 13.

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3. Media pluralism put to the test

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3.1. Introduction: the effects of media concentration on media pluralism and editorial independence

The European Media Freedom Act (EMFA) is, above all, a recognition of the importance and unique role of independent media services within European democracies. Media services are a true pillar on which the functioning of democracy rests. Every day, they enable citizens to access information and a variety of different viewpoints so that they can make informed choices and develop well-informed opinions. The right to receive and impart information, and the obligation to respect the freedom and pluralism of the media, are enshrined in Article 11 of the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights.[82] Media services are constantly evolving and a defining feature of today's media landscape is that they are increasingly accessible online and across borders. However, without the EMFA, European media services would not be subject to the same rules or benefit from the same protections. This is why the EMFA is essential for the protection of media services, especially in the age of social media and the emergence of new media and informational content, such as news influencers and, more broadly, content creators who now also shape public opinion and choices.[83]

According to the *Digital News Report,*[84] people mainly read news stories on social media platforms rather than news media websites, particularly among the younger generations. Media outlets are indeed facing a crisis of public trust, as some people, dissatisfied with professional media coverage, turn to other news content creators such as news influencers, "reinformation"[85] and alternative media. The main reasons put forward for this shift away from professional media are a lack of representation and pluralism in the

[82] European Union, *Charter of Fundamental Rights of the European Union*, *EUR-Lex*, OJ C 326, 26.10.2012; *European Convention on Human Rights*, European Court of Human Rights, official texts, adopted in 1950.

[83] Lukasik S., *IA et newsinfluenceurs : la nouvelle réinformation* (in French) [AI and news influencers: the new reinformation], University of Luxembourg, *Open Repository and Bibliography*, 4 June 2026; Lukasik S., Salou A., *Existe-t-il encore une frontière entre les news influenceurs et les journalistes?* (in French) [Is there still a difference between news influencers and journalists?], 6th edition, *Colloque Frontières Numériques*, Paragraphe Laboratoire, October 2025; Lukasik S., *L'influence des leaders d'opinion. Un modèle pour l'étude des usages et de la réception des réseaux socionumériques* (in French) [The influence of opinion leaders: a model for studying the use and reception of social media], *L'Harmattan*, 1 October 2021.

[84] Egan J. et al., *Reuters Institute Digital News Report 2026*, Reuters Institute and University of Oxford, 2026; Eutrope X., *Rapport Reuters 2026 : les plateformes supplantent les applications et sites médias* (in French) [2026 Reuters Report: platforms are replacing media apps and websites], *ina - La revue des médias*, 16 June 2026.

[85] "Reinformation" is the subtle spread of misinformation through the selective presentation of journalistic content or real facts out of context in order to promote a particular ideology.

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media, and a lack of integrity and editorial independence among journalists.[86] Audiences sceptical of traditional media believe that certain topics are not covered sufficiently and are too far removed from their concerns. They question the way in which journalists handle information and their independence, and do not hesitate to turn to other news providers that are not governed by a code of ethics and professional conduct. In view of this digital transformation of the media landscape and new ways of accessing news, it is vital to make the concentration of media ownership and its impact more transparent in order to preserve pluralism and the editorial independence of media services, and, moreover, to rebuild public trust. This is because media concentration influences the public's perception of the independence of media and journalists, as can be seen in France on the Acrimed map.[87] The issue of media pluralism is intrinsically linked to the current challenges facing professional journalism, such as public distrust, disinformation,[88] information integrity, and political and economic interference. To address these current challenges and counter disinformation, the free flow of reliable, diverse information is essential. Traditional media must produce reliable, pluralistic, high-quality information that meets journalistic and ethical standards, and that distinguishes them from non-professional news content.

It is therefore necessary to harmonise, across the European Union's member states, several aspects of national rules governing media pluralism and editorial independence in order to ensure common standards. As the preamble to the EMFA states, the media services concerned are audiovisual media (radio and television), including on-demand services, print and digital press, and independent producers of professional news content. User-generated content on social media platforms is therefore excluded unless it is part of a professional activity conducted in return for financial or other compensation. The production of news content must be the main purpose of media services for them to fall within the scope of the EMFA. Media service providers, including some social media platforms, are also covered. Although platforms are considered hosts rather than publishers, unlike traditional media services, certain platforms, thanks to their editorial control over specific content, may be classified as media service providers. Platforms also play a significant role as content hosts in view of the personalised algorithmic organisation of content.[89]

3.2. Article 22 of the EMFA: rules for assessing media concentrations

The purpose of Article 22 of the EMFA is to enable member states to lay down substantive and procedural rules in their national legislation to evaluate concentrations in the media

[86] Lukasik S., Salou A., *La réinformation ou l'amplification socionumérique de la désinformation* (in French) [Re-information as the socio-digital amplification of disinformation], *OpenEdition Journals* 7, 2023.
[87] Fabre J., Beyer M., *Médias français, qui possède quoi?* (in French) [French media: who owns what?], Acrimed, *Le Monde diplomatique* (2026), 21 January 2026.
[88] Cole M. et al., *Campagnes de désinformation: fonctionnement et stratégies de lutte* (in French) [Disinformation campaigns: how they work and strategies to combat them], Chamber of Deputies, Grand Duchy of Luxembourg, 19 May 2026.
[89] Lukasik S., *L'influence des leaders d'opinion. Un modèle pour l'étude des usages et de la réception des réseaux socionumériques*, op. cit.

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market which are likely to have a significant impact on media pluralism and editorial independence. To achieve this, the article sets out substantive rules regarding the evaluation criteria and procedural rules for its implementation. Media concentrations in Europe must now be regulated in a transparent, objective, proportionate and non-discriminatory manner. Stakeholders are required to ensure that the competent national authorities or bodies have all the information necessary to assess a media concentration. This access to information concerning media concentrations should make it possible to assess the effects of monopolies on media pluralism and editorial independence. Article 22 introduces the media pluralism test at European level, enabling member states to examine media ownership concentrations, in particular the owners, shareholders, mergers and acquisitions of media companies. It has a different objective to competition law insofar as it not only identifies an economic monopoly, but also assesses the risks and threats that such a concentration poses to democracy.

The concentration of media services has a direct impact on media pluralism, particularly in terms of diversity of opinion on the one hand and journalistic practices on the other. Indeed, as a comparative study of journalistic practices shows, journalists tend to practise self-censorship when it comes to reporting stories that might concern the owners and shareholders of the media organisation that employs them.[90] Fearing that their contracts will not be renewed, they may choose not to disclose certain information. Throughout Europe, journalists face precarious working conditions that can lead them to practise self-censorship. With insecure fixed-term contracts, the economic model for journalists' remuneration itself poses a risk to editorial independence and pluralism. To provide journalists with more secure and less precarious working conditions, Luxembourg, for example, has introduced a support scheme for the press and professional journalists, conditional upon journalists being employed on permanent contracts.[91] The concentration of media ownership poses a risk to journalists themselves. Since a high degree of concentration in the media sector reduces the number of potential employers and job opportunities, journalists' financial circumstances can influence their editorial independence, right down to the choice of topics they cover, the angles they adopt and the way they report news stories.

An awareness of media ownership concentrations in each EU member state is therefore fundamental to the safeguarding of media pluralism and editorial independence. Without this information, it remains impossible to prevent journalists from practising self-censorship. This is why Article 22 requires stakeholders to notify the competent national authorities or bodies of any concentrations. Member states must designate national regulatory authorities or bodies responsible for evaluating concentrations. In order to report concentrations in the media market and assess their effects on media pluralism and editorial independence, transparent, objective, non-discriminatory and proportionate criteria must be established in advance, along with the timeframe of the assessment process. The effects of the concentration, in particular on media pluralism, the formation of public opinion and the diversity of media services, must be carefully examined as part of

[90] Lukasik S., Salou A., *La réinformation ou l'amplification socionumérique de la désinformation*, op. cit.

[91] *Loi du 30 juillet 2021 relative à un régime d'aides en faveur du journalisme professionnel* (in French) [Law of 30 July 2021 on a support scheme for professional journalists], *Official Journal of the Grand Duchy of Luxembourg*, in force since 15 August 2021.

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the assessment. Safeguards such as press councils, ethics and professional conduct authorities, and journalist self-regulation bodies must be established to protect editorial independence. The issue of economic viability must also be scrutinised for media services affected by the concentration. Where necessary, alternative solutions will need to be sought to prevent such market concentrations. As well as national measures, the European Commission has a role to play. In its annual rule of law report concerning media pluralism and freedom, and with the assistance of the European Board for Media Services (EBMS), conclusions, guidelines and commitments may be proposed to safeguard media pluralism and editorial independence.

3.3. The role of the European Board for Media Services

The European Board for Media Services was established to ensure the consistent application of the EMFA. It is an independent advisory body comprising national regulatory authorities, and succeeds the European Regulators Group for Audiovisual Media Services (ERGA). It works in collaboration with other national regulatory authorities or bodies, as well as external experts invited to its meetings. Subject to the European Commission's approval, permanent observers may also be invited to attend its meetings.

The Board's decisions must be taken by a two-thirds majority of the votes cast, with one representative from each member state entitled to vote. Its role, tasks, procedures for preventing and managing conflicts of interest, and procedures for appointing its chair, vice-chair and steering group, are set out in its rules of procedure.[92] The Board has a broader remit than the ERGA, deals with all media services rather than solely the audiovisual media sector, and involves both European and national stakeholders (press councils, journalists' associations, professional trade unions, academic researchers specialising in media, etc.). The consultation mechanism is described in the Board's rules of procedure, ensuring transparency, diversity and fair geographical representation.

Finally, the Board acts in an advisory capacity to the European Commission on regulatory, technical and practical matters. It must be consulted in advance by the national regulatory authority or body if a concentration is likely to affect the functioning of the internal market for media services. It will then draw up an opinion on the draft assessment and forward it to the relevant national regulatory authority or body and the European Commission. Should the national regulatory authority or body fail to follow the Board's opinion, it must justify and explain its position within the time limits set by the Board in its rules of procedure.

[92] *EMFA*, op. cit.

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3.4. The discretion available to member states with regard to the implementation of Article 22 of the EMFA

Designating the competent authority is part of the discretion available to member states at national level when implementing Article 22 of the EMFA, which came into full force on 8 August 2025. The aim is to harmonise, across the European Union, the assessment of concentrations in the media services market and to evaluate their impact on media pluralism and editorial independence. As the EMFA is binding and directly applicable, member states must establish a system for assessing the effects of mergers and acquisitions of media services in their country on media pluralism and editorial independence; however, this assessment must be distinct from competition law.

For example, the Netherlands began preparing for the new rule in 2024; the *Autoriteit Consument & Market* – ACM (in Dutch) [Independent Authority for Consumer and Market Protection], which was initially responsible for market concentration issues, assessed mergers in the Dutch media market (between RTL and Talpa, and between RTL and DPG Media) by seeking the opinion of the national media regulatory authority, the *Commissariaat voor de Media* (in Dutch) [Dutch Media Authority] to evaluate the potential risks to media pluralism and editorial independence.[93] However, in their 2025 report, based on data collected in 2024, experts from the Netherlands' *Media Pluralism Monitor* considered that this approach would not be sufficient, as this assessment needed to be distinguished from a simple competition law assessment. Article 22 of the EMFA should be implemented more rigorously, with an amendment to the ACM's legal framework, which would enable the assessment of the effects of mergers and acquisitions on media pluralism and editorial independence. Another example is Finland, which intends to adopt legislation to supplement the EMFA, including a new law on media market supervision. It has tasked the agency Traficom with assessing the impact of mergers and acquisitions in the media sector on media pluralism and, to this end, plans to set up a national media ownership database.[94]

Unlike Finland and the Netherlands, Hungary has been served with a letter of formal notice by the European Commission, in particular for failing to comply with requirements regarding transparency of media ownership and the assessment of concentrations in the media market regulated by the EMFA.[95] Furthermore, according to the opinion of 9 April 2026 issued by the European Board for Media Services concerning the acquisition of Ringier Hungary Kft by Indamedia Network Zrt, Article 22 of the EMFA was not complied with,[96] as the Board was not consulted by the competent national media regulatory authority. And, this acquisition was not subject to a merger assessment at national level. In Hungary, there

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[93] De Swert K., Boukes M., Schuck A., *Monitoring media pluralism in the European Union: results of the MPM2025. Country report: The Netherlands*, *EUI*, RSC, *Research Project Report,* Centre for Media Pluralism and Media Freedom (CMPF), 2025.
[94] Ylikoski M., Ala-Fossi M., *Monitoring media pluralism in the European Union: results of the MPM2025. Country report: Finland*, *EUI*, RSC, *Research Project Report*, Centre for Media Pluralism and Media Freedom (CMPF), 2025.
[95] European Commission, *Commission calls on Hungary to comply with European Media Freedom Act and Audiovisual Media Services Directive*, press release, 11 December 2025.
[96] Media Board for Media Services, Directorate-General for Communications Networks, Content and Technology, *Opinion of the Media Board pursuant to Article 23 (1) of the European Media Freedom Act concerning the acquisition of Ringier Hungary Kft by Indamedia Network Zrt.*, 9 April 2026.

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are no legal obligations regarding guarantees of editorial independence or transparency regarding ownership structure. Experts, as well as the European Commission, consider that the risks to editorial independence are particularly high in Hungary.[97]

3.5. Guarantees of editorial independence: the case of Luxembourg

Guarantees of editorial independence are intrinsically linked to the concentration of media services and the transparency of their owners, shareholders and advertising revenue. To guarantee editorial independence, it is necessary to understand the risks of interference and potential conflicts of interest inherent in media ownership when it comes to news reporting.[98] The transparency of this information, which is required to assess media concentration and its effects on media pluralism and editorial independence, is essential if member states are to implement Article 22 of the EMFA.

In Luxembourg, despite a high risk of media concentration,[99] the EMFA is expected to be implemented through the provisions of Bill no. 8625, tabled on 30 September 2025, on the media and the organisation of the Luxembourg Independent Media Authority. This bill, which is currently under consideration and undergoing amendments, is expected to enhance the transparency of media ownership. According to the findings of the *Media Pluralism Monitor*, pluralism amongst media providers and digital markets is characterised by a high degree of concentration, with CLT-UFA (RTL) dominating the television and radio sectors while EditPress and Mediahuis retain control of the print media. Although the groups that own media services are known in Luxembourg,[100] this is still insufficient for assessment of compliance with editorial independence.

At present, transparency of media ownership is limited to the print media (for shareholders owning more than 25%) under the 2004 law on freedom of expression,[101] with no associated penalties, while audiovisual media are under no such obligation. Not all shareholders have yet been publicly identified, and neither have the full details of advertising revenue. Media regulation bill no. 8625, which implements the EMFA, is aimed at extending these requirements to all media providers.[102] The Luxembourg Independent Audiovisual Authority (ALIA), which is set to become the Luxembourg Independent Media

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[97] Bleyer-Simon K., Polyak G., Urban A., *Monitoring media pluralism in the European Union: results of the MPM2025. Country report: Hungary*, *EUI*, RSC, Research Project Report, Centre for Media Pluralism and Media Freedom (CMPF), 2025; *2025 Rule of Law Report - Hungary*, *EUR-Lex*, SWD(2025) 917 final, Strasbourg, 8 July 2025.

[98] *EMFA*, Recital 68 of the preamble, p. 17.

[99] Kies R., Lukasik S., *Monitoring media pluralism in the European Union - results of the MPM2025 country report: Luxembourg*, *EUI,* RSC, *Research Project Report*, Centre for Media Pluralism and Media Freedom (CMPF), 2025; Brogi E., Nenadić I., Luigi P. P., *Media Pluralism in the Digital Era - Legal, Economic, Social, and Political Lessons Learnt from Europe*, 1st edition, *Routledge*, London, 13 September 2024.

[100] Lamour C., *Luxembourg - Country Report, 2025*, *Euromedia Ownership Monitor (EurOMo)*, December 2025.

[101] Government of the Grand Duchy of Luxembourg, *Loi du 8 juin 2004 sur la liberté d'expression dans les médias* (in French) [Law of 8 June 2004 on freedom of expression in the media], *Official Journal*.

[102] Kies R., Lukasik S., *Monitoring media pluralism in the European Union - results of the MPM2026. Country report: Luxembourg*, *EUI,* RSC, *Research Project Report*, Centre for Media Pluralism and Media Freedom (CMPF), June 2026.

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Authority (ALIM), has been designated as the competent body for assessing Article 22 of the EMFA. The ALIM's remit will be extended to cover the entire Luxembourg media landscape as regards the assessment of the effects of media concentration on media pluralism and editorial independence. However, the framework still lacks clear sanctions and access to the register of beneficial owners. There are currently no concentration limits or rules governing media ownership. While the Luxembourg media bill provides for the use of assessment tools under Article 22 of the EMFA, it does not yet define clear criteria or standards. In its note on bill no. 8625, the designated authority points out that the bill does not specify the thresholds for identifying media concentrations, the criteria for assessing them, or the applicable procedures.

3.6. Conclusion

The implementation of Article 22 of the EMFA will, above all, be a test of the pluralism of European media services. This article reflects a commitment to implementing rules designed to harmonise the assessment of media concentration at European level at a time when democracy needs it most. With mistrust and disinformation on the rise in Europe and around the world, the media need greater transparency in order to counter these phenomena and ensure their own survival. At a time when new competitors in news production – such as generative artificial intelligence and news influencers – are emerging, it is essential that professional media organisations are able to rebuild public trust. This is all the more important given that forms of disinformation, such as reinformation, exploit the lack of transparency and integrity within the media and among journalists.[103]

This trust must therefore be built on greater transparency on the part of media organisations at every level: from ownership right through to the production and presentation of information. The traceability of sources is of such great importance in media literacy that it would be tendentious not to require the same transparency and reliability from the producers of information themselves. Such transparency, in the face of the concentration of media services, is thus a first step towards guaranteeing pluralism of information and the editorial independence of journalists within the member states of the European Union.

[103] Lukasik S., *À la frontière des fake-news, entre « réinformation » et désinformation. Le cas du blog Fdesouche* (in French) [On the border of fake news, between "reinformation" and disinformation. The case of the *Fdesouche* blog], *HAL open science,* hal-01987303, 2018; Lukasik S., Salou A., *La réinformation ou l'amplification socionumérique de la désinformation*, op. cit.

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PART II - Practices, actors and social dimensions

This second part of the report looks at the political link between media pluralism and politics, how national jurisdictions can guarantee the exercise of media freedom and ensure pluralism (in a very diverse European context) and how plurality plays a fundamental role in social inclusiveness.

***Chapter 4** delves into media pluralism from the point of view of the actual journalistic practice by including a reflection on the general situation regarding media pluralism in Europe. For that, it pays attention to experiences of the media sector to reflect on how the existing legal framework in the EU can deal with them, both at national and supranational levels.*

***Chapter 5** deals with the role of national media regulatory authorities in the regulation and enforcement of rules related to the protection of media pluralism at the national level. From the role of the European Board of Media Services created by Article 8 EMFA with a view to its role in promoting cooperation and the effective exchange of information, experience and best practices between regulators to national regulators, this chapter aims at debriefing the coordination system established by EMFA.*

*Finally, **Chapter 6** looks into the relationship between the media and society, including by exploring the user's rights and their safeguards in specific areas. For example, the concerns that may arise in this context are the broader social dimension of media pluralism, emphasising the importance of inclusiveness and equal participation in the media landscape.*

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4. Media pluralism and political independence on the European scene Chapter

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4.1. Introduction

Independent journalism enables the public to access a diversity of viewpoints, scrutinise those in power and participate meaningfully in pluralistic public debate. Editorial independence and operational autonomy are preconditions for the media, journalists and other media actors to be able to play these vital roles in democratic societies.

Yet, across Europe the conditions that sustain independent journalism are increasingly weakened by various forms of political interference.[104] Such pressures can shape editorial decision-making, often in subtle ways, encouraging self-censorship and discouraging politically critical reporting. By narrowing the space for independent journalism, political interference can compromise the diversity of political or ideological viewpoints represented across the media ecosystem.[105] Against this background, this chapter explores media pluralism from the perspective of the political independence of the media, journalists and other media actors. It examines a range of pressures undermining their political independence, and analyses how European regulatory and policy frameworks address these pressures.

4.2. Independent journalism in an era of converging pressures

Political interference with journalism can take a variety of forms, ranging from direct intervention in editorial decision-making, to more indirect mechanisms such as the selective allocation of state support measures, rewarding pro-government media for their loyalty and discriminating against critical media for their public watchdog reporting. It is the accumulation, and interaction, of the variety of political, legal, economic and social

[104] Marthoz, J-P. (ed.), Partner organisations of the Platform of Journalism and Safety of Journalists, *Europe Press Freedom Report, On the tipping point: Press freedom 2025*, *Council of Europe*, March 2026.
[105] Brogi E. et al., *EU and media policy: Conceptualising media pluralism in the era of online platforms. The experience of the Media Pluralism Monitor* in Luigi Parcu P. and Brogi E. (eds.), Research Handbook on EU Media Law and Policy, *Edward Elgar Publishing*, 2021, 27.

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pressures that create a climate in which it is increasingly difficult, risky and costly for independent journalism to operate and thrive. This section analyses how media capture, legal pressures, economic vulnerabilities and informal pressures contribute to an environment where the political independence of journalism is weakened.

4.2.1. Media capture and political-economic interference

Media capture denotes the systematic abuse of political, economic and regulatory levers to co-opt media organisations into serving the interests of a political-economic elite.[106] Captured media remain nominally free while impartial reporting is undermined through subtle forms of influence.[107]

A central dynamic of media capture is the politicisation of media ownership.[108] When media ownership becomes concentrated in the hands of businesspersons with close political connections, media organisations may become less willing or able to scrutinise those in power. The 2026 edition of the Media Pluralism Monitor reports "an increased parallelism between media ownership patterns and politics with an ultimate impact on management choices and editorial output."[109]

Public service media (PSM) represent another crucial site for political capture. Because of their mandate to serve public interest-oriented goals, PSM are particularly well positioned to cater for the informational needs of all sectors of society (see *Chapter 8*).[110] While the editorial independence and operational autonomy of PSM are legally protected across Europe, the 2026 Media Pluralism Monitor reports that in almost half of the countries investigated concerns persist regarding political interference with PSM.[111]

The selective distribution of state support measures, such as state advertising or direct subsidies, can serve as a further mechanism for rewarding government-friendly outlets. When allocated on the basis of objective, non-discriminatory and transparent criteria, they can provide vital lifelines to a financially strained media sector (See *Chapter 7*). In the absence of these guarantees, state financing can shape the editorial line of media

[106] Schiffrin A. (ed.), *Media capture: How money, digital platforms, and governments control the news*, *Columbia University Press*, 2021.
[107] Mungiu-Pippidi, A., *Freedom without impartiality. The vicious circle of media capture* in Peter Gross and Karol Jakubowicz (eds.), *Media transformations in the post-Communist world: Eastern Europe's tortured path to change*, 2012, pp. 33-48.
[108] Dragomir M., *Media capture in Europe*, Media Development Investment Fund, May 2019.
[109] Kuczerawy A., Wauters, E., *Monitoring media pluralism in the European Union: Belgium*, Centre for Media Pluralism and Media Freedom, *EUI*, June 2026, p. 68.
[110] Lund A. B., Lowe G. F., *Public service broadcasting* in Gianpietro Mazzoleni (ed.), *The international encyclopedia of political communication,* John Wiley & Sons, 2016; Nazarski M., *Public Service Media*, in Cappello M., Ed., *Public interest content on audiovisual platforms: access and findability*, *IRIS Special 2023-1*, European Audiovisual Observatory, Strasbourg, 2023, pp. 73-82.
[111] Kuczerawy A., Wauters, E., *Monitoring media pluralism in the European Union*, op. cit. p. 72.

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outlets by making it more profitable to produce news that aligns with the interests and ideological positions of the ruling elite.[112]

Elements of media capture can be observed in a growing number of states. By manipulating ownership structures, PSM and the allocation of state resources, a political-economic elite can systematically skew the spectrum of information available to citizens, compromising the plurality of the media ecosystem.

