



ERGA statement on EMFA

April 2024

ERGA warmly welcomes the adoption of the European Media Freedom Act (EMFA) and expresses its support for this key piece of legislation. ERGA believes that the EMFA will contribute to the preservation of media independence, freedom and pluralism, which are core values of our European democracies. ERGA wishes to express its appreciation for the co-legislators' effective work and for reaching an agreement in a relatively short time, despite the complexity and sensitivity of the topic.

The values that EMFA seeks to protect are at the heart of what ERGA and its members stand for. As underlined in our previous statements, access to independent and pluralistic media is crucial for European citizens to be able to shape their informed opinions freely and participate effectively in the democratic debate. ERGA looks forward to further contributing to this cause.

ERGA is pleased to note that the co-legislators have made a number of improvements to the initial proposal, many of which are either aligned with or inspired by ERGA's proposals. ERGA expresses its gratitude to the co-legislators for taking into account its views and expertise in media and communication, as well as for engaging in a very constructive dialogue during the legislative procedure.

*

With regard to the EMFA governance, ERGA welcomes the considerable upgrade of the future European Board for Media Services (EBMS) compared to the current setup of ERGA but also to the initial EMFA proposal, from a number of perspectives: the wider scope and range of missions, as well as increased competences, resources and independence - all of which are crucial for the EBMS to carry out its tasks and reach its full potential to achieve the objectives of the EMFA. In this sense, the additional safeguards introduced during the legislative procedure to strengthen the autonomy of the EBMS and its secretariat are of pivotal importance. In particular, the review clause foreseen in EMFA regarding among others the effectiveness of the functioning of the secretariat is welcome as it will allow for an eventual future evolution of its organisational setup, should operational experience confirm the need.

ERGA is also supportive of the EMFA framework guaranteeing transparency, accountability and inclusivity of the EBMS, which are requirements arising from its increasing responsibilities. ERGA – as the predecessor of the EBMS – is looking forward to engaging with a broad range of stakeholders through the new consultation mechanism, including on matters going beyond the audiovisual media sector.

National Regulatory Authorities (NRAs) will play a key role in the successful implementation and monitoring of the EMFA provisions. Therefore, it is of utmost importance to ensure that adequate powers and resources will be granted to the NRAs. ERGA would like to note that over the last couple of years, the NRAs' remits have been constantly increasing, yet their resources have not been adjusted accordingly. ERGA thus urges Member States **to increase the resources allocated to their respective NRAs, as provided for in EMFA**, taking into account the additional tasks conferred upon them by this new legislative act.

*

As regards the most defining EMFA provisions, ERGA holds the view that the co-legislators have achieved an appropriate and balanced approach, creating a common EU principle-based framework (i.a. on national measures, media market concentration operations or public service media), while at the same time allowing for stricter or more detailed rules at national level in those areas. This legislative acknowledgement of national and cultural specificities, which allows Member States to adapt their own specific approaches, is particularly relevant for the media sector and is fully in line with the approach stemming from the Audiovisual Media Services Directive (AVMSD).

ERGA welcomes the extension of the scope of certain EMFA provisions to cover online platforms, namely in relation to media concentration operations and state advertising, in addition to rules on audience measurement and the treatment of media content. ERGA considers these rules to be fundamental, with regard to the role that these actors play in the media ecosystem, be it the access to media content, evolution of advertising expenses, or audience measurement challenges.

ERGA followed closely the crucial debate on **the treatment of media content on very large online platforms (VLOPs)**. The result of the negotiations is a **constructive compromise**, which acknowledges the specificity of media content. This constitutes a first step towards a better protection of media freedom and pluralism online, and ERGA is looking forward to the concrete application of this provision. Given the activity of the future EBMS in this respect, media regulators will be contributing to the effective implementation of both the EMFA and the Digital Services Act (DSA).

Moreover, ERGA particularly welcomes that **EMFA provides media regulators with additional tools to better coordinate national measures regarding media services from outside of the Union**. This will constitute a real added value to the existing framework, which is particularly important for the protection of EU democracies and citizens in the current geopolitical context.

ERGA is pleased to note that EMFA builds on ERGA's 2020 Memorandum of Understanding (MoU) to create a strengthened and binding cooperation framework among regulators. This new framework will contribute to a balanced, efficient and convergent implementation of both the EMFA and the AVMSD, by media regulators at both national and European level.

Last but not least, **ERGA welcomes the agreement reached between the co-legislators, which aims to effectively protect journalists and their sources**, and to preserve the editorial freedom and independence of media services providers – which are fundamental guarantees of the rule of law.

*

ERGA has already started working actively on the preparation for the future EBMS. An intense workplan¹ is foreseen for this year, including cooperation with the European Commission and consultations with stakeholders, **to prepare a smooth and effective transition from ERGA to the EBMS** in early 2025, when the relevant EMFA provisions will enter into application.

¹ https://erga-online.eu/wp-content/uploads/2023/09/ERGA-Work-Programme-2024_as-adopted.pdf and [ERGA-SG2-ToR-2024-adopted.pdf \(erga-online.eu\)](https://erga-online.eu/wp-content/uploads/2024/01/ERGA-SG2-ToR-2024-adopted.pdf)