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## THE EUROPEAN MEDIA FREEDOM ACT: REGULATORY DEVELOPMENT AND IMPLEMENTATION CHALLENGES\*\*

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**Abstract:** *Media regulation plays an essential role in safeguarding democracy and ensuring the proper functioning of the European Union's internal market, as it secures the free flow of information, strengthens pluralism, and reduces risks of political and economic influence. These objectives lie at the core of the European Media Freedom Act (EMFA), the first binding EU legal framework dedicated to media freedom and pluralism. The paper examines the development of the EU media law framework and the context leading to the adoption of the EMFA, as well as the challenges arising in its early implementation. It also traces the development of EU media law, starting from the Television Without Frontiers Directive, through the Audiovisual Media Services Directive (AVMSD), to the DSA/DMA package, which illustrates the rationale behind adopting a single regulation. The analysis provides an overview of the key regulatory aspects of the EMFA and assesses the challenges accompanying its implementation in the EU Member States.*

**Keywords:** *European Media Freedom Act, media law, European Union, media regulation, implementation challenges.*

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## 1. Introduction

With the adoption of the *Audiovisual Media Services Directive* (AVMSD) in 2010, and its subsequent revision in 2018, a significant step was taken in regulating the media sector within the European Union. The Directive requires the alignment of the national legislation of the EU Member States in the field of audiovisual services. As the successor to the *Television without Frontiers Directive* (1989), the AVMSD extended its scope beyond traditional television broadcasting to cover all audiovisual media services, including on-demand services. In this way, the Directive has established rules on a wide range of issues, such as the protection of media pluralism, the protection of minors, editorial responsibility in the media, as well as provisions concerning commercial communications and advertising.

However, the development of technological convergence and the growing reach of the Internet created the need for new regulatory solutions addressing conduct in the digital environment. The most widely noted potential consequence for the media institution in this context is the convergence between all existing media forms in terms of their organization, distribution, reception, and regulation (McQuail, 2010: 138). The AVMSD left online platforms, particularly those holding a dominant market position, as well as Internet search engines, outside its scope. This gap led to the adoption of two key regulations in 2022: *the Digital Services Act* (DSA) and *the Digital Markets Act* (DMA), which introduced harmonized rules governing the provision of online services and established conditions for fair competition in the digital environment.

Nevertheless, uneven regulation, especially of radio and print media, created the need for a comprehensive regulation covering media services. It was precisely for this reason that the *European Media Freedom Act* (EMFA) was adopted, providing the European Union for the first time with a unified and binding legal framework for the protection of media freedom and media pluralism. In this context, the EMFA is intended to protect media from increasing competition in the information space and to ensure continued access to diverse and independent news (Verza, 2025: 126). The Regulation became applicable in August 2025, making it possible to examine early implementation challenges and emerging risks. As a regulation, the EMFA is directly applicable in all EU Member States.

The paper will focus on the EU media law framework and the factors leading to the adoption of the EMFA, provide an overview of its key regulatory aspects, and examine the challenges accompanying its implementation in the EU Member States.

## 2. From TWF to EMFA: The EU Media Law Framework

In its early stages, the legal regulation of the media within the *acquis communautaire* was not clearly developed. Individual provisions were dispersed across different documents, including even the founding treaties themselves. Nevertheless, these early acts were predominantly technical in nature, focusing on issues such as signal transmission, telecommunications infrastructure, or copyright, while media policy in the narrower sense was not specifically elaborated. The first significant step came in 1984 in the form of a non-binding document<sup>1</sup>, which for the first time highlighted the need to create a single media market. This document subsequently laid the groundwork, a few years later, for the adoption of the first directive in this field – *Television Without Frontiers* (TWF). During the 1990s, media regulation at EU level continued to develop primarily through non-binding instruments. The one that stands out among them is a non-binding document on media pluralism and concentration<sup>2</sup>: “Its purpose is to present both an initial assessment of the need for Community action concerning concentration in the media (television, radio and the press) and the different approaches which the Commission might adopt once it has consulted the parties concerned” (Iosifides, 1997: 92). This document was the first EU-level instrument addressing media pluralism and concentration. It is also important to mention one of the first EU soft law instruments<sup>3</sup> directly targeting media content, primarily aimed at protecting minors and safeguarding human dignity in audiovisual services. Yet, given that such instruments did not impose binding obligations on Member States, the foundations of European media regulation were laid down by legally binding acts, primarily directives and regulations, which had substantive significance in the process of constructing a common media framework.

