



EU Unpacked

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EU Unpacked #13

The European Media Freedom Act (2024): A Common Framework for Media Pluralism and Independence

Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024

An In-Depth Analysis for Non-Experts

The opinions and conclusions expressed are those of the author and do not necessarily reflect the views of the EU Awareness Centre.

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I. Introduction: Why Media Freedom Matters Now

There is a paradox at the heart of contemporary European democracy. Citizens have access to more information than at any point in history, yet the conditions under which independent journalism can operate have deteriorated in many countries. Newsrooms have shrunk, public broadcasters have faced direct political pressure in several Member States, online platforms have absorbed the advertising revenues that once sustained quality journalism, and surveillance software designed to track criminals has been found on journalists' devices.

It is against this backdrop that the **European Media Freedom Act (EMFA)** — [Regulation \(EU\) 2024/1083](#) — was adopted by the European Parliament and the Council on **11 April 2024**, with full application entering into force on **8 August 2025**. For the first time, the EU has enacted a binding cross-sectoral framework to protect media pluralism and editorial independence, covering television, radio, and the press. It does not merely urge Member States to respect media freedom — it creates enforceable obligations, an independent European supervisory body, and a structured accountability architecture.

II. The Problem: Structural Threats to Media Independence in the EU

The EMFA recitals provide an honest assessment of the problems it aims to address. The internal market for media services, the Regulation notes in Recital 4, is "insufficiently integrated and suffers from a number of market failures that have increased due to digitalisation." Three categories of failure are identified: **very large online platforms (VLOPs)** divert advertising revenue away from media producers and weaken the financial sustainability of independent journalism; divergent national rules on media pluralism create a fragmented legal landscape; and certain providers — including those controlled by third countries — engage systematically in disinformation, exploiting internal market freedoms for abusive purposes.

What the recitals describe with unmistakable intention is the phenomenon of "media capture" — the gradual subordination of editorial decisions to political or commercial interests, often through control of public service broadcasters, strategic deployment of state advertising, or the acquisition of news outlets by politically connected owners. The EMFA grounds its authority in the **internal market provisions of the Treaty** (Article 114 TFEU), treating media pluralism not merely as a cultural value but as a condition for fair economic competition across the Union. Before the EMFA, EU engagement with the sector was largely confined to the **Audiovisual Media Services Directive (2010/13/EU)**, which left the press and radio sectors uncovered. The EMFA is directly binding in all Member States without needing to be transposed — unlike a Directive. It establishes a *minimum* level of protection that applies everywhere in the EU. Member States are free to go further (stricter rules, more protections), but they cannot go lower (they cannot undercut the standards the EMFA sets).

III. What is the European Media Freedom Act?

The EMFA is structured in four chapters across 29 articles. It defines a **media service** broadly as any service whose principal purpose is to provide programmes or press publications under editorial responsibility to the general public — encompassing broadcasting, on-demand services, podcasts, and press publications — while excluding user-generated content (unless professional) and private correspondence (Art. 2(1)).

Its application is phased. Recipients' rights applied from **8 November 2024**; core editorial independence provisions and the new European supervisory body from **8 February 2025**; regulatory cooperation from **8 May 2025**; and the full framework — including state advertising, audience measurement, and media concentration rules — from **8 August 2025**. A device-customisation provision applies from **8 May 2027**, and the first Commission evaluation is due by **8 August 2028**.

IV. Editorial Independence: The Central Pillar

The most consequential provision of the EMFA in normative terms is Article 4(2): "Member States shall respect the effective editorial freedom and independence of media service providers in the exercise of their professional activities. Member States, including their national regulatory authorities and bodies, shall not interfere in or try to influence the editorial policies and editorial decisions of media service providers." This is a legally binding prohibition addressed to all levels of the state — covering not only direct government intervention but also indirect pressure through regulatory bodies, licensing decisions, and advertising allocation (Recital 18).

The EMFA also imposes obligations on media providers themselves. Under Article 6(3), providers of news and current affairs content must take measures to guarantee that editorial decisions are taken freely within the established editorial line. It must disclose any actual or potential conflicts of interest. The Regulation does not mandate specific governance arrangements — it recognises the legitimate rights of private owners to set strategic direction — but encodes a clear structural principle: owners may shape the editorial line; they may not direct individual editorial decisions. That distinction is the chapter's load-bearing idea.

V. The Spyware Prohibition: A New Red Line for Europe

Among the most striking provisions of the EMFA is the prohibition on deploying **intrusive surveillance software** — the term the Regulation uses for what is commonly called "spyware" — against journalists, editorial staff, and persons in regular professional contact with them. The Regulation defines such software as any product specifically designed to exploit digital vulnerabilities to enable covert surveillance, including recording calls, accessing encrypted content, tracking geolocation, and monitoring activities across multiple devices.

