

**TECHNOLOGY, MEDIA AND TELECOMMUNICATIONS**

The European Media Freedom Act

In March 2024, the European Parliament and the Council adopted the European Media Freedom Act (“EMFA”). The purpose of the EMFA is to protect the freedom and diversity of the media, in recognition of their vital contribution to democracy and the rule of law. Furthermore, it recognises the growing cross-border importance of media services with a view to their integration and free movement within the internal market.

The EMFA applies to media services, which are defined as services or parts of those services whose main purpose is to provide programmes or publications to the general public. These services are provided by a media service provider and can be delivered by any means. The purpose of these services is to inform, entertain or educate. This definition may include radio or television broadcasts, on-demand audiovisual media services, podcasts, and press publications, for example.

In fact, 8 August 2025 marks the implementation of several key provisions of the EMFA. The following aspects are particularly noteworthy

Protection of journalistic sources

To defend the effective editorial freedom and independence of providers of this type of service, the Regulation sets out a number of things that Member States must not do. They must not interfere with or influence editorial policies and decisions. In particular, they must not, in principle, compel the disclosure of journalistic sources, nor may they use other means to obtain such information. This includes the detention, sanctioning or inspection of journalists or persons close to them, or the installation of intrusive surveillance software on their devices.

However, there are exceptions to this rule, and Member States may adopt measures that are otherwise prohibited if they comply with certain requirements. These include compelling reasons of public interest in the specific case and prior authorisation from a judicial or independent and impartial decision-making authority.

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Assessment of media market concentrations

Member States must also establish rules to enable the evaluation of mergers and acquisitions in the media market that could significantly impact media pluralism and editorial independence. Companies may therefore be required to notify the national regulatory authority in advance of any mergers they are involved in. The resulting assessment should, in principle, be distinct from those made under national and European competition law.

Financing and management of public service media

Member States are also required to ensure the independence of public service media providers. These providers are entrusted with a public service mission under national law and receive public funding for this purpose. Member States must adopt transparent procedures regarding funding, as well as the appointment and dismissal of management members.

Transparency in the allocation of public funds for state advertising and to supply or service contracts

Regarding the allocation of public funds for state advertising and supply or service contracts with media or online platform service providers, obligations are also set out for Member States to ensure transparency and plurality.

Transparency obligations of media service providers

In addition to the obligations applicable to Member States, media service providers themselves have obligations too. Firstly, the providers must provide direct and easy access to up-to-date information on their owners and beneficial owners, as well as the amounts allocated to them for state advertising or advertising by public authorities or bodies in third countries. Furthermore, they must take appropriate measures to ensure the independence of editorial decisions relating to news and current affairs content.

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Specific obligations for very large online platforms

Media service providers using these platforms should be able to declare their compliance with their obligations and make other related declarations on their platforms. For example, they could declare their editorial independence and their subjection to regulatory requirements and supervision by national regulatory authorities. Indeed, these platforms will have to provide a feature for this purpose.

They will also have to comply with other obligations set out in EMFA. In line with the Digital Services Act, the EMFA provides safeguards for media service providers when the platforms decide to suspend them or restrict the visibility of their content due to incompatibilities with the platforms' terms and conditions.

Users' right to personalise the media offer

With regard to the digital space, the EMFA seeks to ensure that users of devices or interfaces that control or manage access to media services providing programmes have the right to personalise the offer. This means they should be able to easily change the configuration or default settings in accordance with their interests.

The EMFA establishes cooperation mechanisms between national authorities and the European Committee on Media Services

At an institutional level, the EMFA establishes cooperation mechanisms between the various national regulatory authorities, creating the European Board for Media Services. This board is composed of representatives of the abovementioned authorities and will advise and assist the Commission, promoting the consistent application of the EMFA's various provisions and the implementation of the Audiovisual Media Services Directive.

Following its entry into force, the Commission will periodically evaluate the EMFA and submit reports to the European Parliament, the Council, and the European Economic and Social Committee.

The Portuguese Regulatory Authority for the Media (ERC) [emphasises](#) that the EMFA can only be effectively applied if the national legal frameworks of Member States fully comply with its provisions. To this end, regulatory authorities must have the necessary resources and powers to ensure efficient monitoring and coordination.

In this context, the ERC confirms that the Portuguese regulatory authority and national legislation are duly aligned and prepared to respond to these challenges. ■