Media Freedom Act: a new bill to protect EU journalists and press freedom

- Ban on use of spyware against journalists, except in strictly defined cases
- All media will have to disclose information about who owns them
- Mechanism to prevent very big online platforms from arbitrarily restricting press freedom
MEPs on Wednesday gave their final green light to new legislation to protect EU journalists and media from political or economic interference.

Under the new law, adopted by 464 votes in favour to 92 against and 65 abstentions, member states will be obliged to protect media independence and all forms of interventions in editorial decisions will be banned.

Protecting journalists’ work

Authorities will be prohibited from pressing journalists and editors to disclose their sources, including by detaining them, sanctions, office searches, or by installing intrusive surveillance software on their electronic devices.

Parliament added sizeable safeguards to allow the use of spyware, which will be possible only on a case-by-case basis and subject to authorisation by a judicial authority investigating serious crimes punishable by a custodial sentence. Even in these cases, subjects will have the right to be informed after the surveillance has occurred and will be able to challenge it in court.

Editorial independence of public media

To prevent public media outlets from being used for political purposes, their heads and board
members should be selected through transparent and non-discriminatory procedures for sufficiently long terms of office. It will not be possible to dismiss them before their contract ends, unless they no longer meet the professional criteria.

Public media will have to be financed using transparent and objective procedures, and the funding should be sustainable and predictable.

**Transparency of ownership**

To enable the public to know who controls the media and what interests may influence reporting, all news and current affairs outlets regardless of their size will have to publish information about their owners in a national database, including if they are directly or indirectly owned by the state.

**Fair allocation of state advertising**

Media will also have to report on funds received from state advertising and on state financial support, including from non-EU countries.

Public funds to media or online platforms will have to be allocated via public, proportionate and non-discriminatory criteria. Information on state advertising expenditure will be public, including the total annual amount and the amount per outlet.

**Protecting EU media freedom from big platforms**

MEPs made sure to include a mechanism to prevent very big online platforms, such as Facebook, X (formerly Twitter) or Instagram, from arbitrarily restricting or deleting independent media content. Platforms will first have to distinguish independent media from non-independent sources. Media would be notified when the platform intends to delete or restrict their content and have 24 hours to respond. Only after the reply (or in the absence of it) may the platform delete or restrict the content if it still does not comply with its conditions.

Media will have the option to bring the case to an out-of-court dispute settlement body and request an opinion from the European Board for Media Services (a new EU board of national regulators to be set up by the EMFA).

**Quotes**

"The significance of media plurality for a functioning democracy cannot be stressed enough", rapporteur from the Culture and Education Committee Sabine Verheyen (EPP, DE)said in the plenary debate. “Press freedom is threatened worldwide, including in Europe: the murder in Malta, threats to press freedom in Hungary and many other examples clearly prove that. The European Media Freedom Act is our answer to this threat and a milestone in European legislation. It values and protects the double role of media as businesses and as guardians of democracy”, she concluded.
The rapporteur from the Civil Liberties Committee Ramona Strugariu (Renew, RO) said: "Journalists now have an ally, a set of tools that protects them, boosts their independence and helps them face challenges, interference and the pressure that they are often confronted with in their job. This Regulation is a response to Orbán, Fico, Janša, Putin and those who want to transform media into their own propaganda tools or spread fake news and destabilise our democracies. No journalist should ever fear pressure of any sort when doing their job and informing citizens."

Background

In adopting this report, Parliament is responding to citizens' expectations for the EU as expressed in the conclusions of the Conference on the Future of Europe:

- to introduce legislation addressing threats to media independence and enforce EU competition rules in the media sector, in order to prevent large media monopolies, as well as to ensure media pluralism and independence from undue political, corporate and/or foreign interference (Proposals 27(1), (2));

- counter disinformation through legislation and guidelines for online platforms and social media companies (33(5));

- defend and support free, pluralistic and independent media and ensure the protection of journalists (37(4)).

Further information

Text adopted (13.03.2024)
Video of the debate (12.03.2024)
Video of the press conference with rapporteur Sabine Verheyen (EPP, DE) ahead of the vote (13.02.2024)
EP Think Tank briefing: European media freedom act (February 2024)
Free photos, videos and audios on media freedom in the EU

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