



# Almanach

---

[www.euawareness.org](http://www.euawareness.org)

#KnowledgeAgainstManipulation

## Almanach #6

### Protecting Democracy Through Media Pluralism: EU-Level Safeguards and the European Media Freedom Act

Ilan Dascencao

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

June 2026

© [2026] EU Awareness Centre. All rights reserved.

## EXECUTIVE SUMMARY

Across the European Union, media pluralism is under simultaneous pressure from two directions: **state-driven capture**—where governing majorities systematically dismantle editorial independence—and **market-driven concentration**—where a handful of conglomerates absorb the remaining outlets.

National regulatory frameworks have proven uneven and, in several member states, deliberately dismantled from within. Hungary's media landscape is 87% politically captured by independent assessment. Poland's public broadcasters became government mouthpieces within months of a change in government. France and Italy face deepening ownership concentration that national regulators lack the mandate to address.

The European Media Freedom Act (EMFA), in force since 2024, is the EU's first binding legislative response. **EU oversight is more resilient than national systems—not immune to political pressure, but structurally positioned to provide external accountability that no national framework can replicate.**

This brief sets out what EMFA does, where it falls short, and the seven concrete steps required to make it effective. The most immediate priority is enforcement capacity. Without it, the rest is architecture without a builder.

## PRIORITY RECOMMENDATIONS

### 1. Deploy enforcement now, not after litigation.

The Commission must develop a dedicated EMFA enforcement track with published benchmarks, graduated response mechanisms, and infringement proceedings as a routine—not exceptional—tool. Enforcement criteria must be published in advance and subject to independent review to prevent selective application.

### 2. Build an EMFB that is independent in composition, not just in name.

The European Media Freedom Board must include representatives from the full spectrum of EU journalistic traditions—including partisan, confessional, and community media—alongside regulators and practicing journalists. Nominees must be vetted against published, objectively verifiable independence criteria (employment history, ownership ties, financial relationships with state actors). Editorial line or journalistic tradition must be explicitly prohibited as grounds for rejection.

### 3. Use funding conditionality surgically, with civil society protection built in.

When structural funds are suspended for systemic EMFA violations, an equivalent sum must be redirected automatically to civil society media organisations in the affected member state—bypassing the government entirely. This separates financial pressure on governments from harm to citizens, and neutralises the 'Brussels Bully' framing that populist governments exploit.

### 4. Close the competition law loophole—and act immediately with soft law.

Immediately: Commission binding guidelines directing national authorities to invoke Article 21(4) EUMR (which already permits media plurality assessments) before approving qualifying transactions—no Treaty change required. The EMFB should simultaneously adopt voluntary rapid-response guidelines committing participating authorities to accelerated pluralism screenings within 30 days, and publication of findings before national regulatory approval is granted. Longer-term: a targeted EUMR amendment prohibiting national executive override of competition law review, blocking the decree mechanism used to create KESMA.

## 5. Reform platform governance on two fronts.

First, require that pluralism indicators for algorithmic impact assessments are defined externally by the EMFB in consultation with academic consortia—not by platforms themselves. A self-assessed audit is not an audit. Second, pursue a collective, Union-wide revenue-sharing framework for news aggregation backed by DMA gatekeeper obligations. Any collective negotiating mandate must include an anti-defection clause: member states cutting unilateral side-deals forfeit access to the joint settlement. Leverage only works when defection is more costly than solidarity.

### THE PROBLEM: WHY NATIONAL FRAMEWORKS HAVE FAILED

Media freedom in the EU is not a marginal concern concentrated in a few outlier states. The 2023 Media Pluralism Monitor assessed ownership concentration as a high-risk indicator in more than half of all 27 member states. The pattern of failure is consistent: national regulatory frameworks prove insufficient precisely when they are needed most—when governing majorities are determined to dismantle them.

**Hungary** represents one of the most advanced cases of state capture within the European media landscape. More than 500 media outlets have been consolidated under the KESMA foundation, while competition law scrutiny was effectively bypassed through executive decree. At the same time, state advertising has been systematically used to reward pro-government outlets and disadvantage independent media organizations. These developments are reflected in the Media Pluralism Monitor 2023, which reports an 87% risk score regarding political independence.

In **Poland** during the 2015–2023 period, concerns centered on the capture of public media. Public broadcasters became increasingly politicized, while the government's "repolonisation" policy sought to reduce the presence of foreign-owned media in the national market. These developments occurred alongside the capture of regulatory and constitutional institutions, creating a broader ecosystem of weakened checks and balances. The Media Pluralism Monitor identifies high levels of risk across multiple indicators.