A major step in integrating the media market was the adoption of the aforesaid *Television Without Frontiers Directive*<sup>4</sup>, whose primary objective was to establish a free and unified framework for broadcasting programs across the entire Community. This act was significant because, for the first time, it directly and comprehensively regulated the media sector, specifically television broadcasting, in the form of a directive, requiring Member States to implement pro-

1 Green Paper on the Establishment of the Common Market for Broadcasting, Especially by Satellite and Cable (COM(84) 300 final)

2 Green Paper on Pluralism and Media Concentration in the Internal Market (COM(92) 480 final)

3 Council Recommendation on the protection of minors and human dignity in audiovisual services (98/560/EC)

4 Council Directive of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (89/552/EEC)

visions in their national legislation concerning the protection of broadcasters' rights in relation to other countries where their programs were transmitted, advertising standards within the Community, as well as rules safeguarding minors from harmful content. At the same time, the TWF Directive shaped the modern European media landscape by enabling cross-border circulation of programs, increasing audience choice, and promoting European audiovisual works, thereby laying the foundations for further media policy and European integration (Blagojević, 2025: 118). Subsequent amendments to the Directive expanded its scope, clarifying the principle of the broadcaster's country of origin, defining events of public interest, introducing rules on television sales, and further enhancing the protection of minors.

The TWF Directive was later codified under a new title as the *Audiovisual Media Services Directive (AVMSD)*<sup>5</sup>, adopted in 2010 and revised in 2018. The adoption of this successor to the TWF Directive was driven by rapid technological developments that had a profound impact on society, as well as by the emergence of new types of media services within the single digital market. For the first time, the AVMSD provided a formal definition of audiovisual media services, and it specifically regulated non-linear on-demand services, such as Netflix or BBC iPlayer. In addition, it contained more detailed provisions governing advertising, media pluralism, editorial responsibility, and the protection of minors. Eight years later, the Directive was revised to encompass new platforms with an increasingly significant market presence that had previously remained outside its scope. These included video-sharing platforms (YouTube, Dailymotion), which were directly addressed by the revisions, as well as social media platforms (Facebook, Instagram), but only in relation to the video content shared on them, not to other forms of content. Another important innovation was that all audiovisual media services were placed under the authority of the *European Regulators Group for Audiovisual Media Services (ERGA)*, which had served in an advisory capacity until then; for the first time, the ERGA was given a formal legal basis within EU law to connect and coordinate the work of national regulators.

Nevertheless, many significant issues remained unresolved even after the adoption of such an important instrument as the *Audiovisual Media Services Directive (AVMSD)*, primarily because it did not regulate Internet platforms that are not considered media in the narrow sense, i.e., platforms and search engines where there is no direct editorial responsibility for the content published by users. The first attempts to regulate online services were defined by the

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5 Directive of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (2010/13/EU)

*E-commerce Directive*<sup>6</sup>, which addressed the liability of online intermediaries for content, although its scope was limited. A greater, although still limited, impact on Internet platforms was exerted by the *Copyright in the Digital Single Market Directive*<sup>7</sup>, which introduced new rules for the protection of copyright and related rights in the online environment, particularly in relation to major platforms.