4.2.2. Legal pressures and SLAPPs

Whereas media capture relies primarily on political and economic influence, legal pressures target the regulatory environment in which journalists operate. Excessively restrictive legislation on media expressions or activities and the selective enforcement or misuse of otherwise legitimate legal instruments can create formidable obstacles to independent journalism. For instance, "foreign agent" laws have emerged in a number of European countries, requiring media organisations receiving foreign funding to register, disclose their funders or comply with additional reporting requirements.[113] While often justified as transparency measures, these laws can impose disproportionate administrative burdens, stigmatise media organisations and provide authorities with new means to scrutinise and constrain independent journalism.[114]

Among the various forms of legal pressures facing journalists, strategic lawsuits against public participation (SLAPPs) have emerged as a prominent concern in European policy debates. SLAPPs are legal actions initiated by wealthy individuals or political figures, not necessarily to prevail in court but to discourage, silence or punish critical reporting.[115] Predominantly taking the form of defamation lawsuits, but also increasingly relying on privacy law, data protection law or intellectual property law, SLAPPs masquerade as legitimate legal actions while weaponizing legal procedures to drain the time and resources of the target.[116] Even when the claim ultimately fails, lengthy procedures impose substantial financial, psychological and operational burdens on journalists and media outlets.

Journalists are exposed to a high risk of SLAPPs in one third of European countries according to the 2026 edition of the Media Pluralism Monitor.[117] In its 2025 report on SLAPPs in Europe, *Democracy in the Dock*, the Coalition against SLAPPs in Europe (CASE) points to 1,303 documented SLAPPs across 43 countries since 2010, with 167 new cases having been filed in 2024.[118] Smaller media organisations, freelancers and citizen

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[112] Dragomir M., *Control the money, control the media: How government uses funding to keep media in line*, *Journalism* 19(8), 2018, pp. 1131-1148.
[113] Marthoz, J-P. (ed.), *On the tipping point: Press freedom 2025*, op. cit.
[114] See e.g. Jochecová K., *Slovakia adopts Russian-style law targeting NGOs,* Politico, 17 April 2025.
[115] Bayer J. et al., , *Strategic Lawsuits Against Public Participation (SLAPP) in the European Union: A comparative study,* 2021.
[116] Coalition Against SLAPPs in Europe (CASE), *2025 Report: SLAPPs in Europe - Democracy in the dock*, prepared by the Daphne Caruana Galizia Foundation on behalf of CASE, 28 January 2026.
[117] Kuczcerawy A., Wauters E., *Monitoring media pluralism in the European Union, Country report: Belgium*, op. cit., p. 31.
[118] CASE, *2025 Report: SLAPPs in Europe - Democracy in the dock*, op. cit.

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journalists are particularly vulnerable as they often lack the financial and legal resources required for a defence in a prolonged trial. The prospect of SLAPPs can encourage self-censorship and discourage journalists and media organisations from reporting on legally risky topics such as corruption and abuse of power. Similarly to media capture, legal pressures such as SLAPPs increase the risks associated with scrutinising those in power, weakening the watchdog role of journalists and ultimately compromising the plurality of viewpoints available in public debate.

4.2.3. Financial vulnerabilities and precarious working conditions

As traditional business models underpinning news media have radically transformed due to the migration of advertising revenues to big tech companies, changing news consumption patterns and intense competition for audience attention, the financial stability of the media sector has significantly weakened.[119] In this context, many outlets operate with reduced editorial resources and shrinking newsrooms, while journalists face limited job security and inadequate labour protections.[120] These challenges are compounded by emerging technological pressures, including the use of artificial intelligence for newsmaking, which may further accelerate layoffs in the media sector.[121]

The financial vulnerability of the media sector magnifies the impact of other forms of interference as journalists working under precarious conditions may be less willing to pursue controversial reporting when this carries legal, financial or professional risks. Financially strained outlets may be more dependent on state support measures and thus more exposed to political capture and may have less capacity to fight SLAPPs and other forms of pressure from powerful stakeholders. In this way, the weakening economic foundations of journalism can create conditions in which independent reporting becomes less sustainable and other forms of interference become easier to exert.

4.2.4. Informal intimidation and hostile socio-cultural climate

Widespread monitoring and reporting point to a consistent pattern of intimidation and violence against journalists and the media across the Council of Europe space.[122] There is, of course, some differentiation between countries, but the overall picture remains alarming. For analytical purposes, a useful distinction can be made between verbal and non-verbal

[119] Parcu P. L. et al., *Study on media plurality and diversity online – final report*, *EUI*, 2022.
[120] Kuczcerawy A., Wauters E., *Monitoring media pluralism in the European Union*, op. cit. 34.
[121] Felix M. S., *Artificial intelligence in the news: How AI retools, rationalizes, and reshapes journalism and the public arena*, *Tow Centre for Digital Journalism*, 2024.
[122] McGonagle T. and Van Haeften F., *Safety of journalists and other media actors*, in: Cappello M. (ed.), *News media, pluralism and journalism in the digital age*, IRIS, European Audiovisual Observatory, Strasbourg, December 2025.

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attacks targeting journalists and media actors, and those targeting the work of journalists and media actors.

Attacks directed at journalists and other media actors encompass a broad spectrum of hostile conduct, including physical violence, harassment, smear campaigns and online abuse. Monitoring consistently points to an increasingly hostile environment for journalists characterised by a rise in verbal attacks and death threats.[123] Women journalists are disproportionately targeted by such attacks. A recent report by UNESCO identifies online violence against women journalists as a widespread and persistent phenomenon, with "severe mental health impacts" and chilling effects on participation in public debate.[124] AI-enabled forms of abuse, such as deepfakes or "nudification" applications, exacerbate the impacts of online abuse, contributing to withdrawal from public participation.[125]

Verbal attacks are also increasingly targeting the work of journalists and other media actors. As the latest Media Pluralism Monitor demonstrates, there is a persistent trend of political leaders portraying journalists as fake news peddlers, enemies of the nation or agents of Western elites.[126] Such rhetoric contributes to broader distrust and hostility in society towards journalists, (i) normalising harassment and violence; and (ii) undermining societal appreciation of and support for quality journalism and the actors and media institutions that produce and provide public interest content. By increasing the costs of critical reporting and undermining the legitimacy of journalism in the public's eye, these informal pressures reinforce the political, economic and legal forms of interference discussed above.

4.2.5. The cumulative impact of converging pressures

The various forms of interference outlined above reinforce one another, creating cumulative pressures that are more than the sum of their parts. Financial vulnerability increases journalists' exposure to legal attacks, hostile rhetoric legitimises harassment and interference, while media capture becomes particularly effective when financially weakened outlets depend on state support for survival. Therefore, these pressures form an ecosystemic threat to freedom of expression, journalistic and media freedoms, and public debate. The result is an environment that discourages independent, watchdog journalism and narrows the diversity of viewpoints represented across the media ecosystem.

Monitoring suggests these pressures have brought press freedom in Europe to a "tipping point" underscoring the urgent need for a legal and policy framework that supports independent journalism and participation in public debate.[127] Another development, though, in the context of efforts to counter these threats and pressures, is the recent increase in the adoption of national action plans for the safety of journalists. This

[123] Media Freedom Rapid Response, *Mapping media freedom: Monitoring report 2025*, op. cit., 2025.
[124] Posetti J. et al., *Tipping Point: Online Violence Impacts, Manifestations and Redress in the AI Age*, *Ending Violence against Women Section (EVAWS)*, *UN Women*, New York, 2026.
[125] Ibid.
[126] Kuczcerawy A., Wauters E., *Monitoring media pluralism in the European Union*, op. cit.
[127] Marthoz, J-P. (ed.), *On the tipping point: Press freedom 2025*, op. cit.

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development is being promoted and steered by the Council of Europe's (CoE) Journalists Matter campaign.[128]

4.3. European legal and policy responses

The challenges outlined above are addressed in a multi-layer regulatory framework for the media, journalism and public debate in Europe. Both the Council of Europe and the European Union (EU) have engaged extensively with these topics through legally binding standards and policy recommendations. While these frameworks reflect different institutional mandates and focuses, together they form a shared regulatory space aimed at safeguarding media freedom and pluralistic public debate. This section provides an overview of these frameworks.

4.3.1. Human rights foundations

The ECHR constitutes a fundamental backstop against many of the threats and pressures outlined in Section 2. In its case-law interpreting the ECHR, in particular Article 10, the ECtHR has developed principles that offer guidance to states on how to protect journalists and the media against such threats and pressures in practice. Under the *Dink* principle, states have a positive obligation to create a safe and favourable environment in which everyone can participate in public debate without fear.[129] This positive obligation requires states to take appropriate measures to pre-empt threats and undue pressures targeting journalists and the media. In subsequent case-law, refining the principle, the Court has referred to "the spirit of an environment protective of journalism".[130]

Another key principle is that states are the ultimate guarantors of pluralism, especially in relation to the audiovisual media,[131] which have (traditionally had) wide reach and impact.[132] Flowing from this positive obligation, states have a duty "to ensure, first, that the public has access through television and radio to impartial and accurate information and a range of opinion and comment, reflecting *inter alia* the diversity of political outlook within the country and, secondly, that journalists and other professionals working in the audiovisual media are not prevented from imparting this information and comment".[133] Furthermore, in order to guarantee true and effective pluralism in the audiovisual media sector, states have to "put in place an appropriate legislative and administrative framework".[134]

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[128] Council of Europe website page on *Repository of national action plans for the safety of journalists*.
[129] *Dink v. Turkey*, Nos. 2668/07, 6102/08, 30079/08, 7072/09 and 7124/09, ECtHR, 14 September 2010, §§ 137, 14.
[130] *Khadija Ismayilova v. Azerbaijan*, Nos. 65286/13 and 57270/14, ECtHR, 10 January 2019, § 165.
[131] *Informationsverein Lentia and Others v. Austria*, op. cit., § 38.
[132] *Jersild v. Denmark*, Series A no. 298, 23 September 1994, ECtHR, § 31.
[133] *Manole and Others v. Moldova*, op. cit., § 100.
[134] *Centro Europa 7 S.r.l. and Di Stefano v. Italy* [GC], No. 38433/09, ECtHR, §§ 130 and 134.

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The Court has consistently recognized that PSM and national regulatory authorities can contribute to, or help to safeguard, pluralism in the wider audiovisual sector.[135] It has found that effective guarantees for the independence of PSM and national regulatory authorities should serve as a shield against interference by governmental authorities and media capture and it has accordingly underscored the need for such guarantees.[136]

The various pressures and threats discussed in section 2, above, have also featured in the Court's wider case-law. The Court has been alert to the chilling effect such pressures and threats can have on media freedom and pluralism and freedom of expression more generally; examples include: the impact of severe financial penalties that jeopardise the very existence of a media outlet;[137] the cumulative impact of multiple criminal proceedings for similar facts as a form of harassment;[138] the impact of smear campaigns and the threat of public humiliation on a journalist's private life; and the impact of "dehumanising language" directed at journalists.[139]

As this brief analysis has shown, the Court's broad principles on participation in public debate and media pluralism, coupled with its more specific findings concerning particular threats to media freedom and pluralism, offer plenty of guidance to states on how to address the various threats at the national level. Further guidance on how to operationalise those principles and findings is provided by the Council of Europe's Committee of Ministers in its relevant standard-setting work (discussed below).

4.3.2. EU legislative instruments

The protection of media freedom and the political independence of journalists did not feature prominently in the EU's original project which was mainly concerned with economic integration. Traditionally, EU media regulation was oriented primarily towards the removal of barriers to the internal market in (audiovisual) media services. Over time, however, the fundamental rights aspects of EU media regulation have gained increasing prominence.[140] Two legislative instruments adopted recently are particularly relevant for addressing the challenges to the political independence of journalists outlined above: the European Media Freedom Act (EMFA) and the Anti-SLAPP Directive.

4.3.2.1. The European Media Freedom Act (EMFA)

The EMFA aims to respond to a number of structural obstacles undermining media freedom and pluralism, such as "increasing interference in editorial decisions", "unfair allocation of

[135] See, for example, *Manole and Others v. Moldova*, op. cit., §§ 100-102.
[136] See generally: *ibid.*; *NIT S.R.L. v. the Republic of Moldova* [GC], No. 28470/12, ECtHR, 5 April 2022; *Europa Way S.r.l. v. Italy*, No. 64356/19, ECtHR 27 November 2025.
[137] *Timpul Info-Magazin and Anghel v. Moldova*, No. 42864/05, ECtHR, 27 November 2007, § 39.
[138] *Ali Gürbüz v. Turkey*, Nos. 52497/08 and 6 others, ECtHR, 12 March 2019, § 67.
[139] *Milashina and others v. Russia*, No. 75000/17, ECtHR 4 March 2025, §§ 53 and 79.
[140] McGonagle T., *Fundamental rights aspects of EU media regulation* in Senftleben M. et al., (eds.), *The Cambridge Handbook of Media Law and Policy in Europe*, *Cambridge University Press*, 2026, pp. 21-60.

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economic resources" and the fragmentation of the internal market in media services.[141] Central to the EMFA is the obligation of EU member states to respect effective editorial freedom and independence of media service providers and to refrain from interfering in or trying to influence editorial policies and decisions (Art. 4(2)). It establishes safeguards for media service providers against specific forms of interference including by codifying the protection of journalistic sources and introducing special protections against intrusive surveillance technologies.[142] Alongside the rights and freedoms of media service providers, Article 3 EMFA also establishes a corresponding broad right of recipients of media services to access a plurality of independent media content.[143]

The EMFA addresses several of the structural dynamics underpinning media capture. Article 5 EMFA introduces safeguards against political interference with PSM by requiring member states to respect their editorial and functional independence (see *Chapter 8*), and mandating transparent, objective and non-discriminatory appointment and dismissal, and funding procedures.

The EMFA also seeks to address the risks that media ownership concentrations may pose to pluralism and independence. Article 22 EMFA obliges member states to apply a so-called media plurality test to ownership takeovers and concentrations that are separate from assessment procedures under merger rules (see *Chapter 3*). Article 22(2) EMFA specifies that media market concentrations shall be assessed for their impacts on media pluralism, the formation of public opinion, the diversity of the media ecosystem and editorial independence.

The selective allocation of state advertising is also addressed in the EMFA. Article 25 EMFA requires that transparent, objective, proportionate and non-discriminatory criteria govern the distribution of state advertising. Allocation decisions should strive to benefit a "wide plurality of media service providers".[144]

4.3.2.2. The Anti-SLAPP Directive

The Anti-SLAPP Directive was adopted in response to the growing challenge of legal harassment and intimidation of public watchdogs in Europe.[145] While the EMFA stipulates protections for media service providers, the Anti-SLAPP Directive extends protections to anyone engaged in public participation on matters of public interest, citing a broad range of actors as potential beneficiaries, including journalists, whistleblowers, human rights

[141] *EMFA*, op. cit.; Cole M. and Etteldorf C., *The European Media Freedom Act Unpacked*, Cappello M. (ed.), IRIS, Strasbourg, European Audiovisual Observatory, 2024.
[142] See also McGonagle T. and Van Haeften F, *Safety of journalists and other media actors*, op. cit.
[143] For analysis, see: McGonagle T. and Huang M., *Right of access of users to a plurality of views and reliable sources of information in the digital age*, in: Cappello M. (ed.), *News media, pluralism and journalism in the digital age*, IRIS, European Audiovisual Observatory, Strasbourg, December 2025, pp. 40-52.
[144] *EMFA*, op. cit., Art. 25(1).
[145] European Commission, *Proposal for a Directive of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings* ("Strategic lawsuits against public participation") (*Anti-SLAPP Directive*), COM(2022) 177 final, 27 April 2022.

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defenders and civil society organisations.[146] The Directive is specifically concerned with SLAPPs with cross-border implications, for which it introduces several procedural safeguards, including the early dismissal of manifestly unfounded claim, security for costs, and the possibility for courts to impose financial sanctions on claimants.[147]

4.4. Relevant policy initiatives

4.4.1. Council of Europe

A number of recent media-specific recommendations adopted by the Committee of Ministers of the CoE and directed at the organisation's 46 member states have central or significant focuses on the threats and pressures discussed in Section 4.2:

Focus	Recommendation/Declaration
Media capture and political-economic interference	*Recommendation CM/Rec(2018)1* on media pluralism and transparency of media ownership
Legal pressures and SLAPPs	*Recommendation CM/Rec(2024)2* on countering the use of SLAPPs
Financial vulnerabilities and precarious working conditions	*Recommendation CM/Rec(2022)4* on promoting a favourable environment for quality journalism in the digital age; *Decl(13/02/2019)2* Declaration on the financial sustainability of quality journalism in the digital age (2019)
Informal intimidation and hostile socio-cultural climate	*Recommendation CM/Rec(2016)4* on the protection of journalism and the safety of journalists and other media actors; *CM/Rec(2022)16* on combating hate speech

Together, these recommendations form a coherent whole, clearly inspired by the positive obligation of states to create and seek to achieve a safe and enabling environment for public debate.[148] They provide detailed guidance to states on how to operationalise their positive and negative obligations at the national level.

Recommendation CM/Rec(2016)4 focuses on the protection of journalism and the safety of journalists and other media actors.[149] It aims to protect the activity of journalism

[146] European Commission, Directive 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*"), *OJ L* 2024/1069, rec. 6.
[147] *Anti-SLAPP Directive*, Chapters III, IV, V.
[148] *Dink v. Turkey*, op. cit.
[149] *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.

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and the physical and psychological well-being of journalists and all other actors who engage in journalism. This approach includes central attention to media freedom (including editorial independence and operational autonomy) and pluralism. The Recommendation underscores the very important gender and digital dimensions of security issues. It is structured around four pillars: prevention, protection, prosecution and promotion of information, education and awareness-raising. Different measures are recommended for each pillar and together they form a comprehensive range of legal and practical lines of action to effectively protect journalists and other media actors.

Recommendation CM/Rec(2018)1 focuses on media pluralism and transparency of media ownership.[150] It 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.

Recommendation CM/Rec(2022)4 aims to promote a favourable environment for quality journalism in the digital age.[151] 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. The Recommendation is complemented by the more specifically focused Committee of Ministers' Declaration on the financial sustainability of quality journalism in the digital age.[152]

Whereas Recommendation CM/Rec(2022)16 engages extensively with how to combat hate speech,[153] it does not explicitly address hate speech directed at the media or journalists nor how hate speech can impact their independence. Nevertheless, it does highlight the need to address the chilling effect hate speech can have on participation in public debate by instilling fear in targets and victims. It sets out the important role the media can play in reporting on, exposing and criticising hate speech, and providing a forum for pluralistic viewpoints in society. The Recommendation's multi-actor approach includes specific roles, duties and responsibilities for politicians, online intermediaries and other actors.

Recommendation CM/Rec(2024)2 on countering SLAPPs[154] can be situated in the broader problem of hostility and threats against actors who participate in public debate,

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[150] *Recommendation CM/Rec(2018)1*, op. cit.

[151] *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.

[152] *Declaration by the Committee of Ministers on the financial sustainability of quality journalism in the digital age*, 13 February 2019.

[153] *Recommendation CM/Rec(2022)16* of the Committee of Ministers to member States on combating hate speech, 20 May 2022.

[154] *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.

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including the media and journalists. The Recommendation covers all types of SLAPPs – national and transnational and pertaining to civil, administrative and criminal law – and the safeguards and counter-measures it sets out are geared towards preventing or mitigating the various harms caused by SLAPPs to individual actors, as well as their overall chilling effect on participation in public debate.

4.4.2. European Union

For its part, the European Commission has adopted three recommendations with focuses similar to those of three of the Council of Europe Committee of Ministers' recommendations. They concern: protection and safety of journalists (2021),[155] protection of editorial independence and transparency of media ownership (2022)[156] and protection against SLAPPs (2023).[157] While thematically congruent with the Committee of Ministers' recommendations, they also put forward their own emphases and angles.

Each of the EC's recommendations positions itself in the broader instrumental and institutional architecture of the EU, but they also demonstrate an awareness of, and make (a few) references to, relevant ECtHR case-law and relevant recommendations by the Committee of Ministers, notably CM/Rec(2016)4 and CM/Rec(2018)1.[158]

4.5. Conclusion

The political independence of journalism is challenged by the convergence of political, economic, legal and social pressures, making independent reporting difficult, risky and costly. European legal and policy frameworks increasingly recognise the need to address these pressures in a systemic manner. Building on the foundational human rights standards developed by the ECtHR, the EU has introduced specific safeguards through the EMFA and the Anti-SLAPP Directive to address political interference, media capture and abusive lawsuits. Policy initiatives developed by the Committee of Ministers of the Council of Europe or the European Commission further concretise and operationalise these safeguards. Their effectiveness, however, ultimately depends on meaningful implementation at the

[155] *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.

[156] *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.

[157] *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.

[158] For a wider discussion of cross-referencing and cross-fertilization between the Council of Europe and the EU in the realm of media law and policy, see Umek U and Van Drunen M., European media policy grounded in fundamental rights in Senftleben M. et al., (eds.), *The Cambridge Handbook of Media Law and Policy in Europe*, *Cambridge University Press*, 2026, pp. 61-82.

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national level and on states' commitment to securing a safe and enabling environment for independent journalism.

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5. ENSURING A PLURALISTIC MEDIA ENVIRONMENT AT THE NATIONAL LEVEL

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5.1. Introduction

The European Media Freedom Act (EMFA)[160] confers a central role to national regulatory authorities and bodies (hereinafter NRAs) to ensure the effective functioning of the regulatory framework governing the internal market for media services. Apart from their participation in the European Board for Media Services[161] (hereinafter EBMS), national regulators are entrusted with specific responsibilities under the EMFA, with the goal of safeguarding media pluralism and media freedom. In addition, the EMFA also emphasizes the role of market monitoring mechanisms to address issues related to media pluralism and to provide NRAs with the data necessary to fulfil their regulatory and supervisory duties.

Against this background, this chapter examines the role of NRAs in the regulation and enforcement of rules concerning the protection of media pluralism at the national level, taking into consideration the coordination framework established by the EMFA, with a particular emphasis on the role of the EBMS and the tasks assigned to it to promote cooperation and to facilitate the effective exchange of information, experiences and best practices among national regulators, pursuant to Article 13(1)(b) EMFA.

5.2. The role of NRAs under the EMFA

The role of NRAs in safeguarding media pluralism has been confirmed and enhanced under the EMFA, which situates their functions within the broader institutional and normative framework for the functioning of the internal market for media services. A central premise to bear in mind is that the effective protection of media pluralism at the national level is not merely a matter of domestic regulatory design: while maintaining the principle that media governance remains primarily implemented at the national level, it is nonetheless

[159] The views expressed here are personal and do not necessarily represent those of AGCOM – *Autorità per le garanzie nelle comunicazioni*.
[160] *EMFA*, op. cit.
[161] See the website of the *European Board for Media Services* (hereafter the "Media Board").

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intrinsically linked to the supranational coordination mechanisms put in place by the EMFA to ensure consistency and coherence across member states.

The EMFA recognises the relevance of NRAs,[162] assigning them the tasks of implementing and enforcing the European legal framework for media services, building upon the already existing requirements of independence and impartiality for NRAs, as introduced by the Audiovisual Media Services Directive[163] (AVMSD). The role of NRAs is detailed in Chapter III of the EMFA "Framework for regulatory cooperation and a well-functioning internal market for media services", and specifically in Section 1 ("Independent media authorities"), Section 2 ("European Board for Media Services"), and Section 3 ("Regulatory cooperation and convergence"). National regulators are requested to ensure (where applicable by consulting or coordinating with other relevant authorities or bodies or, where relevant, self-regulatory bodies in their member states), that the EMFA's provisions of the Chapter mentioned are applied.

Article 7 EMFA, paragraph 2, explicitly refers to Article 30 AVMSD in relation to the exercise of the tasks assigned to NRAs by the EMFA itself, stressing also the need for NRAs to "have adequate financial, human and technical resources to carry out their tasks under this Regulation". Accordingly, the independence of NRAs is a prerequisite to ensure effective protection of media freedom and to prevent any undue interference in the field of media services. While the core principle of Article 30 has been constant in the regulatory field since the late 1990s, at the end of the 2000s further and stronger standards on independence were postulated, to avoid any undue commercial, industrial or political influence over regulators, which could undermine the effective implementation of the EU framework. In this sense, the AVMSD provides that NRAs shall be "legally distinct from the government and functionally independent of their respective governments and of any other public or private body […] shall exercise their powers impartially and transparently […] shall not seek or take instructions from any other body" and shall be provided with "adequate financial and human resources and enforcement powers". The independence of NRAs[164] proves their crucial relevance in responding to the eventuality that governments may seek

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[162] As clearly expressed, for instance, in Recital 36: "*Independent national regulatory authorities or bodies are key to the proper application of media law across the Union. While national regulatory authorities or bodies often do not have competence related to the press sector, they are best placed to ensure the correct application of the requirements related to regulatory cooperation and a well-functioning market for media services in general, as envisaged in this Regulation. National regulatory authorities or bodies should have the resources necessary for the fulfilment of their tasks in terms of staffing, expertise and financial means, including to enable their participation in the activities of the European Board for Media Services (the 'Board'). They should be provided with technical resources, for instance relevant digital tools. Where appropriate, Member States should, to the extent necessary, increase the resources allocated to national regulatory authorities or bodies, taking into account the additional tasks conferred upon them under this Regulation. National regulatory authorities or bodies should also have appropriate powers, in particular to request information and data from any natural or legal person to which this Regulation applies or which, for purposes related to their trade, business or profession, might reasonably be in possession of the information and data needed, in respect of the rights and interests of such persons.*".