These cases share one feature: national regulatory institutions are unable to resist a concerted attack by the government they are meant to hold accountable. Regulatory bodies, broadcasting councils, competition authorities, and constitutional courts were subjected to simultaneous executive pressure in both Hungary and Poland. The institutions did not fail because they were poorly designed. They failed because they had no independent footing—no external authority whose institutional interests were not aligned with the government under scrutiny.

*Legal processes move at institutional speed. Media capture moves at political speed. The asymmetry is not incidental—it is deliberately exploited.*

Poland's recovery since 2023 reinforces, rather than undermines, this analysis. Reversing media capture is harder and slower than the capture itself. The window for effective intervention closes faster than democratic politics can respond.

### WHAT EMFA DOES—AND WHERE THE GAPS ARE

EMFA is the EU's first binding legislative instrument in media governance. Its key provisions address the principal mechanisms of capture documented above:

- **Editorial independence:** Binding obligations protecting public service media from political interference; transparent, merit-based appointment procedures for public media leadership.
- **Ownership transparency:** Mandatory disclosure of beneficial ownership and notification of changes that may affect pluralism—directly targeting the opacity that enabled KESMA.

- **State advertising:** Allocation must follow transparent, non-discriminatory criteria—addressing the primary market mechanism through which captured governments reward loyal outlets and starve independent ones.
- **Source protection:** Prohibition on surveillance of journalists and procedural protections for journalistic sources.

EMFA's legal basis—Article 114 TFEU (internal market harmonisation) rather than Article 2 TEU values—is both its technical strength and its principal vulnerability. Captured media ecosystems distort the single market in concrete ways: state-aligned outlets receiving preferential advertising and competition law exemptions enjoy material competitive advantages over independent, cross-border operators. This is a legally substantive Article 114 argument, not merely a rhetorical framing.

But if the CJEU applies a strict *Tobacco Advertising* standard (C-376/98) and strikes down provisions with attenuated cross-border links, the EU retains three alternative instruments: Article 7 TEU proceedings, enhanced cooperation among willing member states, and funding conditionality under the Common Provisions Regulation. These are reactive and punitive. EMFA is preventative. **The fallback instruments do not make EMFA redundant—they are the lock-breaking kit. EMFA is the lock.**

EMFA is a significant step. But several of the mechanisms documented in Section 3 fall outside its current scope:

*Where EMFA Does Not Reach : EMFA does not prevent competition law exemptions by executive decree (the KESMA mechanism); does not regulate tax-based harassment of independent outlets; and does not address market-driven concentration visible in France. These gaps require complementary action in competition law and platform regulation.*

The case for EU-level action is ultimately structural rather than ideological. National institutions have repeatedly struggled to resist political capture where governments themselves become the source of pressure on media freedom. While EU oversight is neither neutral nor immune from politicisation, it provides an external layer of accountability that national systems alone cannot guarantee. The challenge is therefore not whether the EU should act, but how that action can be designed to remain transparent, proportionate, and democratically accountable.

### **THREE RISKS THAT MUST SHAPE IMPLEMENTATION**

#### **1. The Enforcement Speed Gap**

If it takes five years of CJEU litigation to reverse a media takeover completed in three months, irreversibility has already won. Interim protective measures—analogue to Article 8 of Regulation 1/2003—are the right mechanism. They are not yet available under EMFA's current text: EU interim measures require a high evidentiary threshold of irreparable harm, difficult to meet where pluralism harm is systemic and gradual. This is a *de lege ferenda* argument requiring Treaty amendment or dedicated secondary legislation. It must be pursued. In the meantime, the EMFB's voluntary rapid-response guidelines (Recommendation 4) partially close the gap under current law.

#### **2. Overreach and Regulatory Homogenisation**

*Central Design Risk: EU pluralism rules applied normatively rather than procedurally could unintentionally reduce the very diversity they are designed to protect—privileging one editorial tradition over others in the name of defending all.*

EMFA's provisions must remain strictly procedural: prescribing the conditions under which editorial decisions are made, not the content. 'Merit-based appointments' must be defined by verifiable structural independence criteria—employment history, ownership ties, financial relationships with

state actors—with the editorial line, political orientation, and journalistic tradition of the nominee explicitly prohibited as grounds for rejection. Proceduralism is the least-worst available safeguard whose abuse is harder to conceal than the alternative.