However, the scope of these directives did not cover digital services in their entirety, leaving social media platforms and major Internet search engines outside their regulatory framework. For this reason, a package of regulations was adopted in 2022 to address digital services. These were *the Digital Services Act (DSA)*<sup>8</sup> and *the Digital Markets Act (DMA)*<sup>9</sup>, which apply directly without the need for transposition into national legislation. Together, they established the first comprehensive regulatory framework for digital services in the European Union. The DSA primarily aims to introduce clear and uniform rules regarding digital services within the Community, particularly with respect to the responsibility, transparency, and safety of online platforms and intermediaries. Specific obligations are imposed on “very large online platforms and search engines” (VLOPs and VLOSEs), i.e., those with more than 45 million users, including requirements for faster removal of illegal content, strengthened complaint mechanisms, and measures to combat disinformation. In turn, the DMA addresses the economic dimension, preventing the abuse of dominant positions by so-called “gatekeepers” and ensuring fair competition in the single digital market, with the possibility of imposing substantial fines for breaches of competition rules. Although these regulations marked a significant advance in governing the digital space, editorial independence, media freedom, transparency of ownership structures, and the distribution of state advertising remained beyond their reach. These gaps were addressed by *the European Media Freedom Act (EMFA)*, which, for the first time at the EU level, established a binding legal framework aimed at protecting media pluralism and media freedom as democratic institutions.

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6 Directive of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (2000/31/EC)

7 Directive of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (2019/790/EU)

8 Regulation of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (2022/2065/EU)

9 Regulation of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector (2022/1925/EU)

### 3. Factors Leading to the Adoption of the EMFA

Over the past decades, the European Union has sought to regulate the media market, primarily through non-binding instruments: recommendations, opinions, Green Papers, and the like, thereby highlighting the importance of this sector and the need for its regulation. Binding acts, such as directives and regulations, have significantly structured the field of electronic media and digital services, but many fundamental and even elementary issues in media law remained outside their scope. For this reason, the Conference on the Future of Europe, held in 2021 and 2022, emphasized the need to adopt a binding legal instrument that would guarantee competition rules, media pluralism and independence, counter disinformation on online platforms, and ensure the protection of journalists' integrity. As a result of these conclusions, the proposal for the *European Media Freedom Act* (EMFA)<sup>10</sup> was presented in September 2022. Following debate and adoption in the ordinary legislative procedure, the regulation entered into force on 7 May 2024, while its application commenced on 8 August 2025.

The key reasons for its adoption can be identified in the recitals of the European Media Freedom Act. The Regulation proceeds from the assumption that independent media services constitute a necessary precondition for pluralism of opinion and the reliability of information, particularly in the online environment, where the existing scope of the AVMS Directive proved insufficient, especially with regard to radio and print media. The recitals further point to the inadequate level of protection of media freedom within Member States and to the fragmentation of national regulatory frameworks, which, due to divergent rules and legal uncertainty, hinder the effective functioning of the internal market. In this context, particular importance is attached to the protection of editorial freedom and independence, as well as to the safety of journalists acting in the public interest, including safeguards relating to the protection of sources and confidential communications and limitations on the use of intrusive surveillance measures. At the same time, the Regulation addresses the specific position of public service media, whose role in fulfilling the public interest is accompanied by an increased exposure to political influence, thereby requiring legal guarantees of independence through transparent governance structures and stable, predictable funding. The recitals also emphasize the need for greater transparency of media ownership and the allocation of public funds for advertising, alongside enhanced regulatory cooperation at the Union level through the establishment of the Media Services Board, further safeguards concerning

<sup>10</sup> Regulation of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (2024/1083/EU)

very large online platforms and media market concentration, and continuous monitoring of risks to the Internal media market by the Commission.<sup>11</sup>

The recitals of the Regulation provide a detailed explanation of the reasons for its adoption, but the legal and political context in certain Member States was equally important, revealing the limitations of the existing soft law approach in terms of protecting journalists and media freedoms. This is evident in examples of diverse and often inconsistent national regulations, as well as in cases of a complete lack of effective mechanisms, which allowed political and economic interests to influence the functioning of the media and thereby weaken existing safeguards for freedom of expression.

One of the most striking examples within the EU concerns the state of media freedom in *Poland*. Continuous pressure on independent media prompted a response from the European Parliament in the form of a resolution.<sup>12</sup> The trigger for this action was the 2021 amendment to the *Radio and Television Act and the Cinematography Act*, which prohibited majority ownership of media outlets by entities outside the European Economic Area. This measure directly targeted the TVN television network, owned by the American company Discovery, known for its critical reporting on the Polish government. In addition, in this Resolution, the Parliament voiced concern over the concentration of media ownership after the acquisition of the Polska Press Group by the state-owned company PKN Orlen, as well as over issues related to the independence of the public broadcaster and the misuse of SLAPP lawsuits aimed at independent journalists.