[163] *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), *EUR-Lex*, *OJ* L 303, 28 November 2018.

[164] For a complete overview: *The independence of national regulatory authorities*, European Audiovisual Observatory, Strasbourg, 2025; Cappello M. (ed.), *The independence of media regulatory authorities in Europe*, IRIS Special, European Audiovisual Observatory, Strasbourg, 2019.

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to influence media providers under their jurisdiction, for instance through budgetary pressure, control over public service broadcasters or a selective allocation of state advertising. In these situations, independent NRAs act as institutional safeguards, balancing possible interferences with the protection of fundamental rights, in particular the protection of freedom of expression and information enshrined by Article 11 of the Charter of fundamental rights of the EU.[165]

Moreover, the competence of NRAs is not constrained as a purely formal enforcement of media law, since they are also expected to play an active role in pushing to preserve a pluralistic media ecosystem: Based upon the national institutional frameworks, NRAs may contribute[166] to the monitoring of ownership structures and to assessing risks to media pluralism, as well as to overseeing transparency requirements applicable to media service providers, to ensure compliance with rules safeguarding editorial independence, and to participating in procedures concerning media concentrations that may impact on the diversity of media markets. NRAs carry out these functions maneuvering at the intersection of market regulation and protection of democratic values, in an effort to ensure that the conditions necessary for the free formation of public opinion are maintained.

The EMFA further emphasizes the importance of NRAs as institutional guarantors of media freedom, requiring member states to ensure that they are assigned the legal, functional and operational independence they need to effectively perform their tasks. From this perspective, it is possible to affirm that independence is not to be interpreted merely as an organisational characteristic, but as a substantive safeguard intended to shield regulatory decision-making from political and economic influence. This is particularly relevant in areas where regulatory interventions may affect powerful public or private actors and where the protection of media pluralism requires decisions to be taken on the basis of objective, transparent and non-discriminatory criteria.

Under the EMFA, the role of NRAs, consequently, extends beyond the traditional supervisory function. The EMFA strengthens their role[167] in order to create and preserve a regulatory environment where media service providers can operate freely and independently, helping reach the broader objectives of media pluralism, editorial autonomy and democratic accountability within the member states.

A concrete accomplishment of these goals relies not only on the formal recognition of the independence of regulators, but also on their capability to concretely exercise their powers. In this sense, the EMFA adopts a broader understanding of independence if compared to the AVMSD, including adequate financial and human resources, transparent appointment procedures and protection against arbitrary dismissal of decision-makers, in such a way as to ensure that NRAs can perform their duties without political or commercial interferences. It may be superfluous to point out that the lack of independence of regulators

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[165] *Charter of fundamental rights of the European Union*, 2012/C 326/02, 26 October 2012: "Article 11 Freedom of expression and information '1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. 2. The freedom and pluralism of the media shall be respected.'"

[166] See *EMFA*, Articles 5, paragraph 4, 6, paragraph 2, 21-22, 25-26.

[167] Ibid., particularly in Articles 6, paragraph 2, 7 and 22.

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may be reflected, ultimately, in the EBMS' work,[168] thus affecting also indirectly the efficiency of the EMFA framework.

At the same time, the protection of media pluralism may represent a challenge for NRAs from another perspective: Unlike traditional forms of market regulation, pluralism cannot be evaluated solely through economic indicators, but also demands the taking into consideration of other factors, such as diversity of ownership, editorial autonomy, and the availability of a range of viewpoints within the public sphere. NRAs are therefore increasingly expected to adopt a holistic approach that combines legal, economic and democratic considerations when exercising their functions in this field. Consequently, their role under the EMFA is not limited to ensuring regulatory compliance but also covers the safeguarding of the structural conditions necessary for a free and pluralistic media environment.

5.3. The European Board for Media Services

The EMFA introduces, in Article 8, one of its main innovations, with the establishment of the European Board for Media Services,[169] which replaces and expands the role and tasks previously attributed to the European Regulators Group for Audiovisual Media Services (ERGA),[170] thus evolving what had mostly been a cooperative network into a more structured advisory body. The EMFA entered into force in May 2024, with the main part of its provisions becoming applicable from August 2025, while the ones related to the EBMS applied earlier, in February 2025;[171] in the same month, the EBMS itself became operative by holding its constitutive meeting, at which it elected its Chair and Vice-Chair from among the representatives of the NRAs. This anticipation of the application of the provisions related to the EBMS appears to indicate the relevance attributed to it in paving the way for the entry into force of the bulk of the EMFA provisions.

The EBMS is composed of representatives of NRAs and operates as an independent body at the EU level. Its creation is aimed at addressing the increasing cross-border expansion of media markets, which requires enhanced coordination between national authorities. As expressed in Recitals (36) and (37) of the EMFA, the key role of independent NRAs is recognised in terms of a "proper application of media law across the Union" and it was deemed "necessary to set up the Board as an independent advisory body at Union level gathering national regulatory authorities or bodies and coordinating their actions". Furthermore, "in the performance of its tasks and the exercise of its powers, the Board should be fully independent, including from any political or economic influence, and

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[168] Trevisan M., *Rivista italiana di informatica e diritto* (in Italian) [The governance framework of the European Media Freedom Act], 7.1, July 2025, pp. 195-204. See also Centre for Media Pluralism and Media Freedom, *Feedback on the proposal for a regulation establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU*, *EUI*, RSC, Research Project Report, 1 January 2023.

[169] See the Media Board website, *MB Events & Activities* page, which contains the historical archive of ERGA.

[170] Established by Article 30b of the AVMSD .

[171] See *EMFA*, Article 29: "This Regulation shall apply from 8 August 2025. However: […] (b) Article 4(1) and (2), Article 6(3) and Articles 7 to 13 and 28 shall apply from 8 February 2025; […]"

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neither seek nor take instructions from any government, institution, whether national, supranational or international, or any public or private person or body".

Regarding its composition, Article 10 of the EMFA establishes that each NRA or body shall designate a representative for participation in the EBMS. The European Commission, for its part, shall designate a representative who participates in all EBMS meetings and activities but without voting rights, while the Chair of the EBMS is required to keep the Commission informed of the EBMS' ongoing and planned activities. This arrangement is intended to ensure a close working relationship between the EBMS and the Commission, while preserving the principle that voting power within the EBMS rests solely with national regulators.

The EBMS follows a qualified majority logic in decision-making, as established by Article 10 EMFA, according to which decisions require a two-thirds majority of the members holding voting rights, including the adoption of the rules of procedure. Notably, the initially proposed requirement that the rules of procedure be adopted "in agreement with" the European Commission[172] was relaxed during the text negotiations and became a requirement that the Commission merely be "consulted". This shift further proves that independence constitutes a further defining feature of the EBMS's institutional architecture.

The EMFA is clear in providing that the EBMS shall act in full independence in the performance of its tasks and the exercise of its powers, and that it shall neither seek nor take instructions from any government, institution, person or body (without prejudice to the respective competences of the European Commission and of the national regulatory authorities). The EMFA further requires the EBMS to adopt rules addressing the prevention and management of conflicts of interest affecting its members and obliges it to make a detailed annual report of its activities publicly available, which the Chair may be invited to present to the European Parliament.

A further institutional safeguard concerns the EBMS' capacity to benefit from expertise beyond the audiovisual sector, from which its composition is primarily drawn. Since the EBMS' mandate under the EMFA extends to media services in a broader sense compared to the AVMSD, including also the press, in accordance with Article 12 EMFA, "where the Board considers matters beyond the audiovisual sector, it shall consult representatives from the relevant media sectors operating at Union or national level". This consultation mechanism should enable the EBMS to gather targeted input from the relevant stakeholders and to obtain qualified information supporting its work. The stakeholders may contribute with expert insights, data, and perspectives on the developments and pressing issues of their sectors. The ways of consulting stakeholders may vary in accordance with the EBMS' rules of procedure: it may launch targeted or written consultations, or organise dedicated meetings (either bilateral or collective), depending on the matter under consideration.

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[172] See *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, COM(2022) 457, final - 2022/0277(COD): "*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*" Article 10, paragraph 8: "The Board shall adopt its rules of procedure by a two-thirds majority of its members with voting rights, in agreement with the Commission".

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As mentioned in recital 40 EMFA,[173] these stakeholders may include representatives from press councils, journalistic associations, trade unions, business associations or academia. This mechanism was introduced as an alternative to an earlier proposal,[174] debated during the legislative negotiations, to establish a permanent and broadly representative expert group attached to the EBMS. While the consultation mechanism ultimately adopted is more limited in scope and less institutionalised than the expert group originally envisaged, it nonetheless reflects an acknowledgment that the EBMS' predominantly audiovisual composition could otherwise constitute a structural limitation on its ability to address pluralism-related issues affecting the press and other non-audiovisual media. The list of representatives of media sectors who have expressed interest in supporting the work of the EBMS was published on the EBMS website in May 2026.[175]

The EBMS occupies a structurally significant position within the EMFA's governance architecture, bringing together representatives of national regulatory authorities and thereby constituting a forum for institutional dialogue at the European level. A specific mandate is conferred under Article 13(1)(b) EMFA — namely, to promote cooperation and the effective exchange of information, experience and best practices among national regulators and to assesses the extent to which this mandate equips the EBMS to function as a genuine instrument of regulatory convergence. In doing so, particular attention is devoted to the tension between the advisory nature of the EBMS and the operational demands of an increasingly complex and rapidly evolving media landscape.

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[173] Recital 40 *EMFA* "(40) Where the Board deals with matters beyond the audiovisual media sector, it should rely on an effective consultation mechanism involving stakeholders from the relevant media sectors active both at Union and national level. Such stakeholders could include press councils, journalistic associations, trade unions and business associations. The Board should give such stakeholders the possibility to draw its attention to the developments and issues relevant to their sectors. The consultation mechanism should enable the Board to gather targeted input from the relevant stakeholders and obtain relevant information supporting its work. When establishing the arrangements for the consultation mechanism in its rules of procedure, the Board should take into account the need for transparency, diversity and fair geographical representation. The Board should also be able to consult academia in order to gather additional relevant information."

[174] The reference is to the *Report 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, A9-0264/2023, European Parliament, adopted by the CULT Committee, in which several amendments can be found, and proposing the establishment of an Expert Group. See, for instance, Amendment 162, proposing the introduction of Article 11: "*An Expert Group shall be established. The Expert Group shall consist of representatives from the media sector beyond the audiovisual media sector. The representatives of the Expert Groups shall be appointed in a transparent, objective and non-discriminatory manner.*"

2. "The Expert Group shall be composed of one or more representatives from the media sectors of each Member State, from European associations or from European organisations with expertise on media beyond the audiovisual media sector or one or more natural persons with expertise on media beyond the audiovisual media sector. Details on the full composition of the Expert Group shall be laid down in the Board's rules of procedure."

3. "The Expert Group shall provide independent expertise, assistance and advice to the Board in carrying out its tasks on issues related to media freedom and pluralism."

4. "The Expert Group may draft a recommendation, on its own initiative or on a request by the Board, Commission or the European Parliament, regarding the Board's work programme and the effective and consistent application of Chapter 3 of this Regulation. The Expert Group shall make such recommendations publicly available."

5. "Where the Board deals with a matter beyond the audiovisual media sector or relating to the press, it shall consult the Expert Group."

[175] Media Board, *Article 12 of the European Media Freedom Act*, Representatives of media sectors who have expressed interest in supporting the work of the Media Board.

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This cooperative dimension is essential in areas such as media concentration assessments, cross-border media services, and risks posed by foreign interference or politically motivated restrictions on media providers. Through opinions, recommendations and coordinated practices, the EBMS aims to reduce regulatory divergence while respecting the competences retained by member states.

Notably, the EBMS is not charged with direct enforcement or sanctioning powers against media service providers. As the enforcement powers remain largely decentralised, relying on NRAs, this could impact the consistency of application across member states and the effectiveness of coordinated responses to systemic threats. Since media services often transcend national boundaries, fragmented regulatory approaches may undermine both the internal market and the effective protection of media pluralism. Consequently, the practical significance of the EBMS becomes more apparent when examining its mandate to facilitate cooperation and issue opinions. Beyond its general coordination role, the EBMS is entrusted with issuing opinions in a number of situations that may have significant implications for media freedom and pluralism. In particular, it may be called upon to provide opinions concerning national measures affecting media service providers that operate across borders, thereby contributing to a more consistent assessment of restrictions that could interfere with the free provision of media services within the internal market. Although such opinions are not legally binding, they are intended to enhance transparency and promote regulatory accountability by subjecting national measures to scrutiny from a broader European perspective.

The EBMS is also tasked with competences regarding media market concentrations: where concentrations can affect the functioning of the internal market for media services or have a significant impact on media pluralism and editorial independence, the EMFA provides for cooperation and information-sharing mechanisms in which the EBMS may contribute with expert assessments and opinions. Through these activities, the EBMS seeks to encourage a greater convergence in national approaches to media plurality assessments, an area traditionally characterised by considerable regulatory diversity among member states.

Furthermore, the EMFA assigns the EBMS specific tasks on the interaction between media service providers and very large online platforms.[176] In situations involving the suspension, restriction or removal of media content by platforms, the EBMS may assist in monitoring the implementation of the safeguards established by the Regulation and may contribute to the development of common approaches regarding the treatment of media content online. This function reflects the growing recognition that the protection of media pluralism can no longer be confined to traditional media regulation but must also address the influence exercised by digital intermediaries over the dissemination and visibility of journalistic content.

These activities demonstrate that the EBMS' contribution extends beyond the mere exchange of best practices. While lacking direct enforcement powers, the EBMS' work contributes to shaping the regulatory outcomes through expertise, coordination and the production of opinions.

[176] See *EMFA*, Articles 18 and 19.

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5.4. Regulatory coordination, monitoring media markets and the protection of media pluralism

In the absence of an actual definition, media pluralism is generally intended as the possibility for the public to access a diversity of editorial voices and opinions (reflected also in media ownerships), political viewpoints and sources of information. However, the concept of media pluralism itself can still prove difficult to define and measure; in order to grasp the broader democratic concerns, regulatory approaches should avoid being based solely on economic concentration.

The protection of media pluralism has traditionally rested with the competences of member states, due to its close connection with national constitutional traditions, cultural policies, and democratic structures. However, the EMFA introduces a more integrated pan-European approach to boost regulatory coordination across countries and establishes, as the main tools to ensure the protection of media pluralism, transparency requirements, safeguards for editorial independence, and mechanisms to address risks deriving from excessive concentration of media ownership. For this reason, the EMFA does not seek to establish a single, specific definition of media pluralism applicable across all member states, but, instead, it introduces the use of procedural mechanisms in order to improve transparency, facilitate regulatory cooperation and ensure that relevant risks are assessed through a broader set of indicators. In doing so, the EMFA acknowledges that the threats to pluralism may stem, rather than only from market concentration, also from political influence, opaque ownerships, or other forms of economic pressure on media providers.[177]

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[177] See *EMFA*, recital 4, "*However, the internal market for media services is insufficiently integrated and suffers from a number of market failures that have increased due to digitalisation. Firstly, global online platforms act as gateways to media content, with business models that tend to disintermediate access to media services and amplify polarising content and disinformation. Those platforms are also essential providers of online advertising, which has diverted financial resources from the media sector, affecting its financial sustainability and, consequently, the diversity of content on offer. As media services are knowledge-intensive and capital-intensive, they require scale to remain competitive, to meet their audiences' needs and to thrive in the internal market. To that end, the possibility to offer services across borders and obtain investment, including from or in other Member States, is particularly important. Secondly, a number of national restrictions hamper free movement within the internal market. In particular, different national rules and approaches related to media pluralism and editorial independence, insufficient cooperation between national regulatory authorities or bodies and an opaque and unfair allocation of public and private economic resources make it difficult for media market players to operate and expand across borders and lead to an uneven playing field across the Union. Thirdly, the good functioning of the internal market for media services is challenged by providers, including those controlled by certain third countries, that systematically engage in disinformation or information manipulation and interference, and use the internal market freedoms for abusive purposes, thus thwarting the proper functioning of market dynamics*."
In a similar vein, see EMFA, recital 6 "[…] *Furthermore, while a biased allocation of economic resources, in particular in the form of state advertising, is used to covertly subsidise media outlets in all the media sectors, it tends to have a particularly negative impact on the press, which has been weakened by decreasing levels of advertising revenues. The challenges stemming from the digital transformation also reduce the ability of undertakings in all media sectors, in particular the smaller ones in the radio and press sectors, to compete on a level playing field with online platforms, which play a key role in the online distribution of content* […]". Moreover, see recital 18 ("[…] *there is a growing interference with the editorial decisions of media service providers in several Member States. Such interference can be direct or indirect, from the state or other actors, including public authorities, elected officials, government officials and politicians, for example to obtain a political advantage. Shareholders and other private parties who have a stake*

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Article 14 EMFA establishes a structured cooperation mechanism for cross-border cases and assistance between NRAs, depending on the cases concerned (request for information or assistance), the obligations of NRAs when submitting and responding to requests and the possibility (at paragraph 6) of using a fast-line procedure in urgent situations. Moreover, it sets out the role of the EBMS[178] where the relevant authorities do not come to an agreement concerning the request. Article 15 complements this framework with a mechanism specifically dedicated to enforcement of obligations on the part of VSPs, defining how NRAs may request action from another NRA regarding VSP-related enforcement, and specifies the EBMS' involvement in case of a divergence of opinions. With its articles 14 and 15, the EMFA provides a legal framework for cross-border cooperation, replacing the previously voluntary ERGA memorandum of understanding[179] with a structured and binding EU-level framework.

Coordination is made urgent and necessary by the digital media environment, where online platforms and cross-border media conglomerates have started challenging some traditional, territorially based regulatory models, and is proving relevant on multiple levels: it seeks to ensure a consistent interpretation and application of EMFA provisions throughout member states; it aims to prevent regulatory fragmentation that could distort the internal market for media services; and it contributes to identifying, at an early stage, systemic risks to media freedom and pluralism.[180]

NRAs play a crucial role within this coordinated framework, contributing, through their participation in the EBMS and their cooperation with the European Commission, to the development of common standards and enforcement practices. With this aim, they operate by exchanging information and methodology concerning media ownership concentration, transparency obligations, audience measurement systems, or state advertising practices. Ultimately, in doing so, regulators may contribute to a more coherent understanding of media pluralism. At the same time, they are preserving the flexibility that allows adaption to national constitutional traditions and regulatory patterns: rather than eliminating regulatory diversity, the purpose of these EMFA provisions is instead to ensure that national approaches remain compatible at their core with the Union commitment. In a nutshell, the EMFA recognises that effective protection of media pluralism needs to combine national responsibility with European coordination. While member states are recognised in terms of their primary competence in organising their media systems, the increasingly interconnected nature of media markets makes it necessary to address cross-border challenges and to promote consistent guarantees. Regulatory coordination therefore emerges as a central component of the EMFA's governance model, designed to reconcile national autonomy with the common objective of preserving a diverse, independent and pluralistic media landscape across Europe.

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in media service providers might act in ways which go beyond the necessary balance between their own business freedom and the freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other hand, in pursuit of an economic or other advantage. Given the societal role of the media, such undue interference could negatively affect the public opinion-forming process."

[178] The Media Board published on its website its "*Report on the performance and application of the structured cooperation mechanisms in 2025*", June 2026.

[179] See the Media Board website, *ERGA Archive* page.

[180] See *EMFA*, recitals (5) and (6).

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Another point worth noting is that the existence of the EMFA introduces another important element: the monitoring of media markets and pluralism-related risks, starting from the postulation that effective regulation is built upon not only legal powers, but also on the possibility for NRAs to access reliable and transparent information on media operation and market structures, audience measurement systems, and the allocation of state advertising, enabling them to identify potential threats to media pluralism and to assess eventual need for regulatory intervention.[181]

The EMFA refrains from establishing a comprehensive European monitoring system for media pluralism; instead, the framework relies on existing instruments, such as the Media Pluralism Monitor, to provide NRAs and policymakers with reliable evidence, as well as the transparency obligations imposed on media service providers, which represent for this purpose a powerful regulatory tool.

The EMFA also acknowledges the importance of data collection and evidence-based policymaking, to support NRA supervision with reliable indicators concerning ownership, audience reach, advertising revenues, and state support measures, not only to ensure enforcement and *ex-post* interventions, but mostly to grant NRAs with the power of assessing risks at an earlier stage, before they result in irreversible harm to media diversity and editorial independence.

At the same time, the effectiveness of monitoring mechanisms depends on the quality, comparability and accessibility of the data available to regulators, as the registering of still-existing significant disparities among member states may complicate cross-border assessments and weaken the effectiveness of the framework. Strengthening transparency obligations and encouraging cooperation among competent authorities, thereby facilitating a more informed and coordinated regulatory response, is key to mitigating such challenges. Effective market monitoring therefore operates as a foundational element of the EMFA's broader objective of ensuring that media freedom and pluralism remain resilient in an increasingly interconnected and digitalised media landscape.

5.5. Conclusions

The EMFA promotes coordination and regulatory effectiveness across European countries, via establishment of the EBMS and the strengthening of the role of NRAs, recognising the relevance of their independence, expertise, and capacity to cooperate as essential elements in the pan-European architecture. Ensuring media pluralism within a multi-level governance system requires careful balancing: the EMFA reconciles supranational coordination with national and local autonomies, while addressing the challenges posed by digitalisation and interference in media freedom. The application of the EMFA consequently depends not only on formal legal provisions but also on the broader constitutional and political environment within which regulators operate. Through genuine independence, regulatory authorities are able to impartially enforce rules concerning media freedom and pluralism as core components of democratic governance.

[181] Ibid., Articles 6, 7, 21, 22, 23 and 25.

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6. The social side of media pluralism: geographical, cultural and gender inclusiveness

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In its 2018 Recommendation, the Council of Europe highlighted the importance of media pluralism in guaranteeing access and exposure to diverse information and views, including "content aimed at specific sections of society, such as local content and content aimed at vulnerable groups",[182] enabling individuals to form and express opinions. Media pluralism is traditionally understood as political pluralism (or "deliberative pluralism"). Two main forms of pluralism are often put forward to ensure a healthy media ecosystem: 1) external pluralism, which refers to the structure of the media market and the existence of a wide range of outlets representing a diversity of voices within a media ecosystem (see *Chapter 2*);[183] and 2) internal pluralism, often understood as content diversity within a single news media outlet. Furthermore, "exposure diversity" is a recent facet of media pluralism that has emerged in relation with the information environment online, and the possibility of being exposed to a range of diverse information in the age of algorithms and recommender systems.[184] Over the years, an important legal toolbox has been developed in Europe to protect these aspects of pluralism, including Article 10 of the European Convention on Human Rights (ECHR), the Audiovisual Media Services Directive (AVMSD) and lately the European Media Freedom Act (EMFA).

However, political pluralism alone is not enough to guarantee democracy. Media pluralism should be understood in terms of its capacity to challenge inequalities and foster a more democratic public sphere.[185] Of particular relevance is the notion of "representative pluralism",[186] referring to the reflection of various social actors and groups, including their needs and interests, and also fundamental views on social and political reality.