The inclusion of this provision reflects the 2021 Pegasus Project revelations, which established that commercial spyware had been used against journalists and politicians in several EU Member States. The EMFA's response is not an absolute prohibition — derogations are permitted — but the conditions are cumulatively demanding. Deployment requires a legal basis in Union or national law, compliance with the Charter of Fundamental Rights, case-by-case justification based on an overriding public interest, proportionality, and ex ante authorisation by a judicial or independent authority. Spyware may be used against media professionals only in investigations of serious crimes and only where no less restrictive measures would suffice. Surveillance measures must be subject to regular independent review and an independent body must assist affected journalists in exercising their right to judicial protection. The principle is clear: the confidential relationship between a journalist and their source is presumptively protected, and any departure from that presumption requires independent judicial oversight.

VI. Public Service Media: Structural Safeguards Against Capture

Public service media providers are particularly exposed to political capture given their institutional proximity to the state. Recitals 27–31 document the problem in measured but unmistakable terms, noting that legislative reforms in some Member States have increased governmental control over PSM management appointments, and that the EU's own Rule of Law reports confirm the fragmentation and inadequacy of existing safeguards.

Article 5 responds with binding structural requirements. Member States must ensure that PSM providers are editorially and functionally independent and provide a plurality of information impartially. Appointment procedures for management must be transparent, open, non-discriminatory, and based on criteria laid down in advance; terms must be long enough to guarantee effective independence. Dismissal before the end of a term is permitted only "exceptionally," must be duly justified, communicated in advance, and subject to judicial review — directly targeting the practice of politically motivated removals dressed in neutral language.

Funding must be adequate, sustainable, and predictable, preferably set on a multi-year basis to remove annual budget negotiations as a lever of political influence. An independent monitoring authority must publicly report on compliance. The principle is that governance of public service media must be structurally insulated from political cycles. Independence is not a courtesy — it is a legal obligation on Member States.

VII. Ownership Transparency and Media Concentration

Knowing who owns the media is a precondition for assessing the reliability of the information it provides. Under Article 6(1), media service providers must publicly disclose their legal name, the identity of direct and indirect owners — including any state or public authority ownership — their beneficial owners, and the total annual amounts received in state advertising and in advertising from third-country public entities. The last element targets foreign influence operations conducted through media advertising. National regulatory authorities must develop publicly accessible **media ownership databases** (Art. 6(2)).

Beyond transparency, Articles 22 and 23 require Member States to put in place national rules enabling an assessment of **media market concentrations** that could significantly affect media pluralism and editorial independence — a distinct analysis from standard competition law. The criteria for such assessments include the impact on the formation of public opinion, editorial independence safeguards at the merged entity, and whether the parties would remain economically viable without the merger (Art. 22(2)). The **European Board for Media Services** must be consulted where a concentration is likely to affect the functioning of the internal market, and may issue opinions on its own initiative. The framework mandates that the question of pluralism be formally asked and publicly answered — which is itself a significant step in several Member States where such analysis has historically been absent.

VIII. The Platform Dimension: VLOPs, State Advertising, and Audience Measurement

Very large online platforms (VLOPs) — those designated under the [Digital Services Act](#), examined in EU Unpacked #11 — have become the dominant gateways through which audiences access news. Article 18 of the EMFA introduces a **self-declaration functionality** that VLOPs must provide, allowing media service providers to declare their regulatory status, editorial independence, and compliance with the Regulation's transparency requirements. For providers that have submitted such declarations, VLOPs must issue a statement of reasons before suspending or restricting their content. They must allow the media provider **24 hours to reply** before the restriction takes effect. Where a provider considers that restrictions have been repeatedly imposed without sufficient grounds, the platform must engage in good-faith dialogue with a view to finding an amicable solution. VLOPs must publish annual transparency reports on content restrictions, rejected declarations, and dialogues held.

Two further provisions address the economic environment of journalism. Article 25 requires state advertising to be allocated according to transparent, objective, and non-discriminatory criteria published in advance, with annual public disclosure of all recipients and amounts spent. An independent regulatory authority must monitor and report on this allocation annually. This directly targets the practice — well-documented in Central and Eastern Europe — of using state advertising budgets to reward pro-government media and to financially starve independent outlets. Article 24 requires providers of **proprietary audience measurement** systems, platforms that self-measure their own audiences outside agreed industry standards to disclose their methodology, subject it to **annual independent audit**, and provide media service providers with non-aggregated data on their own content's performance. The objective is a level playing field in advertising markets, where media providers currently operate at a disadvantage compared with dominant platforms.