An even more prominent example is that of *Hungary*. The problematic aspects of its media legislation prompted a reaction from the European Parliament as early as 2011, resulting in the adoption of the Resolution on media law<sup>13</sup> which highlighted the existence of centralized control over the media and the ensuing risks to media pluralism. In the following years, similar concerns were raised by other relevant organizations, including the OSCE and the Council of Europe, with particular emphasis on the independence of media operations and the protection of journalistic sources. Tensions between EU institutions and Hungary further escalated when the Hungarian media regulator refused to renew the broadcasting license of the independent radio station *Klubrádió*, known for its critical reporting on the government. This decision effectively prevented the radio station from continuing its operations, prompting the European Commission to initiate proceedings before the Court of Justice of the

11 Recitals 1–8, 18–33, 36–49, 50–56, 62–74 of Regulation (EU) 2024/1083 establishing a common framework for media services in the internal market (European Media Freedom Act).

12 Resolution 2021/2880(RSP) on Media Freedom and the Further Deterioration of the Rule of Law in Poland.

13 Resolution of 10 March 2011 on media law in Hungary (P7\_TA(2011)0094)

European Union (CJEU). The Commission underlined that the measure was disproportionate and discriminatory, and that it could call into question the respect for the principles of proportionality, non-discrimination, and freedom of expression enshrined in the EU Charter of Fundamental Rights<sup>14</sup>.

Finally, it is important to mention the case of *Malta* and the assassination of journalist Daphne Caruana Galizia in 2017, which exposed serious shortcomings in the protection of journalists and media freedom within this EU Member State. Furthermore, the investigation and judicial proceedings related to the case were marked by obstacles and delays, while journalists continued to operate under unsafe conditions. This situation was addressed by the Resolution on the rule of law<sup>15</sup>, which criticized the deteriorating media environment in Malta and emphasized the urgent need to strengthen guarantees for media freedom, ensure accountability for attacks against journalists, and implement reforms aimed at preventing abuse of power and impunity.

Based on the analysis of the EMFA recitals and the political context in certain EU Member States, it is evident that there was a pressing need to adopt a single legislative act ensuring a coherent and comprehensive approach to media freedom at the Union level. In particular, it was necessary to strengthen mechanisms safeguarding pluralism, editorial independence, and the safety of journalists, in order to prevent discrepancies among national regulations and enhance the resilience of the media system to political and economic pressures. This objective was achieved through the adoption of the European Media Freedom Act (EMFA) in the form of a regulation, which directly and uniformly regulates the key issues in this field across the entire European Union.

#### 4. Key regulatory aspects of the EMFA

All the analyzed factors point to the necessity of adopting a regulation aimed at harmonizing media legislation across the European Union. *The European Media Freedom Act* (EMFA, 2024) introduces, for the first time, a single set of binding rules applicable to all EU Member States. These rules can be grouped into four analytical parts, which form the structure of the normative analysis: Editorial independence of media services, Independent functioning of public service media, Regulatory cooperation and the European Board for Media Services, and Market rules for media services and online platforms.

The first part concerns *the protection of editorial independence of media services*. It establishes safeguards relating to access to pluralistic and editori-

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<sup>14</sup> *Case C-92/23, European Commission v Hungary*

<sup>15</sup> European Parliament Resolution of 19 October 2023 on the rule of law in Malta: six years after the assassination of Daphne Caruana Galizia, and the need to protect journalists (2023/2901(RSP))

ally independent media content and imposes obligations on Member States to respect editorial freedom and independence, without interfering in editorial policies or editorial decisions. It further provides for the protection of journalistic sources and confidential communications, and sets clear limitations on the use of intrusive surveillance software measures aimed at journalists and media service providers, together with transparency obligations concerning media ownership structures and sources of funding as part of the framework governing the rights and duties of media service providers.<sup>16</sup>

A further aspect of the EMFA concerns *the independent functioning of public service media*. Public service media are recognised as serving the public interest, and Member States are required to ensure their editorial and operational independence. Transparent and objective procedures are required for the appointment and dismissal of management, as well as clear rules on financing to ensure stability and protection from any political influence.<sup>17</sup>