In this context, media pluralism must also encompass the social inclusiveness of a media ecosystem, as its capacity to constitute an accessible and inclusive space, where everybody, independently of cultural, linguistic, gender and geographical differences, feels safe and legitimate in having their voice represented. Therefore, social inclusiveness takes

[182] Council of Europe, *Recommendation CM/Rec(2018)1*, op. cit., Recital 4 of the Preamble.
[183] Hallin D. C., Mancini P., *Comparing media systems. Three models of Media and politics*, *Cambridge University Press*, 2004.
[184] Helberger N., Karppinen K., D'Acunto L., *Exposure diversity as a design principle for recommender systems*, *Information, Communication & Society*, *21*(2), 2018, pp. 191-207. Parcu P. L. et al., *Study on media plurality and diversity online – Final report*, *Publications Office of the European Union*, 2022.
[185] Karppinen K. *Rethinking Media Pluralism*, *Fordham University Press*, N.Y. New York, 2013.
[186] Klimkiewicz B., *Pluralism in a hybrid media environment from the user perspective*, technical report, Centre for Media Pluralism and Media Freedom (CMPF), *EUI*, December 2019.

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into account cultural and linguistic pluralism and gender equality, as well as geographical pluralism. These aspects are essential in ensuring the right to freedom of expression, including the ability to receive and share information, as enshrined in the Universal Declaration of Human Rights (United Nations, 1948) and the Charter of Fundamental Rights of the European Union (European Union, 2012).

This chapter focuses in particular on these three dimensions of social inclusiveness in the media, using the data of the Media Pluralism Monitor 2026.[187] The MPM uses a questionnaire comprising 200 variables designed to capture the various dimensions of media pluralism,[188] assessing them both from a qualitative and quantitative point of view.[189] Data are collected through a network of more than 100 academic researchers located in the countries under assessment. The MPM questionnaire is organised around four main areas of analysis: fundamental protection, market plurality, political independence and social inclusiveness. The area of social inclusiveness focuses, on, among other aspects, universal, inclusive and safe access to the media, with an emphasis on specific groups such as cultural and linguistic minorities, local and regional communities, women and people with disabilities.

According to the MPM2026 results, the risks related to social inclusiveness in the media are in the medium-low risk band in EU countries and the high-risk band in Albania, Montenegro, Serbia and the Republic of North Macedonia. Scandinavian countries, the Netherlands and Germany perform better in comparison to Eastern and Southern EU and candidate countries. This area of study of the MPM, even though not showing deterioration in comparison to previous years, still highlights persistent challenges related to the representation of minority and vulnerable groups, gender equality and women's representation, limiting their access, visibility and participation in the media. The results also point to unresolved issues of news deserts and lack of relevant and adequate public interest news provision in local communities across Europe.

6.1. Gender equality as an essential pillar of pluralism

Pluralism as social inclusiveness cannot be achieved without giving a voice in the media to women, who constitute the majority of the EU population.[190] In this regard, the Beijing Platform for Action in 1995 set two strategic objectives regarding gender equality in the media: increase the access of women to management positions and decision-making in the media and promote a fair, balanced and stereotype-free portrayal of women in the news.[191] These objectives are echoed in European frameworks, particularly the Council of Europe's

[187] The project is coordinated by the Centre for Media Pluralism and Media Freedom (CMPF), which is based at the European University Institute.
[188] CMPF, *MPM 2026 Questionnaire*.
[189] Blagojev T. et al., *Monitoring media pluralism in the European Union: Results of the MPM 2026*, Annex 1: Methodology, *EUI*, 2026, pp. 138- 152.
[190] Eurostat, *Population structure indicators at national level. Women per 100 men*, last update on 9 July 2026.
[191] United Nations, *Beijing declaration and platform for action*, 1995, reprinted by UN Women in 2014.

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Recommendation CM/Rec(2013)1 on gender equality and media,[192] which promotes both equal access for women to decision-making positions in the media sector and the development of non-stereotyped and balanced representations of women. Comparable objectives are also reflected in European Union policy framework,[193] which emphasises both the need for balanced representation of women and men in decision-making positions and the elimination of gender stereotypes across sectors, but without specific reference to the media in its latest edition.

However, more than 30 years after the Beijing Call for Action, gender equality in the media has still not been achieved despite some improvement.[194] Gender equality in the media still represents one of the most problematic indicators used to measure media pluralism in Europe according to the MPM.[195] In Europe, the number of women in news media management has steadily increased over the past 10 years, both in public service media and commercial news media outlets, without however reaching gender parity.[196] For example, the share of women in the management boards of public service media within EU member states increased from 29% in 2016 (28 countries) to 42% in 2025 (27 countries), while the proportion of women on management boards of private TV companies increased, from 18% to 33% in 2025.[197] A similar observation applies to the number of female editors-in-chief in mainstream media[198] and, to a greater extent, in local media outlets, where women are better represented than in national media.[199]

Even if it is more accessible, the media ecosystem remains hostile for women. Gendered online harassment of women journalists is common and significant all over Europe:[200] Women are disproportionately targeted by hate speech, spoofing[201] (including AI-generated deepfakes),[202] often in the form of sexually oriented harassment, and explicit comments that demean them based on gender.[203] Levels of impunity tend to be higher for online crimes, given the increased difficulty in tracing the origin of threats.[204]

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[192] Council of Europe, Committee of Ministers, *Recommendation CM/Rec(2013)1 of the Committee of Ministers to member States on gender equality and media*, adopted on 10 July 2013.

[193] European Commission (EC), *A Union of equality: Gender equality strategy 2020–2025*, 2019; EC, *Gender equality strategy 2026–2030*, 2026.

[194] See among others, Macharia S., Dueñas Guzmán M., Molina R., *Who Makes the News? Progress on a Plateau: Global Media Monitoring Project (GMMP) 2025*, World Association for Christian Communication (WACC), Toronto, 2026.

[195] Blagojev T. et al., *Monitoring media pluralism in the European Union: Results of the MPM 2026*, op. cit.

[196] Palmer M., Urbániková M., *Far from gender balance: The persisting underrepresentation of women in the media*, in Brogi E., Nenadić I., Parcu P. L. (eds.), *Media pluralism in the digital era: Legal, economic, social, and political lessons learnt from Europe, Routledge*, 2024, pp. 149-164.

[197] Blagojev T. et al., *Monitoring media pluralism in the European Union: Results of the MPM 2025*, *EUI*, 2025.

[198] Ibid.

[199] Palmer M., *Gender equality: When local media show the way forward!*, blog post, CMPF, *EUI,* 6 March 2026.

[200] Blagojev T. et al., *Monitoring media pluralism in the European Union: Results of the MPM 2026*, op. cit.

[201] The spoofing of journalists involves imitating real reporters, media outlets or press email addresses to spread disinformation, damage credibility, or conduct espionage. Spoofing is identified as an increasingly frequent threat by press freedom monitoring projects such as that of the Media Freedom Rapid Response (MFRR) consortium. See the Mapping Media Freedom Database website, *Type of incident: Spoofing/identity disguise.*

[202] Henry N., Powell P., *Embodied harms: Gender, shame, and technology-facilitated sexual violence, Violence Against Women*, Tome 21, Vol 6, 2015, pp. 758-79.

[203] Barak A., *Sexual harassment on the Internet*, *Social Science Computer Review*, Tome 23, Vol. 1, 2005, pp. 77-92.

[204] Blagojev T. et al., *Monitoring media pluralism in the European Union: Results of the MPM 2026*, op. cit.

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In practice, the increased presence of women in news production and management is however not synonymous with fair and balanced representation of women in news and current affairs in Europe.[205] According to the Global Media Monitoring Project 2025 (GMMP2025), advancements toward equal representation in news coverage have stalled since around 2010, after a period of gradual but consistent progress. Research in 2025 showed that women made up 27% of those featured, heard or discussed in traditional news in Europe – only a 10% increase since initial GMMP monitoring in 1995.[206] Gender inequalities in media representation manifest at multiple levels. Women in public life receive significantly less media visibility than their male counterparts.[207] Moreover, when they are represented, their portrayals are frequently shaped by stereotypical narratives.[208] Media coverage tends to prioritise aspects such as personal style and private life over political actions and professional competencies. Empirical research further indicates that news media are more likely to emphasise attributes such as gender, marital status, parental status, age, personality and physical appearance in relation to female politicians than male politicians.[209] These patterns are further compounded by intersectional factors, including ethnicity and socio-economic background, which reinforce and intensify existing stereotypes.[210] In promoting gender stereotypes, the media condemn a majority of the world population to playing a lesser role in public life.

Some countries have tried to impose a degree of external monitoring to foster gender-inclusive representation. For example, in Croatia, *Pravobraniteljica za ravnopravnost spolova* (the Ombudswoman for gender equality) has monitored since its creation in 2003 media compliance through complaints procedures, thematic assessments, and public interventions, and may issue warnings or recommendations where necessary. However, the effectiveness of this mechanism appears limited in practice. Evidence suggests that sexist framing, objectification and sensationalist reporting—particularly in coverage of gender equality and gender-based violence—remain persistent issues in Croatia[211].

These observations tend to suggest that gender equality is not achieved as a component of pluralism. The news media industry has approached gender equality in a "tokenistic manner rather than fundamentally rethinking news values",[212] and rather than

[205] Palmer M. and Urbániková M., *Far from gender balance: The persisting underrepresentation of women in the media*, op. cit.
[206] Macharia S., Dueñas Guzmán M., Molina R., *Who Makes the News? Progress on a Plateau: Global Media Monitoring Project (GMMP) 2025*, WACC, Toronto, 2026.
[207] Ross K., Sreberny A., *Women in the house: Media representation of British politicians*, in Sreberny A. and van Zoonen L. (eds.) *Gender, politics and communication*, *Hampton Press Inc*., Cresskill, NJ, 2020.
[208] Childs S., *Women and British Party Politics. Descriptive, substantive and symbolic representation*. *Routledge*, London, 2008.
[209] Van der Pas D. J., Aaldering L., *Gender differences in political media coverage: A meta-analysis*, *Journal of Communication*, Tome 70, Vol. 1, 2020, pp.114-143.
[210] Fiig C., *Media representation of women politicians from a gender to an intersectionality perspective*, *Kvinder, Køn og forskning*, Vol. 2-3, 2010, pp. 41-49.
[211] Bilić P., *Monitoring Media Pluralism in the European Union. Results of the MPM2026*, country report: Croatia, Centre for Media Pluralism and Media Freedom, *EUI*, 2026.
[212] Macharia S., Dueñas Guzmán M., Molina R., *Who Makes the News? Progress on a Plateau: Global Media Monitoring Project (GMMP) 2025*, op.cit.

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in a transformative manner "to improve, moving towards greater equality, justice, solidarity and democracy".[213]

6.2. Diversity in practice: cultural and linguistic inclusion in the media

Cultural and linguistic diversity is necessary for promotion of the values of diversity, equity and inclusion (DEI) and refers "to individuals or groups who identify with cultural backgrounds, languages and traditions that are different from the dominant culture in a particular setting."[214] Both language and culture are essential parts of the identity connecting communities/states and they also act as a valuable knowledge source.[215] The EU Fundamental Rights Charter underlines respect for cultural, religious and linguistic diversity.[216]

Cultural and linguistic diversity is particularly relevant in a time of abundant digital communication and new technological developments. Every person has the right to freedom of expression, which means the right "to seek, receive and impart information and ideas through any media and regardless of frontiers".[217] Even though the online sphere provides for various opportunities to communicate more easily and less expensively, reduced access to information and communications technology (ICT), as well as lower-quality information, also referred to as digital divide, is marginalising various minority or vulnerable groups (e.g.,, immigrants, people comprising indigenous communities, or people living in rural areas who, due to underfunding or geographical isolation, have issues with access to and the quality of ICT).[218] The digital environment is filled with hate speech targeting these groups on social media platforms while content distribution algorithms are biased and polarised, influencing their right to freedom of expression and opinion.[219] In addition, GenAI is already showing signs of discriminatory approaches and reinforcing biases.[220] The Council of Europe has urged the promotion of regional or minority languages in research and study involving AI as well as development, in close cooperation with users who speak those languages, of a structured approach related to the use of AI applications.[221]

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[213] Panet S. (ed.), *Brouillon 1 pour un journalisme féministe*, *Axelle magazine / Vie Féminine*, Brussels, 2023, p. 64.
[214] UNESCO, TVETipedia glossary (consulted on 5 June 2026).
[215] United Nations, *Safeguarding Cultural and Linguistic Diversity in the Context of Global Citizenship*, published on 18 January 2018.
[216] European Union, *Charter of Fundamental Rights of the European Union*, C 326/391, October 2012, Article 22.
[217] United Nations, *Universal Declaration of Human Rights*, adopted on 10 December 1948, Art. 19.
[218] Weidmann N. B. et al., *Digital discrimination: Political bias in Internet service provision across ethnic groups*, *Science*, 353(6304), 2016, pp. 1151-1155; Cooper D., Mansour-Jamal-Eddine N., *Minority Groups and The Digital Divide*, *PressBooks,* published on 5 August 2025.
[219] Pirkova E., et al., *Spotlight on Artificial Intelligence and Freedom of Expression: A Policy Manual,* OSCE, 2021.
[220] Towfigh E. V., *Challenges and Implications of Generative AI for Anti-Discrimination Law and Policy.*, *German Law Journal,* 26(7), 2026, pp. 1281-1299.
[221] Council of Europe, *Statement of the Committee of Experts of the European Charter for Regional or Minority Languages on the promotion of regional or minority languages through artificial intelligence*, adopted on 16 March 2022.

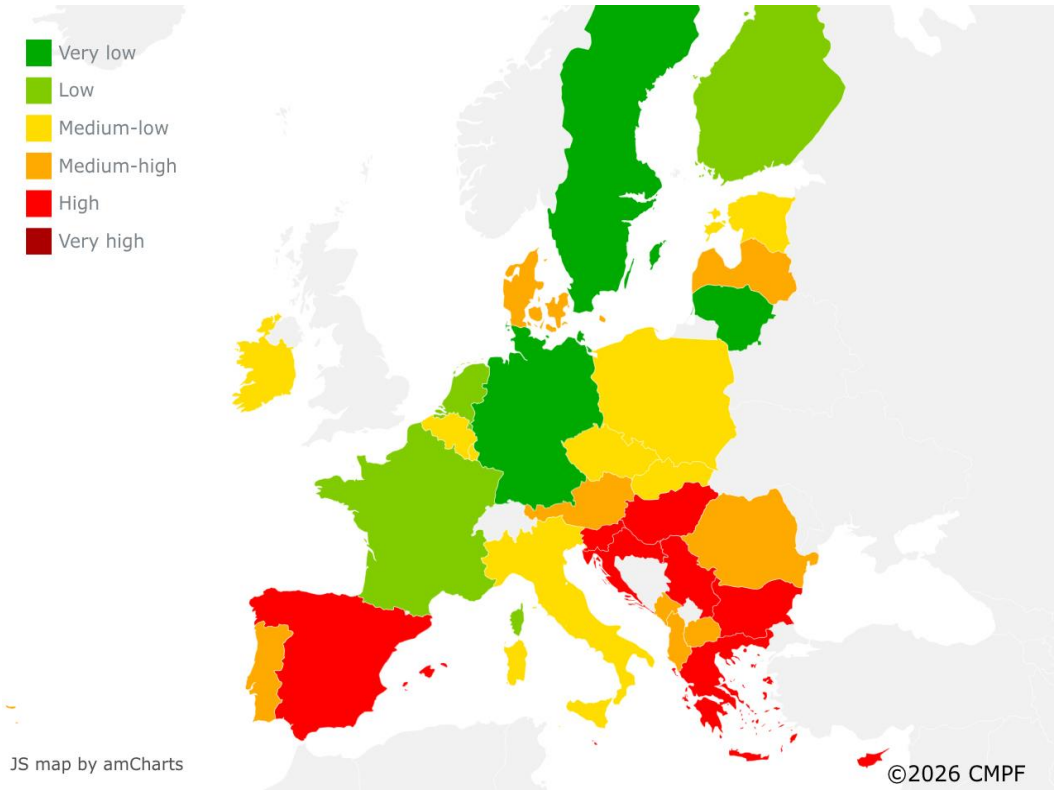
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It is therefore necessary to assess the levels of media pluralism and diversity with regard to various minority and marginalised groups in a society. Within this segment, the focus is on minorities as groups that are comparatively smaller than the rest of the population of the state, occupy a non-dominant position in a society, possess distinct religious, ethnic or linguistic characteristics, and demonstrate solidarity in order to nurture their languages, cultures, religions or traditions.[222] Following is discussion of a number of Council of Europe and OSCE documents that focus on the rights of minorities related to access, representation and inclusion in the media. They highlight that their access to the media should be ensured, and that they should be able to create and use their own media.[223] States should also provide support for media that use regional or minority languages and should enable uninterrupted broadcasting from neighbouring countries in these languages.[224] The role of not-for-profit community media can be very helpful as it can be led by or serve the needs of minority communities.[225] The OSCE guidelines on the use of minority languages in broadcasting mention that "States should [also] consider supporting the education and training of personnel for minority language broadcasting"[226] as well as ensure the recruitment of journalists with minority backgrounds in public media.[227] All these steps have been taken in order to incentivise the integration of diverse societies and promote interculturality.[228]

[222] Capotorti F. (Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities), *Study on the rights of persons belonging to ethnic, religious and linguistic minorities*, United Nations, 1979.
[223] Council of Europe, *Framework Convention for the Protection of National Minorities*, Strasbourg, 1 February 1995; OSCE, *The Oslo Recommendations Regarding the Linguistic Rights of National Minorities & Explanatory Note*, 1998.
[224] Council of Europe, *European Charter for Regional or Minority Languages*, Strasbourg, 5 November 1992, Article 11.
[225] OSCE, *The Tallinn Guidelines on National Minorities and the Media in the Digital Age & Explanatory Note*, Recommendation 20, OSCE High Commissioner on National Minorities (HCNM), February 2019.
[226] OSCE, *Guidelines on the use of Minority Languages in the Broadcast Media*, *HCNM*, October 2003, p. 200.
[227] OSCE, *The Ljubljana Guidelines on Integration of Diverse Societies*, *HCNM*, November 2012, p. 63.
[228] Ibid.

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Figure 4. Cultural and linguistic diversity in the media indicator (MPM2026) - Map of risks



In practice, unfortunately, improvements are still needed in this area. Based on the latest data from the MPM2026 report,[229] cultural and linguistic diversity in the media is at a satisfactory level in only six out of the 31 countries studied (Finland, France, Germany, Lithuania, Sweden and the Netherlands); Figure 1).[230] The MPM assesses the risks regarding legally recognised minorities' representation in public service media (PSM) and commercial media content aligned with the abovementioned standards and recommendations. The evaluation also considers the proactive efforts of the media (PSM and commercial) to improve cultural and linguistic diversity through diversity policies, addressing both representation of minorities in media content and production. And finally it looks at how effective the mechanisms designed to counter hate speech adopted by the state as well as by online intermediaries are. According to MPM2026 results, availability of diversity policies in both PSM and commercial media scores the highest risk, followed by the lack of effective measures to combat hate speech (both indicators score in the medium-high-risk band).

The representation of legally-recognised minorities[231] is associated with a medium-low risk. The related sub-indicator assesses whether the legislation guarantees the

[229] Blagojev T. et al., *Monitoring media pluralism in the European Union: Results of the MPM 2026*, op. cit.
[230] This interactive *map* (EUI website) includes 27 EU member states and four candidate countries (Albania, Montenegro, Serbia and the Republic of North Macedonia).
[231] For the purpose of the MPM, a minority group is defined as a cultural or social group numerically inferior to the rest of the population of a state and smaller than the majority group in the respective country, and whose members possess ethnic, religious or linguistic characteristics that differ from those of the rest of the

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representation of these minorities in PSM and its effectiveness, as well as whether there are news programmes in minority languages available in both PSM and commercial media outlets. The situation regarding the availability of minority programmes is better in PSM than in commercial media. This echoes the above standards and recommendations which are focused more on the role of PSMs in this area. Even in a country that has a number of legally recognised minorities such as Serbia (24), the provision of information to minorities still faces various obstacles. Information in minority languages is provided in three ways: through public media services, through media founded by national minority councils and through private minority media. However, the key challenge remains: how to safeguard national minorities' right to information and ensure sustainable funding for minority-language media, while preserving the autonomy of minority communities and upholding professional and objective journalism, media pluralism and editorial independence.[232]

The situation, overall, with regard to diversity policies is again better in PSM than in commercial media. In only three countries (Sweden, Germany and France) do both PSM and commercial media have solid policies in place that ensure diversity among the staff but also in media content. In France, for example, apart from PSM, which have a proactive diversity policy,[233] the NRJ Group (commercial media service provider) has a document on promotion of diversity and inclusion.[234] The NRJ was also recognised for good practice by the French regulator, ARCOM.[235]

Finally, online intermediaries have a particular role in combating hate speech, ranging from its identification, to content moderation (and its transparency), reporting cases of online hate speech to the competent authorities and collaborating with other stakeholders.[236] However, in practice, despite the enactment of EU regulation tackling this issue – such as the DSA – online intermediaries do not contribute to the extent needed to deal with this problem. Almost all of the MPM researchers from the 31 countries studied report medium or high risk related to providing transparent and proportionate responses to hate speech content by VLOPs. The situation is particularly strained in countries that are

population. A minority is legally recognised when defined as such in national law or when mentioned in the reports of the Framework Convention for the Protection of National Minorities (ETS No. 157). Legally-recognised minorities are, e.g., the Sami, Roma, Jews, Swedish Finns, and Tornedalians in Sweden; the Danes, Frisians, Sorbs, and German Sinti and Roma in Germany, or Greeks, Montenegrins, Vlachs, Macedonians, Roma, Egyptians, Serbs, Bulgarians, and Bosniaks in Albania.

[232] Sejdinović N., *Informisanje na jezicima nacionalnih manjina i studija slučaja: Mediji na mađarskom jeziku* (in Serbian) [Information in national minority languages and case studies: Hungarian-language media], OSCE Mission to Serbia, February 2026.

[233] Radio France website, *Diversité et Egalité*.

[234] NRJ group, *Responsabilité sociétale, sociale et environnementale de l'entreprise* (in French) [Corporate social and environmental responsibility], 2017.

[235] Arcom, NRJ group, *Bilan du respect des obligations du groupe NRJ - Exercice 2024* [Report on the NRJ Group's Compliance with its Obligations – Financial Year 2024], published on 25 July 2025.

[236] Council of Europe, CM/Rec(2022)16 - Recommendation of the Committee of Ministers to member States on combating hate speech (adopted by the Committee of Ministers on 20 May 2022 at the 132nd Session of the Committee of Ministers).

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candidates for EU accession, as they are not part of the Digital Single Market yet, jeopardising the effectiveness and enforcement of these rules.[237]

6.3. Local media

Local media are key to coverage of local issues, satisfying the so-called "critical information needs"[238] of smaller communities, and informing them about topics affecting the quality of their daily life, such as education, health, infrastructure and local political issues. However, local communities, especially in rural areas, are increasingly being left without access to quality news content due to the closure of small local media, the concentration of journalists in bigger cities and the disruption of the media market linked to digitalisation. This phenomenon can lead to the creation of "news deserts", namely areas where quality media are lacking or decreasing in number, and where access to reliable and diverse information from independent news sources is limited or entirely absent.[239]

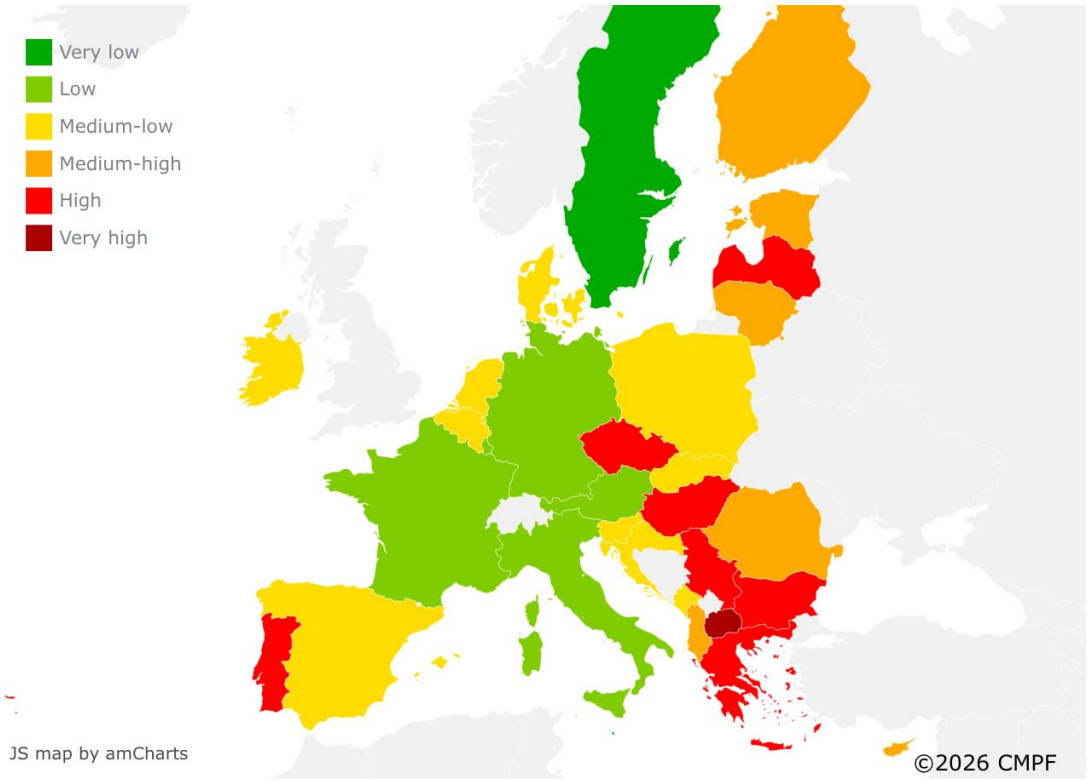
[237] Blagojev T. et al., *Monitoring media pluralism in the European Union: Results of the MPM 2026*, *EUI*, 2026, op. cit.; Vujić M., *Implementing the Digital Services Act in the Western Balkans: Risks of Illegal Content Regulation*, *Partners for Democratic Change Serbia*, 2024.

