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Press release

ERGA submits its contribution to the Commission's public consultation on the European Media Freedom Act (EMFA)

Media freedom and pluralism are essential pillars of democratic systems based on the rule of law as well as EU fundamental values. These principles enable citizens to form their free and informed opinions as well as participate in democratic debate. This democratic responsibility of the media is all the more critical in troubled times. A well-functioning internal market for media indeed helps fostering an environment suitable for the development of a plurality of European media actors.

In this context, ERGA members fully endorse the Commission's initiative on the EMFA and its overall objectives to strengthen media freedom, independence and pluralism, as underlined in ERGA's recently adopted [position paper](#).

In its contribution to the public consultation on the initiative, ERGA supports the various transparency objectives proposed, notably on media ownership, market transactions and state advertising. ERGA also considers that the EMFA would provide added value as regards common EU standards or basic principles in various key areas of media regulation. In particular, principle-based provisions could include general safeguards for the editorial independence and pluralism of media, balanced and impartial media coverage, audience measurement, basic principles for the independent functioning of public service media as well as procedural standards for the assessment of effects of media market transactions on media pluralism.

ERGA wishes to stress the sensitivity of the issues at stake, some of which are traditionally governed by national laws that differ between the Member States. Therefore, it is of utmost importance that the protection of fundamental values in the EU is ensured, while respecting the subsidiarity principle. In this vein, the EMFA should not hinder well-functioning and established national approaches. Furthermore, the interplay between the future EMFA and other existing or future EU acts, such as the AVMSD, the DSA, the DMA, the regulation on transparency and targeting of political advertising, needs to be carefully considered and designed.

Finally, ERGA welcomes the Commission's proposal to rely on the network of independent national media regulators in the implementation of the EMFA, with a view of safeguarding media freedom, independence, and pluralism. In this regard, ERGA calls for an effective independence, reinforced resources, and an

adequate institutional structure to be guaranteed in the EMFA proposal, in order for ERGA to be able to step up to potential new responsibilities. These could consist of the exchange of best practices, the contribution to transparency registers, the development of non-binding guidelines and recommendations, the monitoring of media plurality risks on online platforms, as well as the possibility to issue facultative, non-binding opinions or observations on specific cases. Moreover, the ERGA's Memorandum of Understanding (MoU), which already supports the successful cross-border cooperation between ERGA members, could be institutionalized and reinforced to underpin and strengthen the cooperation of national authorities under the EU media regulatory framework. If such new tasks were to be confirmed, it would be crucial that ERGA members are also granted the necessary human and financial resources as well as clear legal mandates. This would be a crucial aspect to allow independent national regulatory authorities to be properly involved and effectively contribute to the implementation of the EMFA.

“A reinforced ERGA is necessary to guarantee an effective implementation of the EMFA as well as to achieve its objectives. At the same time, the independent national regulatory authorities are the drivers of ERGA and therefore their resources, both in terms of staff and financial resources should be strengthened. Furthermore, given the current context of the international crisis, the ERGA members have decided to set up an ad hoc informal group under the Subgroup 2 on completion of the EU regulatory framework relevant for media. This group will discuss various possibilities to be considered in the context of the EMFA, including the media under influence of third countries, and its work will start soon”, stressed the ERGA Chair, Mr Karim Ibourki”.

About ERGA:

The European Regulators Group for Audiovisual Media Services (ERGA) consists of the national regulatory authorities in the field of audiovisual media services. ERGA advises the European Commission and facilitates cooperation between the regulatory bodies in the EU. Mr Karim Ibourki, President of the Belgian CSA (Conseil supérieur de l'audiovisuel) is the current Chairperson of ERGA.

As laid out in ERGA's "Statement of Purpose", ERGA members wholeheartedly endorse the core democratic, economic, social and cultural values and objectives enshrined in the Audiovisual Media Services Directive (AVMSD), in particular guaranteeing freedom of expression, freedom of reception and accessibility of audiovisual media services; safeguarding media pluralism and promoting citizens' right to information; and preserving the independence of National Regulatory Authorities (NRAs). Although not all ERGA members have identical competences, the implementation of these principles and values is at the core of their mandate and expertise.