One of the most important normative features of the EMFA concerns the binding framework for *the cooperation between national media regulators of the Member States*. The Regulation establishes the European Board for Media Services as a common institutional forum for national regulatory authorities, providing a basis for coordination in the application of EU media law. It also lays down rules on structured cooperation in cross-border situations, including information exchange, mutual assistance and, where necessary, mediation through the Board, ensuring consistent application of the Regulation and the AVMSD.<sup>18</sup>

The final part concerns *the functioning of the media market and the position of media services in the digital environment*. A significant part of this framework relates to the relationship between media service providers and very large online platforms, especially in situations involving the restriction or suspension of media content, including safeguards against unjustified removal or limitation of journalistic content. The same set of rules also extends to national measures affecting media providers, the assessment of media market concentrations with regard to their impact on media pluralism and editorial independence, audience measurement, the allocation and transparency of public funds for state advertising, as well as the right of users to customise the media offering on devices and user interfaces.<sup>19</sup>

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<sup>16</sup> Articles 3-4, the European Media Freedom Act (EMFA).

<sup>17</sup> Article 5 EMFA.

<sup>18</sup> Articles 7-17 EMFA.

<sup>19</sup> Articles 8-25 EMFA.

## 5. Challenges in the EMFA Implementation

With the adoption of the European Media Freedom Act in May 2024, questions arose regarding its implementation: specifically, whether the one-year period until its application would be sufficient for Member States to adapt to such a demanding regulatory framework, particularly following its entry into force and subsequent application in August 2025. The Regulation requires a unified approach in an area that has been regulated differently in each Member State until now, reflecting specific political contexts, legal systems, and historical backgrounds. Consequently, it was apparent from the outset that implementation would not be straightforward. The issues such as the independence of regulators, transparent procedures, free and sustainable funding of public media services, the protection of journalists, and editorial autonomy set high standards that many Member States may find difficult to meet in practice. The aforementioned cases of Poland, Hungary, and Malta are some examples indicating potential challenges in the enforcement of the Regulation. For this reason, it is legitimate to question the extent to which its immediate application has been approached after the EMFA became applicable.

Additional insight into these challenges is provided by the 2025 Rule of Law Report<sup>20</sup>, published just one month prior to the Regulation's entry into force. In the section "Media pluralism and media freedom," this Report clearly highlights weaknesses and obstacles within certain national systems. One of the key challenges concerns the independence of regulatory bodies: the report notes that in Hungary, Greece, and Poland there remain risks of political influence over the appointment procedures of leadership, and consequently over the functioning of regulators, which complicates the implementation of significant parts of the Regulation, given that institutional independence of regulatory authorities is one of its foundational principles. Such deficiencies directly undermine the effective implementation of the EMFA, given that independent regulatory authorities constitute one of its core institutional pillars. Furthermore, transparency of media ownership is not uniform. Some Member States (Bulgaria, Czech Republic, the Netherlands, and Spain) lag behind in terms of the legislative basis or enforcement of rules, leaving the public without insight into who controls the media. The allocation of public advertising funds also represents a particular problem. The report notes that Hungary lacks effective measures for the distribution of these funds; in Romania, political parties and public bodies use media financing for political influence; while Cyprus and Malta are only in the process of preparing a legal framework for more transparent funding. Finally, the report emphasizes the issue of public

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<sup>20</sup> The Rule of Law Situation in the European Union (COM(2025) 900 final)

service independence; whereas some countries have initiated reforms, in others serious challenges remain regarding editorial and institutional autonomy.

Leading in this regard are Hungary, Romania, and Malta, while Slovakia, through its 2024 legislation, dissolved its public service broadcaster and established a new institution, raising questions about continuity and stability. The report also mentions Serbia as an EU candidate country expected to progressively align with the EMFA standards. It notes serious concerns regarding the independence of the media regulator due to delays and shortcomings in the appointment process of its leadership. Furthermore, measures to enhance transparency of ownership structures and public media financing are only partially implemented, and the independence of the public service broadcaster is further called into question. The report highlights journalist safety as a particular challenge, noting recorded threats and pressures that hinder their free and unobstructed work.