[238] Friedland L. et al., *Review of the Literature Regarding Critical Information Needs of the American Public submitted to the Federal Communications Commission*, University of Southern California Annenberg School for Communication and Journalism in collaboration with the University of Wisconsin - Madison on behalf of the Communication Policy Research Network (CPRN), July 2012.

[239] Abernathy P. M., *News Deserts and Ghost Newspapers: Will Local News Survive?*, UNC Center for Innovation and Sustainability in Local Media, Hussman School of Journalism and Media, University of North Carolina at Chapel Hill, 2020; Verza et al., *Uncovering news deserts in Europe : risks and opportunities for local and community media in the EU*, Research Project Report, Centre for Media Pluralism and Media Freedom, 2024.

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Figure 5. Local/regional and community media indicator (MPM2026) – Map of risks



In the MPM, one indicator shows the situation for local and community media in the EU and four candidate countries. In the MPM2026, at EU level, the indicator scores medium–low risk, while for candidate countries a medium-high-risk, mixed picture can be observed. While PSM generally continue to meet essential information needs in most countries, the situation is more challenging for commercial media outlets. A key source of risk concerns the sustainability of local and regional commercial media, with the majority of EU member states falling into the high-risk category in this regard, except for Sweden. In this jurisdiction, support mechanisms have been introduced, including operational subsidies, transitional assistance and targeted funding for local journalism in areas considered to be news deserts. Discussions are also being held on how to increase the effectiveness of these measures by also tackling "thematic deserts" – recognising that smaller local newsrooms often lack the resources needed to conduct more in-depth investigative reporting.[240] Similar policies can be observed in Lithuania and Denmark.[241]

Along with economic sustainability, key challenges for local media also relate to increasing pressures on editorial independence and threats to journalists' safety at the local

[240] Fardigh M., *Monitoring Media Pluralism in the European Union. Results of the MPM2026*, country report: Sweden, Centre for Media Pluralism and Media Freedom (EUI), 2026.
[241] Jastramskis D., *Monitoring Media Pluralism in the European Union. Results of the MPM2026*, country report: Lithuania, Centre for Media Pluralism and Media Freedom (EUI), 2026; Simonsen S., *Monitoring Media Pluralism in the European Union. Results of the MPM2026*, country report: Denmark, Centre for Media Pluralism and Media Freedom (EUI), 2026.

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level. These pressures tend to be less visible and more direct in smaller communities, creating a chilling effect for media workers.[242]

So instead of local media building resilience[243] to disinformation by reinforcing the trust of communities (e.g., Croatia, Denmark, Ireland and Greece),[244] local media are disappearing, leaving an information void that may be filled with mis- or disinformation spread by malicious actors. Some scholars have recently begun to call these actors "pseudo-media", namely "actors in the digital sphere that mimic authentic news sites to mislead readers, usually for commercial gain and/or to manipulate public opinion".[245] This phenomenon is becoming increasingly evident in Europe and some examples include phantom media in Serbia,[246] unregistered portals in Montenegro,[247] or so-called zombie newspapers that do not have local staff, reporters or newsrooms in Germany.[248]

As noted in the MPM2026[249] and in the Local Media for Democracy research, PSM play a crucial role in fostering territorial cohesion, understood as the social and cultural cohesion of territories. Through local TV and radio stations, PSM throughout Europe supply local communities with relevant and essential information. For example, in the Netherlands, which benefits from a strong regional public broadcasting framework, a report published by the National Local Public Broadcasters Organisation (NLPO) found that citizen participation plays an important role in enhancing media diversity. According to the report, citizen engagement contributes to broader and more inclusive news coverage, enabling media outlets to better respond to a wide range of critical information needs.[250] In some countries, the legal framework provides PSM with a capillary presence and diverse content: in Italy, for example, legislation requires RAI to operate a comprehensive network of regional newsrooms, ensuring the provision of continuous local news coverage across the country.[251] Similar provisions are present in Slovakia.[252] Germany is a particularly noteworthy case, as public broadcasters are legally prohibited from comprehensively

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[242] Verza et al., *Uncovering news deserts in Europe : risks and opportunities for local and community media in the EU*, op. cit; Trunkátová Š. et al., A Booklet Summarising Research in V4 Countries: The Crisis of Local Journalism in v4 Countries and the Specific Role of Municipal Newspapers, 2023.

[243] Radcliffe D., *How local journalism can upend the "fake news" narrative*, *The Conversation*, 29 November 2018.

[244] Blagojev T. and Kermer J. E. *Overview of the critical information needs and engagement of local media with their audiences in 27 EU countries*, in Jerónimo P. and Amaral I. (eds), *Building media trust*, *LabCom Books*, 2025, pp. 57-80.

[245] Kermer J. E. and Blagojev T., *Mapping methods and tools for detecting pseudo-media in Europe* in Bleyer-Simon K. et al. (eds), *Big Tech, Society and Systemic Risks, Routledge*, forthcoming.

[246] Blagojev T. et al., *The Strategy of the Development of the Media System in Serbia (2020-2025) and its Implementation: Knowledge, Opinions, and Proposals from Media Workers*, *DNmedia*, *Local Press,* 2023.

[247] Radulović D., *Monitoring Report on Hate Speech in Montenegro 2025*, Centre for Investigative Journalism Montenegro and Media Diversity Institute Western Balkans, Reporting Diversity Network, 2025.

[248] Assmann K., *Rise of the Zombie Papers: Infecting Germany's Local and Regional Public Media Ecosystem. Media and Communication*, *Media and Communication*, 2023, Vol. 11(3), *Cogitatiopress*, pp. 360-370.

[249] Blagojev T. et al., *Monitoring media pluralism in the European Union: Results of the MPM2026*, *EUI*, 2026, op. cit., p. 96.

[250] De Swert K. et al., *Monitoring Media Pluralism in the European Union. Results of the MPM2026*, country report: the Netherlands, *EUI*, 2026.

[251] Vigevani G. E. et al., 2026, *Monitoring Media Pluralism in the European Union. Results of the MPM2026*, country report: Italy, *EUI*, 2026.

[252] Urbániková M., *Monitoring Media Pluralism in the European Union. Results of the MPM2026*, country report: Slovakia, *EUI*, 2026.

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covering local issues—especially through their online services—in order to protect the private press market.[253] Experts have warned that this restriction could contribute to the emergence of news deserts, potentially leading to the complete absence of local news coverage in some areas.[254] However PSM cannot fully compensate for the decline of local news provision. The allocation of public funds to "independent media serving local and rural communities" is recommended to the states by the Council of Europe (CM/Rec(2018)1[255] and CM/Rec(2022)4).[256]

6.4. Conclusion

The results of the Media Pluralism Monitor show that efforts over time have helped to foster geographical, cultural and gender inclusiveness in the media. However, "representative pluralism"[257] can be improved to foster a more democratic public sphere,[258] including the views of culturally and geographically diverse actors.

[253] *Interstate Media Treaty (Medienstaatsvertrag)* (non-official translation), *die medienanstalten*, April 2020, Article 30(5).
[254] Kalbhenn J., *Local Media for Democracy. Country focus: Germany*, EUI, 2024.
[255] Council of Europe, *Recommendation CM/Rec(2018)1*, op. cit., 2.11.
[256] Council of Europe, *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, adopted on 17 March 2022, 1.1.5.
[257] Klimkiewicz B., *Pluralism in a hybrid media environment from the user perspective*, op. cit.
[258] Karppinen, K., *Rethinking Media Pluralism*, op. cit.

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PART III - Structural safeguards, support measures and developments

This final part of the report deals with safeguards at the public level, both from the point of view of public measures and public intervention, including also an analysis of safeguards in the context of public service media, and the actual enforcement of safeguards for media pluralism, exploring the mechanisms for actual implementation and oversight.

***Chapter 7** deals with public measures to support the media sector. It also explores the reasons for public intervention in the form of funding schemes in the media sector, while also explaining what the limits to public interventions should be, as well as the importance of transparency (with regard to funding) and the importance of solid associated safeguards.*

***Chapter 8** focuses on the case of the PSM and why it must be a guarantee of media pluralism. The question of the public service media's funding, and its control, as tools to safeguard media pluralism and the question of controlling pluralism in the public service media are also touched upon in this chapter.*

*Finally, **Chapter 9** deals with the enforcement of safeguards for media pluralism in EU legislation, as well as the enforcement at the national level. For that, this closing chapter analyses the general framework enshrined in the EMFA, including the structured cooperation mechanism, but also how media service providers on very large online platforms are dealt with in a specific way in Article 18 EMFA.*

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7. Public support measures for the media and media pluralism

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We live in a "hyperpolitical"[259] era, characterised by a profound contemporary contradiction in which everything is produced through speech, exhausted in discourse, and subject to the volatility of its dissemination.

All of this is unfolding at a very rapid pace, making a proper human "response" difficult. With the technological acceleration of communication and the speed of information, a sense of "present time" emerges — a continuous time in which the excess of content causes sensory and attentional overload, cognitive dysfunction, and political polarisation.[260]

Through (dis)informative systems and "alternative facts",[261] as well as asymmetrical and deregulated technological development, modern societies are not only becoming depressed and amnesic but also indolently adopting regressive political models.[262] Hartmut Rosa[263] observed that the acceleration of technology turns social dynamics into inequality, uncertainty, and a potential form of totalitarian domination. Appadurai[264] raised the themes of "regression" and "democratic fatigue", processes through which democracies enter a state of structural exhaustion, lose vitality and public trust, and open space for identity anxieties and illiberal populisms, transforming the democratic order into a ritual emptied of efficacy, into a "society of fatigue".[265] In this context, not only do new dissuasive factors for debate and the diversity of cultural expressions emerge, but the critical public sphere is also compressed and dissent stifled. The new economies of attention – from media and political pollution to the toxicity of social networks[266] – are nothing more than a regression based on "hyperattention" that disperses and distracts.

The relationship between the state, the market, and the media has long been characterised by a structural tension: how to ensure editorial autonomy, diversity, and pluralism in a sector whose economic sustainability is fragile and increasingly threatened

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[259] Jäger A., *Hyperpolitiek, Extreme politisering zonder politieke gevolgen* (in Dutch) [Hyperpolitics: Extreme Politicization Without Political Consequences], *Athenaeum*, 2024.
[260] Han B.-C. *The burnout society*, *Stanford University Press*, August 2015.
[261] Cappello M. (ed.), *Enforcing rules on illegal content and disinformation online*, IRIS, European Audiovisual Observatory, Strasbourg, December 2025
[262] Cádima F. R., *Os presidentes, a política e os media. Uma história do 25 de Abril* (in Portuguese) [Presidents, Politics, and the Media – A History of April 25], *D. Quixote Publishing*, Lisbon, March 2022.
[263] Rosa H., *Alienation and Acceleration: Towards a Critical Theory of Late-modern Temporality, NSU Press*, 2010.
[264] Appadurai A., *Une fatigue de la démocratie* (in French) [Democratic Fatique] in Geiselberger H. (ed.), *L'Âge de la régression. Pourquoi nous vivons un tournant historique* (in French) [The Age of regression: why we are experiencing a historic turning point], *Premier Parallèle*, 2017.
[265] Han B.-C., *The burnout society*, op. cit.
[266] Blumer K., Kleinberg, J., *Tracking patterns in toxicity and antisocial behavior over user lifetimes on large social media platforms*, *Scientific Reports,* 15, 25369, 2025.

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by digital intermediaries and external agents? This tension has intensified over the past decade, as traditional funding models erode, digital platforms increasingly appropriate news content, and efforts to safeguard journalistic independence and the old "fourth estate" intensify. In fact, news is increasingly produced outside traditional journalistic formats and conventions and disseminated via personalised recommendation systems operated by online intermediaries.[267]

Public intervention is now increasingly central to contemporary media policy. From a theoretical perspective, this intervention rests on three fundamental pillars: i) the media's status as a democratic "public good"; ii) the need to correct market failures and dominant positions that threaten independent journalism; iii) the legal and constitutional obligation to ensure pluralism and diversity in a media ecosystem vulnerable to economic, political and technological pressures.

7.1. Public funding vs media pluralism

Authors such as Habermas,[268] Picard & Pickard,[269] and Pickard,[270] among others, have argued that information is an essential public good and non-excludable, and that its provision cannot rely solely on commercial logic. In this context, public intervention emerges as a possible mechanism to ensure that society has access to a plural, verifiable, and, if possible, independent flow of information –an essential condition for the experience of citizenship and the defence of democracy.

Public funding of the media is today a central issue in the debate about the crisis of media and journalism, occupying a paradoxical position in the contemporary democratic ecosystem. On the one hand, it can serve as an essential instrument to ensure diversity of voices and media pluralism in a market deeply weakened by the erosion of traditional revenues and the appropriation of content by digital intermediaries. On the other hand, it carries obvious risks of political capture, competitive distortion, economic dependence, and "paralysis" in innovating and/or investing, as well as challenges in implementing disruptive editorial strategies.

How can public funding support the sector without compromising the media's editorial independence or distorting the market? The answer requires an integrated analysis of the justifications for public intervention, the associated risks, and the necessary safeguards, in light of the current technological disruption (visibility moderation,

[267] Nenadić I., *To Understand Media Pluralism Is to Understand Changes in News Media and Journalism Advanced by Digital Technologies*, in *Media, Freedom of Speech, and Democracy in the EU and Beyond*, Giannakopoulos A. (ed.), the *S. Daniel Abraham Centre for International and Regional Studies*, 2019, pp. 131-140.
[268] Habermas J., *Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research*, *Communication Theory* 16, 2006, pp. 411-426.
[269] Picard R., Pickard V., *Essential principles for contemporary media and communications policymaking*, *Reuters Institute for the Study of Journalism*, 2017.
[270] Pickard V., *Another Media System is Possible: Ripping Open the Overton Window, from Platforms to Public Broadcasting*, *Javnost - The Public*, 30(2), 284-297, 2023.

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algorithmic bias, AI, GenAI) and within the context of the new European framework established by the European Media Freedom Act (EMFA).

Their public-policy function is therefore to ensure, from the outset, freedom of the press, universal access to information, and rational deliberation. Moreover, they must safeguard scrutiny of political and economic power, promote public debate, and guarantee pluralism and content diversity. Public intervention is thus legitimised by the need to preserve democratic public goods that economic logic alone cannot ensure.

The media crisis — characterised by a decline in advertising, a migration to digital platforms, and a growing asymmetry between content producers and technological intermediaries — has highlighted the inadequacy of market mechanisms in ensuring the survival of independent journalism. In this context, public support emerges as a stabilising and corrective measure, particularly in countries where the economy does not sustain a strong advertising market, such as Portugal and other small European countries like Malta, Cyprus or Montenegro.[271]

The lack of economic viability in peripheral or thematic/geographical areas of public interest (such as local journalism, research, or culture), or distortions caused by limited competition or market concentration, also justify support mechanisms that ensure the presence of local historical and cultural heritage, the diversity of voices, the representation of minorities and new communities in the media, and territorial cohesion. For instance, in the UK, Natalie Fenton and other media scholars[272] advocate alternative ownership models and a radical reform of the contemporary media landscape.

Excessive dependence on public funds, however, can lead to subtle forms of self-censorship, editorial alignment, or deference to political power. The literature[273] identifies this risk primarily in contexts where the distribution of support lacks objective criteria and safeguards to ensure transparency and prevent market distortion.

Direct support and subsidies can reinforce dominant positions, exclude competitors, favour groups aligned with political power, or even create harmful dependency that impedes the normal development of markets, as noted. It is also important to consider compatibility with European competition rules — in particular, Article 107 of the Treaty on the Functioning of the European Union (TFEU) — which is central to assessing public support for certain companies or industries.[274]

Support for the media sector must be based on clear, objective and verifiable criteria, grounded in measurable models and observable, monitorable practices —whether in journalistic production and indicators of editorial independence, or in audience and

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[271] Centre for Media Pluralism and Media Freedom, *Media Pluralism Monitor 2024*, *EUI*, 2024.
[272] Fenton, N. et al., *The Media Manifesto*, *Polity Press*, 2020.
[273] See, for instance, Picard R. G., *The Economics and Financing of Media Companies*, *Fordham University Press*, 2011; and Trevisan Štětka, Milosavljević, *Tools and Strategies of Political Capture of the Media in Europe*, in Brogi E., Nenadic I., Luigi Parcu P. (eds), *Media Pluralism in the Digital Era: Legal, Economic, Social, and Political Lessons Learnt from Europe*, *Routledge*, New York, 2025, pp. 116-132.
[274] Article 107 is central because it defines what constitutes state aid, establishes the presumption of incompatibility, and provides the legal framework for assessing whether public support distorts competition, *Consolidated version of the Treaty on the Functioning of the European Union, Part 3: Union policies and internal actions – Title VII: Common rules on competition, taxation and approximation of laws – Chapter 1: Rules on competition – Section 2: Aids granted by States – Article 107*, *OJ* C 115, May 2008.

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public metrics, geographic coverage, and economic sustainability. Vague or discretionary criteria risk creating bias and further destabilising an already unbalanced situation. The criteria should also adhere to principles such as necessity, proportionality, neutrality of competition, and non-discrimination. Furthermore, the allocation and management of funds should be entrusted to independent entities, with mechanisms for public scrutiny and protection against potential political interference. A clear separation between government, regulators, the monitoring system, and beneficiaries of this model is essential to the system's credibility.

Any support strategy for the media has a primary red line: the freedom and independence of the sector and of the media supported by the state. Therefore, all safeguards must be clearly defined and implemented, either through independent public scrutiny or technical-scientific monitoring. In other words, the key phrase is "support without capture". Public funding can be crucial to ensuring the diversity and sustainability of the media. However, it is only legitimate when accompanied by effective transparency, objective criteria, clear limits on political influence, and independent oversight.[275] The current challenge is therefore to define open support models that can adapt to new circumstances and shifts in market power and strengthen pluralism without compromising editorial autonomy. This is because the media ecosystem remains highly volatile and vulnerable to technological intermediation and acceleration, as well as to traditional pressures from economic and political interest groups.[276]

7.2. Public intervention through media funding mechanisms

7.2.1. Public intervention in the media sector

Public intervention in the media sector begins with a foundational regulatory role, achieved through the creation of independent regulatory entities. Media regulation is understood as an essential public function, requiring administrative and financial autonomy to ensure pluralism and sector scrutiny.

In general, the state's intervention regarding media operators relates to creating balances and correcting market failures to strengthen pluralism and diversity. For example, governments should promote independent media, including regional, local, minority and community outlets, considered essential elements of a favourable environment for freedom of expression. Public service media (PSM) should also serve as a structural pillar of the entire European system, now through the EMFA, with greater protection against attempts at political capture or abusive redefinitions of their scope of action.

Special attention should be given to the news media, which must be recognised as a public good — producing social value such as information, scrutiny, and democratic

[275] Centre for Media Pluralism and Media Freedom, *Media Pluralism Monitor 2024*, *EUI*, 2024.
[276] Seipp TJ. et al., *Between the cracks: Blind spots in regulating media concentration and platform dependence in the EU*, *Internet Policy Review*, 13(4), 2024.

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cohesion — that the market does not adequately compensate for.[277] Therefore, public intervention is necessary through regulation, economic and fiscal measures, and sector-specific support. This intervention aims to preserve the model's core principles — namely, equity, pluralism and editorial independence — and to address imbalances among digital platforms, content creators, and media outlets.[278]

However, it is also necessary to moderate the advertising market deficit, especially in small countries like Portugal. Moreover, chronic underinvestment in local and investigative journalism and in topics with low commercial returns should be mitigated, with the aim of rebuilding a media ecosystem that halts the growth of news deserts. Essentially, the sector's positive externalities should be strengthened, given that journalism benefits society as a whole and is a fundamental pillar of democracy.

The issues of territorial cohesion and universal access to information are also fundamental. Without public support, rural or peripheral areas are becoming informational deserts. Public intervention is crucial, as it enables the maintenance of news coverage in peripheral regions, universal access to content of public interest, and ultimately the continuity of local and community media. However, as Murschetz[279] rightly points out, this type of measure is not a guaranteed panacea.

A key aspect here is safeguarding editorial independence, which the EMFA considers a top priority. Properly structured public support can bolster this independence by lessening reliance on big advertisers and platforms, lowering small markets' susceptibility to economic pressures, and avoiding editorial capture by private interests.

7.2.2. Public support in different jurisdictions

International comparison reveals three major models of public media funding — Nordic, continental, and liberal — each with its own rationale, a distinct balance between market and state, and different impacts on media pluralism. No model is inherently superior: all face structural tensions among economic sustainability, editorial independence, and the risk of capture.

This is, essentially, an area for which there is no single answer that can be characterised as "the solution" to the problem of public support in the face of the media crisis. For example, in the case of the Nordic model,[280] Picard warned that it needed to adapt to the digital ecosystem, including new mechanisms to support innovation and online

[277] Curran J., *Media and power*, *Routledge*, 2002.
[278] European Commission, Directorate General for Communications Networks, Content and Technology; Vrije Universiteit Brussel, Studies in Media Innovation and Technology (VUB SMIT); Institute for Information Law, University of Amsterdam (IViR/UvA); CMPF; European Commission, CiTiP – KU Leuven, *Study on media plurality and diversity online: Final report*, *Publications Office of the European Union*, 2022.
[279] Murschetz P. C., *State Aid for Independent News Journalism in the Public Interest? A Critical Debate of Government Funding Models and Principles, the Market Failure Paradigm, and Policy Efficacy*, *Digital Journalism,* 8(6), pp. 720-739, 2020.
[280] Picard R., *Subsidies for Newspapers: Can the Nordic Model Remain Viable?* in Bohrmann H, Klaus E, and Machill M (eds.) *Media Industry, Journalism Culture, and Communication Policies in Europe*, Herbert von Halem Verlag, pp. 236-246, 2007.

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journalism. Multiple solutions have been tested, indicating a period of "trial and error" and adaptation to the "cascade" modes of technological mutation, such as digitalisation, interactivity, AI, and GenAI. Measures vary greatly from country to country, but can be grouped into four main categories: direct support, indirect support, regulated state advertising, and hybrid models.[281] He noted that public support for the press is legitimate, necessary, and effective in protecting pluralism and democracy, but should be designed with transparency, independence and a focus on public objectives, especially in a context of digital transformation.

Direct support was identified across several markets, including subsidies to ensure a diversity of titles in local markets (Sweden); support for local media, journalistic cooperatives, and the partisan press (Italy); and direct subsidies for pluralism, distribution, innovation and the opinion press (France). In the case of Britain, , there is The Local News Partnerships (LNP),[282] a partnership between the BBC and the UK regional news industry aimed at supporting public service reporting, sustaining local democracy and improving journalism skills. In other cases, there are competitive funds and support for transition and/or digital innovation, as in Denmark and the Netherlands, or regional programmes supporting the digitisation of newsrooms, as in Germany. In general, European countries apply reduced VAT to the press and, more recently, to digital media. There are also policies of reduced postal tariffs for press distribution (for example, in Portugal, France, Italy and Belgium).

