



*Brussels, 30 October 2023*

## **ERGA adopts its position for the trilogues on the European Media Freedom Act and wishes a swift finalization of the legislative process.**

On the verge of the trilogues on the European Media Freedom Act, the European Regulators Group for Audiovisual Media Services (ERGA) would like to congratulate the Council and the European Parliament for the steady pace in adopting their respective positions on this major file for the European democracies and media markets. ERGA welcomes the overall convergence of these positions and wishes for a swift finalization of this file before the end of the current European legislative mandate.

After adopting its position on the Commission proposal in November 2022<sup>1</sup> as well as a series of proposals for amendments during the first semester of 2023<sup>2</sup> and a statement on EMFA<sup>3</sup>, the ERGA members have adopted an updated position paper<sup>4</sup> in view of the EMFA trilogues.

While reiterating its continued support for this legislation, ERGA calls the colegislators to take into account the perspective of media regulators, in particular:

- Ensuring that the EMFA governance will live up to the expectations: the future **European Board for Media Services requires an effective independence, an appropriate structure and adequate powers and resources**, to be able to fulfil the numerous new missions the Regulation will confer to it. To this aim, it is ERGA's view that the European Parliament's proposal to create an EU body with legal personality supported by an independent secretariat is the proper way forward.
- Ensuring that also at national level, **the national regulatory authorities or bodies are properly resourced**, proportionally to the new missions entrusted by the EMFA, as this is a prerequisite for NRAs to be able to effectively contribute to the Board's and NRAs' new important missions.
- Given the challenges in dealing with problematic media outlets under influence or control of third countries, ensuring that the **Board can be properly involved in the coordination of measures, which should cover a broad range of media outlets "originating from outside of the European Union"**.
- As far as the treatment of media content on online platforms is concerned, **ensuring media service providers can benefit from an effective privilege**, which should properly be designed in order to avoid granting this scheme to "rogue actors" and the same time creating a smooth

---

<sup>1</sup> [ERGA position on the European Commission's proposal for a European Media Freedom Act](#) (November 2022).

<sup>2</sup> ERGA proposals for amendments to EMFA [art.7-16](#) (February 2023), [art.17-18](#) (April 2023) and [art.23](#) (May 2023).

<sup>3</sup> [ERGA statement on EMFA](#) (June 2023).

<sup>4</sup> [ERGA recommendations for EMFA trilogues](#) (October 2023).

process both for media outlets and very large online platforms, with the involvement of media regulators.

- **Regarding national measures and media concentrations operations, ensuring that the scope of the provisions is proportionate and corresponds to the EMFA objectives** of the protection of media freedom and pluralism, while providing legal certainty and a reasonable administrative burden for all the parties involved.
- **On audience measurement, ensuring that the current asymmetry is effectively reduced** notably thanks to an annual independent audit of methodologies used by self-measuring entities and the guarantee that media service providers have access to the audience data related to their content and services.

The ERGA Chairman Giacomo Lasorella, had declared *“ERGA reiterates its conviction that a common, principle-based, framework for the media sector in the EU, allowing to respect the effectively functioning national schemes, is very much relevant and needed. ERGA and its Members do hope a swift approval of the EMFA and stand ready to contribute with their experience and expertise to a timely and effective application of its provisions.”*

#### *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 Giacomo Lasorella, President of the Italian AGCOM (Autorità per le Garanzie nelle Comunicazioni) is the current Chairperson of ERGA.*