Journalist safety remains a particularly sensitive issue, as confirmed by the findings of the Liberties Media Freedom Report 2025, which indicates that the security of journalists is seriously compromised in several Member States, including Croatia, Greece, and Ireland, where attacks and harassment occur in public spaces, especially during protests, alongside instances of arrests and violence by law enforcement. A particular problem identified in the report is the use of malicious SLAPP lawsuits, which are employed across numerous Member States, from Belgium and France, through Italy and Slovakia, to Croatia and Hungary. The report also documents the use of surveillance technologies and spyware against journalists in exile, while female journalists are particularly exposed to gender-based attacks and harassment, especially online. These practices directly challenge the EMFA's objective of strengthening journalists' safety and conditions for independent journalism.

On the other hand, in addition to the factors related to the EU Member States, certain issues can also be identified within the EMFA itself. At the very beginning, there is a notably narrow interpretation of the concept of "media service," which is understood exclusively through its service-oriented dimension. Contrary to the practice of the Council of Europe, the European Court of Human Rights, and the Court of Justice of the EU, this approach places the focus on the economic nature of media services, while individual journalists, bloggers, non-profit portals, and NGOs are excluded from this formal framework (Seipp *et al.*, 2023: 42). Furthermore, there are significant limitations regarding journalists' rights to protect their sources and confidential communications, as well as prohibitions on their sanctioning, detention, or the use of spyware. Terms such as "national security," "judiciary authority," or "overriding reason of public interest" can be interpreted broadly and may be subject to potential abuse when applied as exceptions to the prohibitions on pressures pertaining to

the disclosure of sources or confidential communications. Similarly, the broadly defined notion of “serious crime” facilitates the application of exceptions to the prohibition on using spyware against journalists.

One of the key criticisms also concerns the fact that the obligation of Member States regarding the right to receive information is primarily framed as a negative duty – to refrain from restricting access to media services – rather than as a positive obligation, which would entail active measures and the creation of conditions to enable the exercise of that right (Cavaliere, 2024: 33). Furthermore, uncertainties remain regarding the regulation of VLOPs. These platforms are required to justify decisions to remove or restrict content from media service providers; yet, the absence of clear procedures and protective mechanisms generates legal uncertainty and the risk of arbitrary decision-making, thereby undermining the fundamental purpose of the Regulation to ensure effective protection of media freedom (Pollicino & Paolucci, 2024: 8). Finally, although the Regulation enhances institutional cooperation between the European Board for Media Services (EBMS) and national regulatory authorities, it does not provide for centralized enforcement mechanisms at the EU level. Consequently, the effectiveness of the EMFA largely depends on the independence and capacity of national regulators, while the advisory and non-binding nature of the Board’s opinions, combined with reliance on the political will of Member States, leaves space for uneven implementation and ongoing institutional pressure.

Thus, a dual implementation challenge of the EMFA becomes evident: on the one hand, there are observable normative weaknesses within the Regulation itself; on the other hand, deeper challenges arise from the diversity and institutional vulnerabilities of the Member States, as well as from the limited capacity of European institutions to ensure its uniform application through the existing mechanisms.

## 6. Conclusion

The European Media Freedom Act (EMFA) represents the first legally binding instrument dedicated to media freedom and pluralism in the European Union and the most significant attempt to establish a unified framework in this field. The previous absence of harmonized regulation on key issues, including the fundamental rights of journalists and media, revealed numerous weaknesses in the protection of professional standards, editorial independence, and resilience against political and economic pressures. Consequently, the adoption of directly applicable norms across all EU Member States was necessary to overcome differences in national regulations and to establish common standards for safeguarding freedom of expression and media pluralism.