In the specific case of state advertising, which will be examined later, it is imperative to ensure scrutiny and full transparency, as it is a dangerous instrument when unregulated. For example, Portugal, Spain and France have specific policies on this matter, with clear public criteria, legislation with specific transparency rules, and monthly or annual reports. By contrast, other countries like Hungary don't have these instruments. For example, under Orbán's regime, it was a regular practice, as referenced by both the Media Pluralism Monitor[283] and the Office for Security and Co-operation in Europe (OSCE),[284] to allocate resources in a discriminatory manner to favour pro-government media. In this case, the EMFA will tend to standardise rules and impose mandatory transparency.

Hybrid models are numerous. We can refer to the Nordic model – the "media welfare state",[285] which combines a strong public service, direct subsidies, indirect support, and funding for innovation. This model demonstrates that public support can coexist with high levels of editorial independence, provided that strong institutions and a consolidated democratic culture accompany it. However, it also shows that subsidies do not prevent the market's structural erosion, and that the market requires ongoing reconfiguration.

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[281] Murschetz P., Trappel, J., *State Aid for Newspapers: A Summary Assessment* in Murschetz P. (eds), *State Aid for Newspapers, Media Business and Innovation*, *Springer*, 2013.
[282] BBC website, *Supporting public service reporting*.
[283] Centre for Media Pluralism and Media Freedom (CMPF) and Media Pluralism Monitor (MPM), *Monitoring media pluralism in the digital era: Application of the Media Pluralism Monitor in the European Union, Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey in the year 2021*, *EUI*, 2022.
[284] OSCE, *Hungary Parliamentary Elections and Referendum, ODIHR Election Observation Mission Final Report*, Office for Democratic Institutions and Human Rights, *EUI*, 3 April 2022.
[285] Syvertsen T. et al., *The media welfare state: Nordic media in the digital era*, *The University of Michigan Press*, 2014.

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The continental model includes France, Germany and Italy. There is a balance among public media services, press subsidies, and indirect support. The continental model aims to preserve external pluralism but faces criticism for reproducing structural inequalities and for relying on distribution mechanisms that, if not transparent, can lead to favouritism. The United Kingdom can be described as a "liberal model". A publicly funded public service, with the BBC predominating in practice, is supported indirectly, with less direct intervention in the press sector. The liberal model maximises market autonomy but does not guarantee pluralism or sustainability, especially in peripheral regions. The absence of direct support does not eliminate the risk of capture — it merely shifts it to private advertisers and digital platforms.

Overall, it is evident that there are cross-cutting trends and common challenges; that is, despite differences, the three models face convergent challenges, including *platformisation*, the loss of revenue for digital intermediaries, and the need to finance local journalism, investigation and innovation. On the other hand, there is no clearly effective "cure" for the sectoral disruption of recent decades that has followed the mass adoption of the Internet. The fragility of digital business models remains evident, with very few exceptions. Conversely, there continues to be public pressure to ensure transparency in public advertising, as well as the need to balance public support with editorial independence. The EMFA also aims to harmonise safeguards by imposing transparency, objective criteria and independent oversight — regardless of the national model. In general, what distinguishes the most robust systems is not the volume of funding, but the transparency of criteria and legal frameworks, the quality of safeguards, and independent scrutiny of the modalities applied. In the current context, a diversity of instruments and support modalities is advantageous. It is certain that public funding only strengthens pluralism when it is transparent, predictable and institutionally protected against political interference.

Finally, it is important to highlight Pickard's[286] approach, which advocates robust public intervention and structural public support for the survival of democratic journalism, as an essential pillar comparable to education or health. Pickard argues that the crisis in journalism is structural and stems from deep market failures. Therefore, he considers that the state should take an active role in rebuilding a sustainable news ecosystem. Without public intervention, one of the foundations of democracy itself will fail.

7.3. Support measures, implementation and compatibility with European rules

The European democratic system recognises that the market tends to underproduce public-interest journalism, particularly in contexts of economic crisis, rapid digitalisation and concentration. Therefore, the literature and institutional bodies converge on the conclusion that public support for the media is not only legitimate but necessary. It should also be

[286] Pickard V., *Democracy Without Journalism? Confronting the Misinformation Society*, *Oxford University Press*, 2020.

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noted the importance of the European Court of Human Rights' case law on the media, pluralism and freedom of expression as they relate to journalists.[287]

Public support for the media is a structural element of European media ecosystems. From a European perspective, it is clearly reinforced by the EMFA, as discussed in recent works.[288]

Public intervention is, however, ambivalent: it can correct market failures but can also create asymmetries when support is granted without clear objectives. Hence, the importance of the EMFA, which sets out binding rules to ensure that public support is allocated transparently and in line with the European legal aid regime.

Compatibility with the European framework requires that any form of state funding — including subsidies, tax incentives, support for innovation, public service funding, and state advertising — be allocated according to public and verifiable criteria to secure the media's independent sustainability[289] and to prevent political capture or political control.[290] Thus, public funding for the media is subject to dual scrutiny: competition[291] and democracy.[292]

The EMFA thus reinforces the idea that media pluralism is not only a democratic pillar but also a regulatory obligation for member states. It establishes a directly applicable European legal framework that does not create new public support but regulates how member states allocate existing support, ensuring they do not compromise media pluralism or editorial independence.

Another modality for implementing the EMFA concerns Article 21[293] (Media market concentrations), which sets out a regulatory assessment to evaluate whether a media merger, acquisition or market concentration poses risks to media pluralism, editorial independence or democratic discourse.

7.4. State advertising and social and political influence

Objective criteria and independent oversight mechanisms must govern state advertising and related subsidies. Regarding the risk of political capture through public support, the MPM indicator on "State regulation of resources and support to the media sector" shows

[287] Voorhoof D. et al and McGonagle T. (ed. sup.), *Freedom of expression, the media and journalists: Case-law of the European Court of Human Rights*, IRIS *Themes*, European Audiovisual Observatory, Strasbourg, 2024.
[288] Brogi E., Nenadić I., Parcu P. L. (eds.), *Media pluralism in the digital era : legal, economic, social, and political lessons learnt from Europe*, *Routledge*, 2025. See also Cappello, M. (ed.), *News media, pluralism and journalism in the digital age (IRIS Themes)*, European Audiovisual Observatory, Strasbourg, December 2025.
[289] Centre for Media Pluralism and Media Freedom, *Implementation of the Media Freedom Act: Elda Brogi presents preliminary findings of the study*, *EUI*, 2025.
[290] Polyák G., *Safeguards against political control of (news) media services and the role of public service media*, in Cappello M. (ed.), *News media, pluralism and journalism in the digital age*, IRIS, European Audiovisual Observatory, Strasbourg, December 2025, pp. 64-77.
[291] *Consolidated version of the TFEU, Part 3: "Aids granted by States" – Article 107*, op. cit.
[292] *EMFA*, op. cit.
[293] *Article 21 (EMFA proposal 16.9.2022)*, Assessment of media market concentrations.

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high risks in several countries. As Trevisan, Štětka and Milosavljević[294] note, "The fairness and transparency of distribution of state advertising has demonstrated to be the most problematic issue in the context of state distribution of resources". Hence, state advertising must be fair and transparent, thereby reinforcing the compatibility of national support policies with the TFEU and the EMFA. Problems relating to transparency in the allocation of advertising must be addressed, with a view to establishing fair and transparent rules for the allocation of state advertising.

The definition of state advertising in the EMFA is broad. It covers promotional or self-promotional communication carried out by, for or on behalf of public entities — governments, central, regional, or local administrations, regulators, public companies, and other state-controlled entities. This breadth recognises that state advertising is not merely an instrument of institutional communication but also a symbolic resource capable of influencing the media ecosystem and, through it, the democratic public sphere.

The central question is how this advertising can exert social, political or symbolic influence on society, even when it does not take an explicitly party-political form. European literature, along with reports from the CMPF/EUI[295] and OSCE[296], converge on a common diagnosis, namely that state advertising is one of the most powerful — and most ambivalent — instruments of state intervention in the public space, capable of generating hierarchies of visibility of events in the media, editorial self-censorship, and the silencing of critical topics, among others.

A first critical aspect is the economic influence. In smaller markets, state advertising can constitute a significant share of media revenues. When its distribution is opaque, discretionary or politically motivated, it creates financial dependence that can compromise editorial independence. Such mechanisms have been reported in countries such as Hungary[297] and Poland,[298] where the risk is high. The most paradigmatic example is Hungary, where, from 2010 until the last election in 2026, public funds and state advertising were systematically channelled to media outlets aligned with the government, while critical media were excluded or marginalised.

The Portuguese case illustrates two critical issues: excessive proactivity in some areas and, more seriously, inaction in crisis communication during COVID 19. Although Portugal has legislation and some transparency on state advertising, the available institutional advertising funds were not used at the start of the pandemic, with campaigns

[294] Trevisan, M., Štětka, V., Milosavljević, M., *Tools and strategies of political capture of the media in Europe,* E. Brogi, I. Nenadić and P. L. PARCU (eds), *Media pluralism in the digital era : legal, economic, social, and political lessons learnt from Europe*, *Routledge*, New York, 2024, p. 124.
[295] Centre for Media Pluralism and Media Freedom (CMPF) and Media Pluralism Monitor (MPM), *Monitoring media pluralism in the digital era: Application of the Media Pluralism Monitor in the European Union, Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey in the year 2021*, op. cit.
[296] OSCE, *Hungary Parliamentary Elections and Referendum, ODIHR Election Observation Mission Final Report*, op. cit.
[297] Ibid.
[298] Wójcik A., *A fragmented response to media freedom at risk in the Union*, *Verfassungsblog*, 2022.

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only appearing a year after the first case.[299] The Court of Auditors[300] later found that regulatory oversight, while formally carried in place, failed to detect non-compliance and lacked adequate risk assessment and monitoring. The pandemic ultimately acted as a "stress test" for European media systems, exposing economic fragility and the central role of the State in ensuring sustainability.[301]

There are also mechanisms of indirect political influence through institutional campaigns on sectoral strategies, which help to legitimise certain political priorities and to shape perceptions of governance effectiveness. There is also the strategic use of timing, with campaigns during pre-election periods serving as indirect reinforcement of the incumbent. There may also be phenomena such as bypassing the media and microtargeting, which are less perceptible on digital platforms, allowing targeting of specific groups (young people, pensioners, minorities) or the conduct of differentiated campaigns by territory or socio-economic profile – not to mention the interposition of AI or algorithmic opacity.

Therefore, when such practices become systemic, they not only produce a reductive symbolic field but also capture the media sector, enabling the state to utilise economic resources to structurally shape the media ecosystem, thereby constraining the logic of pluralism and diversity. EMFA and European competition law converge in recognising this risk and in imposing, here as well, criteria of necessity, proportionality and competition neutrality. It is thus essential to have a robust regime of transparency, objective criteria, and independent supervision, treating state advertising not merely as institutional communication but as a resource with democratic impact that requires specific regulation and regular monitoring. It is also worth noting another less frequently mentioned but no less important aspect. In accordance with Nenadić),[302] "the lack of available data on allocation, in practice, is also seen to be a potential risk, since the lack of transparency can conceal the practice of channelling money to specific media outlets in a biased manner".

At the European level, it is worth noting that, in 2024, a legal framework was emerging with regard to regulation of political advertising, commonly referred to as TTPA – Transparency and Targeting of Political Advertising.[303] This regulation aimed to establish common transparency standards for political advertising and to create a rigorous framework for controlling microtargeting strategies, especially during election periods. In doing so, it seeks to address the increasing complexity, cross-border scale and manipulation risks associated with digital political advertising. However, the implementation of TTPA is not

[299] Cádima F. R., *O papel do Estado no apoio ao sistema de media/new media* (in Spanish) [The Role of the Government in Supporting the Media/New Media System], *Público*, 6 May 2024.
[300] Tribunal de Contas (TCI), *Auditoria ao cumprimento dos deveres previstos no n.º 1 do artigo 7.º e no n.º 1 do artigo 8.º da Lei n.º 95/2015, nas Campanhas de Publicidade Institucional do Estado* (in Spanish) [Audit of compliance with the obligations set forth in Article 7(1) and Article 8(1) of Law No. 95/2015, in the State's institutional advertising campaigns], *Relatório* nº 11/2023.
[301] Bleyer-Simon K., Nenadić I., *News media subsidies in the first wave of the COVID 19 pandemic: A European perspective*, CMPF/European University Institute, *EUI*, 23 July 2021.
[302] Nenadić I., *What is state advertising, and why is it such a big problem for media freedom in Europe?*, *EUI Blog*, Discussion Series, 15 November 2022.
[303] *Regulation (EU) 2024/900* of the European Parliament and of the Council of 13 March 2024 on the transparency and targeting of political advertising, *OJ L* 2024/900, 20 March 2024.

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without risks, particularly in the theoretical field and in the legal definition and interpretation of its terms, as evidenced by specific documents that discuss these issues.[304]

7.5. Final remarks

As seen, the European debate over public funding for the media reveals a structural tension between two imperatives: on the one hand, the democratic need to ensure pluralism, diversity and editorial independence; on the other, the legal obligation to ensure that state support does not distort competition and is not used as a tool for political capture.

Public funding for the media is both indispensable and dangerous. Indispensable because contemporary markets, characterised by platformisation, the erosion of traditional revenues and increasing concentration can no longer, on their own, ensure a plural, sustainable and editorially independent media ecosystem. Dangerous because any public support mechanism, if poorly designed, can become a tool for political capture, competitive distortion, or indirect conditioning of journalistic agendas.

That said, public funding is necessary to ensure diversity, sustainability and territorial cohesion in a fragile media ecosystem, but it is only legitimate if institutionally safeguarded against political interference, guided by objective criteria, and operating within a regulatory framework that prioritises pluralism, independence and fair competition.

The international comparison shows that no single model can resolve this tension. The Nordic, continental and liberal systems offer different responses, each with its own virtues and vulnerabilities. What distinguishes the more robust models is not the volume of funding but the quality of the institutions that frame it: radical transparency, objective criteria, independent management of support, regulatory oversight and continuous evaluation. These safeguards enable public funding to fulfil its democratic function without compromising editorial autonomy.

The EMFA marks the first EU-level attempt to establish structural conditions for media independence and pluralism, moving beyond reliance on competition and state aid rules. It imposes binding rules on transparency, political neutrality and independent oversight of public funding (state advertising, support funds, public media financing), adding a layer of democratic control over the public sphere. While preserving member states' autonomy over public media, it sets objective criteria to prevent political capture. This marks a shift from competition-focused regulation to safeguarding democratic integrity — treating pluralism as a public good requiring proactive oversight. Public funding thus becomes part of a European democratic safeguarding regime, upholding the media's role in scrutiny and free opinion formation.

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[304] European Board for Media Services, *Input into the call for evidence on guidance on implementing EU rules for political advertising*, September 2025. See also Eskens S., *The role of the Regulation on the transparency and targeting of political advertising and the European Media Freedom Act in the EU's anti-disinformation strategy*, *Computer Law & Security Review*, 58, 106185, 2025.

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8. MEDIA PLURALISM IN PUBLIC SERVICE MEDIA

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8.1. The rationale underpinning public service media

As declared by the Committee of Ministers of the Council of Europe (CoE), public service media (PSM) play a specific role with regard to respect of the right to seek and receive information under Article 10 of the European Convention on Human Rights (ECHR) and the provision of varied and high-quality content, contributing to the reinforcement of democracy and social cohesion, and promoting intercultural dialogue and mutual understanding.[305]

The European Court of Human Rights (ECtHR) stated that the above principles place a duty on the state to ensure: that the public has access through media to impartial and accurate information and a range of opinion and comment, reflecting *inter alia* the diversity of political outlook within the country; and that journalists and other professionals working in the audiovisual media are not prevented from imparting this information and commentary. However, "the choice of the means by which to achieve these aims must vary according to local conditions and, therefore, falls within the State's margin of appreciation".[306] In sum, there is no obligation under Article 10 ECHR to put in place a PSM provider, "provided that some other means are used to the same end".[307]

The Court of Justice of the European Union (CJEU) justified the monopoly of a PSM provider (thus, restrictions on fundamental freedoms) in the light of "considerations of public interest"[308] and "public policy",[309] namely "an objective of cultural policy, in order to maintain a certain level of programme quality".[310] Nowadays Recital 27 of the EMFA underlines that PSM ensure that "citizens and businesses have access to a diverse content offering, including quality information and impartial and balanced media coverage, as part of their remit as defined at national level".[311]

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[305] Council of Europe, *Recommendation CM/Rec(2012)1* of the Committee of Ministers to member States on public service media governance (Adopted by the Committee of Ministers on 15 February 2012 at the 1134th meeting of the Ministers' Deputies).
[306] *Manole et al. v. the Republic of Moldova*, op. cit., § 100.
[307] Ibid.
[308] *Giuseppe Sacchi*, C-155/73, CJEU, 30 April 1974, § 14.
[309] *Elliniki Radiophonia Tiléorassi AE and Panellinia Omospondia Syllogon Prossopikou v Dimotiki Etairia Pliroforissis and Sotirios Kouvelas and Nicolaos Avdellas and others* (ERT AE), C-260/89, CJEU, 18 June 1991, § 45.
[310] *Stichting Collectieve Antennevoorziening Gouda and others v. Commissariaat voor de Media*, (Gouda), C-288/89, CJEU, 25 July 1991, § 27.
[311] *EMFA*, Recital 27.

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Ensuring that there are *quantities* of voices ("internal pluralism") and the *quality* of information: that is, in sum, the rationale underpinning PSM.

However, media pluralism[312] and, in particular, the role of PSM in ensuring the *quality* of information have become even more essential within the digital environment and on the web 2.0, where the technological multiplication of communication channels and voices has (actually, only apparently) resolved the issue concerning the scarcity of channels and, thus, the need to ensure that there are *quantities* of voices.

This is especially true when it comes to the role that PSM providers can play in counteracting disinformation and misinformation: PSM providers can achieve such an aim, given the fact that they are publicly funded; thus they do not follow market dynamics.[313] Those quality contents that are provided by a PSM provider are not selected according to users' profiled preferences, as provided by online platforms: in such a way, PSM providers avoid the establishment of the "filter bubbles", created by online platforms, that are one of the main channels of disinformation and misinformation.[314]

The ECtHR has recently recognised that restrictions on freedom of expression are legitimate when the aim is to "preserve the impartiality of broadcasting on matters of public interest [...] to ensure the audience's right to a balanced and unbiased coverage of matters of public interest in news programmes",[315] and counteract "weaponised disinformation in order to interfere in democratic elections".[316] In a recent paramount judgment, the Italian Constitutional Court noted that PSM are one of the tools to protect the "new face of pluralism", that's to say protect the quality of information, which currently faces the threat of misinformation and disinformation, mainly due to the lack of editorial responsibility, which, by contrast, still prevails within traditional media.[317]

8.2. Safeguards for the independence of PSM providers: the general European legal framework

According to the ECtHR, the standards relating to PSM, which have been agreed by the contracting states through the Committee of Ministers of the CoE, provide guidance as to the approach which should be taken when interpreting Article 10 ECHR in this field.[318] Such standards can now be found under the 2012 Recommendation of the Committee of Ministers on PSM provider governance, according to which, among other things, "it is vitally

[312] Brogi E., Albanesi E., *Safeguarding media pluralism in the online environment. Background study*, Council of Europe, Strasbourg, February 2026, pp. 19-25.
[313] Donders K., *Public Service Media in Europe. Law, Theory and Practice, Routledge*, London and New York, 2021; Vigevani G.E., *I media di servizio pubblico nell'età della rete. Verso un nuovo fondamento costituzionale, tra autonomia e pluralismo, Giappichelli* (in Italian) [Public Service Media in the Internet Age: Toward a New Constitutional Foundation, Between Autonomy and Pluralism, Giappichelli], Torino, 2018, pp. 23-25.
[314] Pariser E., *The Filter Bubble, Penguin Books*, London, 2012 and Sunstein C.R., *#Republic: Divided Democracy in the age of Social Media, Princeton University Press*, Princeton, 2018.
[315] *NIT s.r.l. v. the Republic of Moldova*, no. 28470/12, ECtHR, 5 April 2022, § 174.
[316] *Bradshaw and others v. United Kingdom*, no. 15653/22, ECtHR, 22 July 2025, § 134.
[317] *Judgment No. 44, 16 April 2025*, Italian Constitutional Court, para 12.3.5 *Considerato in diritto* (in Italian).
[318] *Manole et al. v. the Republic of Moldova*, op. cit., §§ 101-102.

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important that member States review, and where necessary strengthen, the external governance arrangements [of PSM providers] as well as appropriate funding."[319]

In 2024 the EU enacted the EMFA,[320] the first EU regulation to protect media freedom. Under Article 5 EMFA, EU member states shall ensure some safeguards for the independent funding of PSM providers. [321] In particular, member states shall ensure that: PSM providers are editorially and functionally independent and provide in an impartial manner a plurality of information and opinions to their audiences, in accordance with their public service remit as defined at national level in line with Protocol No 29[322] (Article 5.1 EMFA); the procedures for the appointment and the dismissal of the head of management or the members of the management board of PSM providers aim to guarantee the independence of public service media providers (Article 5.2 EMFA); and funding procedures for PSM providers are based on transparent and objective criteria laid down in advance (Article 5.3 EMFA).

Ensuring appropriate procedures to appoint and dismiss the governing board of PSM providers, and appropriate funding procedures: these are, in sum, the legal framework for ensuring the independence of PSM providers, in light of the 2012 CoE Recommendation and the EMFA.

8.3. Appointment/dismissal of governing boards and funding procedures: European legal standards in detail

The relevant legal issue, when it comes to the establishment of appropriate procedures to appoint and dismiss the governing board of PSM providers, and appropriate funding procedures, is identifying in detail the legal tools that can be used to that end.

As for the procedures to appoint and dismiss the governing board of PSM providers (i.e., the head of the management board and the management board), the following tools stem from European legal standards:

- The appointing procedure shall be transparent, open, effective and non-discriminatory.[323] The appointments cannot be used to exert political or other influence over the operation of the PSM provider;[324]

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[319] Council of Europe, *Recommendation CM/Rec(2012)1*, op. cit., para 13.
[320] On 24 July 2024 Hungary brought an action before the CJEU for the annulment of the *EMFA*. Among other pleas, the fourth plea specifically regards Article 5. According to Hungary, "Article 2(3) and Article 5 of the regulation are contrary to Article 5 Treaty on the European Union (TEU), Articles 153(1) and 167(5) Treaty on the Functioning of the European Union *TFEU* and Protocol No 29 annexed to the Treaties, and do not comply with the requirements of legislative clarity and legal certainty". Cf. C-486/24, 24 July 2024.
[321] On the legal position of member states that are not in compliance with the EMFA, cf. Albanesi E., *Safeguards for the independent functioning of public service media providers. The legal position of domestic legislation that is not in compliance with Article 5 EMFA*, *Rivista Italiana di Informatica e Diritto,* Vol. 2, 2024, pp. 187-194.
[322] *Protocol No. 29*, on the system of public broadcasting in the member States, of the Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, *OJ,* 2016/59.
[323] *EMFA*, Article 5.2.
[324] Council of Europe, *Recommendation CM/Rec(2012)1*, op. cit., para 27.