### 3. Funding Conditionality Without the ‘Brussels Bully’ Effect

In the eyes of a populist government, there is no such thing as a proportionate funding cut. Any reduction will be framed as an attack on sovereignty. The solution is not better messaging—it is mechanism design. When structural funds are suspended, equivalent sums must be redirected automatically to civil society media organisations in the affected state, bypassing the government. There is no mechanism that fully neutralises rhetorical weaponisation. The civil society redirection model is the option that is economically precise and politically honest.

### **CONCLUSION: THE IRREVERSIBILITY ARGUMENT**

The EU faces a choice that is not between intervention and restraint. It is between intervention with democratic accountability built in—procedural, judicially reviewable, genuinely independent—and the slow erosion of the Union's foundational commitment to democratic governance.

If EMFA is diluted through weak implementation, underfunded monitoring, and politically cautious enforcement, the trajectory is predictable. Ownership concentration will continue. State advertising will remain a tool of capture. The next governing majority to seize a national broadcasting authority will do so knowing that EU oversight exists in law but not in practice. The citizens of that member state will have no effective remedy. That is what a Union without enforceable media pluralism guarantees looks like. It is not a hypothetical. It is Hungary today, and potentially elsewhere tomorrow.

The EU's political legitimacy rests on the claim that integration advances democratic governance. If the Union cannot guarantee its citizens a media environment free of state capture, that claim is hollowed out from within. Media capture, once entrenched, is not corrected by elections alone. Hungary has demonstrated this comprehensively. The window for effective intervention closes faster than democratic politics can respond. EMFA is a beginning. Whether it becomes the floor that holds is a matter of political will—and of institutional design that does not leave that will as the only safeguard.

### **Bibliography:**

European Law Blog. (n.d.). Strategic litigation against media capture: The potential of the European Media Freedom Act. <https://www.europeanlawblog.eu/pub/m2bjnpey/release/1>

Centre for Media Pluralism and Media Freedom. (2023). Media Pluralism Monitor 2023. <https://cmpf.eui.eu/media-pluralism-monitor-2023/>

Reporters Without Borders. (2024). 2024 World Press Freedom Index: Journalism under political pressure. <https://rsf.org/en/2024-world-press-freedom-index-journalism-under-political-pressure>

European Union. (2024). Regulation (EU) 2024/1083 of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act). <https://eur-lex.europa.eu/eli/reg/2024/1083/oj/eng>

Eurobarometer. (2023). Media & News Survey 2023. <https://europa.eu/eurobarometer/surveys/detail/3153>

European Commission. (2023). Rule of Law Report 2023 (COM(2023) 800 final). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52023DC0800>

Heinrich Böll Stiftung. (2026). Hungary's media battlefield ahead of the 2026 election.

<https://cz.boell.org/en/2026/01/20/hungarys-media-battlefield-ahead-2026-election>

International Press Institute. (2025). Hungary Media Capture Monitoring Report Overview.

<https://ipi.media/wp-content/uploads/2025/12/HUNGARY-Media-Capture-Monitoring-Report-Overview-1.pdf>

European Commission. (n.d.). European Media Freedom Act.

[https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/protecting-democracy/european-media-freedom-act\\_en](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/protecting-democracy/european-media-freedom-act_en)

EU Awareness Centre. (2025). The European Media Freedom Act (2024): A common framework for media pluralism and independence. <https://euawareness.org/EU-unpacked13/>

Civil Liberties Union for Europe. (2025). Liberties Media Freedom Report 2025.

[https://dq4n3btxhr8c9.cloudfront.net/files/oj-aem/Liberties\\_Media\\_Freedom\\_Report\\_2025.pdf](https://dq4n3btxhr8c9.cloudfront.net/files/oj-aem/Liberties_Media_Freedom_Report_2025.pdf)

Centre for Media Pluralism and Media Freedom. (2025). EMFA and the independence of public service media providers. <https://cmpf.eui.eu/art-5-emfa-and-the-independence-of-public-service-media-providers/>

## June 2026



### **Ilan Dascencao**

Ilan Dascencao is an intern at the EU Awareness Centre, focusing on content, communications, and partnerships. A graduate of Sciences Po Saint-Germain-en-Laye, he specialises in European affairs, civic engagement, and EU institutional communication, with experience in public affairs, local governance, and international project management.