The early phase of implementation has revealed certain limitations of the Regulation. This is particularly evident in the context of intensified pressures on media freedom in Europe, including political interference, media capture and increasing risks for journalists, while recent analyses suggest that the normative ambitions of the EMFA may be constrained by structural weaknesses affecting its effectiveness in practice (Horton & Assersen-Skadberg, 2025: 3-4). In addition, certain inconsistencies can be identified in the formulation of the Regulation itself. Some definitions remain overly narrow, while certain provisions are formulated too broadly, potentially creating room for misuse, particularly where they concern regulatory authorities. The independence of regulatory authorities is of key importance, especially in light of their powers to grant licences and impose sanctions, which enable them to influence the content and functioning of media services (Veljanovski, 2012: 124). In this respect, even though the European Board for Media Services has been established, its role remains largely limited to coordination and providing advice, without the authority to impose binding sanctions. This means that the implementation of the EMFA largely depends on the independence and capacity of national regulators, as well as the political will of Member States, which in practice may result in uneven application.

An additional challenge is posed by the political and institutional context within Member States. In many environments, regulators continue to face pressures, media ownership structures lack sufficient transparency, public service media are instrumentalised, and state advertising is misused. Such circumstances call into question consistent implementation of the EMFA. Some Member States have exhibited systemic problems regarding media pluralism and freedom of expression for years; in others, reforms are initiated only sporadically and often encounter resistance. All of this indicates that the normative provisions of the EMFA will have limited reach unless European institutions establish additional mechanisms for oversight and enforcement.

For this reason, the question of implementation can be examined on two levels. The first level concerns the normative weaknesses of the Regulation itself, including the absence of a centralized enforcement mechanism at the EU level, reliance on the political will of Member States, and overly broad exceptions in the protection of journalists' rights. The second level is deeper and relates to the political and institutional diversity within the EU: ranging from the capacity of Member States to ensure independent regulators and sustainable financing of public services to their resilience against external pressures. Together, these dimensions call into question the EU's capacity to ensure uniform and effective application of the Regulation, particularly given that the Commission primarily relies on advisory and monitoring mechanisms, with the possibility of initiating proceedings before the Court of Justice of the EU only as a last resort. In this

context, the success of the Regulation depends on whether EU institutions can effectively foster conditions for the free functioning of media services, address excessive dominance within the Digital Single Market, and ensure that the protection of freedom of expression remains a primary objective of regulatory action (Longo, 2025: 121).

Therefore, the EMFA can be regarded both as a historic milestone and a significant test of the European Union's capacity to establish uniform rules and ensure their consistent application. Should the Regulation remain largely ineffective in practice, there is a risk that media pluralism and freedom of expression will continue to depend on national policies and institutional solutions, thereby deepening disparities among Member States and weakening the functioning of the Internal market. Conversely, effective implementation would demonstrate that the EU possesses the institutional strength and political will to protect fundamental democratic values, as well as the credibility of the Union itself. The upcoming period will be crucial in determining whether the EMFA is merely a declarative symbol of European ambitions or a genuine warranty of freedom and pluralism within the European public sphere.

### References

Blagojević, A. (2025). The evolution of electronic media legal regulation in the European Union. *Applied Media Studies Journal*, 6(1), 113–128. ISSN (Online): 3042-3600. <https://doi.org/10.46630/msae.1.2025.08>

Cavaliere, P. (2024). Freedom of expression after disinformation: Towards a new paradigm for the right to receive information. *Journal of Media Law*, 16(1), 28–37. <https://doi.org/10.1080/17577632.2024.2362482>

Horton, G., & Assersen-Skadberg, A. (2026). European Media Freedom Act: Can it stop the democratic backsliding? *Journal of Media Law*. 1–23. <https://doi.org/10.1080/17577632.2025.2607101>

Iosifides, P. (1997). Pluralism and media concentration policy in the European Union. *Javnost /The Public*, 4(1), 85–104. <https://doi.org/10.1080/13183222.1997.11008642>

Longo, E. (2025). Grounding media freedom in the EU: The legal basis of the EMFA. *Rivista italiana di informatica e diritto*, 7(1), 111–124. <https://doi.org/10.32091/RIIDo209>

McQuail, D. (2010). *McQuail's Mass Communication Theory* (6<sup>th</sup> ed.). SAGE Publications

Pollicino, O., & Paolucci, F. (2024). Unveiling the digital side of journalism: Exploring the European Media Freedom Act's opportunities and challenges. *La Revue des Juristes de Sciences Po*, 1. <https://ssrn.com/abstract=4760025>