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- The appointing procedure shall be based on transparent, objective, non-discriminatory and proportionate criteria laid down in advance at national level.[325] Criteria shall be clear and limited, and directly related to the role and remit of the PSM provider.[326] Guarantees of political balance in the composition of the board (e.g., through inclusion of members appointed by the political opposition, or safeguard against interference from the ruling political party in the board's decision-making and functioning) shall be provided;[327]
- The duration of the term of office shall be sufficient for the effective independence of public service media providers;[328]
- Decisions on dismissal before the end of the term of office shall be duly justified, may be taken only exceptionally where the individual no longer fulfils the conditions required for the performance of their duties according to criteria laid down in advance at national level, shall be subject to prior notification to the persons concerned and shall include the possibility of judicial review.[329] Limited and legally defined circumstances (that can justify shortening of the term of appointment) do not include differences over editorial positions.[330]

As for the funding procedures, the following tools can be extrapolated from the European legal standards:

- Funding procedures shall be based on transparent and objective criteria laid down in advance.[331] The process for deciding the level of funding should not interfere with the PSM's editorial autonomy: it cannot be used to exert editorial influence or threaten institutional autonomy – either of which would undermine operational independence.[332] In particular, funding should preferably be decided and appropriated on a multi-year basis, in line with the public service remit of public service media providers, in order to avoid the risk of undue influence associated with yearly budget negotiations;[333]
- Funding procedures shall guarantee that PSM providers have adequate, sustainable and predictable financial resources corresponding to the fulfilment of and the capacity to develop within their public service remit.[334] PSM providers are consulted over the level of funding required to meet their mission and purposes, and their views are taken into account when setting the level of funding;[335]

[325] EMFA, Article 5.2.
[326] Council of Europe, Recommendation CM/Rec(2012)1, para 27.
[327] Manole et al. v. Moldova, op. cit., § 109.
[328] EMFA, op. cit., Article 5.2.
[329] *Ibid.*
[330] Council of Europe, Recommendation CM/Rec(2012)1, para 27.
[331] EMFA, Article 5.3.
[332] Council of Europe, Recommendation CM/Rec(2012)1, para 26.
[333]Recital 31 EMFA). See also European Commission for Democracy through Law (Venice Commission), Opinion on the Amendments to the Constitution of Ukraine Adopted on 8.12.2004, CDL-AD(2005)015, para. 12.
[334] *Ibid.*, Article 5.3.
[335] Council of Europe, Recommendation CM/Rec(2012)1, para 26.

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- These financial resources shall be such that the editorial independence of public service media providers is safeguarded.[336] In other words, the funding provided must be adequate in terms of the agreed role and remit of the PSM, including representing sufficient security for reasonable future planning;[337]
- From the specific perspective of the EU, state funding for PSM providers can be declared compliant with EU law only inasmuch as the qualitative requirements set out in the public service remit are complied with.[338]

Some specific issues are still open, such as the reference for a preliminary ruling, brought to the CJEU by the Constitutional Court of the Slovak Republic (*Ústavný súd Slovenskej republiky*) in 2026.[339] The Slovak Constitutional Court raised a number of questions.– With regard to the requirement for "effective and non-discriminatory procedures and transparent, objective, non-discriminatory and proportionate criteria established in advance" (under Article 5.2 EMFA):

- Must national law explicitly set out the specific criteria on the basis of which the successful candidate is to be selected, or is it sufficient for a law to merely set out the basic eligibility requirements for potential candidates;[340]
- To what extent must decisions on the appointment/dismissal of a member of the management board or the head of management be supported by reasons,[341] to what extent must the competitive selection procedure be subject to judicial review,[342] and may judicial review be initiated by a person other than an unsuccessful candidate;[343]
- With regard to the requirements concerning "functional independence" (under Article 5.1 EMFA) and "independence" (under Article 5.2 EMFA):
    - Are the requirements for such "independence" met where national legislation contains only an exhaustive and narrow list of incompatible functions and does not provide for separation from the exercise of public

[336] *EMFA*, Article 5.3.
[337] Council of Europe, *Recommendation CM/Rec(2012)1*, para 26.
[338] SIC - Sociedade Independente de Comunicação, SA v. Commission of the European Communities, T-442/03, CJEU, 26 June 2008, § 211.
[339] *Skupina poslancov Národnej rady Slovenskey republiky*, C-107/27, CJEU, 29 June 2026.
[340] *EMFA*, Article 5.2. expressly reads that "*the head of management or the members of the management board* shall be *appointed* on the basis of [the aforementioned] *criteria*" (emphasis added). It does not read that *candidates* shall be *vetted* on the basis of *eligibility requirements*.
[341] Ibid., Article 5.2 EMFA expressly requires that only decisions on dismissal shall be "duly justified". Moreover, as mentioned above, the CoE recommended that circumstances shall be "limited and legally defined", and that "differences over editorial positions of decisions" are not included among them. *Cf.* Council of Europe, *Recommendation CM/Rec(2012)1*, para 27. Such recommendation is relevant to the EMFA's ends: one should bear in mind that Recital 31 EMFA recommends that member states put in place effective legal safeguards for the independent functioning of public service media providers, "building on the international standards developed by the Council of Europe in that regard" (thus, including CoE Committee of Ministers recommendations and ECtHR case law).
[342] *EMFA*, Article 5.2. lays down two different conditions regarding appointment/dismissal: "transparent, open, effective and non-discriminatory procedures" and "transparent, objective, non-discriminatory criteria laid down in advance".
[343] Under general legal principles, anyone who can demonstrate a legal interest may initiate a judicial review.

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authority by means of a general exclusion regarding incompatibility based on a factual assessment of the degree of the proximity to the exercising of public authority;[344]

- Are such requirements met where national legislation vests in the minister of culture the power to appoint and dismiss four members of the nine-member management board, three of whom the minister appoints and dismisses from among experts in the fields of media and audiovisual services, economics, law or information technology, the fourth of whom is appointed and dismissed on a proposal from the minister of finance from among experts in the field of economics, and the remaining five members of which are selected and dismissed by parliament by an absolute majority of the members present.[345]

8.4. Analysis of case studies

In light of the aforementioned European standards, some case studies can be used as examples, namely Italy, Hungary, Slovakia, and Ukraine: four jurisdictions with specific characteristics.

Italy is a large EU country, where a reform of the PSM provider is currently being carried out. Slovakia is an EU country that has received a warning letter from the European Commission. And Hungary is an EU country that has received a letter of formal notice within infringement proceedings due to the current state of play of their PSM providers. Together with Ukraine, the three offer a balanced sample of EU and non-EU countries.

8.4.1. Italy

In Italy, the board of directors of the PSM provider (RAI-*Radiotelevisione italiana*) is composed of seven members.[346]

Two of the members are elected by the Italian chamber of deputies and two by the Italian senate, via a vote (by each member of parliament) that is limited to one candidate

[344] According to the CoE, as noted above, the "criteria shall be clear and limited, and directly related, to the role and remit of PSM". Cf. Council of Europe, *Recommendation CM/Rec(2012)1*, op cit., para 27. Such recommendation is relevant to the EMFA's ends for the same reasons mentioned above, under note 36.

[345] Such a system (based on a majority parliamentary vote) gives the power to the executive and the political majority in parliament to appoint/elect the whole board. It is not in compliance with the aforementioned statement of the ECtHR: "Guarantees of political balance in the composition of the board (e.g., via inclusion of members appointed by the political opposition, or via safeguards against interference from the ruling political party in the board's decision-making and functioning) shall be provided". Cf. *Manole et al. v. Moldova*, op. cit., § 109. Such a statement is relevant to the EMFA's ends for the same reasons mentioned above, under note 36.

[346] *Presidenza del Consiglio dei Ministri* (presidency of the council of ministers), *Decreto Legislativo, 8 novembre 2021, n. 208* (in Italian) [Legislative Decree of 8 November 2021, No. 208], Code on audiovisual media services (TUSMA) effective as of 25 December 2021, Article 63, section 9.

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only, without the requirement for any special majority; two are appointed by the council of ministers, on a proposal of the minister of the economy and finance; and one is elected by the assembly of the employees of RAI.[347] The members of the board of directors, who are elected by the chamber of deputies and the senate, must be elected by the two branches of parliament by a group of persons from among those who have submitted an application within a selection procedure. The public notice of that procedure must be published on the websites of the chamber of deputies, the Senate and RAI at least 60 days before the election. The candidatures must be submitted at least 30 days before the election and the curricula vitae must be published on the aforementioned websites.[348] The requisites for the directors are as follows: "persons of recognized honourability, prestige and professional competence and of well-known independence of behaviour, who have distinguished themselves in economic, scientific, legal, humanistic culture or social communication activities, gaining significant managerial experience".[349] Their mandate lasts three years; they can be re-elected only once.[350]

Dismissal of the members of the board of directors is voted on by the RAI Assembly: it becomes valid only if the committee tasked with giving recommendations on, and scrutinising the activity of, RAI (*Commissione parlamentare di indirizzo e vigilanza* RAI – CPIV) votes in favour, with a two-thirds majority.[351]

The president of the board of directors shall be one of the members of the board and be appointed by the board itself. However, the appointment is valid only when the CPIV gives a positive opinion, via a two-thirds majority.[352]

In both cases, the rationale of a qualified majority is involving the opposition parties in such a decision and avoiding a positive opinion issued only by the majority.

Certain provisions regulating the appointment/dismissal procedure present critical aspects when compared to the aforementioned standards under Article 5.2 EMFA. First, as the majority is able to elect at least two of the four members elected by parliament, the executive (two members) and the majority (two members) can play a dominant role when it comes to appointing/electing four members of the board of directors, out of a total of seven members.[353] Secondly, although legislation sets out that the members of the board of directors must be elected by the two branches of parliament "within a selection procedure", no actual selection procedure is established: the aforementioned requisites under Article 63, 10th paragraph, TUSMA, do not envisage a comparative analysis of curricula by parliament, nor hearings of the candidates.[354] Thirdly, dismissal of the members of the board of directors requires neither motivation nor prior notification.[355] The

[347] Ibid., Article 63, section 15.
[348] Ibid., Article 63, section 16.
[349] Ibid., Article 63, section 10.
[350] Ibid., Article 63, section 10.
[351] Ibid., Article 63, section 18.
[352] Ibid., Article 63, section 14.
[353] Albanesi E., Valastro A., Zaccaria R., *Diritto dell'informazione e della comunicazione* (in Italian) [Information and Communication Law], *Wolters Kluwer,* Milano, 2025, p. 308.
[354] Ibid., pp. 297-298.
[355] Hermanns O., Lacourt A., *Governance and funding of public service media*, European Audiovisual Observatory, Strasbourg, 2025, pp. 16-17.

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independence of the PSM provider in Italy has been described as top-risk in the country report on Italy produced in 2024 by the Centre for Pluralism and Media Freedom of the European University Institute.[356]

Moreover, it should be noted that the majority did not attend the meetings of the CPIV for more than one-and-a-half years, i.e., every time the CPIV was summoned to give its opinion on the appointment of the president of RAI. This made the rejection of a preferred candidate impossible, due to the potential lack of the two thirds of votes required for that opinion. On 2 July 2026 the members of the opposition groups resigned from the CPIV, denouncing the filibustering by the majority. Immediately, the members of the majority groups did the same, denouncing the unavailability of the opposition in support of their preferred candidate. The stalemate has not been solved yet.

The reform bill currently being discussed by a committee of the Italian Senate (*Senato della Repubblica*)[357] is somewhat controversial.[358] The members of the board would number seven: one elected by the assembly of the employees of RAI, three elected by the chamber of deputies (*Camera dei deputati*) and three by the senate. The majority for election of the three members by the chamber of deputies and the three members by the senate is two thirds. However, from the third ballot, the required majority would be an absolute majority: therefore, it would be easy for the majority to elect six members of the board.

As for funding procedures, it should also be noted that sometimes budget or other laws result in a unilateral withdrawal of large amounts of money from the RAI budget (the last time this occurred was via a law of 30 December 2025, No. 199). This may pose challenges with regard to Article 5.3 EMFA, under which funding procedures shall be based on transparent and objective criteria laid down in advance.

The European Commission noted in its *2024 Rule of Law Report* on Italy that Italy should "ensure that rules or mechanisms are in place to provide funding for public service media that is appropriate for the realisation of its public service remit and to guarantee its independence".[359]

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[356] Vigevani G.E. et al., *Monitoring Media Pluralism in the Digital Era. Application of the Media Pluralism Monitor in the European Member States and Candidate Countries in 2023. Country report: Italy*, *Cadmus EUI Research Repository*, Fiesole, 2024, pp. 27-34.

[357] Italian Senate, *Legislatura 19a - 8a Commissione permanente, Resoc. somm. n. 210, Allegato* (in Italian), Amendments to the Consolidated Law on Media Audiovisual Services, as set forth in Legislative Decree No. 208 of November 8, 2021, 17 September 2025.

[358] Albanesi E., *Il testo unificato sulla riforma della RAI in discussione in Commissione al Senato: uno "specchietto per le allodole" per l'Unione europea?, Le costituzionaliste* (in Italian) [The consolidated bill on RAI reform currently under discussion in the Senate Committee: a "smoke and mirrors" ploy for the European Union?], *lecostituzionaliste.it,* November 2025; Vigevani G.E. et al., *Monitoring Media Pluralism in the Digital Era...*, op. cit., p. 44.

[359] European Commission, *Commission staff working document, 2025 Rule of Law Report Country Chapter on the rule of law situation in Italy*, SWD(2025) 912 final, p. 2.

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8.4.2. Slovakia

In July 2024, the Slovak PSM Radio and Television of Slovakia (RTVS) was replaced by Slovak Television and Radio (STVR) under Law No. 157.[360] As stated by the Slovak minister of culture, the abolishment of RTVS was carried out in order to replace its management.[361] However, as mentioned above, circumstances that can justify shortening of the term of appointment do not include differences over editorial positions or decisions.

Moreover, independent reports have noted two issues concerning the Slovak PSM provider.

First, all members of the PSM provider's board are "appointed by the executive branch (four selected by the Ministry of Culture) and the legislative branch (five selected by Parliament)": in practice, this means "the ruling coalition controls the appointments".[362] In this regard, in September 2024 the European Commission Vice-President Věra Jourová sent a letter to the Slovak minister of culture, seeking to understand whether the appointment of the board members by the government was carried out in a transparent, open, effective and non-discriminatory way, as Article 5(2) EMFA requires.[363]

Secondly, in Slovakia, funding for PSM providers is often cut by parliament (in December 2023, the amount cut was roughly 30%),[364] a practice that appears problematic considering the aforementioned European standards about funding procedures as a tool to ensure the independence of PSM providers. The funding situation remained stagnant in 2025.[365]

8.4.3. Hungary

In December 2025 the European Commission sent a letter of formal notice to Hungary (INFR(2025)2194), because, among other issues concerning the EMFA, it "fails to comply with requirements relating to the public service media".[366]

An independent report noted that "the implementation of EMFA's Article 5 regarding public service media independence in Hungary demonstrates a significant gap between the legal framework and actual practice".[367]

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[360] Slove-Lex, *Zákon (157/2024 Z. z.) o Slovenskej televízii a rozhlase* (in Slovak) [Law No. 157/2024 on Slovakian Television and Radio], in force from 1 July 2024.
[361] Pravda website, *Šimkovičová v Ide o pravdu: RTVS nerozdelíme, ale musíme vymeniť jej vedenie* (in Slovak) [*Šimkovičová on "It's the truth": We Won't Break Up RTVS, but We Must Replace Its Leadership*], 6 March 2024.
[362] Urbániková M., *Monitoring Media Pluralism in the European Union. Results of the MPM2025. Country report: Slovakia, EUI Centre for Media Pluralism and Media Freedom*, *Cadmus EUI Research Repository*, Fiesole, 2025, p. 27.
[363] European Federation of Journalists, *Slovakia: European Commission sends warning letter over public television reform*, 13 September 2024.
[364] Urbániková M., *Monitoring Media Pluralism in the European Union*, op. cit., 2025, p. 27.
[365] Ibid., p. 34.
[366] European Commission, *December Infringements Package: key decisions*, 11 December 2025.
[367] International Press Institute (IPI)-Media and Journalism Research Center, *Media Capture Monitoring Report: Hungary*, Vienna-London, 2025, p. 14.

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In Hungary, the board of trustees of the PSM provider is composed of eight members: six elected by parliament (three chosen by the majority and three by the opposition) and two, including the president of the board, by the National Media and Infocommunication Authority (*Nemzeti Média- és Hírközlési Hatóság* – NMHH).[368] The NMHH is the regulatory authority that oversees the whole media sector. The president of Hungary appoints its president. Its members are elected by parliament via a two-thirds majority. However, because until recent parliamentary elections on 12 April 2026 there was a ruling two-thirds majority in parliament (*Fidesz*), all five members of the NMHH have belonged to the majority for many years.

As for funding and content, the same independent report noted that "the government wields substantial influence over [them] through the Media Service Support and Asset Management Fund (MTVA)".[369] The MTVA is a state-managed financial entity that centralises funding and content production for all PSM under a single body. Such "centralised control enables the government to exert significant influence over the content produced by public service broadcasters, ensuring alignment with the ruling party's political objectives".[370]

Moreover, since the 2010 election, over 1,600 journalists and media professionals have been dismissed from the PSM provider.[371]

Through such practices, and relying on the complex system of multiple bodies involved, in Hungary the PSM provider had been controlled by the government and weaponised to target critics of the government,[372] at least until the recent change of government in 2026. The new Hungarian Prime Minister, appointed after parliamentary elections held on 12 April 2026, announced reforms to restore the independence of PSM provider.

8.4.4. Ukraine

The Ukrainian PSM provider is the public joint-stock company *National Public Broadcasting Company of Ukraine* (Suspilne). The governance of Suspline is regulated by the Law of Ukraine No. 1227-VII (Ukrainian Media Law – UML) of 17 April 2014. [373]

Suspilne is governed by a management board and appointed and supervised by a supervisory board (Article 12, Law of Ukraine No. 1227-VII). Under Article 8 of the UML, the supervisory board is composed of one representative for each parliamentary faction and

[368] Ibid., p. 21.
[369] Ibid., p. 14.
[370] Ibid., p. 15.
[371] Ibid., p. 17.
[372] Bleyer-Simon K. et al., *Monitoring Media Pluralism in the European Union. Results of the MPM2025. Country report: Hungary, EUI Centre for Media Pluralism and Media Freedom*, *Cadmus EUI Research Repository*, 2025, p. 8.
[373] *Verkhovna Rada Ukrayiny* (Ukrainian Parliament), *Law No. 1227-VII* (Ukrainian Media Law – UML) (in Ukrainian), 13 December 2022 .

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group,[374] and nine representatives of civil society organisations selected through a special procedure.

Such a system does not appear to ensure the independence of the members of the supervisory board from the parliamentary faction or group that appointed them. On the contrary, members of the supervisory board should be elected by parliament as a whole, ideally on a limited voting basis (so as to ensure that the opposition can elect a fair number of members of the board).

The Ukrainian system may be explained in light of certain provisions of the Ukrainian Constitution, i.e., the recall of the people's representatives by the political parties under Article 81, section two, No. 6). However, such provisions appear problematic in respect to the principle of a free and independent parliamentary mandate, as CoE institutions noted with regards to Ukraine: the Venice Commission argued that members of Parliament "are supposed to represent the *people* and not their parties,"[375]; the CoE parliamentary assembly noted that "the recall of people's representatives by the political parties ("imperative mandate") is a practice which is unacceptable in a democratic state".[376]

As for funding procedures, the state shall ensure proper financing that has a separate line in the state budget of Ukraine and shall make up no less than 0.2% of the expenditures of the state budget for the previous year (Article 14, section 3, Law of Ukraine No. 1227-VII). However, in practice funding depends on annual budget decisions and is actually less than that prescribed amount. Not surprisingly, such a system has been criticized by the European Commission, which noted that Ukraine shall "maintain adequate funding for the public service broadcaster to allow the independent public service media to carry out their role as enshrined in Ukraine's legislation, and ensure that content produced by publicly funded media is representative of Ukraine's political and societal pluralism".[377]

8.5. Conclusions

As argued in this Chapter, the role of PSM providers in ensuring the quality of information has become even more essential within the digital environment and on the web 2.0. In particular, PSM providers can play a fundamental role in counteracting disinformation and misinformation, given that they are publicly funded; they do not follow market dynamics.

[374] In Ukraine, a parliamentary faction is an association of members of parliament elected on a political party list; a parliamentary group is an association of members of parliament who share common views but are not affiliated to a parliamentary faction.

[375] European Commission for Democracy through Law (Venice Commission), the *Opinion on the Draft Law on Amendments to Article 51 of the Rules of Procedure of the Verkhovna Rada on political liability of members of parliament associated with political parties whose activities have been suspended*, CDL-AD(2025)026, adopted on 6-7 October 2023, para. 100.

[376] Council of Europe, Parliamentary Assembly, *Functioning of democratic institutions in Ukraine, Resolution 1549 (2007)*, 19 April 2007, para. 9.

[377] European Commission, *Commission staff working document, Ukraine 2025 Report*, SWD(2025) 759 final, p. 7.

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In order to ensure the independence of PSM providers (a condition for them to play their aforementioned role), the European Union and the Council of Europe set a series of legal standards that have been analysed here, namely the 2012 Recommendation of the Committee of Ministers on PSM providers' governance and the EMFA. The analysis has shown that, in sum, the legal framework to ensure the independence of PSM providers under these standards must do the following: ensure appropriate procedures to appoint and dismiss the governing board of PSM providers, and provide them with appropriate funding procedures.

Four jurisdictions have been examined here as case studies of EU countries (Italy, Slovakia, Hungary) and non-EU countries (Ukraine). In light of the European Commission's reports, CoE institution documents and independent reports, such analysis has shown various issues that member states are currently dealing with.

The decision of the CJEU on the preliminary ruling, referred to in 2026 by the constitutional court of the Slovak Republic (*Ústavný súd Slovenskej republiky*), will help solve some of them.

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9. Enforcing Safeguards for Media Pluralism

Marius Dragomir, Media and Journalism Research Center (MJRC)

9.1. Framing: from rules on paper to enforcement in practice

Media-pluralism safeguards are only as strong as the mechanisms that enforce them. A right that cannot be vindicated, a transparency duty that no authority checks, a concentration test that no regulator applies: each in the end remains a rule on paper. The decisive question for media pluralism in Europe is no longer only what the safeguards say, but whether institutions exist that can make governments, media owners and platforms respect them.

That question has become sharper with the European Media Freedom Act (EMFA). For most of its history, EU media pluralism policy relied on soft coordination. Pluralism was treated largely as a member state competence; the audiovisual acquis harmonised selected questions; and the connective tissue between national regimes was made of recommendations, declarations and voluntary regulatory networks. The EMFA changes the legal character of that architecture. As a directly applicable regulation, rather than a directive left to national transposition, it creates binding duties supported by a new European Board for Media Services (the Media Board) and by formal cooperation mechanisms between national regulators.[378] The centre of gravity has moved from encouragement to obligation.

But legal force is not the same as practical effect. Monitoring evidence has been consistent on this point. The Media Pluralism Monitor (MPM) has repeatedly shown that law alone does not secure pluralism without independent institutions, financial sustainability, ownership transparency and credible enforcement.[379] The Media Capture Monitoring Report (MCMR) reaches the same conclusion from the opposite direction: in the countries where capture is entrenched, formal legal guarantees coexist with weak regulators, politicised public media, opaque public funding and ownership structures that are difficult to scrutinise.[380]

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[378] *EMFA*, op. cit. The EMFA entered into force on 7 May 2024. Most provisions entered into application on 8 August 2025; a few follow a different timetable, notably Article 20 (customisation of the media offer on devices and interfaces), which applies from 8 May 2027.

[379] Centre for Media Pluralism and Media Freedom (CMPF), *Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union and in Candidate Countries in 2024* (MPM2025), European University Institute, Florence, 2025; and CMPF, Monitoring Media Pluralism in the European Union: Results of the MPM2026, EUI, Florence, June 2026 (*cmpf.eui.eu*).

[380] Dragomir M., Zsuzsa D., *Media Capture Monitoring Report: 2025 Overview — Measuring EMFA Compliance*, International Press Institute (IPI) and Media and Journalism Research Center (MJRC), December 2025. The 2025 series assessed Bulgaria, Finland, Greece, Hungary, Poland, Romania, Slovakia and Spain.

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This gap between rules and results is the subject of the chapter. It examines what the European safeguards are designed to achieve, where enforcement takes place, why enforcement differs so sharply across member states, and how the platform environment tests a framework built originally around legacy media. The chapter is therefore diagnostic. It does not assume that a certain protection works because it exists, but examines what needs to happen for enforcement to become meaningful.