IX. Relevance for EU-Aspiring Countries, with Particular Attention to Georgia

The EMFA's standards will become accession benchmarks for candidate countries as they align their legal

frameworks with EU law. Media freedom is already assessed under the Copenhagen political criteria and the EU's annual enlargement progress reports; the EMFA converts a set of previously diffuse expectations on editorial independence, PSM governance, ownership transparency, state advertising, and spyware into a concrete legislative checklist. The Regulation also provides for candidate country regulatory authorities to participate as permanent observers in the **European Board for Media Services** (Recital 38), creating an early alignment mechanism ahead of formal accession.

Georgia, granted EU candidate status in December 2023, faces substantial challenges against each of these benchmarks. Its media landscape is characterised by significant ownership concentration with inadequate transparency: major private broadcasters are associated with ownership structures aligned with the ruling Georgian Dream party. In contrast, the **Georgian Public Broadcaster** has been repeatedly criticised in Council of Europe monitoring reports for governance structures that leave management appointments vulnerable to political influence — a direct gap against the Article 5 requirements on transparent, criteria-based appointment procedures and judicially reviewable dismissal. Multi-year, predictable funding for the Public Broadcaster is not institutionalised. On state advertising, international monitoring by organisations such as Transparency International Georgia has documented patterns of allocation that disproportionately benefit pro-government media — precisely the practice the EMFA's Article 25 transparency regime is designed to render legible and accountable. The spyware prohibition sets a prospective standard: any future use of intrusive surveillance against Georgian journalists would need to satisfy conditions — judicial pre-authorization, proportionality, regular independent review — that Georgian investigative law does not currently impose with equivalent rigour.

The broader principle the EMFA encodes for candidate countries is that EU membership increasingly requires not merely the formal adoption of EU legal texts but the institutional embedding of the values they express. For Georgia, that means independent regulation, editorial autonomy, transparent ownership, and a media economy that does not depend on state patronage for survival. The EMFA is both a mirror and a roadmap.

X. Challenges and Critical Assessment

The EMFA is a framework Regulation, and much of its real-world effect depends on implementation choices left to Member States, national regulators, and the Board. Its core prohibition on editorial independence (Art. 4(2)) is binding in form. Still, enforcement relies on Board opinions, Commission monitoring, and ultimately the general Treaty infringement procedure — tools that have proven slow and politically complex in analogous media freedom cases. There is no direct enforcement mechanism specific to editorial independence breaches.

The Article 18 self-declaration system for VLOPs has drawn pointed criticism: platforms retain the right to reject declarations, and the criteria for acceptance are ultimately determined by platforms themselves, subject to Commission guidelines, risking the reproduction of existing power asymmetries. The 24-hour reply window may be operationally insufficient for smaller newsrooms. The following questions will shape the EMFA's practical significance in its opening years:

- Will the **European Board for Media Services** develop an institutional culture assertive enough to issue opinions critical of the most powerful Member States?
- Will **state advertising transparency** requirements generate meaningful data, or will public authorities interpret them narrowly?
- Will the **media concentration** assessment framework prevent consolidation before the most consequential acquisitions are complete?

Can the **spyware prohibition** be enforced against intelligence services that deny deployment in the absence of an institutional digital forensics capacity at the EU level?

The first Commission evaluation, due by **8 August 2028**, will be the earliest structured test of whether the governance architecture the EMFA has created is functioning with the independence the text demands.

XI. Conclusion: A Framework, Not a Guarantee

Taken as a whole, the European Media Freedom Act represents a structural shift in the EU's relationship with the media sector — a belated recognition that the democratic foundations of the internal market cannot be taken for granted when the institutions that inform democratic participation are themselves under pressure. For the first time, binding EU rules govern editorial independence, source protection, the deployment of spyware against journalists, public service media governance, ownership transparency, media market concentration, state advertising allocation, and the obligations of online platforms regarding media content.

The EMFA does not stand alone. It forms part of a legislative architecture that includes the [Digital Services Act](#), the **Digital Markets Act**, the **Regulation on Transparency and Targeting of Political Advertising (2024/900)**, and the **AI Act** — instruments that together constitute an emerging European framework for the governance of the democratic public sphere in the digital age. What the EMFA does not do is equally important to acknowledge: it does not resolve the structural economic crisis of independent journalism, does not guarantee that editorial independence will be respected in practice in every Member State, and does not offer a rapid remedy for the most acute media freedom crises within the Union's current borders. What it does provide is a common standard — legally binding, subject to monitoring, and connected to a governance body with a mandate to promote convergence. For candidate countries, including Georgia, that standard is a benchmark and, more importantly, an invitation to build media environments that serve citizens rather than those who govern them.

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