Seipp, T., Ó Fathaigh, R., & van Drunen, M. (2023). Defining the “media” in Europe: Pitfalls of the proposed European Media Freedom Act. *Journal of Media Law*, 15(1), 39–51. <https://doi.org/10.1080/17577632.2023.2240998>

Veljanovski, R. (2012). Media independence and human rights. *Facta Universitatis: Law and Politics*, 10(2), 119–129. <http://facta.junis.ni.ac.rs/lap/lap201202/lap201202-03.html>

Verza, S. (2025). What is journalism in the digital age? Key definitions in the European Media Freedom Act. *Rivista italiana di informatica e diritto*, 7(1), 125–141. <https://doi.org/10.32091/RIIDo213>

### Legal sources and documents

Civil Liberties Union for Europe. (2025). *Media Freedom Report 2025*, Civil Liberties Union for Europe, April 2025, available at: <https://www.liberties.eu/f/oj-aem>

Commission of the European Communities. (1984). *Green Paper on the Establishment of the Common Market for Broadcasting, Especially by Satellite and Cable*, COM(84) 300 final.

Commission of the European Communities. (1992). *Green Paper on Pluralism and Media Concentration in the Internal Market*, COM(92) 480 final.

Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (Television without Frontiers), OJ L 298, 1989.

Council Recommendation 98/560/EC of 24 September 1998 on the protection of minors and human dignity in audiovisual services and on the protection of minors with regard to audiovisual information services. **OJ L 270, 1998**

Court of Justice of the European Union. (2023). *Case C-92/23, European Commission v Hungary*.

Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market, OJ L 178, 2000.

Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), OJ L 95, 2010.

Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU as regards the changing market realities, OJ L 303, 2018.

European Commission. (2025). *Rule of Law Report 2025: The rule of law situation in the European Union*, COM(2025) 900 final.

European Parliament. (2011, March 10). *European Parliament Resolution on media law in Hungary* (P7\_TA(2011)0094). Official Journal of the European Union.

European Parliament. (2021, Sept. 16). *European Parliament Resolution on media freedom and the further deterioration of the rule of law in Poland* (2021/2880(RSP)). Official Journal of the EU.

European Parliament. (2023, October 19). *European Parliament Resolution on the rule of law in Malta: Six years after the assassination of Daphne Caruana Galizia, and the need to protect journalists* (2023/2901(RSP)). Official Journal of the EU.

Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector (Digital Markets Act), OJ L 265, 2022.

Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act), OJ L 277, 2022.

Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act), OJ L 202, 2024.

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## **Европски акт о слободи медија: Регулаторни развој и изазови у примени**

### **Резиме**

Европски акт о слободи медија (ЕМФА) представља прекретницу у развоју медијског права Европске уније, јер по први пут успоставља јединствени обавезујући правни оквир за заштиту слобод медија и медијског плурализма на нивоу целе Уније. Усвајање ове уредбе уследило је након дужег периода у коме је медијска област била уређивана кроз низ различитих секторских прописа, при чему су бројна суштинска питања остала изван домашаја постојећих нормативних решења. У раду се сагледава развој правног оквира медијског права Европске уније, од директиве „Телевизија без граница“, преко Директиве о аудиовизуелним медијским услугама, до пакета о дигиталним услугама (DSA/DMA), као и разлози који су довели до усвајања ЕМФА у форми уредбе. Посебна пажња посвећена је политичком и институционалном контексту у појединим државама чланицама, који је указао на ограничења постојећих регулаторних решења у погледу заштите медијске слобод и плурализма. Анализа обухвата кључне регулаторне аспекте ЕМФА, укључујући заштиту уређивачке независности, положај јавних медијских сервиса, регулаторну сарадњу и однос медија са великим онлајн платформама, као и изазове који прате његову примену. Посебно се указује на ризике који произлазе како из нормативних недостатака саме уредбе, тако и из институционалних слабости држава чланица, што доводи у питање уједначену и ефикасну примену новог правног оквира.

**Кључне речи:** Европски акт о слободи медија, медијско право, Европска унија, медијска регулација, изазови примене.

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