9.2. The EMFA enforcement architecture at EU level

The EMFA is best understood as a framework for regulatory cooperation, not as a centralised enforcement regime. Its Chapter III establishes the Media Board, composed of national regulatory authorities and assisted by a European Commission secretariat. The Media Board replaces the European Regulators Group for Audiovisual Media Services (ERGA) and inherits a broader mandate to promote the consistent application of the EMFA and the Audiovisual Media Services Directive (AVMSD).[381]

The nature of the Media Board's powers matters. It can support the Commission through technical expertise, promote cooperation and exchange of best practice among national regulators, and issue opinions on the situations identified by the Regulation, including cross-border requests, measures affecting the internal market, media-market concentrations and structured dialogue with very large online platforms (VLOPs).[382] These opinions matter politically and administratively, but they are not binding decisions. Recital 27 presents them as guidance that may be taken into account by the Commission and national authorities, not as acts that compel a regulator to change course.[383] This is the first structural limit of the EU layer: the body created to encourage convergence cannot itself impose it. The Commission remains the actor that can escalate certain failures, including through infringement proceedings, but the Media Board is not an enforcement agency in the sense in which the Commission is under competition law or the Digital Services Act (DSA). That distinction matters because media pluralism is often harmed not by one spectacular breach, but by a sequence of appointments, funding decisions, ownership transfers and administrative omissions. A body that can identify patterns but not compel remedies may improve diagnosis without changing incentives.

Below the Media Board sits a second layer: horizontal cooperation between regulators. Article 14 allows one national regulatory authority to request cooperation or mutual assistance from another. Such requests must state their purpose. A requested authority may refuse only on limited grounds, such as lack of competence, and must otherwise do its utmost to respond without undue delay. Where a regulator sees a serious risk to the freedom to provide or receive media services, or to public security, it may seek

[381] EMFA, Chapter III, Articles 8-13. Article 8 establishes the Board; Article 9 concerns its independence; Article 11 provides for the Commission secretariat. The Board was constituted in February 2025.
[382] *EMFA*, Article 13, read with Articles 14, 15, 18, 21, 22 and 23.
[383] *EMFA*, Recital 27 and Article 13.

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accelerated cooperation; in that case, the requested authority must respond within 14 calendar days. Unresolved disagreements can be referred to the Media Board.[384]

Article 15 creates a more specific mechanism for video-sharing platforms. A regulator may ask the regulator in the member state with jurisdiction to enforce Article 28b AVMSD obligations on a video-sharing platform. If the two authorities disagree, the matter may be referred to the Media Board for mediation and, if necessary, for an opinion recommending measures.[385] The mechanism is important because it gives media regulators a formal path for cross-border platform cases. But the logic remains cooperative. It depends on the capacity and willingness of the authority that receives the request.

The EMFA also has to operate alongside the DSA, and here enforcement is deliberately split. Under the DSA, supervision of very large online platforms and very large online search engines (VLOSEs) is centralised within the European Commission, while national Digital Services Coordinators oversee other intermediary-service issues. Under the EMFA, by contrast, cooperation runs through media regulators and the Media Board.[386] In some member states the same authority may be involved in both tracks (e.g., The Regulatory Authority for Audiovisual and Digital Communication (*Autorité de régulation de la communication audiovisuelle et numérique* - ARCOM) in France and the Irish Media Commission (*Coimisiún na Meán*) in Ireland. In others, the DSA and EMFA functions are divided between different bodies (e.g., the federal Regulatory Authority for Telecommunications and Post (*Bundesnetzagentur*) and the regional media authorities in Germany, and the Netherlands Authority for Consumers and Markets (ACM) and the Dutch Media Authority (*Commissariaat voor de Media*) in the Netherlands. That division matters because the same factual problem (e.g., a platform decision affecting the visibility of news content) may raise both DSA and EMFA questions. The effectiveness of the framework therefore also depends on clear coordination arrangements at national level, even before the EMFA's cross-border cooperation mechanisms are engaged.

The EU-level architecture therefore strengthens the framework, but it does not replace national enforcement. It creates channels, opinions, duties to cooperate and points of escalation, yet it does not create a European media regulator with direct sanctioning power over member states, national authorities or media owners.

9.3. Enforcement at national level: regulators, implementation and divergence

Most enforcement still happens nationally. The EMFA relies on national regulatory authorities to sit on the Media Board, monitor media markets, handle cooperation requests

[384] *EMFA*, Article 14, especially Article 14(4)-(7).
[385] *EMFA*, Article 15. Unlike the Article 14 accelerated-cooperation mechanism, Article 15 does not itself set a fixed reporting deadline; timelines for the requested authority and the mediation procedure are to be established in the Board's rules of procedure.
[386] *Regulation (EU) 2022/2065 (Digital Services Act)*, *EUR-Lex*, *OJ L* 277, 27 October 2022, Articles 49-51 and 56, 65-66.

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and protect pluralism and editorial independence. Its effectiveness therefore depends on conditions that vary enormously across the EU: independence, resourcing, technical capacity, access to ownership and funding data, and the political environment in which the regulator operates.[387]

Regulatory independence is the first condition. An authority that depends on the government for appointments, budget or operational space may have limited capacity to apply the rules independently where government conduct or interests are directly concerned. The MCMR found that independence is formally guaranteed in the countries it assessed, but effective independence is often weakened by politicised appointments, funding dependence and political oversight. Finland was the clear positive outlier; Hungary and Slovakia sat at the opposite end of the spectrum.[388] In Slovakia, the government dissolved the public broadcaster RTVS in 2024 and replaced it with STVR under a board dominated by government appointees; when the chair of the media regulator was removed in early 2026, the Media Board warned that the circumstances posed "systemic risks" to its independence, and the country entered pre-infringement dialogue with the Commission under the EMFA.[389]

The second condition is information. Regulators need reliable ownership registers, data on beneficial owners, audience data, public funding data, information about state advertising and, increasingly, information about platform distribution. Without those data, concentration tests become formalities and transparency duties become declarations. This is why the EMFA's ownership-transparency provisions are not peripheral, but part of the enforcement machinery itself: a regulator cannot investigate a market it cannot see.

The consequences of weak enforcement are most visible in state advertising and public service media. Article 25 of the EMFA requires public funds spent on state advertising and related supply or service contracts to be allocated according to transparent, objective, proportionate and non-discriminatory criteria. In practice, the MCMR found that, except for Finland, the assessed countries had not established fully transparent and non-discriminatory systems for allocating state advertising. State advertising becomes a capture instrument when public money is used to reward friendly outlets, punish critical ones or sustain a loyal media bloc that the market would not otherwise support. In Slovakia, Prime Minister Robert Fico publicly threatened to review the state advertising received by the country's most-watched commercial channel, Markíza, unless it changed its critical

[387] *EMFA*, Article 7 and Articles 8-13.

[388] Hungary requires a time qualification. In this chapter it is used as the clearest negative example of the media capture model consolidated under Viktor Orbán and his party, *Fidesz*, between 2010 and the parliamentary elections of April 2026. Those elections ended Orbán's 16-year period in office and may change the country's trajectory. They do not, by themselves, undo the institutional architecture built during the preceding period: the regulator, public service media, state-advertising machinery, ownership concentration and dependency networks still require reform. Hungary should therefore be read here as a bad example of the 2010–2026 period and as a test of whether a post-2026 government can dismantle captured enforcement structures rather than inherit them (see more in Dragomir M., Zsuzsa D., *Media Capture Monitoring Report: 2025 Overview — Measuring EMFA Compliance*, op. cit.).

[389] On the RTVS/STVR reform, see Hanák P., *Media Capture Monitoring Report: 2025 Overview — Measuring EMFA Compliance*, *Media and Journalism Research Centre*, on the removal of the regulator's chair and the Media Board's reaction, and the ensuing pre-infringement dialogue, Media Freedom Rapid Response, *Slovakia: Bill on media regulatory restructuring and public media layoffs a crucial test for EMFA*, 2 April 2026.

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coverage of the government – an illustration of how advertising budgets can be turned into leverage even over privately owned media.[390]

Public service media present a related problem. Article 5 of the EMFA requires member states to ensure that public service media providers are editorially and functionally independent, and that their funding procedures are based on transparent and objective criteria laid down in advance, so that funding is adequate, sustainable and predictable. The failure to ensure these conditions can take two forms. Some broadcasters are chronically underfunded and therefore unable to exercise their mandate. Others receive politically motivated support that reinforces government messaging rather than public service. In both cases the substantive rule is clear; what is missing is the authority, procedure and sanction capable of making it effective.[391]

Direct applicability does not eliminate national divergence. A regulation does not need transposition in the same way as a directive, but national laws, institutions and procedures still have to be adapted. The evidence shows a wide spectrum: near-complete alignment in some places, partial adaptation in others, legislative inertia in several, and a formal legal challenge by Hungary, which brought an action before the Court of Justice of the European Union in July 2024 seeking annulment of major parts of the EMFA.[392]

The concentration field shows the gap in miniature. Article 22 EMFA requires member states to provide, in national law, for an assessment of media-market concentrations likely to have a significant impact on media pluralism and editorial independence. The MPM 2026 found that, during the 2025 assessment period, only four member states had rules and procedures allowing for a separate assessment of media mergers from the perspective of pluralism, and these were not always fully aligned with Article 22. In 16 member states, media mergers were assessed solely according to the economic criteria of competition law, while in the remaining seven, special procedures existed but were largely limited to the audiovisual sector.[393]

The Hungarian Blikk case shows what that gap means in practice. On 31 October 2025, Ringier's Hungarian portfolio, including the country's most-read tabloid, Blikk, and its online edition, passed to the pro-Fidesz Indamedia group, which already owned the leading news portal Index. By then the market had been structurally reshaped: the Reuters Institute reports that the number of foreign media companies in Hungary fell from 57 in 2010 to 17 by April 2026. No national pluralism assessment was carried out at national level, so the Media Board stepped in: on 10 April 2026, in its first-ever opinion and its first use of own-initiative powers under Article 23 of the EMFA, it concluded that the concentration posed risks to media pluralism and editorial independence and was likely to affect the internal market. The opinion is instructive precisely because it is non-binding and

[390] *EMFA*, Article 25; Dragomir M., Zsuzsa D., *Media Capture Monitoring Report: 2025 Overview — Measuring EMFA Compliance*, op. cit.
[391] *EMFA*, Article 5, in particular Article 5(1) and 5(3). See also O. Hermanns and A. Lacourt, *Governance and Funding of Public Service Media*, European Audiovisual Observatory, Strasbourg, 2025.
[392] *Hungary v. European Parliament and Council of the European Union*, Case C-486/24, action brought on 10 July 2024, on Article 114 *TFEU* legal basis and national-sovereignty grounds, OJ C, 26 August 2024. See *cmpf.eui.eu*.
[393] Blagojev T. et al. *Monitoring Media Pluralism in the European Union: Results of the MPM2026*, Centre for Media Pluralism and Media Freedom, *EUI*, June 2026, pp. 58-59, DOI: 10.2870/3260290.

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was issued after the deal had closed. In other words, the system worked as designed but still could not stop the transaction.[394]

In an internal market where media groups and platforms operate across borders, uneven enforcement creates incentives for regulatory arbitrage. Companies may gravitate towards, or seek to rely on, less demanding national regimes; governments may point to formal compliance while the institutions responsible for applying the law remain weak; and the credibility of the framework may be affected by significant differences in national enforcement. The Media Board was created to foster convergence, but experience to date indicates that achieving greater consistency will require sustained cooperation among national authorities, particularly while enforcement powers remain distributed across different jurisdictions.

9.4. Platforms exercising editorial control

Platforms are now central gatekeepers of access to news, but they don't fit into a media-pluralism framework designed around broadcasters and the press. The EMFA responds in two ways to this challenge. It recognises that a platform may, in some circumstances, also act as a media service provider. It also creates a qualified procedural protection for media content on very large online platforms. Both moves are important, but also difficult to enforce.

The first difficulty is classification. Recital 11 EMFA makes clear that user-generated content and platforms as such are excluded from the definition of a media service provider. But it also states that a provider of a video-sharing platform, or of another platform, may fall within that definition in respect of editorial content it offers, where it exercises editorial responsibility over that content. The result is dual qualification: the same undertaking may be a VLOP under the DSA and, for part of its activity, a media service provider under the EMFA.[395]

That dual qualification determines who enforces what. A platform's hosting activity, recommender systems and systemic-risk duties sit primarily in the DSA track, with the Commission supervising VLOPs and VLOSEs and national Digital Services Coordinators (DSCs) in charge of handling the wider intermediary framework. A platform's editorial activity, where it exists, falls into the media framework administered by national media regulators and coordinated through the Media Board.[396] The boundary is not always clean. A decision to label, demote or remove content may be presented as terms-of-service

[394] On the transaction, see Reuters Institute, *Digital News Report 2026: Hungary*; and K. Cseres and A.-C. Ciusca, *The EU's Chance to Curb Media Capture: Blikk Acquisition in Hungary*, Verfassungsblog (in German) [Constitution Blog], 11 December 2025. On the Board's opinion, see European Board for Media Services, Opinion pursuant to Article 23(1) EMFA on the acquisition of Ringier Hungary Kft. by Indamedia Network Zrt: Media Board website, Directorate-General for Communications Networks, Content and Technology, *Media Board: acquisition of Ringier Hungary by Indamedia poses risks to media pluralism and editorial independence*, press release, 10 April 2026. The opinion notes the absence of a national assessment under Article 22(1)-(2).

[395] EMFA, Recital 11 and Article 2. See also M. Cappello (ed.), *Enforcing Rules on Illegal Content and Disinformation Online*, *IRIS Special*, European Audiovisual Observatory, Strasbourg, 2025.

[396] DSA, Articles 49-51 and 56, 65-66; Cappello (ed.), Ibid.

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enforcement, DSA risk mitigation, editorial prioritisation or a mixture of all three. The law gives regulators categories whereas platforms operate through integrated systems.

The second difficulty involves Article 18 of the EMFA. For the first time in EU law, the content of media service providers on VLOPs benefits from dedicated procedural protection against certain moderation decisions.

The mechanism has three parts:

First, VLOPs must provide a functionality allowing a recipient of their service to declare that it is a media service provider, that it is editorially independent from member states, political parties and third countries, that it is subject to regulatory oversight or a recognised co- or self-regulatory mechanism, and that it does not provide AI-generated content without human review or editorial control. The declared information, except internal contact details, must be made publicly available on the platform interface.[397]

Second, before suspending or restricting the visibility of content supplied by a declared media service provider on terms-and-conditions grounds, the VLOP must give a statement of reasons and, in principle, a 24-hour period for the provider to respond before the restriction takes effect. The safeguard is procedural rather than absolute, not giving media providers immunity from moderation.[398]

Third, complaints lodged by media service providers through the platform's internal complaint system must be processed with priority and without undue delay. The provider may be represented by a body designated for that purpose. Where disputes persist, the framework allows for dialogue between the platform and the provider and, at the request of the provider, for a Media Board opinion on the outcome of that dialogue.[399]

The whole mechanism depends on the integrity of the self-declaration. The European Commission's 2026 guidelines on the declaration functionality therefore matter. They state that the functionality should be prominent, easy to find, easy to use and easy to access, and should enable providers to make the declarations specified in Article 18 rather than requiring them to pass a separate platform-designed eligibility procedure. Where there is reasonable doubt about whether a provider is subject to regulatory oversight or adheres to a recognised co- or self-regulatory mechanism, the platform should seek confirmation from the relevant regulator or body. The guidelines also address the risk of potential abuse, particularly by providers that systematically engage in disinformation, information manipulation or interference, including providers controlled by certain third countries; qualified civil society and fact-checking organisations may flag possible non-compliance for verification. At the same time, these checks should not exclude legitimate providers merely because they operate in less institutionalised forms, do not appear in a publicly accessible register or cannot supply additional supporting documents. The guidelines recognise that media service providers may include freelancers and specify that the absence

[397] *EMFA*, Article 18(1)-(2).
[398] *EMFA*, Article 18(4), first subparagraph.
[399] *EMFA*, Article 18(5)-(7).

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of optional supporting documentation should neither make a declaration incomplete nor constitute grounds for its rejection.[400]

The decisive limit lies in the interface with the DSA. Article 18's prior-notice safeguard applies only where the VLOP acts on the basis of its own terms and conditions. It does not apply where the platform is acting under Union-law obligations relating to illegal content, under Article 28b AVMSD, or under the DSA provisions on the protection of minors, systemic-risk assessment and systemic-risk mitigation.[401]

This carve-out is necessary, but it creates the main enforcement problem. Read too broadly, the systemic-risk exception could hollow out the media safeguard: a platform could restrict media content and frame the decision as risk mitigation rather than terms-of-service enforcement. Read too narrowly, the safeguard could slow action against genuinely harmful content presented in media form. The risk is double: over-removal that narrows access to legitimate journalism, and under-removal of harmful content disguised as journalism.

For pluralism, this is not a marginal issue. When a platform decides whether a news item is visible, demoted, labelled or removed, it determines not only the treatment of one piece of content but the findability of journalism in the information environment. The fundamental rights at stake are freedom of expression, media freedom and free access to diverse sources. The operational reality is private decision-making at speed and scale.

The user dimension should not be lost here. Article 18 EMFA is drafted from the perspective of media providers, but the consequences for citizens' access to diverse information are also felt by audiences. If a platform's recommender system systematically downgrades certain professional news sources, users may never know what they have not seen. Visibility, prominence and findability are therefore pluralism issues, not only content-moderation issues. In the broadcast world, regulators could see channel line-ups, licences and ownership. In the platform world, the relevant decisions are partly hidden in ranking systems, policy-enforcement queues and risk-mitigation workflows. If enforcement does not reach that layer, it might miss the place where pluralism is now shaped.

The remedies are also mainly procedural: a statement of reasons, a right to respond, priority complaint handling, dialogue and a possible non-binding Media Board opinion.[402] These are improvements over the previous remove-and-notify model, where media content could disappear with little explanation. But they are not a hard right to reinstatement, and they do not create a single authority able to decide quickly whether a platform has wrongly used the DSA exception to avoid the EMFA safeguard. Article 18 EMFA will therefore work only if the terms-of-service/systemic-risk boundary are overseen consistently, which is exactly the kind of boundary that cooperation-based enforcement struggles to hold.

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[400] European Commission, *Guidelines on the implementation of the declaration functionality for media service providers pursuant to Article 18(1) of Regulation (EU) 2024/1083*, C/2026/901, 6 February 2026; EMFA, Article 18(1), final subparagraph.

[401] *EMFA*, Article 18(4), final subparagraph, referring to Articles 28, 34 and 35 DSA; Article 28b *AVMSD* and other Union-law obligations relating to illegal content.

[402] *EMFA*, Article 18(4)-(7); Recital 27.

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9.5. Enforcement models in the wider European framework

The EMFA is not the only enforcement model available in European law. The wider framework offers several templates, each useful for media pluralism but none of them sufficient alone.

The strongest model on paper is administrative supervision backed by fines. The DSA gives the European Commission investigative and sanctioning powers over VLOPs and VLOSEs, with fines that may reach 6 percent of global annual turnover. Competition and data-protection law also use turnover-based sanctions.[403] The advantage of such a model is deterrence. The weakness, for pluralism, is that fines work best where the infringement is discrete and attributable. The slow erosion of viewpoint diversity, the capture of a regulator or the political allocation of public funds are harder to translate into a single sanctionable act.

A second model is co-regulation through codes. The AVMSD recognises co- and self-regulation, and the EU's disinformation code has been integrated into the DSA framework as a code of conduct. This model offers flexibility and industry buy-in, especially in fast-moving platform environments.[404] However, its weakness is enforceability. Codes can work well where participating actors are willing to honour their commitments, but they are less effective where compliance conflicts with an actor's commercial, political or strategic interests, or where the state itself is the source of pressure.

A third model is structured cooperation, which is the EMFA's preferred model. It respects national competence and creates channels for convergence. But cooperation is not decision: it can identify the problem, share information and produce an opinion, but it cannot by itself compel a captured regulator or a resistant government to act.

A fourth model relies on courts and procedural safeguards. The Anti-SLAPP Directive uses techniques such as early dismissal of manifestly unfounded claims, security for costs, cost-shifting and penalties against abusive litigation. This model is strongly rights-protective and has one important advantage: courts may offer recourse where regulators are compromised.[405] Its weakness is that it is reactive: it protects the journalist or media outlet after pressure has materialised, but it does not restructure a captured market.

A fifth model is infringement action by the European Commission. It is slower than direct administrative enforcement and cannot substitute national regulators, but it has one advantage: it addresses member state failure as such. Where a government designs an authority without independence, allocates state advertising discriminatorily or refuses to create a pluralism test, the problem is not simply market conduct; it is state non-compliance. Infringement proceedings are therefore essential as a backstop, even if they are politically costly and procedurally slow.

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[403] DSA, Article 74(1); Regulation (EC) No 1/2003, Article 23; Regulation (EU) 2016/679 (GDPR), Article 83.

[404] *AVMSD*, Article 4a; European Commission website, *Commission endorses the integration of the voluntary Code of Practice on Disinformation into the Digital Services Act*, Press release, 13 February 2026.

[405] *Directive (EU) 2024/1069* on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings, *EUR-Lex*, *OJ L* 2024/1069, 11 April 2024, esp. Articles 10, 11, 14 and 15; Council of Europe, *Committee of Ministers Recommendation CM/Rec(2024)2* on countering the use of SLAPPs, adopted on 5 April 2024.

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A sixth model is competition and state-aid review. These are among the European Commission's most-tested enforcement powers and may be relevant to media concentrations, discriminatory public spending and public service media funding.[406] But they are not substitutes for media pluralism enforcement. Competition law is tuned to economic effects and state-aid law is tuned to distortions of competition whereas pluralism requires a democratic assessment: not only whether a market remains competitive, but whether citizens retain access to diverse and independent sources of information. That is why Article 22 EMFA creates a dedicated media pluralism assessment alongside ordinary merger control rather than leaving competition law to do all the work.[407]

The lesson from these models is that a workable enforcement design for media pluralism must be mixed. It needs administrative sanctions where duties are clear; judicial safeguards where rights are attacked; competition and state-aid tools where market and funding distortions matter; infringement action where a member state itself is the problem; and structured cooperation where cross-border coordination is unavoidable. The question in the end is not which model wins, but which combination matches the harm most effectively.

9.6. Conclusion: conditions for effective enforcement

The EMFA has changed the legal status of media pluralism safeguards. However, it has not yet changed the facts on the ground. Europe has moved from soft coordination toward binding obligation, but those obligations still sit on an enforcement layer that is national, uneven and, in several member states, compromised.

Four conditions emerge. First, regulators must be independent and adequately resourced. Independence without capacity fails as badly as capacity fails without independence. Second, ownership and funding transparency must be treated as enforcement infrastructure, not as a decorative openness measure. A regulator cannot assess concentration, state advertising or public service funding without reliable data. Third, platform-specific procedures must be workable in real-time. Article 18 EMFA will matter only if the boundary between terms-of-service moderation and DSA systemic-risk mitigation is not left entirely to platforms. And finally, coordination must be backed by consequence. Opinions, dialogue and cooperation are useful only if persistent non-compliance can escalate into infringement proceedings, competition or state-aid action, or national sanctions.[408]

The evidence so far reveals an imperfect picture. The cooperation-and-opinion model has not, by itself, moved captured systems toward independence. Hungary, during the 2010–2026 period, showed how a government can hollow out pluralism while keeping

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[406] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (EC Merger Regulation), *EUR-Lex*, *OJ* L 24, Articles 101-102; *TFEU*, Articles 107-109.
[407] *EMFA*, Article 22, and Recital 12 (the pluralism assessment is distinct from, and additional to, competition-law and merger-control review).
[408] European Commission website, *Commission calls on Hungary to comply with European Media Freedom Act and Audiovisual Media Services Directive*, press release, 11 December 2025 (last updated on 11 December 2025).

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legal forms in place.[409] Slovakia shows that capture can also proceed through rapid institutional restructuring.[410] In both cases the problem is not the absence of European safeguards, but a gap between safeguard and consequence.

On the other hand, the tools for escalation already exist. The European Commission's infringement procedure against Hungary in December 2025, and the Media Board's first own-initiative opinion on the Ringier–Indamedia concentration in April 2026, both show that the EMFA can become more than a declaratory instrument. Whether that happens systematically is the real test. But what seems certain is that media pluralism in Europe will not be decided by the quality of the drafting alone, but particularly by the willingness of regulators, courts and the Commission to use the powers they already have.

[409] Dragomi M., Detrekői Zs., *Lost in Capture: How and Why the European Union Lost the Battle for Media Freedom in Europe*, in Martin Senftleben, Kristina Irion, Tarlach McGonagle and Joost Poort (eds), *The Cambridge Handbook of Media Law and Policy in Europe*, *Cambridge University Press*, 2026, pp. 181-198.
[410] Hanák P., *Media Capture Monitoring Report: Slovakia 2025 – Measuring EMFA Compliance*, op. cit.

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